

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO.2131
TO BE ANSWERED ON 15.12.2023

LEGAL AID TO CHILDREN IN CHILD CARE HOMES / INSTITUTIONS

2131. MS. CHANDRANI MURMU:

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state :

- (a) the details of safety measures taken by the Government in Child Care Homes/Institutions in the country;
- (b) the number of children out of all the inmates staying in Child Care Homes/Institutions accused of criminal acts; and
- (c) whether there are any provisions for providing legal aid to such children, if so, the details thereof?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI SMRITI ZUBIN IRANI)

(a) to (c) : The Ministry of Women and Child Development is administering the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act, 2015) (as amended in 2021) which is the primary legislation for ensuring safety, security, dignity and well-being of children in need of care and protection and those in conflict with law including orphans by catering to their basic needs through care, protection, development, treatment, rehabilitation and social re-integration.

Under the JJ Act 2015, the Child Welfare Committees (CWCs) have been empowered to take decisions with regard to the children in need of care and protection including orphaned, abandoned and surrendered. They are also mandated to monitor the function of the Child Care Institutions (CCIs). Similarly, the Juvenile Justice Boards (JJBs) are empowered to take decisions regarding the welfare of children in conflict with law. The Act defines standards of care and protection to secure the best interest of children living in CCIs and aims to provide family environment through non-institutional care services which includes sponsorship, fostercare and aftercare.

The Ministry has notified the Juvenile Justice (Care and Protection of Children) Act, 2015 (as amended in 2021), which has come into effect from 01.09.2022. The Ministry has also notified the Juvenile Justice (Care and Protection of Children) Model Amendment Rules, 2022 on 01.09.2022 and Adoption Regulations, 2022 on 23.09.2022. Among others, the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 empowers the District Magistrate to function as the focal point for implementation of JJ Act, 2015 and decide the cases of adoption.

The Ministry of Women and Child Development is implementing Mission Vatsalya Scheme (erstwhile Child Protection Services Scheme) through State and UT Governments for care, protection, rehabilitation and reintegration of children in difficult circumstances including orphans on predefined cost sharing basis between the Central and the State Governments. Such children have access to both institutional and non-institutional care as per Individual Care Plan (ICP) as mandated JJ Act, 2015 (as amended in 2021). CCIs provide/support for boarding & lodging, age-appropriate education, access to vocational training, recreation, health care, counselling etc. Mission Vatsalya Scheme fosters family based care through promotion of adoption and non-institutional care services.

As on 31.03.2023, total 9734 children in Conflict with Law out of 57940 children are living in Child Care Institutions (CCIs) which are supported under Mission Vatsalya Scheme.

The JJ Act, 2015 (as amended in 2021) and the JJ Rules, 2016 (as amended in 2022) lays down various provisions for providing legal aid to children as under :

- i. Section 8(3)(iii) of JJ Act, 2015 mandates JJB to ensure availability of legal aid for the child through the legal service institutions.
- ii. Rule 7(1)(ix) of JJ Rules, 2016 provides that JJB has to ensure that the Legal cum Probation Officer in the District Child Protection Unit and the State or District Legal Aid Services Authority extends free legal services to a child.
- iii. Rule 8(3)(vii) of JJ Rules, 2016 states that when a child alleged to be in conflict with law is apprehended by the police, the police officer shall inform the District Legal Services Authority for providing free legal aid to the child.
- iv. Rule 76(2)(iv) of JJ Rules, 2016 provides that the JJB or CWC shall take necessary steps to ensure completion of inquiry and provide legal aid as well as counselling to the child victim.
- v. Rule 86(13) JJ Rules, 2016 states that the Special Juvenile Police Unit may coordinate with the District Legal Services Authority to provide legal aid to children.
