



Role and Functions of Inspection Committees Constituted u/s 54 of Juvenile Justice (Care and Protection of Children) Act, 2015

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS (NCPCR)

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THE JUVENILE JUSTICE ACT, 2015

I. Introduction

The Juvenile Justice (Care and Protection of Children) Act, 2015 creates a robust legal framework for the protection of the rights of all children whether alleged or found to be in conflict with law or children in need of care and protection, by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child- friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established therein which will adopt child friendly processes.

As per Section 2 (21) of the Juvenile Justice Act, 2015, Child Care Institution means Children Home, Open Shelter, Observation Home, Special Home, Place of Safety, Specialized Adoption Agency and a Fit Facility under this Act for providing care and protection to children, who are in need of such services.

Under the JJ Act, 2015 residential facilities for children are to be inspected by the following authorities to recommend action for improvement in quality of services:

- (a) **Juvenile Justice Board {Section 8 (3)(j)}** is to conduct inspection of residential facilities for children in conflict with law **at least once in a month;**
- (b) **Child Welfare Committee {Section 30 (viii)}** is to conduct **at least two inspections per month** of residential facilities for children in need of care and protection.

II. Registration of Child Care Institutions (CCIs) (u/s 41)

Section 41. (1) Notwithstanding anything contained in any other law for the time being in force, all institutions, whether run by a State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall, be registered under this Act in such manner as may be prescribed, within a period of six months from the date of commencement of this Act, regardless of whether they are receiving grants from the Central Government or, as the case may be, the State Government or not:

Provided that the institutions having valid registration under the Juvenile Justice (Care and Protection of Children) Act, 2000 on the date of commencement of this Act shall be deemed to have been registered under this Act.

- (2) At the time of registration under this section, the State Government shall determine and record the capacity and purpose of the institution and shall register the institution as a Children's Home or open shelter or Specialised Adoption Agency or observation home or special home or place of safety, as the case may be.

- (3) On receipt of application for registration under sub-section (1), from an existing or new institution housing children in need of care and protection of children in conflict with law, the State Government may grant provisional registration, within one month from the date of receipt of application, for a maximum period of six months, in order to bring such institution under the purview of this Act, and shall determine the capacity of the Home which shall be mentioned in the registration certificate:

Provided that if the said institution does not fulfill the prescribed criteria for registration, within the period specified in sub-section (1), the provisional registration shall stand cancelled and the provisions of sub-section (5) shall apply

- (4) If the State Government does not issue a provisional registration certificate within one month from the date of application, the proof of receipt of application for registration shall be treated as provisional registration to run an institution for a maximum period of six months.
- (5) If the application for registration is not disposed of within six months by any officer or officers of any State Government, it shall be regarded as dereliction of duty on their part by their higher controlling authority and appropriate departmental proceedings shall be initiated.
- (6) The period of registration of an institution shall be five years, and it shall be subject to renewal in every five years.
- (7) The State Government may, after following the procedure as may be prescribed, cancel or withhold registration, as the case may be, of such institutions which fail to provide rehabilitation and reintegration services as specified in section 53 and till such time that the registration of an institution is renewed or granted, the State Government shall manage the institution.
- (8) Any child care institution registered under this section shall be duty bound to admit children, subject to the capacity of the institution, as directed by the Committee, whether they are receiving grants from the Central Government or, as the case may be, the State Government or not.
- (9) Notwithstanding anything contained in any other law for the time being in force, the inspection committee appointed under section 54, shall have the powers to inspect any institution housing children, even if not registered under this Act to determine whether such institution is housing children in need of care and protection.

Section 42. Any person, or persons, in-charge of an institution housing children in need of care and protection and children in conflict with law, who fails to comply with the provisions of sub-section (1) of section 41, shall be punished with imprisonment which may extend to one year or a fine of not less than one lakh rupees or both:

Provided that every thirty days delay in applying for registration shall be considered as a separate offence.

III. Manner of Registration of CCI's (Rule 21 of Juvenile Justice Model Rules, 2016)

Rule 21: **Manner of Registration of Child Care Institutions.**- (1) All institutions running institutional care services for children in need of care and protection or children in conflict with law, whether run by the government or voluntary organisation, shall be registered under subsection (1) of section 41 of the Act, irrespective of being registered or licensed under any other Act for the time being in force.

- (2) All such institutions shall make an application in Form 27 together with a copy each of rules, byelaws, memorandum of association, list of governing body, office bearers, list of trustees, balance sheet of preceding three years, statement of past record of social or public service provided by the institution to the State Government and a declaration from the person or the organisation regarding any previous conviction record or involvement in any immoral act or in an act of child abuse or employment of child labour or that it has not been black listed by the Central or State Government;
- (3) The State Government shall after verifying that provisions exist in the institution for the care and protection of children, health, education, boarding and lodging facilities, vocational facilities and rehabilitation as per the Act and the rules, may issue a registration certification to such institution under subsection (1) of section 41 of the Act in Form 28.
- (4) The State Government, may not grant provisional registration where adequate facilities do not exist in the institution applying for registration and the State Government shall issue an order before the expiry of one month from the date of receipt of the application that the institution is not entitled for even provisional registration.
- (5) The State Government, while taking a decision on the application for registration, may consider the following namely:
 - (i) registration of the organisation under any law for the time being in force;
 - (ii) details of physical infrastructure, water and electricity facilities, sanitation and hygiene, recreation facilities;
 - (iii) financial position of the organization and maintenance of documents along with audited statement of accounts for the previous three years;
 - (iv) resolution of the Governing Body to run the institution or an open shelter;
 - (v) plan to provide services for children such as medical, vocational, educational, counselling, etc., in case of new applicants and details of such services provided in case of existing institutions ;
 - (vi) arrangements of safety, security and transportation;
 - (vii) details of other support services run by the organisation;

- (viii) details of linkages and networking with other governmental, non-governmental, corporate and other community based agencies on providing need-based services to children;
 - (ix) details of existing staff with their qualification and experience;
 - (x) details of registration under Foreign Contribution Regulation Act and funds available, if any;
 - (xi) a declaration from the person or the organisation regarding any previous conviction record or involvement in any immoral act or in an act of child abuse or employment of child labour;
 - (xii) any other criteria as prescribed by the State Government.
- (6) The State Government shall conduct a detailed inspection where provisional registration has been granted or review annually after registration under sub-section (1) of section 41 of the Act, of the facilities, staff, infrastructure and compliance with the standards of care, protection, rehabilitation and reintegration services and management of the institution or the organisation as laid down under the Act and the rules.
- (7) If the inspection or the annual review reveals that there is unsatisfactory compliance with the standards of care, protection, rehabilitation and reintegration services and management of the institution as laid down under the Act and the rules or the facilities are inadequate, the State Government may, at any time, serve notice on the management of the institution and after giving an opportunity of being heard, declare within a period of sixty days from the date of the detailed inspection or annual review as the case may be, that the registration of the institution or organisation, shall stand withdrawn or cancelled from a date specified in the notice and from the said date, the institution shall cease to be an institution registered under sub-section (1) of section 41 of the Act.
- (8) When an institution ceases to be an institution registered under the Act or has failed to apply for registration within the time frame laid down in the said provision or has not been granted provisional registration, the said institution shall be managed by the State Government or the children placed therein shall be transferred by the order of the Board or the Committee, to some other institution, registered under sub-section (1) of section 41 of the Act.
- (9) All institutions shall be bound to seek renewal of registration three months prior to the expiry of the period of registration and in case of their failure to seek renewal of registration before the expiry of the period of registration of the institution, the institution shall cease to be an institution registered under subsection (1) of section 41 of the Act and provisions of sub-rule (8) of this rule shall apply.
- (10) An application for renewal of registration of an institution shall be disposed of within sixty days from the date of receipt of application.

- (11) The decision on renewal of registration shall be based on the annual review done in the year in which the renewal is sought.
- (12) The Central Government shall facilitate developing a model online system for receipt and processing of applications and grant or cancellation of registration and in the interim the systems existing in the States and Union Territories shall continue.

IV. Inspection Committees (u/s 54 read with Rule 41)

Section 54 of the Juvenile Justice Act, 2015 provides for inspection of institutions registered under this Act. It provides that:

- (1) The State Government shall appoint inspection committees for the State and district, as the case may be, for all institutions registered or recognised to be fit under this Act for such period and for such purposes, as may be prescribed.
- (2) Such inspection committees shall mandatorily conduct visits to all facilities housing children in the area allocated, at least once in three months in a team of not less than three members, of whom at least one shall be a woman and one shall be a medical officer, and submit reports of the findings of such visits within a week of their visit, to the District Child Protection Units or State Government, as the case may be, for further action.
- (3) On the submission of the report by the inspection committee within a week of the inspection, appropriate action shall be taken within a month by the District Child Protection Unit or the State Government and a compliance report shall be submitted to the State Government.

Rule: 41: Inspection- (1) The State Government shall constitute State and district level inspection committees.

- (2) The State Inspection Committee shall comprise of a maximum of seven members from among the State Government, namely the Board or Committee, the State Commission for the Protection of Child Rights, the State Human Rights Commission, State Adoption Resource Agency, medical and other experts, voluntary organisations and reputed social workers. The Member-Secretary, State Child Protection Society shall be the Chairperson of the State Inspection Committee.
- (3) The State Inspection Committee shall carry out inspections of the Child Care Institutions as defined under sub-section (21) of section (2) of the Act housing children in the State in Form 46.
- (4) The State Inspection Committee shall carry out random inspections of the institutions housing children to determine whether such institution is housing children in need of care and protection.
- (5) The State Inspection Committee shall submit report to the Secretary of the Department implementing the Act.

- (6) The State Inspection Committee shall make recommendations for improvement and development of the Institutions in accordance with the provisions of the Act and the rules made thereunder and shall forward the same to the State Child Protection Society or the District Child Protection Unit for appropriate action.
- (7) The State Inspection Committee shall interact with the children during visits to the institution to determine their well-being and to get their feedback.
- (8) The District Inspection Committee shall comprise of following members:
 - (i) Member of the Board or the Committee;
 - (ii) District Child Protection Officer as the Member Secretary;
 - (iii) Medical Officer;
 - (iv) one member of the civil society working in the area of child rights, care, protection and welfare;
 - (v) one mental health expert who has experience of working with children.
- (9) The District Inspection Committee shall inspect all Child Care Institutions in the district in Form 46.
- (10) The inspection of the facilities housing children in the district shall be carried out at least once every three months.
- (11) The District Inspection Committee shall submit the report of the findings to the District Child Protection Unit or the State Government and shall also make suggestions for improvement and development of the Child Care Institutions in accordance with the provisions of the Act and the rules made thereunder.
- (12) The District Inspection Committee shall interact with the children during the visits to the institution to determine their well-being and to elicit their feedback.
- (13) The District Child Protection Unit shall take necessary follow up action on the report of the District Inspection Committee.

FORM 27

[Rule 21(2) and 22 (2)]

APPLICATION FOR REGISTRATION OF CHILD CARE INSTITUTION UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

1. Detail of Applicant/ Institution which proposes to run the Child Care Institution:
 - (i) Type of Institution
 - (ii) Name of the Institution / Organization.....
 - (iii) Registration number and date of Registration of the Institution/ Organization under the relevant Act (Annex- Relevant documents of registration and bye-laws, memorandum of association).....
 - (iv) Period of validity to run the Institution / Organization.....
 - (v) Complete address of the Applicant/ Institution/ organization.....
 - (vi) STD code/ Telephone No.....
 - (vii) STD code/ Fax No.....
 - (viii) E-mail address.....
 - (ix) Whether the organization is of all India character, if yes, give address of its branches, in other states.....
 - (x) Whether the Institution/ Organization had been denied registration earlier
Yes / No
 - (xi) Ref. No. of application which resulted in denial of registration as CCI
 - a) Date of denial.....
 - b) Which department has denied the registration.....
 - (xii) Reason for denial of registration as CCI.....
2. Details of the proposed Child Care Institution
 - (i) Name of the proposed Child Care Institution.....
 - (ii) Type/Kind of Child Care Institution.....
 - (iii) Complete address/ location of proposed child Care Institution or organization
.....
 - (iv) STD code/ Telephone No.....
 - (v) STD code /Fax No.....
 - (vi) E-mail address.....
3. Connectivity (Name and Distance from the proposed Child Care Institution):
 - (i) Main Road.....

- (ii) Bus –stand.....
- (iii) Railway Station.....
- (iv) Any landmark.....
- 4. Infrastructure
 - (i) No. of Rooms (Mention with measurement).....
 - (ii) No. of toilets (mention with measurement).....
 - (iii) No. of Kitchen (mention with measurement)
 - (iv) No. of sick room.....
 - (v) Annex -Copy of blue print of the building (authentic sketch plan of building).....
 - (vi) Arrangement to deal with unforeseen disaster also mention the kind of arrangement made:
 - (i) Fire
 - (ii) Earthquake
 - (iii) Any other arrangement
 - (iv) Arrangement of Drinking water
 - (v) Arrangement to maintain sanitation and hygiene:
 - (vi) Pest Control
 - (vii) Waste disposal
 - (viii) Storage area
 - (ix) Any other arrangement
 - (x) Rent agreement/ building maintenance estimate (whichever is applicable)(Annex-copy of Rent agreement)
- 5. Capacity of the Institution/ Organization
 - i. No. of children (0-6 years) present in the home , (if any)
 - ii. No. of children (6-10 years) present in the home , (if any)
 - iii. No. of children (11-15 years) present in the home , (if any)
 - iv. No. of children (16-18 years) present in the home , (if any)
 - v. No. of persons (18-21 years) present in the home , (if any)
- 6. Whether the Child Welfare Committee/Juvenile Justice Board has been informed about the children being housed in the Institution Yes/ No
- 7. Facilities Available
 - (i) Education facility.....

- (ii) Health Checkup arrangement, frequency of checkup, type of checkups proposed to be done.....
- (iii) Any other facility that shall impact on the overall development of the child

8. Staffing

- (i) Detailed staff list.....
- (ii) Education and Experience of the staff
- (iii) Name of partner organizations
- (iv) Name of the chief functionary of the organization

9. Background of the Applicant (Institution / Organization)

- (i) Major activities of the organization in last two years
 - a. (Annex copy of Annual Report)
- (ii) An updated list of members of the management committee/ governing body in the enclosed format (Annex- resolution of the annual meeting)
- (iii) List of assets/ infrastructure of the organization
- (iv) If the organization registered under the Foreign Contribution (Regulation) Act, 1976 (Annex –certificate of registration)
- (v) Details of foreign contribution received during the last two years (Annex- relevant documents)
- (vi) List of other sources of grant- in – aid funding (if any)with the name of the scheme / project, purpose amount, etc. (separately)
- (vii) Details of existing bank account of the agency indicating branch code account no.
- (viii) Whether the agency agree to open a separate bank account for the grant proposed
- (ix) Annex -Photocopy of Accounts of last three years:

i.	Auditors report
ii.	Income and expenditure account
iii.	Receipt and payment account
iv.	Balance sheet of the organization.

I have read and understood The Juvenile Justice (Care and Protection of Children) Act, 2015 and the Juvenile Justice (Care and Protection of Children) Rules, 2016.

I declare that no person associated with the organization has been previously convicted or has been involved in any immoral act or in any act of child abuse or employment of child labour and that the organization has not been blacklisted by the Central or the State Government at any point of time.

.....(Name of the Organization / Institution) has complied with all the requirements to be granted registration as a Child Care Institution under the Juvenile Justice (Care and Protection of Children) Act, 2015 and The Juvenile Justice (Care and Protection of Children) Rules, 2016.

I undertake to abide by all the conditions laid down by the Central/ State Act, Rules, Guidelines and Notifications in this regard.

Signature of the authorized signatory:

Name:.....

Designation:.....

Address.....

District.....

Date.....

Office stamp:

Signature of:

Witness no.1:

Witness no.2:

FORM 28
[Rule 21(3) and 22 (4)]
CERTIFICATE OF REGISTRATION
(UNDER SECTION 41 THE JJ ACT)

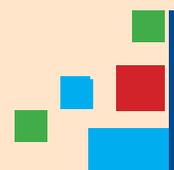
After perusal of the documents submitted as per Form 27 is granted registration No..... as a Child Care Institution under Section 41(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 with effect from..... for a period ofyears.

The Institution which has the capacity of..... Children shall remain bound to follow the Juvenile Justice (Care and Protection of Children) Act, 2015, the Juvenile Justice (Care and Protection of Children) Rules, 2016 and regulations framed by the Central/ State Government from time to time.

Dated this day of 20

(Signature)

Seal



FORM 46

[Rule 41(3) and 41 (9)] under JJ Model Rules, 2016

INSPECTION BY INSPECTION COMMITTEE

(Fill as applicable)

Date of visit: Time of visit:

Name of the officials inspecting the Home:

- 1.
- 2.
- 3.

A. General Information :

i. Name and address of the Organisation:

.....
.....

ii. Registration No. (Under JJ Act, 2015):

Date of issue :

Date of expiry :

iii. Complete address of the CCI :

.....
.....

iv. Name of the Officer/Person-in-Charge:

.....

v. Contact No: Email Id:

vi. Type of Home (Please tick one):

Observation Home/ Special Home/ Place of Safety/ Children’s Home/ Open Shelter
/ Any other (please specify):

vii. If Aided/supported: by State Government, Name of the Department:

viii. If run by Government:

B. Status of Children:

(i) Sanction capacity of the Home.....

(ii) Are the children of both sexes below 10 years kept in the same home

Yes No

If yes, number of such children as on today.....

(iii) Are the bathing and sleeping facilities maintained separately for boys and girls in the age group of 5-10 years

Yes No

(iv) Are children segregated in the age group given below? Give number of children in the age group of

i. 7-11 years:

ii. 12- 18 years:

iii. Are there children in the age group of 0-5 years staying there?

Yes No If yes, Give numbers:

iv. Are there children above 18 years staying there?

Yes No If yes, Give numbers:

v. No. of new admissions in the current month.....

vi. No. of children who have moved out/released.....

vii. No. of children referred by CWC/JJB during the month.....

viii. No. of children produced before CWC/JJB during the month.....

ix. No. of children as on last day of the previous month

x. No. of children with special needs, if yes, give details.....

xi. Interventions made for their rehabilitation:

.....

xii. Are the Individual care plans prepared for every child? Yes No

C. Infrastructure:

- Building:
- Rented:..... Owned.....
- Are CCTV cameras installed at the entrance Yes No
- Security Adequate Inadequate
- Sufficient space to accommodate the children: Yes No

Space available:

No. of rooms / dormitories	Details
Provision of sick room / medical unit	
Counseling room	
Recreational / activity room for Children	
<ul style="list-style-type: none"> • Is there a TV set available with Cable network • How often are children allowed to view TV • Are children playing games indoors • What games are available to them • Are children playing games outdoors • Do they have equipments/ accessories to play • Do children go for picnics/excursions • Do they have interactions with eminent personalities • Is there a recreation room available to children Kitchen / Dining Room • Is the cooking area and pantry separate • Do children get individual thalis, mugs glasses • Are cooking utensils adequate and clean • Is there a fridge available for children • Is there a Oven available for children • Is there a Gas stove available in kitchen • Is there a chimney available • What is the arrangement to keep the gas cylinders • Adequate water supply for washing, cooking • Adequate drinking water available (RO) • Is cooking done by machines or by cook 	Yes No in the evenings or any time Yes No age appropriate games or not Yes No Yes No safe/away from children or not Yes No Yes No Yes No

Number of toilets & bathrooms for Children

• Flush is working	Yes No
• Taps in the wash basin are functioning	Yes No
• Is the floor slippery	Yes No
• Drains clean	Yes No
• Drains are clogged	Yes No
• Fittings for hanging clothes/ towels in place	once or more in a day
• Cob webs are removed	Yes No
• Door has a latch	Yes No
• Door has peep holes	Yes No
• Frequency of bath a child is allowed	Yes No
• Water is adequately available	Yes No
• Adequate numbers of buckets and mugs	Yes No
• Personal toiletries are provided	Yes No
• Is washing powder or soap given	Yes No

• Do children wash their own clothes	Yes	No
• Is there a washer man available	Yes	No
• Is the washing machine functional	Yes	No
Open space for outdoor activities		
Class rooms		
space for vocational training		

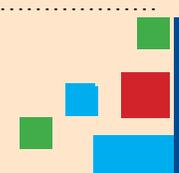
Premises

- Does the home have a child friendly indoors? Yes No
- How often is the sweeping, swabbing done? Twice a day or more
- Are the children involved in cleaning exercise during class hours? Yes No
- Are the facilities of coolers/ heaters available for children? Yes No
- Are the doors and windows maintained properly? Yes No
- Are the rooms and dormitories well ventilated? Yes No
- Is there an alternate provision for lights and fans when there is no electricity available? Yes No
- Are the outdoors clean, pleasant and child friendly? Yes No

Clothing / Bedding/Lockers/ Toiletries provided to the children:

- Are the clothes provided as per size and season Yes No
- Frequency of changing undergarments Yes No
- New clothes are stitched or bought stitched or bought
- Are the mattresses given individually Yes No
- Are pillows given individually Yes No
- Are the mattress and pillows clean Yes No
- Do children have separate cupboards Yes No
- Are bed sheets and Khes available Yes No
- Are blankets available in winters Yes No
- Number of sets provided on arrival one/two/three/four
- Frequency of providing new clothes Monthly/ Quarterly
- Are these sets of same color or different colors? Same/different
- Are children provided with individual lockers to keep their personal items Yes No

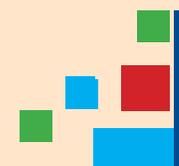
Other articles provided to the children:



- Is the number of Childline (1098) displayed near the phone Yes No
- Counseling/ Guidance services/special educator/physiotherapist, etc. provided :
.....
.....
.....
- Vocational training:
- Recreational facilities:
- Linkages developed with other agencies/ departments:
- Implementation of track the missing child programme:
- Entries of children in track the missing child website:
.....
- User Id and password provided:
- Other programmes and activities initiated:

E. Staff Details :

S.N.	Name	Designation	Date of Joining	Attendance at the time of visit	Remarks
1					
2					
3					
4					
5					
6					
7					
8					
9					



S.N.	Name	Designation	Date of Joining	Attendance at the time of visit	Remarks
10					
11					
12					
13					
14					

F. Children's Committee / Management Committee

- Formation of Children's Committee :

YES

NO

- Age wise formation of Children's Committee :

- Frequency of Children's Committee Meeting:

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- Formation of Management Committee :

YES

NO

- Date of constitution of Management Committee and frequency of meetings held:

G. Record Maintenance :

Staff attendance register	
Children attendance register	
Central admission register	
Individual case file with individual care plan	
Communication with CWC/JJB	
Children's suggestion book Children's suggestion box	
Medical file / medical cards	
Personal belongings register	
Management Committee – minutes register	
Children's Committee - minutes register	
Nutrition / Diet File	
Any other record maintained	

Observations/ Remarks:

.....
Name of inspection Committee member:

Signature:

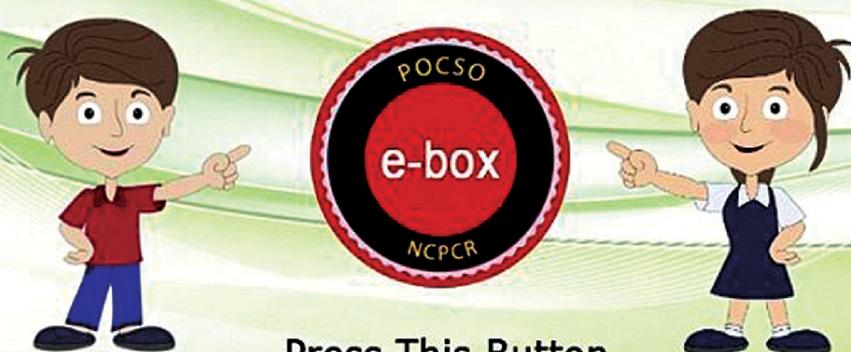
Acknowledgement :

NCPCR expresses its grateful thanks to Smt. Andal Damodaran, President, Indian Council for Children Welfare, Tamil Nadu, No. 5, 3rd Main Road West, Shenoy Nagar, Chennai-600 030 (andaldamodaranran@yahoo.com) who had suggested for issue of such guidelines for Inspection Committee under the Juvenile Justice (Care and Protection of Children) Act, 2015. Smt. Damodaran has also provided valuable inputs to NCPCR in the matter.

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