



Child Care Institutions in Raipur District: A Analysis

ORIGINAL ARTICLE



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Abstract

The protection and promotion of child rights constitute a core responsibility of the State. At both national and international levels, a comprehensive legal and regulatory framework has been developed to safeguard the rights and welfare of children. In India, the Juvenile Justice (Care and Protection of Children) Act, 2015 provides the statutory basis for the establishment, regulation, and effective functioning of Child Care Institutions. Against this socio-legal backdrop the present article undertakes a critical analysis of the functioning of Child Care Institutions in the Raipur district.

Key Words

Child Rights, Child Care Institutions, Juvenile Justice Act, 2015, Child Protection Framework, Raipur.

“The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”

The Preamble of UN CRC1989'

Introduction

As stated in the preamble of the United Nations Convention on the Rights of the Child, 1989, the full and harmonious development of a child's personality depends on the family environment. Nothing is better for growth within a family, but if this is not possible due to certain circumstances, there is a need for institutional or non-institutional care facilities. Beyond any doubt, children should be placed in child care institutions only when it is determined that returning the child to their parents or family would not be in the child's best interests due to reasons such as: untraceability of parents, parents' inability or unsuitability due to resource constraints, etc.

In India, the Institutional Mechanism for child protection is very comprehensive. It could be discussed under the following heads:

- **National Level:** Several ministries at the national level collaborate to safeguard and promote the welfare of children in India. Key among these are the Ministries of Women and Child Development, Home Affairs, Labour, Education, and Health and Family Welfare.

National Commission for Protection of Child Rights, Central Adoption Resource Agency and Child Line work under the Ministry of Women and Child Development.

- **State Level:** The Ministries of Women and Child Development, Home Affairs, Labour, Education, and Health and Family Welfare coordinate with various entities at both the national and state levels to ensure child welfare. For instance, the Ministry of Women and Child Development collaborate with the National Commission for Protection of Child Rights at the national level and its state counterparts, the State Commissions for Protection of Child Rights, State Child Protection Societies, State Child Protection Units, and State Adoption Resource Agencies.

Similarly, the Ministry of Home Affairs coordinates with state-level law enforcement agencies, including CID Crime, Railway Police, Missing Cells, Cyber Cells, and Anti-Human Trafficking Units, to address child-related issues under various laws. The Ministry of Labour collaborates with Labour Commissioners and District Assistant Labour Commissioners, including District Task Forces, to fulfil its mandate. The Ministries of Education and Health, and Family Welfare work with relevant state-level entities to ensure the effective implementation of education and healthcare programs within child care institutions.

District, Block and Village Level

At the block level, the State Commission for Protection of Child Rights collaborates with the District Child Protection Unit, District Child Protection Committee, District Inspection Committee, and Sponsorship & Foster Care Approval Committee. The primary focus of the Sponsorship & Foster Care Approval Committee is on statutory support services, institutional care, and non-institutional care.

Statutory Support Services encompass the Juvenile Justice Board, Child Welfare Committee, Special Juvenile Protection Unit, Special Courts under the Protection of Children from Sexual Offences Act, 2012, and Children's Courts under the Commission for Protection of Child Rights Act, 2005. Institutional Care includes Observation Homes, Special Homes, Children's Homes, Open Shelters, Places of Safety, and Specialized Adoption Agencies, and Non-institutional Care encompasses Foster Care, Sponsorship, Adoption, Aftercare, and Group Foster Care. The District Child Protection Unit also coordinates with the Block Level Child Protection Committee and Village Level Child Protection Committee.

To enhance understanding of institutional care as required, it is important to mention that following key stakeholders/institutions play crucial role:

- The Ministries of Women and Child Development.
- The National Commission for Protection of Child Rights.
- The State Commission for Protection of Child Rights.
- District Child Protection Unit.
- Sponsorship & Foster Care Approval Committee.
- Statutory Support Services.
- **Institutional Care:** Observation Homes, Special Homes, Children's Homes, Open Shelters, Places of Safety, and Specialized Adoption Agencies
- **Non-institutional Care:** Foster Care, Sponsorship, Adoption, Aftercare, and Group Foster Care.

The above mentioned description provides a broader overview of the Institutional Mechanism for Child Protection in India. There are five types of Juvenile Justice Institutions/ Child Care Institutions (CCI) that exist in India, which are Children's Home or Fit Facility, Shelter Home or Open Shelter, Specialized Adoption Agency, Observation Home, and Special Home or Place of Safety.

According to a recent National Commission for the Protection of Child Rights social audit conducted in Chhattisgarh, based on observations and records from Child Care Institutions (CCIs), a total of 90 such

institutions operate within the state.² An overview of the same is provided below:

Child Care Institutions in Chhattisgarh

Type	Count	Percentage
Children Home	50	55.6%
Observation Home	12	13.3%
Open Shelter Home	09	10.0%
Special Home	06	06.7%
Specialized Adoption Agency	13	14.4%

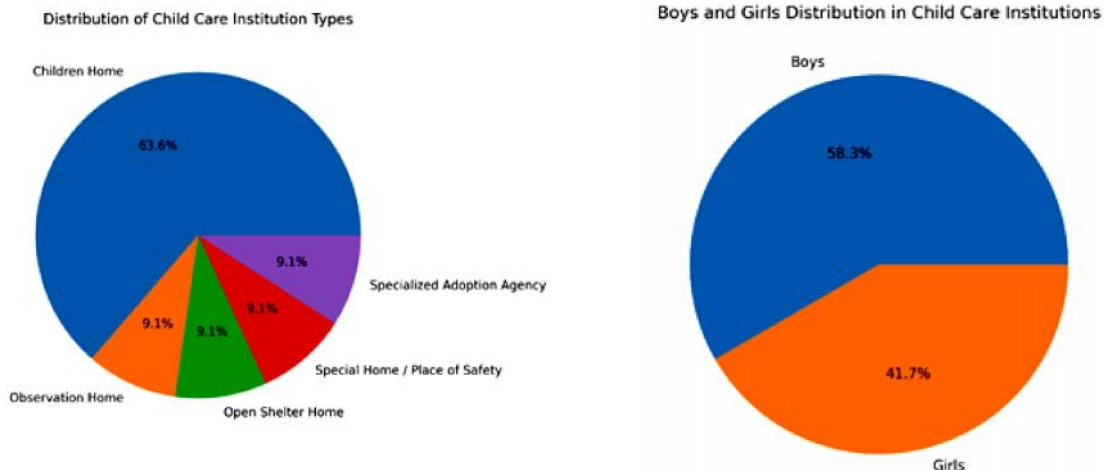
(Source: <https://www.ncpcr.gov.in/social-audit-reports>)

From a socio-legal point of view, the Juvenile Justice (Care and Protection of Children) Act, 2015 popularly known as the JJ Act, 2015 is the primary legislation for ensuring children’s safety, security, dignity and well-being. Section 2 (21) of the Act defines ‘Child Care Institution’ which includes:

- Children Home [Section 2(19)]
- Open Shelter [Section 2(41)]
- Observation home [Section 2(40)]
- Special home [Section 2(56)]
- Place of safety [Section 2(46)]
- Specialised Adoption Agency [Section 2(57)]
- A fit facility [Section 2(27)] is recognised under this Act for providing care and protection to children, who need such services.

Child Care Institution in Raipur District

In Raipur district, Children Homes constitute the largest share (7 institutions, 63.6%). Observation Homes, Open Shelter Homes, Special Homes/Places of Safety, and Specialized Adoption Agencies each represent an equal smaller share (9.1% each).



It is essential to note that the Juvenile Justice (Care and Protection of Children) Act, 2015, allows the operation of the institutions as mentioned above by both Government and Non-Government organisations, subject to the ‘mandatory registration process’³ as mentioned under Section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Even the registration is compulsory for institutions that do not receive Government funds. It provides that 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. Furthermore, it is important to mention that, as per Rule 21 of the Juvenile Justice Model Rules, 2016, the period of registration of an institution shall be five years, and it shall be subject to renewal every five years.

In the case of *The Secretary, Calicut Orphanage v. The General Secretary, Association of Orphanages and Charitable Institutions, Kerala*⁴, it has been reiterated by the Supreme Court of India that, “Section 41 of the JJ Act of 2015 requires registration of all institutions, whether run by the State Government or by voluntary or Non-Governmental Organisations.” In this case, the Supreme Court of India has emphasised that the definition of ‘child in need of care and protection’ should be broadly interpreted to include all children requiring assistance, not just those in conflict with the law. Furthermore, the Act seeks to de-institutionalise childcare and improve the welfare of children, necessitating registration for oversight.

Recently, in the case of *Om Shanti Balakashram Balgraha, Naldurg v. The State of Maharashtra and others*⁵ the High Court of Bombay validated the directive of non-allotment of children in unregistered institutions. The Act also prescribes the punishment for non-registration of such an institution under Section 42 of the Act, which prescribes that those persons who are in charge of institutions and who fail to comply with the provisions of Section 41(1), shall be punished with imprisonment which may extend to one year or a fine of not less than one lakh rupees or both.

Conclusion

Child Care Institutions are formally defined under the Juvenile Justice (Care and Protection of Children) Act, 2015, and are mandatorily required to be registered in accordance with its statutory framework. In Raipur District, the institutional ecosystem includes Children Homes, Observation Homes, Open Shelter Homes, Special Homes, and Specialised Adoption Agencies, all of which are functioning in compliance with the prescribed legal and procedural norms. While this indicates a foundational level of institutional adherence and operational presence, several structural, and resource-related challenges remain that merit systematic attention in order to enhance their effectiveness, quality of care, and long-term rehabilitative outcomes for children.

References

1. The preamble of the United Nations Convention on the Rights of the Child, 1989.
2. State Report of Chhattisgarh, page no. 1, uploaded on 20.12.2022, available at, https://www.ncpcr.gov.in/uploads/167151417963a148433a3d4_chhattisgarh—social-audit-report.pdf, Accessed on 20/08/2025.
3. Section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2015 states that, *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.*
4. 2017 SCC ONLINE KER 35927.
5. 2024 BHC 28830.

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