

## LEGISLATIVE & POLICY FRAMEWORK ON AFTERCARE, INDIA

### United Nation Guidelines on Alternative Care for Children

The United Nations Guidelines for the Alternative Care of Children for strengthening aftercare programme are the following:

- Childcare agencies and facilities should ‘systematically aim at preparing children to assume self-reliance and to integrate fully in the community’. The focus of actions should be on acquisition of social and life skills through participation in the life of the local community.
- The process of transition from care to aftercare should take into consideration children’s gender, age, maturity and particular circumstances.
- Children leaving care should be encouraged to take part in the planning of aftercare life. Children with special needs, such as disabilities, should benefit from an appropriate support system. Both the public and the private sectors should be encouraged to employ children from different care services, particularly children with special needs.
- Special efforts should be made to allocate to each child, whenever possible, a specialized person who can facilitate the child’s independence when leaving care.
- Aftercare should be prepared as early as possible, well before the child leaves the care setting.
- In order to make the young people financially independent, they should be imparted educational and vocational training. This should be considered as part of their life skills education.
- Young people should have access to social, legal, health and financial services.

### India Position

*National Youth Policy (2003)* under 4.6 *serious service gaps*, where it states:

- xiv) Lack of rehabilitation services for older children not adopted through the regular adoption process;
- (xv) Aftercare and rehabilitation programme for children above 18 years are not available in all States, and where they do exist they are run as any other institutions under the JJ Act 2000.

*National Youth Policy (2014)* highlights the need for greater investment on the part of the Government of India to capitalize on the “economic opportunity” presented by the youth of India. In essence, there is a recognized need in multiple pieces of government-produced legislation for greater government involvement in the development and delivery of After-care services in order to provide the best future for India. A lot of investment during childhood care is lost due to the absence of a well developed after care program. After-care programmes require significant investment on the part of the Government of India

**Juvenile Justice (Care and Protection of Children) Act, 2015**, defines “aftercare” as making provision of support, financial or otherwise, to persons, who have completed the age of 18 but have not completed 21, and have left any institutional care to join the mainstream of the society.

Under **Section 46 of the 2015 Act**, any child leaving a CCI on completion of eighteen years of age **may** be provided with financial support in order to facilitate child's **re-integration** into the mainstream of the society. This Aftercare continues until the child is **twenty-one years** and in exceptional circumstances, **for two more years on completing 21 years of age.**

Order for placement of young adults under aftercare schemes will be passed by the Child Welfare Committee (CWC) or the Juvenile Justice Board (JJB) or the Children's Court.

Further the **Juvenile Justice (Care and Protection of Children) Rules, 2016 and the Integrated Child Protection Scheme (ICPS), 2014 allows for the following:**

- Community group housing on a temporary basis for groups of six to eight persons;
- Provision of stipend during the course of vocational training or scholarships for higher education and support till the person gets employment;
- Arrangements for skill training and placement in commercial establishments through coordination with National Skill Development Programme, Indian Institute for Skill Training and other such Central or State Government programmes and corporates , etc.;
- Provision of a counsellor to stay in regular contact with such persons to discuss their rehabilitation plans ;
- Provision of creative outlets for channelizing their energy and to tide over the crisis periods in their lives;
- Arrangement of loans and subsidies for persons in after-care, aspiring to set up entrepreneurial activities; and
- Encouragement to sustain themselves without external State or institutional support.
- Arrangement for marriage of girls

**Under the Rules, the District Child Protection Unit shall** prepare and maintain a list of organisations, institutions and individuals interested in providing aftercare in education, medical support, nutrition, vocational training etc. and the same shall be forwarded to the Board or the Committee and all Child Care Institutions for their record.

Under ICPS, funds for aftercare programmes have been provided to the States according to the scale noted below:

- i) States with less than 15 districts: Rs.15 lakhs
- ii) States with more than 15 districts: Rs.30 lakhs
- iii) States with more than 30 districts: Rs 45 lakhs

**Under the JJ Rules of 2016, EVERY State government now has to prepare a SCHEME for education of young adults, giving them employable skills and placement. There will be provision for their stay.**