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## The challenges of an institutional life: Listening the unheard voices

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### Abstract

India has a large population of children, estimated to be roughly thirty-nine percent of the total population (1.21 billion), according to the 2011 Census of India. However, providing better institutional support to such a huge child population, giving them standard care and services, is a daunting task. Amongst the five types of total institutions as discussed by Goffman, the paper specifically focuses on those that care for those who are unable to care for themselves but who pose no threat to society, for instance the child care institutions (henceforth CCIs). Though being the last possible resort for safety and shelter for any child and the least desirable for long term or permanent placement, the CCIs are the critical component of the Juvenile Justice system. Institutional care is designed to meet the useful and personal needs of individuals, especially vulnerable children, who are in need of care and protection. However, it also comes with detriments to the social, psychological and physical wellbeing of the children. The present study was conducted on those who spent their childhood in such institutions. During institutional childhood and post institutional life they are keen to gain employment, but only very few of them survive in market competition due to less productive human development potential and weak educational attainment. In India, the subject of employment is the subject of survival for more than half of the population of the country. The case studies were conducted on children's home in District Hoshiarpur, Punjab. The study concluded that the government needs to focus on effectiveness of after care homes or programmes to ensure that such institutionalized children to live socially and economically an independent life.

**Keywords:** Total-institution, child-care-institutions, juvenile-justice-act

### Introduction

India has a large population of children, estimated to be roughly thirty-nine percent of the total population (1.21 billion), according to the 2011 Census of India. The Government of India has a huge responsibility to ensure care, protection and development of children through its cross-cutting policies and programmes, spreading awareness about child rights and facilitating access to learning, nutrition, institutional and legislative support to realize their full potential. Children, at times, face certain unfavorable condition and become victims of situations like sexual abuse, trafficking, child marriage, illegal adoptions etc. and also many are found orphaned, abandoned, by their parents. Sometimes, they also come in conflict with law. In these circumstances these children come into the Juvenile Justice System. And all of these children are in need of care and <sup>[1]</sup> protection (MoWCD, 2018). However, providing better institutional support to such a huge child population, giving them standard care and services, is a daunting task. The National Institution for Transforming India (NITI Aayog) in its Three Years Action Agenda (2017-2020) <sup>[1]</sup> acknowledges the non-availability of credible data as the major obstacle to design effective policy interventions. The National Plan of Action, 2016 <sup>[2]</sup>, states that children's needs are multi-spectral, interconnected and require collected action, the plan aims at purposeful convergence and strong coordination across different sectors and levels of governance; active engagement and partnership with all stakeholders; setting up of a comprehensive and reliable knowledge base; provision of adequate resources; and sensitization and capacity development of all those who work for and with children. The National Policy for Children, 2013 <sup>[3]</sup>, reiterates India's commitment towards such children in accordance with the Convention on the Rights of the Child and UN Standard Minimum Rules <sup>[4]</sup> for the Administration of Juvenile Justice,

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1 NITI Aayog, Three Years Action Agenda (2017-18 to 2019-20)  
<http://niti.gov.in/writereaddata/files/coop/IndiaActionPlan.pdf>

1985 (the Beijing rules <sup>[2]</sup>) by stating that “the State shall endeavour to secure the rights of children temporarily or permanently deprived of parental care, by ensuring family and community-based care arrangements including sponsorship, kinship, foster care and adoption, with institutionalization as a measure of last resort, with due regard to the best interests of the child and guaranteeing quality standards of care and protection”. The Juvenile Justice Model Rules, 2016, prescribe detailed child friendly procedures for the Police, Juvenile Justice Board and Children’s Court. In this regard, the CCIs play an important role in holistic development of children and for making provisions of a favorable child-friendly environment for these children. Over the years, the focus of care of children has been slowly shifted from institutionalized care to community and family based care. To secure the rights of children temporarily or permanently deprived of parental care, the State shall endeavour to ensure family and community-based care arrangements including sponsorship, kinship, foster care and adoption, with institutionalization as a measure of last resort, with due regard to the best interests of the child and guaranteeing quality standards of care and protection.

### “Total Institution” – Understanding an Institutional life

A total institution by definition is a closed social system where every day social life is organized through strict rules and schedules and enforced by a single authoritative entity. These total institutions are separated from wider society by distance, specific set of legal norms and rules. Those who live within them are generally similar to each other in some way. Therefore, they often form small sub-cultures within their own social norms and practices. Generally, they are institutionalized to provide care to a vulnerable population who is unable to care for themselves. Participation within a total institution can be either voluntary or involuntary, but either way, once a person has joined one, they must follow the rules and go through a process of leaving behind their identity to adopt a new one given to them by the institution. Sociologically speaking, total institutions serve the purpose of resocialization and rehabilitation. Resocialization occurs when an individual is made to learn new norms and values that help them shift from one role to another in society. It includes a voluntary or involuntary transition, ranging from adapting to new job conditions to a wholly different lifestyle. When resocialization occurs in a total institution, members are forced out of their identity and into a new one that fits into the world of the institution.

Famed sociologist Erving Goffman, in a paper titled “*On the Characteristics of Total Institutions*” in 1957, is credited with popularizing the term “total institution” within the field of sociology. Amongst the five types of total institutions as discussed by Goffman, the paper specifically focuses on those that care for those who are unable to care for themselves but who pose no threat to society, for instance the blind, the aged, orphaned and the indigent. This type of

total institution is primarily concerned with protecting the welfare of those who are its members. These include child care institutions (henceforth CCIs), nursing homes for the elderly, orphanages or juvenile facilities, and the poor houses of the past and today’s shelters for the homeless and battered women.

Though being the last possible resort for safety and shelter for any child and the least desirable for long term or permanent placement, the CCIs are the critical component of the Juvenile Justice system. The institutional life in these CCIs are designed to provide a safe space where a child can recover from trauma, regain trust and gain skills to negotiate with the world outside. As per the Juvenile Justice Act 2015 and Juvenile Justice Model Rules 2016, all CCIs need to ensure safety, security, dignity and well-being of the children in the best child friendly manner as per the prescribed standards of care. Unfortunately, the CCIs system often fails at providing the basic care and protection that they are mandated to do. During institutional childhood and post institutional life these children are keen to gain employment, but only very few of them survive in market competition due to less productive human development potential and weak educational attainment.

Gunnar (2001) classified institutions into three levels, based on the quality of care they provide: (1) institutions characterized by global deprivation of the child’s health, nutrition, stimulation, and relationship needs; (2) institutions with adequate health and nutrition support, but deprivation of the child’s stimulation and relationship needs; and (3) institutions that meet all needs except for stable, long-term relationships with consistent caregivers. Logically it is possible to add a fourth level, namely an institutional environment that provides for stable and consistent care giving, and only deprives children of a regular family life embedded in a regular social environment. Children exposed to institutional care often suffer from “structural neglect” which may include minimum physical resources, unfavorable and unstable staffing patterns, and social-emotionally inadequate caregiver-child interactions. There are delays and deviations in institutionalized children’s development in the important areas of physical, hormonal, cognitive and emotional development. Children exposed to institutional care do not receive the type of nurturing and stimulating environment needed for normal growth and healthy socio-psychological development (van IJzendoorn *et al.*, 2011).

Institutional care is designed to meet the useful and personal needs of individuals, especially vulnerable children, who are in need of care and protection. However, it also comes with detriments to the social, psychological and physical wellbeing of the children. India is the largest democracy in the world and largest in terms of child population of the world. According to the Census of India 2011, with 1.21 billion people founds as the following most populated country in the world after China while children represent thirty-nine percent of the total population of the country<sup>3</sup>. Uttar Pradesh is the state with highest children’s population (19.27%) in the country followed by Bihar (10.55%), Maharashtra (8.15%), West Bengal (6.81%) and Madhya

2 The National Policy for Children, 2013.  
<https://www.childlineindia2.org.in/pdf/The-National-Policy-for-Children-2013.pdf>

3 The National Policy for Children, 2013.  
<https://www.childlineindia2.org.in/pdf/The-National-Policy-for-Children-2013.pdf>

4 <http://www.un.org/documents/ga/res/44/a44r025.htm>

5 Area and Population, available at:  
[https://censusindia.gov.in/census\\_and\\_you/area\\_and\\_population.aspx](https://censusindia.gov.in/census_and_you/area_and_population.aspx)  
(Accessed on January 29, 2022)

6 Maharukh Adenwalla, “Child Protection and Juvenile Justice system for Juvenile in conflict with Law” (December, 2006)

Pradesh (6.46%) constitutes fifty two percent of children's population in the country <sup>[6]</sup>.

After the early 20th century, the different Indian States had passed their specific Children Acts. The Madras Children's Act, 1920 was the paramount Children Act to be passed, closely tracked by Bengal and Bombay in 1922 and 1924, similarly. Though the Bombay Children's Act was enacted four years after the Madras Children's Act, it was the first Children's Act to become functional. In February, 1924 a charitable state-aided agency, viz., the Children's Aid Society (CAS) was made to implement the provisions of the Bombay Children Act within the municipal corporation limits of Bombay. CAS recognized institutions for the care and protection of children, and even these days manages these organizations. The State's Children Acts conveyed within its ambit two groups of children, viz., (i) youthful delinquents, and (ii) destitute and abandoned children. Both these classes of children were to be handled by the Juvenile Courts. During this period throughout the world, children were dealt with under the "welfarism" mode. The well-being of the child was at centre stage for both these categories of children and adjudication of guilt was not stressed, hence Probation Officers played an important role and legal representation was unheard of. The Government of India passed the Children's Act, 1960 to "offer for the care, safety, attention, welfare, training, schooling and rehabilitation of neglected or offending children and for the trial of delinquent children in the Union Territories." In this Act, a child is a boy under 16 years of age and a girl, less 18 years of age. Earlier literature highlighted that growing up in an institution is not good for children. Being separated from one's parents in childhood leaves scars. Other unfavorable factors are the isolation of institutions from the rest of the community, the under stimulation and the lack of contact with adults, which mean that children's basic needs are not met. Many people who have grown up in isolated institutions have difficulty, as adults, in being integrated into society—and this may result in their continued institutional life in adulthood <sup>[7]</sup>.

### Who is a Juvenile?

A "juvenile" or "child" means an individual who has not accomplished eighteenth year of age. A boy or girl under 18 years of age is a juvenile or child under section 2(k) of Juvenile Justice Act (J.J. Act 2000) <sup>[4]</sup>. The age of juvenility of a boy child under J.J. Act 1986 was below 16 years and that of a girl child was below 18 years of age. Those working in the field of children had campaigned to increase the age of boy juveniles to bring it on par with girl juveniles. The age of a boy juvenile has been increased to 18 years by J.J. Act 2000 mainly to bring juvenile legislation into conformity with the CRC (convention on rights of child) which the Government of India had ratified on 11<sup>th</sup> December 1992. The Statement of Objects and Reasons of J.J. Act 2000 has indicated this non-conformity as being a ground for amending J.J.A 1986. In 2015 the latest amended versions of J.J. Act were in shape <sup>[8]</sup>.

### Definition of Children's Home

"Children's Home" means a Children's Home, established

or sustained, in each district or cluster of districts, by the State Government, either by itself, or over a voluntary or non-governmental society, and is listed as such for the purposes stated in Section 50 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The Section 50 states that the State Government may start and sustain, in all district or cluster of districts, either by itself or through voluntary or non-governmental societies, Children's Homes, which shall be listed as such, for the settlement of children in need of care and safety for their care, treatment, schooling, training, improvement and restoration <sup>[9]</sup>.

### Children Home's in the State of Punjab

Punjab is the rich state in term of their agricultural production and cultural heritage. The department of social security and women & child development Punjab is the nodal department which implemented the Juvenile Justice Act in the State. In the State of Punjab, there are 68 institution (19 Government and 49 Non-Government) registered under J.J. Act. Out of this, 13 Government run institution provide institution care for missing, abandoned, surrendered, children in conflict with law and special children.

### State after Care Home

This institution is also run by department of social security and women & child development Punjab. There are two states after care home in Punjab, for boys the home is situated at Ludhiana and for girls the home is at Amritsar. The state after care home is the institution where children home inmates can stay and live after they crossed their eighteen years of age, if they have no alternative to stay somewhere and stay there up to twenty one years, during their stay anyone can educate and as well as working for their financial needs.

### Case Study-1

Manjit was born in 1992 (Nineteen ninety two) in the month of February at the village Sandarpur in district Gurdaspur of Punjab. He was the youngest of the five siblings. His father Kashmir Singh was a laborer and his mother was a housewife. His mother passed away in 2001 and in the next year (2002) his father also died.

After the death of both the parents, his family started facing problems of care of his brothers and sisters. His elder brother takes the responsibility and he looked after all the siblings. The maternal grandmother of these children who was residing in the nearby village, often visit their home and take care of all the needs of the children. The paternal uncle of the children was belonged to lower income group and were not able to bear the economic burden of five children. At the end of the year 2004, Manjit's family decided to shift and admitted two children in children home due to their economic problems. Manjit's elder brother Baljit and he was admitted in the children home for boys in district Hoshiarpur of Punjab. At that time only one care taker and one watch & ward look after the 200 children. Manjit was studying in class sixth and his elder brother was studying in class seventh at that time. When they joined children's home there is a Mahila Ashram high school run by Punjab social security and women & child development in the children home campus and all the children from children's home were enrolled in that school.

<sup>7</sup> International Development Cooperation, "Children in Institutions" (May, 2001)

<sup>8</sup> The Juvenile Justice (Care And Protection Of Children) Act, 2000, s. 2.

<sup>9</sup> The Juvenile Justice (Care and Protection of Children) Act, 2015



After two years his elder brother decided to shift back to the family and never came back to the children's home. In 2009, Manjit completed his higher level of schooling with first class. When he crossed the eighteen years of age, he was shifted to State after Care Home for boys located in district Ludhiana. He resides there for three years and completed his secondary level of education. Then he joined Satish Chander Dhawan College and successfully completed his graduation. In addition to his course he also joined the NCC (National cadet corps) and get A, B and C certificates. After his graduation, he also completed one year computer course. In the year 2013, he left the state after care home and started living in a rented accommodation in the city of Ludhiana. Manjit also joined job in a factory where he got 11/- Rs per hour in the beginning year of his job. He tried his luck in government services like Army, CISF and ITBP but not able to crack it. In May 2015, he joined the social security and women & child development department, Punjab and posted at Children Home for boys in district Hoshiarpur as a House Father. Manjit got married in April 2018, his wife is a housewife. He completed his Master during his job in Children Home. Manjit is very happy with his current socio-economic situation and living a peaceful life with his family.

### Case Study-2

Karan age was 15 years when he admitted in the Children Home Hoshiarpur. He belonged to joint family of village Bhuga of district Hoshiarpur, Punjab. During discussion with Karan it was found that the mother of the child was accidentally died in Uttarakhand in 2011 during a yatra of Hemkunt. At the time of his admission in the home, he was accompanied by his grandfather. The grand father told the Child Welfare Committee of Hoshiarpur that the father of the child is working in the Punjab Police as a Home Guard and after the death of his wife in floods, he found another lady and they both got married in the year, 2012. It was told by the grandfather that, after his father got married he did not look after his son from the first marriage and busy in his new family life. He further told that his wife is too old and cannot look after the child. So in 2014, they decided to admit the child in Children Home for his study and protection. Once the child admitted in the children home the staff thought that the problem of Karan has been solved out. But, after few days they found that Karan's grandfather again visited the children home and told the staff members

that his grandson was not able to adjust in the new environment. The grandfather of the child requested the Child Welfare Committee to permit him to bring his grandson back to the family. After the discussion, the Committee decides to restore the child to the family.

After one year of this instance, Karan was once again readmitted to the Children Home and stayed in the Children's Home till the year, 2017. During his stay in the Home he was enrolled in the school and completed his education up to senior secondary level in 2017. The staff from the home told that the then Deputy Commissioner of Hoshiarpur was very active and she's regularly visit the children home. During one of such visits, she takes the initiative and advised the superintendent of the children home to help him to get a job. After the discussion with the various departments he finally joined the Red Cross Society, Hoshiarpur as a peon on contractual basic. After, getting the job he also enrolled himself in the college for higher education. Currently Karan went to United Arab Emirates in the year of 2020 on working visa and working as a helper in a grocery store.

### Case Study-3

Deepu is a missing child was found in the town Banga of District S.B.S (Saheed Bhagat Singh) Nagar, Punjab. He was roaming here and there alone in the market and was noticed by the local residents. The people asked him about his parents and native place, he told that he belonged to somewhere in Uttar Pradesh. He was not able to give the proper information about his parents and his native place. After that these people take him to Child Development Project Officer (CDPO), Banga and discuss the matter with him. The CDPO informed the police department. Police immediately take the custody of the child and produce the child before the Deputy Commissioner of district S.B.S Nagar. After getting the order police escort Deepu and admitted him in the Children's Home of Hoshiarpur. Once he admitted in the Home he started his schooling and completed his middle standard in the year 2017. After completion his eighteen years of age he was shifted to State after Care Home for boys at Ludhiana. He continues his studies in school of open learning. During that time he joined the Child Line Ludhiana as a case worker. Presently he is posted as case worker in the Railway Station Child Line, Ludhiana and rescue missing and orphan children from there.

**Table 1:** Socio-economic Profile of the respondent

Sr. no	Name of the Respondent	Present age	Religion	Caste	Age at the time of Institutionalized	Marital status	Educational qualification	Occupation	State of Residence
1.	Manjit Singh	30	Sikh	SC	2004	Married	M.A	Contractual Govt.Employee	Punjab
2.	Karan	23	Sikh	OBC	2015	Unmarried	Intermediate	Contractual Govt.Employee	Punjab
3.	Deepu	22	Hindu	Not Known	2010	Unmarried	Metric	Helper in Child line	Uttar Pradesh

The socio-economic profile shows that the respondent cover the time period from 2004 to 2015 and there are many structural changes happened at children home, like one respondent told us that during the time of his stay at children home around 200 to 250 children's were present and there was a secondary school run in the premises of children home and local community children were also enrolled to children home school, but today only 25 to 30 children are residing at children home and they were going outside for their education because school was closed by district

administration due to less numbers of teacher.

In the above profile if we can talk about their religion and caste, there are two respondents out of three belongs to Sikh religion and one belongs to Hindu community. About their caste affiliations it was found that one of the respondents belonged to schedule caste, one belong to other backward caste and one of them has no idea about their caste. The education level and their occupation is also different from each other, there is one contractual employee in government sector, one respondent working as a helper in United Arab

Emirates and one working with child line, The family system of these respondents were also varies from each other, like one respondent was married and started their family life and two were lived single. The current economic status of these respondents is good and all were working somewhere for their livelihood and earned decent amount for their survival and looking for better opportunity.

### Conclusion

Conducting this study sought to find the impact of institutionalization on employment opportunity on the children who are totally dependent to government and civil organization for their physical and social protection. The decades of research prove that institutionalization should be the last resort for the children as it causes negative impact on the development of the children. But in some developing countries like India, institutional care becomes the only alternative for the large population of children living in poverty without parental care. There are many factors responsible behind the institutionalization of children but poverty is one of the main factors that bring children into the institutional care. The present study found out that children in need of care and protection were rescued by the Child Welfare Department and their placement in children's home became a turning point in their lives. After leaving the institutional care, they had an opportunity to live a normal life with the experience and education they attained while staying in institutional care. The study also found out that after care programmes played a very important role in shaping the future of the children. Therefore, the government needs to focus on effectiveness of after care homes or programmes to ensure that such institutionalized children to live socially and economically an independent life.

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