

# JUSTICE FOR JUVENILES AND CHILDREN IN CONTEXT OF INDIA

## I. INTRODUCTION

The paper focuses on the Rights of the Child, which is by itself an international instrument. This paper identifies a variety of issues and a wide range of interventions that has been made by India in realizing the Rights of the Child. The paper also discusses some of the strategies that can be adopted in the light of the Juvenile Justice system for realizing the Rights of the Child.

The problem of juvenile neglect and delinquency in India is mammoth and indeed growing. Statistics indicate that nearly 100 million children in the age group of 5-14 years are out of school. Most of these children face the onslaught of an environment detrimental to a normal physical and mental process of development in the most critical years of their life. According to the recent policy document of the Ministry of Social Justice and Empowerment, Government of India, there are an estimated 30 million children who belong to families living in conditions of acute distress and deprivation, being below the poverty line and deprived of health, education and nutrition. They are either found as child labour, beggars or engaged in some work. These children who may be broadly described as 'neglected children' or those in the urgent need of care and protection may also be categorized as "nowhere" children. Such children are commonly found in unorganized slum pockets, on railway stations, beneath the flyover, etc. in the city like Delhi, aimlessly moving around uncared for, elsewhere too. They spend most of their time on the streets.

Perhaps therefore, the Nobel Prize Winner and great poetess Gabriela Mistral of Chile chastised the leaders of society and I quote: "We are guilty of many errors and many faults, but our worst crime is abandoning the children, neglecting the fountain of life. Many of the things we need can wait, the child cannot. Right now is the time his bones are being formed, his blood is being made and his senses are being developed. *"To him we cannot answer Tomorrow. His name is Today."*

## II. INTERNATIONAL CONCERN

The Second UN Congress on Prevention of Crime and Treatment of Offenders in 1960 stated that juvenile delinquency should be understood as the commission of an Act, which when committed by an adult above a prescribed age would constitute an offence in law. The Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders held in Venezuela in 1980 discussed further and in detail the problem of juvenile delinquency. They decided that there should be the Standard Minimum Rules for the administration of juvenile justice. Every child has its human rights and they should not be denied to it by anybody. Hence, they said that there should be laws protect the right of the children. Consequent to it, it was accepted that special attention should be given to the steps initiated to prevent delinquency among children and also to homeless and street children in the urban setting. The need for giving special attention to youth criminality was also given due importance and emphasis. The nature of youth criminality in semi-urban and rural areas was considered. Further, the following areas were discussed and the meeting at Beijing (May 14 to 18, 1985) which examined the Standard Minimum Rules for the Administration of Juvenile Justice.

A 'child' is defined in the *UN Convention on the Rights of the Child (CRC)* as a person under the age of 18. This includes infancy, early childhood, middle childhood and adolescents.

The UN Convention on Rights of the Child, 1989 draws attention to four sets of civil, political, social, economic and cultural rights of every child. These are:

- (i) **Right to survival:** Which includes the right to life, the highest attainable standard of health, nutrition, and adequate standards of living. It also includes the right to a name and a nationality.
- (ii) **Right to protection:** Which includes freedom from all forms of exploitation, abuse, inhuman or degrading treatment, and neglect including the right to special protection in situations of emergency and armed conflicts.
- (iii) **Right to development:** Which includes the right to education, support for early childhood development and care, social security, and the right to leisure, recreation and cultural activities.
- (iv) **Right to participation:** Which includes respect for the views of the child, freedom of expression, access to appropriate information, and freedom of thought, conscience and religion.

The Convention provides the **legal basis** for initiating action to ensure the rights of children in society.

### **Relevant articles from the UN Convention on the Rights of the Child**

**Article 34:** States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- b) The exploitative use of children in prostitution or other unlawful sexual practices;
- c) The exploitative use of children in pornographic performances and materials.

**Article 35:** States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale or traffic in children for any purpose or in any form.

**Article 36:** States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Any child primarily on account of his dependence and vulnerability deserves to be completely looked after by others. As a child, he needs support and care to survive since the nature does not provide to the human infant any protection at all. The need to survival and protection continues till the child attains maturity and adulthood. The child being the nursery of all civilization and all human potential has to be provided with various institutional and non-institutional system of development which consists of programs pertaining to education, life skills, nutrition, health, shelter and most important, the right to childhood.

### **III. JUVENILE JUSTICE SYSTEM IN INDIA**

#### **(a) Before Independence**

In the nineteenth century, the need to enact separate legislation for the protection of children from the possible abuse was recognized in India as in most of the western countries. In 1850, the Apprentices Act was passed as the first juvenile legislation in India to deal with children. The magistrates were empowered to commit children between the ages of ten and eighteen years as apprentices to employers, and provisions were made for controlling the relations between such children and the employers. Children who were found to have committed petty offences or were destitute, used to be covered under this Act.

The Indian Penal Code (1860) exempts children under the age of seven years from criminal responsibility (Section 82). It also exempts children between the age of seven and twelve years, who have not attained sufficient maturity of understanding to judge the nature and consequences of their conduct from criminal responsibility (Section 83). The Act also provides protection to children from evil designs of adults (Section 363-A).

The Reformatory School Act enacted in 1876 and later modified in 1897, was the next landmark in the treatment of juveniles delinquents. It empowered local government to establish reformatory schools. Under the Act, the sentencing court could detain boys in such institutions for a period of two to seven years but they would not be kept in the reformatory schools after they had attained the age of eighteen years. There was also a provision to license out boys over fourteen years of age if suitable employment could be found. In Bombay Presidency, the Act was applicable to boys under sixteen years of age, while elsewhere it applied to boys under fifteen years of age.

The Code of Criminal Procedure as amended in 1898 provided specialized treatment for juvenile offenders (Sections-29B). Section 399 of the Code envisaged the commitment of juvenile offenders up-to the age of fifteen years to Reformatory Schools. Section 562 provided for probation of good conduct to offenders up-to the age of twenty one.

The Indian Jail Committee (1919-20), submitted a detailed report containing definite observations and recommendations on juvenile offenders. It condemned the practice of sending juvenile to jail and recommended for the setting up of separate machinery for the trial and treatment of children in conflict with law. It felt that imprisonment of child offenders should be prohibited and suggested provisions for Remand Homes and Certified Schools on the lines of ordinary schools. The Committee called for the creation of separate court for hearing of cases against children violating law. The Committee further contemplated the child's release on probation of good conduct with or without supervision of a probation officer as well as for supervision after release.

Following the recommendations of Indian Jail Committee, provinces like Madras, Bengal and Bombay enacted their Children Acts in 1920, 1922 and 1924 respectively. The process was followed by several other provinces.

#### **(b) After Independence**

After independence, the developments in the field of juvenile justice have been inspired by the constitutional provisions. Article 24 of the Constitution provides that no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment. Article 39 contains that the State shall direct its policy to secure that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. Article 45 says that State shall endeavour to provide free and compulsory education for all children until they complete the age of fourteen years. Keeping in view the fundamental and directive principles embodied in the Constitution of India, provinces such as Saurashtra (1954), Uttar Pradesh (1951), Hyderabad (1951) enacted their Children Acts. West Bengal enacted a new Children Act in 1959, introducing some new provisions. The Government of India enacted Probation of Offenders Act in 1958 to restrict courts in awarding imprisonment to offenders under twenty one years of age and to direct the removal of all disqualification attaching to conviction. The Government of India also enacted Central Children Act, 1960 for Union Territories, which was also supposed to serve as a model legislation for other provinces, to deal with the destitute and delinquent children separately through specialized institutions. The Act was amended in 1978 to make it more efficacious.

By 1986, the States except Nagaland had enacted their Children Acts. However, as a result of the experience of implementing the Acts over a considerable period, it was felt that there was a lack of uniformity in the provisions thereof. No minimum standards for basic needs, living conditions, therapeutic services, etc., were being maintained.

The Children Act of 1960 was preceded by the United National Declaration of the Rights of the Child in 1959. Concepts became more refined and juvenile justice was adopted by the UN General Assembly in 1985 followed in India by the Juvenile Justice Act, 1986.

India ratified the UN Convention on the right of the child (CRC) in 1992 and submitted its initial Report in 1997. India's written response to its initial Report was submitted to the UN Committee on CRC on 15 December 1999. The Department of Women and Child Development constituted a 15 member National Coordinating Mechanism under the Chairpersonship of Secretary for monitoring the implementation of the Convention on the Rights of the Child and for overseeing all other activities directly connected to its implementation.

**(c) The Juvenile Justice Act, 1986**

The Parliament therefore enacted the Juvenile Justice Act in 1986 to provide for the care, protection, treatment, development and rehabilitation of neglected and delinquent juveniles and for the adjudication of certain matters relating to delinquent juveniles. The Act envisaged a comprehensive approach towards

<b>Constitutional Provisions</b>	
○ 15 (3)	Enables the State to make special provisions for children
○ 23	prohibits the traffic in human beings and forced labour
○ 24	Forbids the employment of children below the age of 14 years in factories, mines and other hazardous occupations
○ 39 (e)	Directs the State to safeguard the tender age of children from entering into jobs unsuited to their age and strength forced be economic necessity
○ 39 (f)	Directs the State to secure facilities for the healthy development of children and to protect childhood and youth against exploitation and moral and material abandonment.
○ 45	Directs the State to provide free and compulsory education to all children upto 14 years to age.

justice for children in situation of abuse, exploitation and social mal-adjustment and to lay down a uniform legal framework for juvenile justice in the country so as to ensure that no child under any circumstances is lodged in jail or police lock-up. The Act replaced the traditional mechanism for dealing in conflicts with law under the Children Acts in various provinces and Union Territories. The Act was intended to protect the best interests of juvenile. One of the objectives of the Act was to introduce the juvenile justice in the country in conformity with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), 1985.

Even the Juvenile Justice Act, 1986 was found to have several gaps in legal provisions and shortcomings by way of linkages between the governmental and non-governmental efforts in the care, treatment and rehabilitation of such children. Therefore, in order to rationalize and standardize the approach towards juvenile justice in keeping with the relevant provisions of the Constitution of India and international obligations in this regard. The Govt. of India has recently enacted the Juvenile Justice (Care & Protection of Children) Act, 2000, which is now required to be implemented in its true spirit.

**(d) Silent feature of New Juvenile Justice (Care and Protection of Children) Act, 2000**

- The age for boys and girls has been uniformly raised to 18 years in accordance with the UN CRC.
- A deals separately two categories of children i.e. child in need of care and protection and juvenile conflict with law. A child in need of care and protection is a child who due to various reasons are formed in difficult circumstances and in danger of survival and growth. The juvenile in conflict with law are those juveniles who are alleged to have committed an offence. The Act provides separate treatment in the matter of institutional care and legal adjudication and disposition of matters.
- The Competent Authority in relation to child in need of care and protection is a Child Welfare Committee and in relation to juvenile in conflict with law is Juvenile Justice Board.
- The members of the committee in the board have been given magisterial power.
- The social worker and the representative of the NGOs having prescribed qualification under the Act can now become member of the Competent Authority.
- For the juvenile in conflict with law, the Act envisages to establish observation homes and special homes for the child in need of care and protection, provision has been made to establish comprehensive children's home.
- While the shelter home in the after-care organization may be established for juvenile or child. The shelter home shall be exclusively established and run by the voluntary sector with the assistance from the government. All other homes can either be established or run by the government or in association with the voluntary organizations.
- Role of Panchayati Raj institutions and local bodies have been prescribed. They can now intervene and make suggestions to improve the functioning of the local homes. In some cases, they can order the transfer of child/juvenile from one home to other home. The local bodies have a role in nominating the members of the Competent Authority.
- The Advisory Committee shall have members from voluntary organizations and social workers.
- New mode of dispositional alternatives like counselling and community services have been incorporated for the juveniles.

- A new chapter on rehabilitation and social re-integration comprising of adoption, foster care and sponsorship has been added.
- The police has been assigned specialize role in accordance with UN CRC. A special juvenile police unit shall be set-up in every police station, a ten police officer of the rank not below an Assistant Sub-Inspector (ASI) shall be designated at Child Welfare Officer. He shall be assisted by two local voluntary social worker.
- A new concept of social audit has been introduced in accordance with UN CRC.
- Beside police the social worker and the voluntary organization have role in production of children/juveniles before the Child Welfare Committee.
- A child himself/herself can appear before the Competent Authority and demand for his/her rights.

*[An Act to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment.]*

The new juvenile justice (care and protection of children) act, 2000 is based on (i) provisions of the Indian Constitution; (ii) United Nations Convention on Rights of the Child, 1989; (iii) United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules); (iv) United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990.

#### IV. GOVERNMENT POLICY AND PROGRAMMES

##### (a) Integrated Child Development Services

Following the adoption of National Policy for Children in 1974, the scheme of Integrated Child Development Services (ICDS) was initiated with 33 ICDS blocks/projects in 1975-76. The scheme provides an integrated package of services comprising supplementary nutrition, immunization, health check-up, referral services, pre-school non-formal education, and health and nutrition education for mothers. The target groups are children in the age group 0-6 years and expectant and nursing mothers. The ICDS continues to be major governmental programme for early childhood survival and development intervention benefiting over 26 million children and around 5.5 pregnant and nursing mothers. The scheme gradually expanded and until March 2000, 4,200 projects including 3,177 rural, 750 tribal and 273 urban slum projects are in operation.

##### **Objectives of the National Policy for Children**

- To reiterate Government's commitment to the cause of the children as enshrined in the Constitution, the National Policy for Children 1974 and the Convention on the Rights of the Child. It would incorporate all issues pertaining to the survival, health, education, development and protection of children and form the basis for programme formulation.
- To attempt to remove structural causes related to all issues adversely affecting children's right in the wider societal context.
- To seek the partnership of the community in order to protect children from violation of their rights, while strengthening the family, society and the Nation.
- To make State and community jointly responsible for protecting child rights.

ICDS is a centrally sponsored scheme. While the Central Government bears the full cost of meeting the operation requirements, the State provides funds for meeting the cost of supplementary nutrition. 1999-2000, Rs.881-46 crore was the Central Government's share for the implementation of the scheme excluding the cost of supplementary nutrition programme. The World Bank is also providing a credit to run the programme.

**(b) National Commission of Children**

The Department of Women and Child Development is in the process of setting up the National Commission of Children. The Parliamentary Standing Committee attached to the Ministry of HRD in its two meetings held in 1998 approved the proposal, in principle. Based on the recommendations of the Committee, a draft note was accordingly prepared and circulated to all State Governments/UT Administrations and concerned Central Ministries/Departments. In a meeting held on 29 June 1999 it was agreed, to set up a National Commission for Children on the lines of the National Human Rights Commission. The draft Bill under consideration of the Government.

**(c) National Plan of Action (A Commitment to the Child, 1992)**

**Goals of National Plan of Action**

**Education**

- Access to enrolment in primary education for at least 80% of boys and 75% of girls by 1995
- Completion of primary education by at least 50% of girls as well as boys by 1995
- Reduction of adult and adolescent illiteracy from 1990 level by 25% by 1995
- Universal access to primary education with special emphasis for girls and accelerated literacy programme for women.

**Health**

- Eradication of poliomyelitis by the year 2000
- Elimination of neonatal tetanus by 1995
- Reduction by 95% in measles deaths and reduction by 90% of measles cases compared to pre-immunization levels by 1995
- Achievement and maintenance of high level of immunization coverage at a level of 100 percent of infants
- Reduction by 50% in deaths due to diarrhoea in children under the age of 5 years.
- Reduce mortality rates due to ARI among children under 5 by 40 percent by 2000 A.D. from the present level.

**Nutrition**

- Universal access to iodized salt by 1995.
- Reduction in severe and moderate malnutrition among under 5 children by half between 1990 and the year level.

**Child Labour**

- Progressive and accelerated elimination of child labour

### **Safe environment**

- Access of safe drinking water to not less than 3/4<sup>th</sup> of both rural/urban population by 1996 and universal access by the year 2000
- Double current levels of access to sanitary means of excreta disposal by 1996

### **Survival**

- Reduction of IMR to less than 60 per 1,000 live births
- Reduction of U5MR to less than 70 by 2000 A.D.
- Reduction of maternal mortality rate by half.

### **Water and sanitation**

- Universal access to safe drinking water and improved access to sanitary means of excreta disposal.

### **Children in especially difficult circumstances**

- Improved protection of children in especially difficult circumstances.

### **The girl child**

- To remove the gender bias and to improve the status of the girl child in society as to provide her with equal opportunities for her survival and development to her full potential.

## **(d) Observation Homes**

1. Any State Government may establish and maintain either by itself or under an agreement with voluntary organizations, observation homes in every district or a group of districts, as may be required for the temporary reception of any juvenile in conflict with law during the pendency of any inquiry regarding them under this Act.
2. Where the State Government is of opinion that any institution other than a home established or maintained under sub-section (1), is fit for the temporary reception of juvenile in conflict with law during the pendency of any inquiry regarding them under this Act, it may certify such institution as an observation home for the purposes of this Act.
3. The State Government may, by rules made under this Act, provide for the management of observation homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a juvenile, and the circumstances under which, and the manner in which, the certification of an observation home may be granted or withdrawn.

In the same manner the Act provides for establishment of **Special Homes** for juvenile in conflict with law and **Children's Home** for child in need of care and protection.

### **Shelter Homes**

1. The State Government may recognize, reputed and capable voluntary organizations and provide them assistance to set up and administer as many shelter homes for juveniles or children as may be required.

2. The shelter homes referred in sub-section (1) shall function as drop-in-centres for the children in the need of urgent support who have been brought to such homes through such persons as are referred to in sub-section (1) of section 32.

(e) The Government of India has also enacted the following social legislations for the protection and development of the children:

- 1) Immoral Traffic (Prevention) Act, 1956 – for Suppression of Immoral Traffic in Women and Girls.
- 2) Child Marriage Restraint Act, 1929 – with a view to preventing child marriage.
- 3) Children (Pledging of Labour) Act, 1933 – to prohibit the pledging of the labour of children and the employment of children whose labour has been pledged.
- 4) Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 – to provide for the supervision and control of orphanages, homes for neglected children and like institutions and to penalize criminal activities indulged in such institutions.
- 5) Child Labour (Prohibition and Regulation) Act, 1986 – to ban employment of children in specific occupations and processes.
- 6) Young Persons (Harmful Publications) Act, 1956 – the Act seek to prevent the dissemination of publications which are harmful to young persons.

## V. THE PRESENT SCENARIO

### (a) Share of Juvenile Crimes

The share of offences committed by the Juveniles to the total IPC crimes reported in the country has shown a declining trend since 1989, notwithstanding the fact that there is an appreciable increase in the population of the country. From 1.2 per cent during 1989, the share of Juvenile crimes has steadily gone down. It recorded the lowest at 0.5 per cent during 1994 but increased marginally to 0.6 per cent during 1995 and 1996. It again went down to 0.5 per cent during 1997 to 1999.

### (b) SLL Crimes

A total of 5569 cases of Juvenile Delinquency under SLL were reported during 1999 against 6007 cases in 1998, thereby registering a decline of 7.3 per cent in 1999 over 1998. The cases registered under following Acts declined drastically: Immoral Traffic Prevention Act (67.0%), Gambling Act (59.2%), Prohibition Act (44.2%) and Excise Act (39.0%). Cases registered under Forest Act witnessed spurt as 5 cases reported in 1998 went upto 73 cases in 1999, showing 1360.0% increase in 1999. similar to Forest Act, the cases registered under Indian Railways Act during 1999 showed phenomenal rise of 600.0 per cent.

## VI. PRAYAS' EXPERIMENT

**Prayas Juvenile Aid (Society) project** was established in 1988 as a joint initiative of Delhi Police, Delhi School of Social Work and erstwhile Shramik Vidya Peeth, in response to a devastating fire in one of the slum areas in North Delhi at Jahangirpuri re-settlement colony. The fire had left a large number of children in a state of shock and complete destitution. From a beginning with 25 children, today Prayas caters to the needs of nearly 50,000 neglected, street and working children in the slum areas in Delhi, and also the project in Gujarat and Bihar.

Since its inception, Prayas has tried to restore childhood to all those children who are on the brink of starvation and deprivation. Children that Prayas works for are those fighting their daily battle for survival as rag pickers, shoeshine boys, street vendors, domestic helpers or even beggars. They are children living on and off the streets at the mercy of the elements of nature, criminals and drug addicts. Many of these children are subjected to violence, abuse and exploitation followed by disorientation and delinquency ending up in a life of abandonment and social alienation. The number of such children in the National Capital Territory (NCT) of Delhi is estimated to be about 0.5 million, the slum population having numerous such children, being nearly 40.2 percent of the 14 million people inhabiting Delhi.

#### **(A) INSTITUTIONAL CARE: PRAYAS EXPERIENCE**

- (i) **Observation Home for Boys:** Following a series of serious incidence in the Government Homes and the recommendation by a High Powered Committee, the Govt. of NCT of Delhi transferred the management of one such Custodial Home to Prayas. Despite having no experience of running Homes in the past, Prayas successfully took up this challenge since no other NGO was prepared to take up this onerous task. This was a turning point in the history of institutional care in Delhi and an opportunity for learning and experience for Prayas. This also turned out to be an experiment and a testing ground for the changes in the Juvenile Justice Act, 2000 to be implemented at the national level.

Prayas was formally handed over the management of this Custodial Home in July 1997. This Home caters to the needs of about 175 children at a time in the age group of 6-18 years. Ever since the management of this Home was taken over by Prayas, there has been a complete transformation in the over all environment within the Home. The physical infrastructure within the Home has been renovated and the home conditions for children have drastically improved. Children are being provided regular health check ups, non-formal education, recreation, counselling and vocational training. There is complete transparency within the Home in terms of free entry and exit of visitors. Children are taken out regularly on picnics, educational tours, etc. They also participate in painting and sports competitions and win prizes. Prayas has successfully converted the ‘children’s jail’ into perhaps the best-known child- friendly Government home in the country.

The impact of Prayas’ experiment on institutional care has been so effective that this Home is considered to be a model Home for pre-delinquent and neglected children. The government, on the basis of the success story of Prayas, has decided to transfer many such Homes to NGOs like Prayas.

On the basis of this experiment, Prayas has also created an impact on the government’s policy on reformulating the Juvenile Justice Act, 1986. Many of the lacunae within the Act came into the fore primarily from Prayas’ methods of working, taking into consideration the best interests of children. During the course of running this Home, Prayas strongly felt the need for certain modifications within the Act, like the composition of the Juvenile Courts and Boards introducing fundamental changes like privatization of homes, etc. for child friendly strategies for the care and protection of children, the need for redefining the concepts of neglect and delinquency, as given in the Juvenile Justice Act of 1986.

**National Consultation on Juvenile Homes: Status and Strategies** was organized in July 1999, in order to discuss and deliberate on issues pertaining to such homes. In the Consultation, about 60 participants from different parts of the country participated, a new concept of shelter home as drop-in-centre, different from the ones generally accepted, was mooted by Prayas. This paved the way for further thought to be given into this whole issue of institutionalization of children, keeping in mind the perspective of the rights of the child as formulated in the UN Convention on the rights of Child. Several recommendations made, have now become part of new Juvenile Justice (Care & Protection of Children) Act, 2000 and national policy like setting up National Consultation for children.

- (ii) Prayas JAC gradually emerged into a full-fledged Children's Home, which is located in Jahangirpuri, North Delhi. The Home was inaugurated in January 1999 which caters to the needs of 200 children in the age group of 6-18 years on a regular basis through the provision of shelter, food, non-formal education, recreation, counselling, health care and vocational training. It also covers many more children who come to the home for a shorter period, now provided shelter within the new Juvenile Justice Act, 2000. This drop-in-centre is a convergence of the institutional and non-institutional approaches, wherein the child's rights to freedom of movement and place of residence is respected.
- (iii) The Shelter Home for Girls is an important component of the model project supported by NORAD at the Prayas Institute of Juvenile Justice at Tughlakabad. This Home provides facilities of shelter, food, non-formal education, recreation, counselling, health care and vocational training to about 60 girls in the age group of 6-18 years. Most of the girls in the home come from extremely difficult backgrounds, including some from Delhi's red light area. A unique feature of this home is that all girls are made to stay together, despite their varied backgrounds and socio-economic status. Some of them are in a state of complete trauma when they come to the home, but eventually come out of it through the interventions made by trained counsellors and social workers. About fifty per cent of these girls in this home have been admitted into regular schools and their performance in the school is being regularly monitored. The home provides facilities for group therapy, music and play and other forms of therapeutic interventions to be able to restore the confidence among girls. This shelter home has been recognized on the best place for trafficked girls and cases are even referred by Hon'ble Delhi High Court also.

## **INSTITUTE OF JUVENILE JUSTICE**

The Institute of Juvenile Justice (IJJ), the only Institution of its type in the country, is also the apex unit of Prayas. It directly serves all Prayas projects located in different parts of the slums of Delhi, besides other projects in Bihar and Gujarat.

The Institute organizes training programmes, workshops, national and regional consultations on various aspects of juvenile justice, child rights, child trafficking, etc. The main objectives of Institute of Juvenile Justice are as under:

- a) To conduct survey, research and studies on the socio-economic, emotional and legal status of the neglected and delinquent children within the broader meaning of Juvenile Justice system.

- b) To clearly define and conceptualize respective roles of the various components of the Juvenile Justice system including police, Juvenile Justice Board Child Welfare Committee, functionaries of Home, NGOs and social workers etc.
- c) To create awareness, advocate and lobby for the implementation of the existing provisions of the Juvenile Justice Act in accordance with the Prayas experiments and to also advocate amendments in the law wherever required.
- d) Sensitization, training and orientation of the governmental and non-governmental functionaries including the courts and boards on matters pertaining to Child Rights.
- e) Documentation and publication of studies and experience, particularly the model experiments in the field of rights of child and Juvenile justice, trafficking, child and labour, women empowerment and girl child etc.
- f) Networking amongst governmental organizations, particularly the components of Juvenile Justice System and the NGOs to generate and create a common platform to promote the best interest of the child within the larger meaning of Juvenile Justice.
- g) To relate United Nation Convention on the rights of child and the minimum standards for juvenile care as enshrined in the 'Beijing Rules' for Juvenile care and justice with particular reference to the Prayas model and experiments.

## **PRAYAS' IMPACT ON POLICY CHANGES**

One of the strengths of Prayas has been its capacity to influence policy changes at the macro level based on the experience of direct intervention projects. Prayas has made valuable contributions in the policy changes. And it will continue to do so in the future as well. The areas in which Prayas has been able to influence such changes are:

- **Juvenile Justice System**

Prayas has been able to influence the juvenile justice system in the country in a big way. The Juvenile Justice Act of 1986 was criticized vehemently for not being a child friendly Act and for taking into consideration the best interests of the child. The Observation Home for Boys at Delhi gate, run by Prayas, created an example of a successful experiment on custodial institutional care, and established that the JJ Act did not incorporate some of the core elements of custodial care and did not treat children differently from adults.

Prayas was instrumental in the re-enactment of the Juvenile Justice Act of 1986 and was involved in the entire drafting of the new Act, which has brought about fundamental changes in the concepts of children in the Country. The concept of delinquent children in the earlier JJ Act was changed to children in conflict with law in the new Act, primarily for the reason that Prayas made it clear that children were not delinquents but were forced into delinquency by the environment around them. The new Act called the Juvenile Justice (Care and Protection of Children) Act, 2000 was passed by the Parliament on 30<sup>th</sup> December 2000. Prayas has also primarily drafted the Model Rules framed under the Act. The new Juvenile Justice (Care & Protection of Children) Act, 2000 was promulgated on 1<sup>st</sup> April 2001 and

the Model Rules on 22<sup>nd</sup> June 2001. Prayas would remain in the forefront in implementing the law in the country. This has been a major contribution of Prayas.

- **National Commission for Children**

Prayas has been actively involved in the formulation of the draft bill of National Commission for Children with the Department of Women and Child Development, Ministry of HRD, Government of India. It will be a statutory body which will take a holistic overview of all children issues including those that are being dealt with by a number of Ministries at the Central and State Level. The commission will monitor and evaluate the status of safeguards provided to children constitutionally, legally or otherwise, and advise the Government from time to time on steps and measures to be taken. Prayas made 15 suggestions and almost all suggestions were incorporated in the draft bill giving the entire thing altogether a different perspective to its shape and character.

- Prayas was the key organisation to organise the workshop to assess the impact of the National Level Action Plan on Trafficking prepared by the Department of Women and Child Development, Ministry of HRD, Government of India. The workshop came to the conclusion that not even one tenth of the action plan was implemented in the state. It also made certain recommendations to the Government, on which serious concern was expressed. The Hon'ble Delhi High Court is likely to direct the central government to designate Prayas as nodal national agency for addressing the issues of trafficking of girl child.

- **Collaboration and Networking**

One of the objectives of setting up the Institute of Juvenile Justice is to create a system and enhance the physical framework i.e. infrastructure which is extremely inadequate, for capacity building of other NGOs. Prayas' strength lies in its capacity to network with the government as well as non-governmental organization. In this process, it has been able to participate with the government at the policy formulation level and also help other NGOs working in the field of child rights, child labour and juvenile justice. The prime objective is to create a real time multiple partnership amongst the Government, voluntary organizations and corporate sectors to address the problem of childs, protection, survival/Justice and development

Prayas' networking with NGOs has also been fairly strong and effective. Prayas is one of the founder members of the Delhi NGO Forum for Street and Working Children, which has a membership of 20 leading NGOs of Delhi. Prayas conducts workshops and training programmes for the NGO Forum on issues related to child labour, non-formal education, etc. Prayas has been conducting regular training programmes for MCD school teachers, Caretakers and on behalf of the NGO Forum. Prayas also works in partnership with four Delhi-based NGOs in running the childline project.

## **Advocacy**

In addition to Juvenile justice reform Prayas role in influencing policies on trafficking, the union budget allocation for education and at the state government level with the MCD

school system and Shelter Homes and at the project level with bureaucrats and politicians through Lokshala activities in particular has been effective.

Sensitization of influential policymakers like union ministers through inviting them to Kala Shrishti functions and securing visibility to children's issue through media, celebrities and cultural events are other successful aspects of Prayas advocacy efforts.

### **Capacity Building**

Training of police officials and school-teachers of MCD and in-house capacity building programmes have been successfully accomplished by Prayas. Consequently NORAD Mid-term Report highlighted Prayas' achievement in being an organization with the rare combination of professionalism, complex structures and multifarious programmes as well as individual enthusiasm and motivation.