

Juvenile Neglect & Delinquency in India: Situational Analysis

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DIMENSIONS OF THE PROBLEM

Nearly 40 percent of India's population i.e., over 420 millions happen to be below 18 years of age and despite all progress and socio-economic changes, at least 100 million are deprived in some form. According to 1991 census there were 297 million children in the age group of 10 to 14 years, of whom 203 million were in the age group of 5 to 14 years, coinciding with the school going age. The Fifth Education Survey of India reported about the same time about 112 million children enrolled in the formal school system, in the age group of 5 to 14 years and 7 million in the non-formal system leaving about 84 million children out of school system. That being the situation in early 90's and 13 million being added every year to the child population, now with the legal (J.J. Act) definition of the child going up to 18 years, the number of non-school going children must have crossed the 100 million mark, i.e., India's 1/10th of population. Most of these children, incidentally, are in various situations of neglect, deprived of their childhood, education, health, food, shelter and clothes, consequently, their basic needs and rights not being fulfilled.

DELINQUENCY: AN OFFSHOOT OF NEGLECT

Analyses of various causative situations indicate that the factors for neglect and delinquency are mostly common. In most of the crimes, neglected children (children in need of care & protection) turn delinquents (Juveniles in conflict with law) on account of various socio-economic and psychological factors. Poverty, broken homes, urbanization coupled with migration, breakdown of social values and joint family system, excesses and abuses by parents or guardians, faulty educational system, the influence of media besides the specific reasons of slums and such other deprived conditions, explain the phenomenon of juvenile delinquency. The neglect of children by their parents, family, society and the nation, create detrimental affect on their growth and personality. Unhealthy living conditions and the given circumstances of abuse and exploitation of such children, inevitably, result in delinquency. To that extent, the delinquency needs to be considered to be a direct offshoot of neglect. In the Indian context, most of the factors causing delinquency are in plenty and any attempt to prevent and control them has to be related to the overall situation and the larger issues confronting our country and the society.

DEFINITION OF JUVENILE DELINQUENCY

Children's behavior, for a wide variety of law and norm-violating activities, described as Juvenile Delinquency, are also considered as forms of social, psychological and legal deviance. Delinquency is a 'behavior against the law or the criminal code committed by an individual who has not reached adulthood' (Bartol, 1999)¹. Social definition of delinquency consists of myriad youthful activities considered inappropriate, such as aggressive behavior, truancy, petty theft, vandalism, or drug abuse. Psychological definitions of delinquency include disorderly conduct and anti-social behavior. Legally, a juvenile delinquent is one who commits an act defined by law as illegal and whom an appropriate court adjudicates as a 'delinquent'. The legal definition of a child,

¹ Bartol R. Curt, (1999), Criminal Behaviour, A Psychological Approach, Fifth Edition, Printice Hall, New Jersey.

following the most accepted U.N. Instrument, United Nations Convention of the Rights of child, 1989 (UNCRC, 89) is now restricted to persons up to eighteen years of age.

The juvenile delinquent is now redefined u/s 2 (1) of the re-enacted juvenile justice [care & protection of children] Act, 2000 as 'juvenile in conflict with law' meaning a juvenile (or a child who has not completed 18 years of age) alleged to have committed an offence. The meaning of offence would obviously be the same as given in the Indian Penal Code, local and special laws and the Indian Code of Criminal Procedure.

CHILD NEGLECT IN INDIA

The term 'neglected juvenile' may be used to simply connote a child or youth treated carelessly or without being bestowed due notice. The negligence could be on the part of those who are under social, moral or legal duty to exercise such care or protection of the juvenile. The re-enacted comprehensive law for children, however, proposes to set the legal and popular meanings and distinctions between the 'juvenile' and the 'child' for their appropriate treatment under Section 2 (d) of the JJ Act. It now redefines the neglected child as a 'child in need of care and protection'. Such children may be those, (i) without any home or settled place or abode or having ostensible means of subsistence, (ii) residing with a person (including guardian) who has threatened to kill or injure the child and there is reasonable likelihood of the threat being carried out, or has killed, abused or neglected some other child or children and thus there is reasonable likelihood in respect of other children, (iii) mentally or physically challenged, ailing or suffering from terminal or incurable diseases, (iv) having parent or guardian unfit or incapacitated to exercise control, (v) not having parents or someone willing to take care or abandoned by parents, or missing or run-away children whose parents cannot be found after reasonable enquiry, (vi) found vulnerable or likely to be indulged in drug abuse or trafficking, (viii) being or likely to be abused for unconscionable gains, (ix) victim of armed conflict or civil commotion or natural calamity.

Juvenile Justice (Care & Protection of Children) Act, 2000 is not only a blueprint for providing a holistic Juvenile Justice mechanism in India but also to provide a child care system. It sharply contrasts with the 'criminal justice system', which is meant for the adults i.e. those above 18 years of age. It clearly specifies that a delinquent juvenile cannot be treated in the same manner as an adult criminal. Essentially, it is dual in nature as it deals simultaneously with children in need of care and protection (neglected) and juveniles in conflict with law (delinquent), presumably, with the hidden presumption that they are one and the same.

EXTENT OF JUVENILE DELINQUENCY IN INDIA

Despite such a huge dimension of the problem, the analysis of the overall crimes in the country and the crimes committed by the juveniles (or children) indicates that the situation is not so grim as often projected. The percentage of delinquency in total crimes is in fact quite low in our country when compared to other countries, particularly the affluent ones. This also gives a clue to the fact that poverty is, perhaps, not the most powerful factor behind juvenile delinquency. In fact, very few children even under conditions of extreme socio-economic hardships & deprivation actually turn delinquents. The children in India, compared to their counterparts in the western world, are far more tolerant and resilient and they do not jump into crimes straightway, as often believed.

The table below gives a clear picture of the incidence and rate of juvenile delinquency in India under the Indian Penal Code and Special & Local Laws during the period 1992-2002.

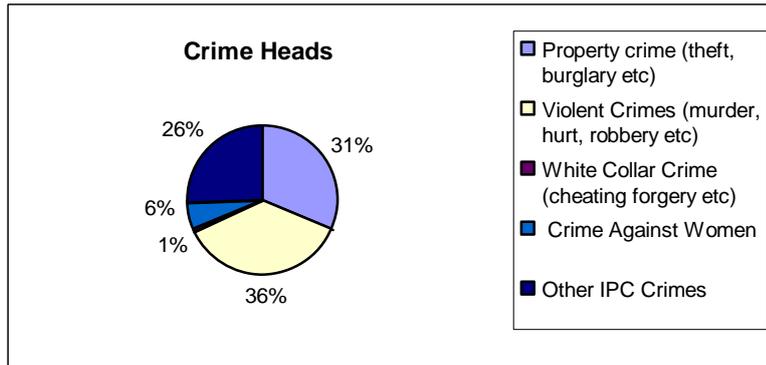
Juvenile Delinquency

Year	Juvenile Crime	Total Crime	Percentage of Juvenile Crimes to total crimes	Juvenile boys	Apprehended girls	Total
1992	11100	1689341	0.7	17474	3884	21358
1993	9465	1629936	0.6	16391	3676	20067
1994	8561	1635251	0.5	13852	3351	17203
1995	9766	1695696	0.6	14542	4251	18793
1996	10024	1709576	0.6	14068	5030	19098
1997	7909	1719820	0.5	14282	3514	17796
1998	9352	1778815	0.5	13974	4949	18923
1999	8888	1764629	0.5	13088	5372	18460
2000	9267	1771084	0.5	13854	4128	17982
2001	10509	1769308	0.9	31295	2333	33628
2002	18560	1780330	1.0	33551	2228	35779

The above incidence of the juvenile crimes in comparison to the total number of crimes in the country presents a peculiar scenario. During the period, population and development process have kept going up, both supposed to be contributory criminogenic factors. However, contrary to expectations, juvenile crimes shown notable decline both in absolute terms & in juvenile IPC crimes in ratio to the total crimes. In 1991, the percentage of such crimes was 0.8 of the total crimes whereas in 2000 it was just 0.5 per cent. However, in 2001 this share marginally rose to 0.9% and to 1.0 in the year 2002, which was still less than 1.2% of 1989, the highest during the past 15 years. This increase may be partly attributed to the inclusion of delinquent boys from 16 to 18 years following the JJ Act 2000. Yet another notable fact is the share of girls among those detained for juvenile offences. Which accounted for nearly a fourth of the total detentions.

This apart, the steady decline, except during the year 2002, in juvenile offences is somewhat perplexing. An enquiry from the concerned officials of National Crime Record Bureau revealed that it is mostly on account of the non-reporting of juvenile crimes to police. Most of the juvenile crimes, unfortunately, are still being clubbed with the general crimes, i.e., the juveniles in conflict with law are being arrested like ordinary criminals and also produced and proceeded in the courts meant for the adults. Besides the devastating impact it must be having on these children, this also gives a lopsided picture of the juvenile delinquency in the country. It is learnt that majority of juvenile crimes are being transferred by the concerned magistrates to juvenile courts subsequently when the decision is taken following the determination of the age of the juvenile. This is also in complete negation of both the Juvenile Justice Acts, 1986 and the amended law of 2000, since it is provided therein that errors could be committed in the interest of children but decidedly not against their interest, which is grossly happening.

Juveniles in India have been involved in different types of crimes. The broad analysis of juvenile delinquency in India in the year 2001 indicates the following trend.



The Juveniles, as indicated by the above diagram, were involved in the 16509 IPC cases, during the year 2001, of which 31.5% accounted for property crimes, including theft, burglary, robbery, etc., 36.5% violent crimes including murder, rape, hurt etc. There were 0.9% of White Collar Crimes including cheating, forgery etc., 5.6% Crime against women and 25.6% constitute of other IPC Crimes.

JUVENILE DELINQUENCY: SOME CAUSATIVE THEORIES

As indicated earlier, the most important factor leading to delinquency is neglect. The neglected and the delinquent children cannot be regarded as two exclusive and separate entities and hence they need to be considered together. This is why the Juvenile Justice Act/ System caters to both of them giving similar priority. The analyses of the various causative situations indicate that the factors for neglect and delinquency are mostly common.

The unhealthy living conditions and given situations of abuse and exploitation of children, inevitably, results in delinquency. To that extent, the delinquency must be considered to be the concomitant, almost a direct result of neglect.

A multitude of other factors also contribute to the understanding of what leads someone to engage in a delinquent behavior. We need to examine different factors i.e. social, family & peer pressure, demographic features and crime prone neighborhoods, negative attitudes of the Police, Court and Juvenile agencies, Cultural & Traditional mores, those are applicable within the theories of crime causation. Families, peers, schools, the proximate community and socio-economic status are all relevant social factors that are examined in many of the crime causal theories. All these features are can be found in abundance in the Indian scenario of Juvenile neglect & delinquency, and they need to be tackled.

TACKLING OF JUVENILE DELINQUENCY

Traditional responses to the problem of child neglect, destitution and deviant behavior has been institutional care that tends to substitute family care in a residential setting. It also excludes the group care in a community setting or in the group of unrelated adults and unrelated children. Thus the institutional care is likely to deprive the child of emotional and social support. It is estimated that Government spends approximately Rs.7.5 crores annually on institutional care, which is extremely inadequate, almost peanuts, considering the fact that there are estimated 35 million children in situations of neglect in the country and couple of lakh juveniles in conflict with law. The institutional care system for all these children/juveniles, put together, are not more than for 35-40 thousand of them.

Given the high costs, negative impact of institutional care and increasing numbers of Children in Especially Difficult Circumstances (CEDC), Programme responses need to be sensitive to all

these factors while addressing the concerns of CEDC. Priority need is change in policy emphasis from institutionalization to interventions for prevention and, second, a Programme approach that promotes community based, family focused non-institutional services for CEDC. It is being increasingly recognized today, that problems of child destitution, abandonment and delinquency can best be tackled within the social mainstream and ideally within the family. Services designed to help children need to be oriented towards alleviating family stress, prevent family breakdown and eventual destitution of children.

The main thrust of non-institutional services has to be:

- a) Providing supportive family-based and community-based services with the main emphasis on prevention of destitution of children.
- b) Creating facilities in the communities and families for reinstating a destitute child back in his / her natural environment and thus preventing institutionalization. These approaches reinforce the much-repeated maxim that a family is the best place for a child to grow up in.

JUVENILE JUSTICE SYSTEM IN INDIA

The genesis of Justice Juvenile System can be traced to the Apprentices Act (1850) under which the Magistrates were empowered to commit children between 10-18 years of age as Apprentices to employers and regulate their relations. The Indian Penal Code (1860) fully or partly exempts children under 7 years and under 7-12 years respectively from criminal liability (S. 82, 83). The Reformatory School Acts (1876/1897) empowered local Government to establish Reformatory Schools/Institutions and detain boys for a period between 2 to 7 years and also prepare them for future employment. The Code of Criminal Procedure Code (1898) provides specialized treatment for juvenile offenders (S. 29B) and the probation for good conduct (S. 562)

The Indian Jail Committee (1919-20) submitted a detailed report containing definite observations and recommendations on juvenile offenders. It condemned the practice of sending juveniles to jails 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 courts for hearing of cases against children violating law. It further contemplated the child's release on probation of good conduct with or without supervision of a probation officer as well as for after-release supervision. Much ahead of its time, these recommendations clearly laid the foundations of the Indian Juvenile Justice System. After Independence, the constitutional provisions inspired the developments in the field of juvenile justice. 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, moral and material abandonment. Article 45 says that State shall endeavor to provide free and compulsory education for all children until they complete the age of fourteen years. Keeping in view the Fundamental Rights and Directive Principles embodied in the Constitution of India, several provinces enacted their Children Acts. In that series, West Bengal enacted a new Children Act in 1959, introducing some innovative provisions and 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 attached to conviction. The Government of India also enacted the Central Children Act, 1960 for the Union Territories, which was also supposed to

serve as the model legislation for other provinces, to deal with the destitute and delinquent children separately through specialized institutions.

By 1986, all 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 lack of uniformity in the provisions made in various Acts. The United National Declaration of the Rights of the Child preceded the Children Act of 1960 in 1959. Concepts became more refined and the UN General Assembly in 1985 under Beijing Rules, redefining the need for the basic minimum standards, which was followed by the Juvenile Justice Act, 1986 in India, adopted the juvenile justice. Despite this national legislation in India, no minimum standards for basic needs, living conditions, therapeutic services, etc., were being maintained. These gaps, our constitutional and national policy commitments and international conventions including UNCRC, 1989, necessitated re-enacting the vastly modified JJ (Care and Protection of children) Act 2000.

JUVENILE JUSTICE (Care and Protection of Children) ACT, 2000

As mentioned, 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 in need of Care & Protection known as neglected children and Juveniles in conflict with law known as delinquent 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 the international obligations, the Govt. of India enacted the Juvenile Justice (Care and Protection of Children) Act, 2000, which is now required to be implemented all over the country in letter and spirit.

The new Juvenile Justice (Care and Protection of Children) Act, 2000 incorporates the provisions of (i) the Indian Constitution; (ii) the United Nations Convention on Rights of the Child, 1989; (iii) the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules); and (iv) the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990.

Juvenile Justice Act, 2000, is a big leap forward in terms of being a progressive and pro-active legislation for care, protection, treatment and rehabilitation of child in need of care and protection and juveniles in conflict with law. It is a comprehensive legislation for justice to the children in the situations of abuse, exploitation and social maladjustment. The Act provides for safety and security from abandonment and for development of character and personality of the Juveniles to become useful citizens of the country. It enjoins on the states to make provisions for proper care, treatment, development and rehabilitation of the children/juveniles. It also calls upon the state to develop network with the voluntary organizations working in various fields of child welfare to come forward and shoulder the responsibility along with the state to further the care of child in need of care and protection and juvenile in conflict with law.

The institutions under the new Act are supposed to provide safety, care and protection and also develop character and personality of the children/juveniles. The institutions provided under the Act, namely, Observation Homes, Special Homes, Children's Homes, Shelters cum Dropping centers and After Care Homes, have to develop suitable programmes and activities to serve the same purpose. The institutions can be either run by the government or by the non-governmental organizations, independently or together, to provide congenial atmosphere for the holistic development of children/juveniles. The voluntary organizations/institutions can be declared 'fit institutions' to take care of such children/juveniles and to undertake all programmes relating to the act.

SALIENT FEATURES OF JJ ACT

- The age for boys and girls has been uniformly raised to 18 years in accordance with the UN CRC 1989.
- It deals separately with 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 is found in difficult circumstances and is in endangered for survival and growth. The ‘juvenile in conflict with law’ is that juvenile who is alleged to have committed an offence. The Act provides separate treatment for the two categories of children in the matter of institutional care, legal adjudication and disposition of cases.
- The ‘Competent Authority’ in relation to ‘child in need of care and protection’ is Child Welfare Committee and in relation to ‘juvenile in conflict with law’ is Juvenile Justice Board, which has been given magisterial powers.
- The social workers and the representatives of the NGOs having prescribed qualifications under the Act can now become members 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 Homes. While the Shelter Home and the After-Care Organizations may be established for juveniles as well as children.
- Role of Panchayati Raj institutions and Local Municipal 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 Homes. The Local Bodies have role in nominating the members of the Competent Authority.
- The representatives of voluntary organizations and social workers can become members of Advisory Committee.
- New modes of dispositional alternatives (i.e. punishment in the common parlance), like counselling and community services have been incorporated for the juveniles in accordance with the Beijing Rules.
- A new chapter on ‘rehabilitation and social re-integration’ comprising adoption, foster care and sponsorship has been added.
- The police have been assigned specialized role in accordance with the Beijing Rules. Special Juvenile Police Units have to be set-up in every district & at police stations suitable officers have to be designated as Child/Juvenile Welfare Officers assisted by two voluntary social workers.
- A new concept of Social Audit has been introduced in accordance with Beijing Rules.
- Besides the police and the ‘child help line’ the social workers and the voluntary organizations have a role to play in production of children before the Child Welfare Committee & Juvenile justice Board.
- A child himself/herself can appear before the Competent Authority and demand his/her rights.
- Juvenile/child cannot be kept in police lock-up or jail or handcuffed.
- No juvenile can be sentenced to death or awarded life imprisonment. In fact, for all practical purposes the only custody can be in a special home up to 18 years.
- Ordinarily, the JJB shall release the juvenile on warning, bail or probation, Institutionalization being the last resort.

PRODUCTION & TREATMENT OF CHILDREN/JUVENILES

- **Juvenile Welfare Officer**
- **Special juvenile police Unit**
- **Social workers & Public servants & spirited citizens**
- **Child himself**
- **Childline & Voluntary organizations**
- **To be produced before JJB/CWC within 24 hours**
- **Parents & Probation Officer to be associated**
- **Inquiry to complete by JJB/CWC within 4 months**



CRIME AGAINST CHILDREN

- ⇒ **Punishment for cruelty**– Imprisonment for a term of six months or fine, or both
- ⇒ **Employment for begging** – Imprisonment up to three years and also fine
- ⇒ **Penalty for giving psychotropic substances** – Imprisonment up to three years and also fine
- ⇒ **Exploitation of child employee** – Imprisonment up to three years and also fine
- ⇒ **Crime against Children cognizable offence, hence**
 - On receipt of complain police may arrest the victimizer
 - Police must file FIR
 - Police should get child released in protective care



PROTECTION

- Handling by special juvenile police
- Handcuffing of juvenile/child prohibited
- Police not to be in uniform
- Child / juvenile can't be kept in jail or lock-up
- Crimes against children are cognizable offence
- No death penalty or life imprisonment
- Proceeding are informal, participatory and private
- Erasing record of juvenile after 7 years
- Parents involved in Juvenile process
- Right to free legal aid
- No joint trial of juvenile with adult
- Safeguards U/Ss 82 and 83 IPC
- Identity Juvenile cannot be released to media



JUVENILE JUSTICE CYCLE

- **C** OMMUNITY
- **A** PPREHENSION
- **P** RODUCTION
- **I** NSTITUTION
- **A** DJUDICATION
- **D** ISPOSAL
- **R** EHABILITATION



INSTITUTIONS

The preamble of the JJ Act, 2000 is very comprehensive which enumerates needs for proper care, protection and treatment of the juveniles / children and caters to their rehabilitative and developmental needs while adopting a child family approach. The final disposal / dispositions / rehabilitation through various institutions established under this Act has to be in the best interest of the juvenile / child. The Act provides to establish and maintain Observation Homes (Section

8), Special Homes (Section 9), Children's Homes (Section 34), Shelter Homes (Section 37) and After-Care Organizations (Section 44), either by the Government itself or under an agreement with the voluntary organizations, in every district or groups of districts. Besides this, the Act also provides for certification and recognition of private homes. The Government may recognize even the reputed and capable voluntary organizations and provide them assistance to set up and administer all types of Homes under The Act. The Shelter Homes could also be set up either for the released 'juveniles in conflict with law' or for 'children in need of care and protection'.

For the children in the need of care and protection, the short-term homes are to be called 'Shelter Homes' to be entirely run by NGOs and the long-term 'Children's Homes' which may be run both by the Government and the NGOs. Most of the homes for such children may now be set up, managed and looked after by the voluntary organizations. The responsibility is, however, cast on the State Governments to create requisite/minimum number of homes, i.e., at least one Juvenile/Special home/observative home and children's home for each district or group of districts. Some changes needs to be brought in the law in respect of the institutions in order to fill the gaps. For instance, 'Observation Homes' earlier made for neglected children are now to become Short-Term Homes for the Juveniles in conflict with law. 'Special Homes', however, remain long-term institutions for juveniles in conflict with law.

MANAGEMENT OF HOMES

The management of the Homes is the true indicator of the spirit of Juvenile Justice Act being followed. It is the Home where the purpose of the Act is either achieved or defeated. True to the expression, there should be family like environment in the Homes and the juveniles should be treated with humane approach, love and affection. The approach of treating the juveniles must be distinctly child friendly. The Home must have sufficient facilities and opportunities for the growth and development of character and personality of the juveniles. The treatment of the juvenile should lead to reform them of their mistakes and inculcate in them some values which can help them become good citizens and social beings. For effective management, the Home must have certain set of rules, procedures and daily routine.

The available studies, however, show that there are very few Homes in the country that attends to even the fringe of the problem. The official records point to the fact the living conditions in the Homes are pathetic and inhuman. So much so that several Public Interest Litigations (PILs) were filed in Supreme Court, in Delhi High Court and Patna High Court, etc., against the prevailing conditions of the Homes exposing and pointing out glaring inadequacies. These PILs have brought in some improvements, but they are not significant.

The entire situation seems to be a paradoxical. On the one hand, there is a need for more residential institutions for children, while on the other, the existing institution are not providing proper services and environment as per the objectives and provisions of the J.J. Act, 2000/Rules framed hereunder. The homes continue to be run and managed like prisons for both, the children in need of care and protection and for juveniles in conflict with law.

JUVENILE JUSTICE BOARD& CHILD WELFARE COMMITTEE

The Juvenile Justice Board is constituted with one Principal Magistrate and two social workers as members.

The powers of the Board are mentioned in the table given below:

Sr. No.	Powers of Juvenile Justice Board/Dispositions
1	Release or bail.
2	Release the juvenile on supervision.
3	Send the juvenile to special home.
4	Release on probation of good conduct.
5	Order the parent to pay fine.
6	Can take action against the exploiter.
7	Complete the enquiry within 4 months.
8	Place the children in adoption and foster care.
9	Order the juvenile to perform community services.
10	Order to send a juvenile to observation home.
11	Release after advice or admonition following inquiry and counselling.
12	To hold enquiry through probation officers or recognized voluntary organization.

The Principal Magistrate is drawn from the judiciary who needs to undergo training in child psychology or child development before or during his / her tenure as the Principal Magistrate member of the Board. The two social workers have also been vested with equal powers and in any final decision the majority prevails. This means the two social workers can also overrule the decision of the Principal Magistrate.

Similarly, the competent authority for 'Children in need of Care & Protection' is child welfare committee with all powers, entirely constituted by qualified and experienced Social Workers. They are expected to conduct Statutory Enquiries and pass orders for care, protection and rehabilitation of children, besides for Social Reintegration, as provided under the Act. To prevent any misuse or abuse of authority and failings on the part of individual the Act provides a clause for termination of the services of members of the Board under certain conditions.

EXISTING INFRASTRUCTURE

Despite lapse of nearly 17 years since Juvenile Justice Act, 1986, was enforced and now amended, creating a blueprint for child welfare in the country, the implementation of the law and the infrastructure created was not more than 30 per cent of the requisite when the law was re-enacted in 2000. The infrastructure available for the 2 categories of children in different parts of the country was still most inadequate. As against 596 Revenue districts (704 police districts) in the country, till recently-as per the information from the Ministry of Social Justice & Empowerment, there were only 280 observation homes, 36 special homes and 46 after-care homes. Only 189 juvenile courts and less than half, Juvenile Welfare Boards were constituted. The total coverage for all categories of children was just about 36,500. The situation has not altered much even now.

Under the 1986 Act, the Juvenile courts, Juvenile Welfare Boards, Police and various functionaries of the Juvenile Justice system mostly performed 'against the best interest of the children'. The conditions of the homes continue to be pathetic despite all legal provisions. The provisions like 'fit persons', 'fit institutions' and 'place of safety', etc., given in the J.J. Act 1986, have mostly remained on paper, and association of voluntary organizations and individual social workers has been negligible.

PRAYAS, JUVENILE AID CENTRE SOCIETY: AS NGO MODEL IN JUVENILE JUSTICE CARE

In this background, it is appropriate to mention that Prayas an organization started with the help of Delhi Police in 1988, now runs several sustainable and replicable services for the disadvantaged,

neglected and delinquent children in Delhi, Gujarat and Bihar. Prayas is able to access nearly 50,000 children in the city of Delhi alone while providing alternative education to nearly 10,000 of them through 150 slum based centers and 21 vocational training centers to provide occupational skills. It offers a wide range of need-based non-institutional services, such as, Childline (toll-free1098), Mobile Health Service, Jan Shikshan Sansthan (vocational training) etc. Prayas, either directly or in collaboration with dozens of partner organisations, is running multiple community based projects in the three states, which cater to the requirements of the neglected and delinquent children besides the youth and the impoverished women through hundreds of SHG-IGP-Micro Credit Programs.

In keeping with the provisions of the JJ Act, 2000, Prayas offers and manages several institutional services in Delhi that are recognized by government authorities. These are: (a) Children's Home for Boys, Jehangirpuri and (b) Shelter Home for Girls, Tughlakabad- both in the nature of Drop-in homes with multiple rehabilitative activities; (c) Prayas Observation Home for Boys, Firoz Shah Kotla, the governments remand home for delinquent children. Prayas has also set up chapters in the states of Bihar (Prayas centres in Motihari, Nalanda, Samastipur and Bagaha) and Gujarat (36 villages of Bhachau in Kutch district). In the states of Bihar and Jharkhand, Prayas is also running the statutory Voluntary Coordinating Agency (VCA) to regulate, promote and co-ordinate the Adoptions, which, along with Foster Care and Sponsorship Programs, which is considered to be the best process of rehabilitation and social reintegration. Prayas Institute of Juvenile Justice (IJJ) has been organizing programmes for training, advocacy, awareness and community sensitizations while networking with multitudes of governmental and non-governmental functionaries and voluntary workers.

Under its multifaceted interventions, Prayas has collaborated with and enjoyed the support of thousands of individuals and organizations. Conscientious citizens, private trusts, foundations and business corporations have chipped in to participate in this child-focused movement in the voluntary sector. This apart, since the beginning, all Prayas' activities, be it advocacy, research or social intervention, have revolved around the issues of rights and needs of the child and juvenile justice within its widest meaning. These children are victims of circumstances that hamper their mental and physical growth, deny them their childhood and force them to take to assorted and sometimes hazardous occupations. Fighting every day for their survival, they are made to fend for themselves and, in many cases, supplement their family income. While Prayas attempts to ensure their survival and protection, it systematically proceeds to develop their personality and make them full-fledged participants in the process of change and development. Some activities are as follows:

1. It caters to the basic needs of the children (food, clothing and shelter) in its institutions as well as those covered by its outreach program.
2. Provides psychological support and counselling to inculcate an urge amongst the children to give up negative habits and to lead a creative life.
3. Organizes educational programs in order to prepare them to become better, participatory and informed citizens.
4. Provides recreational facilities, including indoor and out-door games, library and audio-visual facility for achieving all round personality development.
5. Organizes instructive & vocational training programs that enable them to enter healthy and productive life.
6. Inculcates in the children a sense of dignity and social responsibility.
7. Liaison with schools and nearby institutions for networking and for providing better rehabilitation services to neglected/ delinquent children.

8. Conducts action-based research to gain insight into the issues relating to children and juveniles, and also takes follow-up programs.

CONCLUSION

By ensuring justice to the Juveniles/children we are also laying firm grounds for a just, fair and a child-friendly society. They, therefore, have to be provided with opportunities for proper care, treatment, development and social reintegration to become participatory citizens. There is yet another point craving for attention that supports the Juvenile Justice System. Children cannot approach the court of law for securing their rights so it becomes the legal, moral and social responsibility of the adult world, governmental and non-governmental systems and the conscientious citizens to guarantee the rights of the children and fulfill their basic needs. It is only when all their basic rights are vindicated that we can say that the objectives and provisions of the Juvenile Justice Act/System is truly achieved. In any case, juvenile justice system has, for most valid reasons, developed into a separate system of legal treatment and also of governance, since the needs, rights, aspirations and deprivations of the children are essentially different when compared to the adults.

Children are simply born as children- vulnerable and helpless, under the complete care of the parents, family, state and the society. Children are not born as neglected, destitute, orphaned or delinquent, it is the society and the circumstances around the child that make them such. In India, with 40% of population, that is, nearly 42 crores being below 18 years of age and nearly 10 crore non-school going children, deemed to be neglected, such children pose our greatest national challenge. They cast a moral obligation and also a legal binding, primarily through the J J Act, which creates substantial and procedural law for not only the child offenders, but also for the child victims of crime, abuse and exploitation, as clearly defined. The children being the much-publicized 'supreme assets' of the country, our commitment involves all sections of the society. Judicial and administrative bodies, civil society represented by millions of groups, initiatives and associations need to be sensitive to the Rights of the Child that has a legal dimension too. The voluntary organisations of all hues are also expected to consider the children as partners in their process of development and not as passive recipients of philanthropy. Although, police has a limited role under the J J Act, they still remain the prime movers of the system, and now in a positive form. They have to, thus, act as the protectors of the neglected children and those under difficult circumstances under the amended Law, and not continue to perceive them as just delinquents and a nuisance. In short, protection of Children's Rights is a concern of society at large and the most vulnerable categories of children are surely the neglected and delinquent whose rights are least protected.