



## **Rights of the Child and Juvenile Justice**

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*Paper presented in the National Consultation on "Realizing the Rights of the Child" on  
November 29-30,2000 organized by CASP in Mumbai*

# Rights of the Child and Juvenile Justice

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## Abstract

*The paper focuses on the Rights of the Child, which is by itself an international instrument and envelops a broad category of children. This paper identifies a variety of issues and a wide range of interventions that can be made by participating agencies in realizing the Rights of the Child. Police, as an institution cannot itself solve this colossal problem, having various manifestations and social implications in the context of the recent debate on the bill for amendment of the Juvenile Justice Act, 1986 and the UN Convention on the Rights of the Child. Given the multifaceted nature of the problem, an effective joint strategy needs to be developed through partnerships. The paper 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.

It is generally argued that juvenile delinquency which is a byproduct of juvenile neglect, is not unique to a particular caste, class or socio-economic group. Contrary to this, available official data indicates that the phenomenon is more common in the lower socio-economic groups.

According to an estimate, there are more than five lakh street children in Delhi. The government –run homes for street children fail to address the issue simply because they are run like 'jails'. The government has tried its bit, but the state-run homes have failed to deliver the goods, largely because of the extremely callous attitude of the people manning such homes. These homes need more transparency and accountability. NGOs have infused fresh blood into the juvenile homes because of their commitment to fulfill the rights of the child.

The juvenile justice system, apart from being a system of law and order, is a comprehensive system of justice in the context of fulfillment of the basic rights and needs of a child. The conviction that children are subjects, possessing rights, is central to the UN Convention on the Rights of the Child, 1989.

The rights as envisaged in the Convention, including rights to protection, survival, development and participation provide guidelines for strengthening the juvenile justice system in India of which the

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\*The founder General Secretary of Prayas, Mr. Kanth who was nominated as one of members of a High Powered Committee for investigation of reported custodial mismanagement in juvenile homes run by Delhi Government. He was also nominated as member of the Expert Committee set-up for the reformulation of the Juvenile Justice Act, constituted by the Union Ministry of Social Justice and Empowerment. Mr. Kanth is also a member of the National Committee of the Department of Women and Child Development, Government of India, which has been set-up to review the implementation of UN Convention on the Rights of Children.

government or non-government run homes are a necessary component. No systematic effort has been made in India to evolve a precise and comprehensive guideline for the administration of juveniles and management of such homes. Even the actions that could be included in the guidelines of administration of juveniles have not been precisely designed by practitioners and experts. Moreover, there is a very thin line of demarcation between 'neglected' and 'delinquent' children since the Juvenile Justice Act, 1986 fails to distinguish between these two categories of children. The bill for amendment of the Juvenile Justice Act is now on the anvil. Prayas has contributed meaningfully towards drafting of this bill.

In the Annual Report of the Ministry of Social Justice and Empowerment 1999, there are 189 Juvenile Courts and 271 Juvenile Welfare Boards in the country, having the largest concentration in seven States, namely, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan, Orissa and Uttar Pradesh. A general appraisal on the functioning of the system reveals that despite adoption of the Juvenile Justice Act, 1986 by almost all States and Union Territories of Indian Government (under section 62 of the Juvenile Justice Act), there are still quite a few States/UTs that have yet to constitute Juvenile Welfare Board and Juvenile Welfare Court as required under section 4 and 5 of the Act. Presently, 280 Observation Homes, 251 Juvenile Homes, 36 Special Homes and 46 After Care organizations are functioning all over the country under the framework of the Juvenile Justice system.

In States like Bihar and Madhya Pradesh, which reported high incidence of juvenile crimes under IPC during the year 1996 and, have, presumably the highest number of districts, the number of Homes are very few in number, being 28 and 25 respectively. It is very intriguing to find that despite the standards set by the Beijing Rules and the Juvenile Justice Act, 1986, some of the States were reported to have high pendency level in the disposal of apprehended juveniles, like Delhi (64.2%), Bihar (65.2%), West Bengal (71.4%), Haryana (62.9%). It is also relevant to find out that as compared to 1995, the recidivism shown by juvenile delinquents has increased from 8.2% in 1995 to 12.5% in 1996. In Mizoram, of the 137 juveniles arrested in 1996, 136 were old offenders. A record tendency among juvenile delinquents was noticed in the States of Bihar (40.3%), Delhi (16.1%). However, institutional care, training, development and rehabilitation facilities have not been made available uniformly. Considering the huge number of neglected children in the country, such homes are most inadequate. Yet practically, no effort has been made to associate and motivate the NGOs to create conducive conditions for the functioning of such homes and Prayas' effort is a unique in Delhi.

### ***Juvenile Justice System, Convention on the Rights of Child (CRC) and Beijing Rules: 'Blue-Print' of Child Welfare in India***

Juvenile Justice Act, 1986 *per se* is a progressive and pro-active legislation for the care, protection and development of children. It is seen as a comprehensive approach towards justice to children in situations of abuse, exploitation and social maladjustment.

Since the enactment of the law, the Indian government and several voluntary agencies have been involved with the issue of juvenile neglect and delinquency. The activities of these agencies and NGOs through programs of non-formal education, vocational training, health care, nutrition, counselling and guidance, restoration and rehabilitation to families or alternative agencies have been extremely meaningful.

### **The Convention on the Rights of the Child**

The Convention has broken all records as the most widely ratified human rights treaty in history. Its uniqueness stems from the fact that it is the first legally binding international instrument to incorporate the full range of human rights - children's civil and political, as well as their economic, social and cultural rights - thus giving all rights equal status.

In situations of exploitation, the Convention on the Rights of the Child (CRC) pronounces that children have the right to be protected from economic exploitation and from work that threatens their health, education or development. States shall set minimum ages for employment and regulate working conditions. Children have the right to protection from the use of narcotic and psychotropic substances, as well as from being involved in their production and distribution. The State shall protect children from sexual exploitation and abuse, including prostitution and involvement in pornography. The CRC stipulates that it is the State's obligation to make every effort to prevent the sale, trafficking and abduction of children.

Regarding the administration of 'Juvenile Justice', children who come in conflict with the law have the right to treatment that promotes their dignity and self-worth, taking the child's age into account and aiming at her or his reintegration into society. The girl child can be particularly vulnerable in situations of exploitation and being in conflict with the law, lack of access to education, leisure and recreation, basic health and welfare.

### The Beijing Rules

- **Fundamental perspective**

Juvenile Justice shall be conceived as an integral part of the national development process of each country, within a comprehensive framework of social justice for all juveniles, thus, at the same time, contributing to the protection of the young and the maintenance of a peaceful order in society. These broad fundamental perspectives refer to comprehensive social policy in general and aim at promoting juvenile welfare to the greatest possible extent, which will minimize the necessity of intervention by the juvenile justice system, and in turn, will reduce the harm that may be caused by any intervention. Such caring measures for the young, before the onset of delinquency, are basic policy requisites designed to obviate the need for application of the Rules.

- **Semi-institutional arrangements**

Efforts shall be made to provide semi-institutional arrangements, such as drop-in-centre, satellite homes, day-time training centres and other such appropriate arrangements that may assist juveniles in their proper reintegration into society.

The importance of care following a period of institutionalization should not be underestimated. This rule emphasizes the necessity of forming a net of semi-institutional arrangements.

### Salient Features of Juvenile Justice Act, 1986

“An act to provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication of certain matters relating to and disposition of, delinquent juveniles”.

- **Neglected and Delinquent Juveniles**

The term 'neglected children' covers a wide range of categories of children. These categories generally include those deprived of satisfaction of minimum needs, viz., food, shelter, clothing, education and recreation, as also those who lack love, warmth, care, guidance and others who may be abused and misused, intentionally or unintentionally by

their parents, elders, employers and the society at large. As is obvious this category is the largest possible one and includes an estimated 30 million children in the country, even by a conservative estimate. These children who belong to families below the poverty line and are deprived of basic health care, nutrition and education.

*The Act covers neglected and delinquent children:*

- a 'neglected juvenile' means a juvenile who :
  - is found begging; or
  - is found without having any home or settled place of abode and without any ostensible means of subsistence and is destitute; or
  - has a parent or guardian who is unfit or incapacitated to exercise control over the juvenile
  - lives in a brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution, or is found to associate with any prostitute or any other person who leads an immoral, drunken or deprived life; or
  - who is being or is likely to be abused or exploited for immoral or illegal purposes or unconscionable gain;
- delinquent juvenile' means a juvenile who has been found to have committed an offence

### **Larger Scope in the Juvenile Justice system - symbiotic relationship of the Rights and Needs of the Child**

The Juvenile Justice system is not only a system of law and justice, as mistakenly understood by majority of concerned people. Even within its sub-systems, it is a complete system of justice in terms of the basic needs and rights of a child. Prayas over a decade has been working on a well-tested premise that the basic needs of the child are also his/her basic rights. These rights have been broadly categorized in the UN Convention on the Rights of the Child, 1989 as (i) right to survival, (ii) right to protection, (iii) right to development, (iv) right to participation.

Without going into the details of the numerous rights which are covered within these four basic rights of the child, it is logical to say, 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.

*The Juvenile Justice system, thus, has to be viewed in consonance with not only the understanding of the concept itself but also its symbiotic reference to the needs and rights synonymity. The limited application of the legal provisions i.e. the enforcement of Juvenile Justice Act, 1986, and other related laws in the Indian context might not ultimately serve the 'best interest' of the child.*

### **Juvenile Justice System in India - Inadequate provisions,infrastructure, Boards, Homes,**

## **Courts, Advisory Bodies, etc.**

Along with Juvenile Welfare Boards and Courts, different types of homes, “fit institutions’ and ‘places for safety’, create a definite institutional framework for the enforcement of juvenile justice.

Juvenile Welfare Boards and Juvenile Courts are meant to deal exclusively with the neglected and delinquent juveniles respectively. In the absence of such Boards and Courts, these powers are exercised by District Magistrate or Sub-divisional Magistrate or any other Metropolitan or Judicial Magistrate.

Unfortunately, in a large number of districts in India, such Boards and Courts have not been constituted yet. In the absence of these two vital institutions, the entire scheme of care, protection and welfare for the neglected as well as delinquent juvenile falls flat and these juveniles are treated as callously as any other ordinary criminal under the criminal justice system. The damage caused and the injustice inflicted is far more evident in respect of neglected juveniles, who are mostly treated like their delinquent counterparts by the police and the courts, wherever juvenile boards and courts are not constituted. The truth of the matter is that even at places where these institutions have been created, the tendency is to follow the well-established practices of the ordinary criminal courts and, thus, disregarding and violating the basic needs and rights of the juveniles.

The number of neglected juveniles in Delhi has been consistently increasing. They can be found on railway stations, the inter-state bus terminals, parks, unfrequented lanes and in the vicinity of the historical monument of tourist interests. Victimized juvenile girls are usually rescued from brothels and from the company of undesirable elements. These juveniles are runaways from their homes because of neglect due to broken families, parental discord, disharmony, emotional maladies and failure in examination. Yet in Delhi there are only three remand homes or observation homes: Nirmal Chhaya Complex, Jail Road at Tihar, Avantika and Prayas Observation Home for Boys (POHB) at Feroz Shah Kotla, Delhi Gate. POHB is the first ever NGO run Home and has proved itself as a replicable model in custodial institutional care of neglected juveniles.

## **Prayas’ Experiments**

Prayas since its beginning in 1988, responded positively to the implementation of Juvenile Justice system through a holistic framework of action for protection, care and rehabilitation of underprivileged children in India. Presently, Prayas runs three juvenile homes in Delhi, namely, Prayas Observation Home for Boys at Ferozshah Kotla, Prayas drop-in-centre at Jahangirpuri and Prayas Home for Girls at Tughlakabad Institutional area.

This NGO was set up with initial collaboration with Delhi Police, recognizing the common goal of protecting children from abuse, exploitation and delinquency. Prayas, over a span of more than a decade, established itself as an ‘institution’ to act as a resource centre child rights, with a capacity to engage itself at the grass-root level. The Institute of Juvenile Justice (an apex unit of Prayas) works in three thematic areas: Child Rights, Juvenile Justice and Child Labour. The organization today has projects in South, Central, West, East and North districts providing direct services to more than 30,000 such children annually.

Grounded with the insights gained from ‘on the field’ experiences with neglected children in the past 12 years and also due to the special focus on the Juvenile Justice system, Prayas aims at providing a holistic model for effective implementation of the Juvenile Justice Act, 1986. Have acquired adequate knowledge and experience in both institutional and non-institutional care of juveniles through Prayas Observation Home for Boys at Delhi Gate and Prayas Children’s Home, Jahangirpuri and also having pioneered in conducting the Vertical Interaction Course of training of IPS officers on Juvenile Justice Act, 1986, Prayas stands on the threshold of providing a successful and viable model for the effective implementation of the Juvenile Justice Act in its true spirit.

Prayas has organized two National Consultations on the subject of Juvenile Justice in 1995 and 1999. The first Consultation contributed to the publication of a policy document, ‘Neglected Children: Changing Perspectives’. The second Consultation on ‘Juvenile Homes: Status and Strategies’ helped the government to incorporate some of the recommendations emerging from the Consultation while amending in the Act.

### **Goals of Prayas**

- Formulation of a replicable model for the elimination of child labour and ensuring Juvenile Justice
- Influencing policy changes in the Juvenile Justice system in terms of a symbiotic relationship between needs and rights of a child
- Creating an institution cum resource center for Juvenile Justice
- Social advocacy on child rights and child labour issues.
- Conducting research on the street and working children, child labour, child abuse their demographic and socio-economic profile, designing and evaluating intervention strategies and programs targeting children
- Developing a database on neglected children, their needs, and response of the Government and the civil society.

### **Four Layers of Prayas Model (growth culminating in the establishment of the Institute of Juvenile Justice)**

Prayas has been successfully operating at four levels:

- Facilitating institutional mechanisms, strategic alliances and informal networking amongst NGOs, government agencies and international bodies
- Building capacity of project partners and its core program functionaries in various parts of the Capital and outside Delhi to develop a child-oriented holistic vision
- Influencing policy makers through sustained efforts and advocacy programs
- Initiating community-based grass-root interventions to promote and protect the rights of children with social justice to the child and increasing networking with stakeholders.

Providing shelter, both custodial and non-custodial, with all other services as mentioned above. In terms of the ‘non-custodial institutional care’, Prayas has created another home for 200 children at Jahangirpuri which provides a complete gamut of care with all requisite services as contemplated and stipulated by the U. N. Convention. It may be mentioned that this kind of care is not provided by any home under the ‘Act’ in any State in the country. Realizing this fact, the Govt. of Delhi and the Govt. of India have not only funded this ‘pilot project’ at Jahangirpuri,

but have also adopted the idea of creating this as a model drop-in-centre, which may be emulated later on at the national level. It is stipulated that once this home comes up fully and meets the call of the U. N. Convention on the subject, the project would be a model not only at the national but at the South –East Asia level where the children’s spectrum in conditions of want is wider.

### **Partnership with other NGOs**

Prayas has adopted a strategy of not competing with but complementing Government and NGOs in their efforts in child protection. Prayas is the founder member of the Delhi NGO Forum for Street and Working Children. This Forum represents 18 Delhi-based NGOs. Prayas shares its health services to meet the needs of the communities where member-NGOs are operating.

Partnerships solicit convergence of efforts and provide opportunity to work in unison for a common goal. There are many agencies, private and public, national and international, aimed at working with ‘children at risk’ in the country and the world. The need of the hour for these organizations is to work together, so that the wheel is not repeatedly invented. Resources, experiences, and expertise can be shared to aid in developing projects and its implementation that will have the most positive impact for the protection and rehabilitation of vulnerable children.

### **Innovative Programs for partnership and Convergence of Efforts in Prayas**

- **On Child Rape: A Growing Menace**

The Rape Crisis Intervention centre, managed by Prayas, in collaboration with Delhi Commission for Women and Delhi Police was inaugurated by the Lt. Governor of Delhi on 9<sup>th</sup> March 2000. This project is a reflection of the initiatives taken by various social groups in the field of juvenile justice. Prayas has been meaningfully involved in rehabilitating children who have been victims of sexual abuse through its shelter homes, educational, recreational and health programs. In this new role, Prayas is working with Police and selected NGOs in Delhi catering to the needs of children and juveniles and is contributing towards the strengthening of the Juvenile Justice system in the country.

- **Prayas Childline:1098**

Childline is a round the clock free telephone service, whereby a child dialing 1098, can be assured of an appropriate response, by trained social workers and former street children. Specialized services include legal assistance, drug rehabilitation, shelter facilities, and special follow-up with the girl child. The Delhi Police have been a partner to help children in conflict with law. Prayas is one of the five nodal agencies of the Child Line program for children in distress and is responsible for North Delhi district.

- **Juvenile Delinquency and Prayas**

Focus is being placed on revamping the Juvenile Justice system in the country by taking it out of the purview of criminal justice system and making the system completely transparent. For this purpose, the Juvenile Justice of Act 1986 is being re-examined. Prayas has played a leading role in redrafting the amendment bill of the Act.



- **Experiments of Observation Home for Boys(POHB) – A Model in Custodial Institutional Care Home**

*POHB ---- an inside look into the implementation of the Juvenile Justice Act, 1986*

- A keen understanding of the Juvenile Justice Act, 1986 by the staff at the Home.
- Night duties being given by all staff members, women staff included to make the juveniles feel more at ease.
- Devoted team of medical personnel, educators, vocational instructors, house fathers, care-takers, cook, sweepers, welfare officers, probation officers, counsellors, special educators, etc.
- Job responsibilities of each staff member at the Home has been clearly delineated and goes into intricate details to ensure holistic care and well-being of the child--from checking of juveniles' discipline, cleanliness, etc. to the conduct of assembly, vigilance against any mal-treatment, counselling sessions with children, making social investigations into case studies , restoration - each detail has been worked out and documented.

Prayas Observation Home for Boys is a virtual implementation of the Juvenile Justice Act. It has gone further not only in understanding the academic tenets of the system but has matched it with practical interpretation to the larger population of the neglected children. In consonance with the vision enshrined in the Act, Prayas is liaisoning with other institutions and community resources to provide the best possible mode of complete rehabilitation to the child.

**Difference in Output**

<i><b>Before takeover by Prayas</b></i>	:	<i><b>After takeover by Prayas</b></i>
• High escape	:	Low escape
• Closed	:	Transparent
• Punitive	:	Democratic
• Restrictive	:	Participatory
• Suppressive	:	Reformative
• Discriminatory	:	Egalitarian
• Closed to visitors	:	Open system, visitors are welcome

The journey is essentially that from a 'jail' to a 'home', from 'darkness to light' as we say in Prayas and in this case from the darkness of ignorance of Juvenile Justice System to the light of awareness and effective implementation of the Juvenile Justice System.

- **Drop-in Centre – Concept of Non-custodial Care**

Establishment and running of such a home with adequate facilities and care is difficult but not impossible. It is the attitude of the voluntary organization and its people who volunteer to run it, that counts more for its efficacy. In short, given the adequate facilities and resources by Government, an NGO committed to the cause of children having a track record of service would undoubtedly be able to provide shelter home to the needy children.

The recent trend and state of the art the world over is to integrate the child with the family itself and with the community. However, there are large number of children who do not have any family and a shelter in Delhi. Such children are the cause of concern of the State. These children may not have either of their parents or may be from run away category due to maltreatment at home. Provisions of services through drop-in centre program would minimize their exploitation, prevent and protect them from delinquency, destitution and shall work against deprivation of their basic child rights.

The objective of Prayas is prevention of destitution and withdrawal of children from a life on the street and their placement into the national mainstream. To delineate the project objective, the following sub-groups have been identified:

- to create facilities of 24 hours drop-in centre and home facilities for children for night stay, non-formal education, health facilities, vocational training and child maintenance etc.
- contact programs offering counselling, guidance and referral services to destitute and neglected children aimed at their eventual withdrawal from a life on the street.
- provision of re-integration of children with their families and placement of destitute children in schools or foster care homes in the long run
- to create community advocacy and awareness package through local bodies and the children themselves for prevention of such incidence.
- to develop awareness package consistent with the rights of the child and/or covered under Juvenile Justice Act, 1986.

The first of its kind in the NGO sector, the Prayas Children's Home has been created at Jahangirpuri. The Planning Commission, Government of NCT, Delhi, sponsors this project. This home will not only provides a homely atmosphere to destitute street children but also includes all the welfare components of Prayas model for the benefit of target children.

- **Institute of Juvenile Justice**

Prayas on account of its rich experience at the grass-root level in the past 12 years has designed a model for 'protection, care and development of neglected juveniles'. Recognizing its rich experience to promote justice to neglected children through strategic grass-root intervention and partnership approach, the Institute of Juvenile Justice has been set-up under the Government of Norway (NORAD) support. The idea of creating this Institute emerged from the need for the pursuance of developmental objectives related to children's rights and Juvenile Justice. The Institute is trying to create a center for learning on issues of juvenile neglect and juvenile justice system, with a view to influencing changes in policy at the macro level. It has set-up five independent units- research and documentation, training, resource management, information, education and communication (IEC) and shelter home for destitute girls.

**Working towards a National Policy (macro and micro dimension of the problem, need for partnership approach for effective implementation at the grass-root level)**

The Union Ministry of Social Justice and Empowerment initiated the Juvenile Justice Bill for ensuring 'rights and justice with compassion' to street urchins, orphans, destitute, neglected and delinquent juveniles to provide immediate relief and succour to these children and also to meet their long term developmental needs. The integrated program envisages the provision of shelter, nutrition, health care, sanitation, safe-drinking water, education, recreational facilities and

protection against abuse and exploitation of destitute and neglected children. The non-institutional services, as placed by the Ministry, under the new program, includes counselling, guidance and referral services to the destitute and neglected children, non-formal education programs and their mainstreaming into formal schools with full support for subsistence, education, nutrition and recreation. Preventive health services, access to treatment facilities, vocational training, creation of more 24-hour drop-in shelters with facilities for night-stay, potable water, bathing, first-aid and recreational programs, occupational placement and awareness building on child rights also form part of this initiative.

### **Looking Back and Tasks Ahead**

The criticism of the juvenile justice system, in all its dimensions and implications, is going to be a long run out battle of the born. In this battle, the spirit must come mainly from two sources:

- the political will of the Government, social visions and foresight of the political parties who are in the opposition; and
- the collective conscience and constructive co-operation of NGOs representing the regional problems of juveniles.

There is a wide gap between the components of the juvenile justice system like the police, juvenile welfare boards, juvenile welfare courts and the homes on the one hand and the NGOs on the other. No co-ordinating effort has been made to enforce the provisions of the law to the services of voluntary social workers and NGOs committed to work for the purpose of juvenile justice. Even the neglect and apathy to solicit voluntary organizations' participation has reached to an extent that the Juvenile Justice Act becomes dysfunctional to its cherished objectives of "care, protection, treatment, development and rehabilitation of children".

Consciously acknowledging the plenty of resources and as yet nearly untapped, the potential of voluntary action groups is a matter of grave concern and thus, a question is being asked: Why the government hasn't realized the need for NGOs support to substantiate its resource crunch so far? It appears that an archaic notion is prevalent in government circles, which views NGOs as 'obstructors' rather than 'facilitators'.

The contribution of voluntary organisations should, therefore, be acknowledged to deliver justice to the children. The journey of Prayas since its beginning gives us a lesson to build-up partnership with the government.

If one were to recommend and review the role of the police in the light of U. N. Guidelines for the Prevention of Juvenile Delinquency and under the present Juvenile Justice Act, it assumes that the police has a significant role to play in protecting the children from a situation of exploitation and abuse. Unfortunately, the role of the police has been criticized and due recognition has not been placed in a positive framework in the policy document and even in the eyes of media.

In order to facilitate their functions, police officers who frequently or exclusively deal with juveniles or who are primarily engaged in the prevention of juvenile crimes shall be specially instructed and trained. In large cities, special police units should be established for this purpose.

Professional education, in-service training, refresher courses and other appropriate modes of instruction shall be utilized to establish and maintain the necessary professional competence of

all personnel dealing with juvenile cases. The National Initiative for Child Protection(NICP) being initiated by the Ministry of Social Justice and Empowerment is just doing that.

Juvenile Justice personnel shall reflect the diversity of juveniles who come into contact with the juvenile justice system. Efforts shall be made to ensure the fair representation of women and minorities in juvenile justice agencies. Substantial representation of social worker and probation officers should be a pre-requisite to enable the police machinery and Juvenile Justice system to become fully functional.

Government at all levels needs to prioritize policy formulation followed by integrated program development addressing the basic issues of needs of the child. This initiative would be most effective if it is in partnership with credible NGOs who are involved directly in programs and services for neglected children.

On the basis of successful experience in working with neglected and working children on the streets, Prayas is now poised to become a model institution cum resource center for neglected children and juvenile justice at the national level. In the light of services and interventions piloted, Prayas represents a networking model of various multi-sector agencies to combat and focus upon neglected children in need of care and protection.

India may be one of the few countries in the world where there is no specialized police unit for handling juvenile delinquency. The need for the establishment of the special police wing for managing delinquency cases has been insisted upon from many quarters. It is hoped that the Government would introduce changes as suggested in the Juvenile Justice Amendment Bill making the Act more child-friendly.