

# “Study on Rehabilitation of children in conflict with law in India”

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## Abstract

India is household to the largest child population in the world. The Constitution of India guarantees Fundamental Rights to all children in the country and empowers the State to create special provisions for children. The Juvenile Justice (Care and Protection of Children) Act is the governing legislation for ‘Juveniles in Conflict with law’ in India. The main objective of this act was to set up substitute justice system for Children rehabilitation. The onus of its implementation is on the Department of Women and Child Development and the Juvenile Justice Boards. The India will protect the legal rights of all children throughout the India and take necessary steps to ensure their rehabilitation, safety, including meeting their physical, psychological and social needs. Objectives of the study are understanding the rehabilitation of children in conflict with law, study the significance of law and acts while control the offence and know the shapes of rehabilitation pertaining to the children in conflict with law in India. In this paper the analyzed details are from the secondary data collected from various source in India.

**Keywords: Children in Conflict with Law, Rehabilitation systems, JJ Acts,**

## Introduction

As Rabindra Nath Tagore observed: "A nation's children are its supremely important asset and the nation's future lies in their proper development. An investment in children is needed an investment in future. A healthy and educated child of today is the active and intelligent citizen of tomorrow"

A child is borne innocent and if nourished with tender care and attention, he or she will blossom with faculties ‘physical moral spiritual and mental, into the person of stature and quality. On the other hand, noxious surroundings, neglect of basic requirements, bad company and other abuses and temptations would spoil the child and likely to turn him a delinquent. India is household to the largest child population in the world. The Constitution of India guarantees Fundamental Rights to all children in the country and empowers the State to create special provisions for children. The Directive Principles of State Policy specifically guide the State in securing the tender age of children from abuse and ensuring that children are given opportunities and facilities to develop in a healthy manner in conditions of freedom and dignity. The State is responsible for ensuring that childhood is protected from exploitation and moral and material abandonment.

## Objectives of the study

1. To understand the rehabilitation of children in conflict with law

2. To study the significance of laws and acts while control the offences
3. To know the shapes of rehabilitation of children in conflict with law in India.

### Method of research

The present study is based on secondary data which is collected from the report of Crime in India, Ministry of women and child development, Government of India, National crime records bureau, other published articles. In this paper the analyzed details of the rehabilitation process pertaining to children in conflict with law also presented the history of children in conflict with law in India from the secondary data collected from various source in India.

### Review of literature

**Drake D. et al (2010)** summed up The term “juvenile” simply refers to boys and girls. Conceptualising “justice” is more challenging and complex. “The concept of justice can conjure up a multitude of competing images of fairness, equality, human rights, just deserts, deserved punishment, moral worth, personal liberty, social obligation and public protection. It has been the subject of continual philosophical debate: is justice universal, derived from fundamental natural or divine principles, or is it invariably tied to specific (and changing) social and political conditions or to particular legal systems?”

**Cunningham and Tomlinson, (2006)** comments that the trend towards separating adult and child offenders was not purely altruistic in UK. The jails were getting overcrowded and there was a realization that incarceration neither deterred nor rehabilitated. Reforms began in institutions as it became apparent that under harsh treatment and low skills, children came out of these institutions with a greater disadvantage than any correction or job capability.

**Goldson (1997)** states that in the United Kingdom, initially “justice” and “welfare” were not conceptually separated till the early 90s. Diversion, decriminalization and decarceration were the three key premises on which the system was based. However, welfare based work with children “at risk” did not provide adequate evidence of being able to prevent children from getting into crime. There was a strong need for looking at “offence-based” interventions based on what the children “did” rather than “who” they were. Political discourses and public perceptions were convinced that due to liberal penal laws, juvenile crime was flourishing. Therefore, it was decided

to increase “tougher” measures with increasing custody. In Institutions adolescence related challenges get further compounded for children growing up in challenging environments. Children in delinquency usually have emotional and behavioral problems. Working with them requires patience and skill. However, the staff in institutions may not have the necessary skills and the focus may be only on custodial requirements.

**Falis (1998)** in her paper “Statutory Exclusion-When the Protector becomes the Abuser” cites several research studies that provide evidence that juveniles are not competent to understand the implications of the adult system or that transferring them to the adult court reduces either recidivism, increases public safety or the interests of the juvenile.

**Bakken (2007)** traces the considerable changes in the American judicial system and the treatment of juvenile offenders in the past 30 years. Rising levels of juvenile crime, media discourse, an increase in public fear and a ‘get tough’ government approach to crime has brought significant changes in the juvenile justice system and

its philosophy for dealing with adolescents, ultimately resulting in an increasing number of juveniles being transferred and sentenced in the adult criminal justice system. Bakken notes that apparently “the rehabilitative ideal on which the original juvenile court was founded has been undermined by the use of excessive transfer laws”.

**Robinson and Crow (2009)** Rehabilitation “at first sight appears to be a relatively straightforward concept but in fact rather more complex. Just what is meant by it, what we think it entails and how we justify doing it or attempting it depends to a great extent on the theoretical stances we adopt”. One premise of rehabilitation has been based on the psychological thought that juveniles are not capable of understanding the implications of their behavior and hence “treatment” or “behavior modification” is required.

**Murphy, et al, (2010)** meta-analysis suggested that community-based programmes are more effective in reducing recidivism amongst juvenile offenders than imprisonment. While in some circumstances, secure incarceration of young people may be necessary to ensure the safety of the community, policies that incarcerate more youth do not necessarily improve public safety. According to the Justice Policy Institute, data collected over a 10-year period on incarceration and crime trends in the USA indicates that states that increased the number of incarcerated youth did not necessarily achieve a decrease in crime during the same time period.

### Meaning and Definitions of the child

- According to **International Law**, a ‘Child’ means every human being below the age of 18 years. Today this is a universally accepted definition of a child which comes from the United Nations Convention on the Rights of the Child (UNCRC). Under the Indian Laws,
- **Section 2 (k) of the Juvenile Justice (Care and Protection of Children) Act, 2000** defines “juvenile” or “Child” as a person who has not completed eighteenth year of age.
- In the Juvenile Justice (Care and Protection of Children) Act, 2000 the term “delinquent juvenile” used in the earlier Juvenile Justice Act 1986 has been substituted by the words “juvenile in conflict with law”.
- **“child in conflict with law”** means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence;
- A “Juvenile” or “Child” means a person who has not completed eighteen years of age. The Madras High Court in March 2017 ruled that a study of the Juvenile Justice Act made it clear that no police officer had been empowered to arrest “a child in conflict with the law” but only to “apprehend” him or her. The Act has empowered the police only to apprehend the child in conflict with the law and produce him or her before the Juvenile Justice Board.
- The proviso to section 10 of Juvenile Justice (Care and Protection of Children) Act, 2015 makes it very clear that in no case a child alleged to be in conflict with the law shall be placed in a police lock-up or a jail. The new bill will allow minors in the age group of 16-18 to be tried as adults if they commit heinous crimes. The crime will be examined by the Juvenile Justice Board to ascertain if the crime was committed as a 'child' or an 'adult'.

### Basic guidelines while making laws and acts related to children

The Ministry of Women and Child Development has developed a Standard Operating Procedures (SOP) for rehabilitation of children in conflict with law under the Juvenile Justice System. The said SOP aims to emphasise the cause of rehabilitation and social re-integration by providing for types of institutional care,

after care services, foster care and sponsorship to such children. Every child in conflict with the law shall have the following rights, including but not limited to:

- 1) Humane treatment
- 2) No corporal punishment
- 3) Separation from adult criminals, if detained
- 4) Access to legal assistance
- 5) Bail and release on recognizance
- 6) Privacy
- 7) Diversion, if qualified
- 8) Proportionate judgment
- 9) Restrictions on liberty kept to a desirable minimum
- 10) Automatic suspension of sentence
- 11) Probation, if qualified
- 12) Confidentiality of proceedings
- 13) Right against discrimination
- 14) Constitutional rights.

“A comprehensive development plan for a juvenile or child based on age specific and gender specific needs and the case history of the juvenile or child, prepared in consultation with the juvenile or child, in order to restore the juvenile’s or child’s self-esteem, dignity and self-worth and nurture him into a responsible citizen and accordingly, the plan shall address the following needs of a juvenile or a child:

- a) Health needs;
- b) Emotional and psychological needs;
- c) Educational and training needs;
- d) Leisure, creativity and play;
- e) Attachments and relationships;
- f) Protection from all kinds of abuse, neglect and maltreatment;
- g) Social mainstreaming; and
- h) Follow-up post release and restoration.”

The Individual Child Care Plan as per the format given in the Model Rules, 2007 is divided into four parts-

- 1) Rehabilitative needs of the juvenile, i.e. the personal details of the juvenile along with details of his case history; basically his/her emotional and psychological needs, educational and vocational needs, interests and how the social main streaming of the juvenile is to be made possible.
- 2) His/her progress in the rehabilitation process, i.e. it deals with the fortnightly progress reports of the child; how much progress has s/he made in any educational/training needs, monthly earning if s/he is employed, savings and general conduct of the juvenile.
- 3) pre-release report, i.e. the pre-release preparations to be made
- 4) Post-release report, i.e. his status-quo at the time of release and follow-ups after two months and six months.

### **History of rehabilitation of children through laws in India**

In India which has a long history of juvenile legislation most statutory provisions have favored more or less the British pattern. The English Idea of providing separate treatment for juvenile offender was passed by India in the last quarter of the nineteenth century. The Apprentices Act, 1850 is chronologically the first law meant to deal with the children in distress who are to be trained for trade and industry. It was an all India

measure to deal with the problem of juvenile deviance. Apprentices act was applicable to children between the age of 10 to 18 years and made provision for both boys and girls. The maximum period of apprenticeship for a boy was seven years or till the boy attained the age of 23 years and for the girl till her marriage.

In 1960, Children Act, 1960 was passed. The 1960 Children Act, provided for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected and delinquent children. For the first time in India, the Children Act prohibited the imprisonment of children under any circumstance. It provided for separate adjudicatory bodies – a children court and a child welfare board - to deal with delinquent and neglected children. The Act also introduced a system of three-tier institutions, namely, an observation home for receiving children during the pendency of their proceedings, a child 's home for accommodating neglected children, and a special school for delinquent children.

These problems were sought to be removed through the juvenile Justice Act, 1986. This act was in full force throughout the country. Meantime the concept approach and methodology of juvenile justice were undergoing some basic changes as is indicated by the Beijing rules and UN Convention on Right of the Child. This led to the formulation of the juvenile justice (care and protection of children) Act, 2000. The object of the legislation is to amend the law relating to juvenile in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment and by creating to their developmental needs. This is being done by adopting a child friendly approach in the adjudication and disposition of matter in the best interest of children and for their ultimate rehabilitation through various institutions established under this law.

After the 2012 Delhi gang rape Government handled the need of bringing new juvenile Law and a bill was introduced in the Parliament by Maneka Gandhi on 12 August 2014. The Juvenile Justice (Care and Protection of Children) Bill, 2015 was passed by Lok Sabha on 7th May, 2015. It was Passed by Rajya-Sabha on 22 December 2015 . It got the assent of President on 31 December 2015 and was enforced on 15 January 2016. Juvenile Justice (Care and Protection of Children) Act, 2015 has come into force from 15 January 2016, and repeals the Juvenile Justice (Care and Protection of Children) Act, 2000. The main feature of this act is treating juvenile between 16-18 age group as adult in heinous offences. The JJ Act, 2015 affords for strengthened provisions for both children in need of care and protection and children in conflict with law. Some of the key provisions include: change in nomenclature from juvenile' to child' or child in conflict with law', across the Act to remove the negative connotation associated with the word —juvenile; inclusion of several new definitions such as orphaned, abandoned and surrendered children; and petty, serious and heinous offences committed by children; clarity in powers, function and responsibilities of Juvenile Justice Board (JJB) and Child Welfare Committee (CWC); clear timelines for inquiry by Juvenile Justice Board (JJB); special provisions for heinous offences committed by children above the age of sixteen year; separate new chapter on Adoption to streamline adoption of orphan, abandoned and surrendered children; inclusion of new offences committed against children; and mandatory registration of Child Care Institutions.

The constitutional provisions have also stimulated the development in the field of juvenile justice. Art. 15(3), Art.23, Art.24, Art.39e, Art. 45, contain some specific provision with respect to children. The judiciary in India plays very important role and has passed many significant judgment in favour of child right. In Sheela Barse v. Union of India, the Supreme Court issued directions to the State government to set up necessary observation homes where children accused of an offence could be lodged, and for setting up dedicated juvenile courts.

## Statutory Provisions for Children in India

Understanding the existing state of the Juvenile Justice System in India requires look to history.

The 1<sup>st</sup> legislation on juvenile justice in India came in 1850 with the Apprentice Act which required that children between the ages of 10-18 convicted in courts to be provided vocational training as part of their rehabilitation process. This act was transplanted by the Reformatory Schools Act, 1897 and later came The Children Act of 1960. The Juvenile Justice Act, 1986 was the primary legal framework for juvenile justice in India. The Act provided for a special approach towards the prevention and treatment of juvenile delinquency and also provided a framework for the protection, treatment and rehabilitation of children in the purview of the juvenile justice system. The law replaced the Children Act, 1960. Juvenile Justice Act, 1986 was functional uniformly throughout India except state of Jammu and Kashmir. Prior to this law each state had its own enactment on juvenile justice with there being differences in the way juveniles were treated by different state legal systems. In a landmark step, the Government of India, repealing the juvenile justice Act 1986, introduced juvenile justice (Care and Protection of Children) Act in 2000 and further, amended, it in 2006, so as to make it responsive to the emerging needs in the tiled of juvenile justice, and making it, compatible with UNCRC standards. The Juvenile Justice Act, 2000 wishes at consolidating and amending laws relating to juveniles in conflict with law, and children in need of care and protection by providing proper care, protection and treatment by catering to their developmental needs, by adopting child friendly approach in adjudication and disposition of matters in the best interest of children, and for their rehabilitation through various institutional mechanisms established.

After independence a number of Bill has been presented in Parliament relating to children in need of care and protection, these bills were discussed by Parliament and some of them were passed. first statute concerning juvenile Justice after independence was children Act 1960. Then Juvenile Justice Act 1986 was passed which contains elaborate provision regarding juvenile Justice. In year 2000 Juvenile Justice (care and protection of children) Act 2000 was passed, which was a comprehensive legislation on Juvenile Justice. Latest statute is Juvenile Justice (care and protection of children) Act 2015. Besides these Act Indian Constitution also contains some provision relating Juvenile justice. Criminal Procedure code and Indian Penal Code also contains provision relating to juvenile Justice,

The 7th United Nations Congress on the Prevention of Crime' and the Treatment of Offenders, identified three models of juvenile justice system on the basis of contemporary approaches to dealing with juvenile offenders:

- 1) the due procedural model;
- 2) the social welfare model; and
- 3) the participatory process model.

The first ideal is based upon the concept of equality, the role of law and due process, the professional lawyers making the main decisions.

The second model is based upon notions of economic and social justice through State planning and welfare, with administrators and professionals from the "helping services" making the main decision. The resolution of the issue with respect to the first two competing models is essential for the proper development of a mechanism to control and protect the juveniles. The third model resolves the issue because juvenile justice can more meaningfully take place at the macro level, with greater participation of citizens in the resolving or containing of conflict at the local level with a minimum intervention of the centralized power structure of the modern State.

### **Establishment of Central Social Welfare Board**

In 1953, the Central Social Welfare Board was established which was wholly financed by government for Child care programmes and projects, such as rural Balwadis, holiday homes, women's homes, etc., In 1985 the department of women and child development was set up in the ministry of human resource development to ensure development of women and children. The Union HRD minister had said that a National Commission for Children, consisting of seven members with a retired Supreme Court Judge as its head, would be constituted to implement the rights for children as enshrined in the Constitution. However, that still continues to be in the realm of promises.

### **Various Rehabilitation for children in conflict with law**

**Juvenile Justice and Role of Police:** The process of rehabilitation begins from the first moment the offender comes into contact with the policeman. The youngster who gets himself into trouble generally wants to get himself out of it, too. If the first contact, he has with the law is both friendly and understanding, he will probably more amenable to the treatment he is going to get. If the officer is really in charge of the situation and of himself, the child's attitude will cool gradually, and the job at hand will be easier as a result. It is very often quoted that a police should act and deal with Juveniles in a friendly manner. It means that police attitude toward the Juvenile should be lenient, favorable and not hostile. Police has also significant role to play to control juvenile delinquency. There are following major areas of police dealing with Juvenile namely;

- ✓ Discovery,
- ✓ Investigation of Delinquency,
- ✓ Case disposition,
- ✓ Protection of juveniles, and
- ✓ Delinquency prevention.

**Role of Judiciary:** Supreme Court and various High Courts in India performance a very important role in the development of Juvenile Justice System in India. In the preliminary stage, the cases related with juvenile delinquent are dealt by the lower courts but the trends of the judicial approach towards a juvenile in conflict with the law, reflected by the judgments of Hon'ble Supreme Court and various high courts. The courts/ Juvenile Justice Board are under the statutory and Constitutional duty to deal with the juveniles in conflict with the law.

**Superintendent of an Institution:** the Superintendent of the Institution is in-charge of the maintenance of the CCI and for providing care and protection to the children. He shall be the controlling authority in so far as the administration activities pertaining to the institution as a whole are considered. All the staff in the institution is his/her subordinates for the purpose of administration. The Superintendent/Person-in-charge needs to be accessible on a 24X7 basis and shall reside in living quarters provided on the campus of the institution, and until such time that he has been provided the same, he/she shall reside in premise which is located at close proximity with the institution.

**Counsellor:** Counselling sessions as part of the reception unit upon receiving a child: The counselor/psychologist shall have a minimum of 2 sessions with the child once he/she has been admitted in the reception unit of the CCI. More sessions shall be conducted if required. The Superintendent/Person-in-charge shall ensure that the Probation Officer/ case worker/child welfare officer briefs the counselor with as

much information as is available about the child and reasons for admission into the CCI. The objective of these sessions shall be to understand as much as possible about the child, his or her situation, background, circumstances and needs, in order to make recommendations which will impact further decision making for the child, reports to the Board/Children's Court, and the preparation of the ICP.

**Social worker:** social worker shall be appointed as a member of the Board unless such person has been actively involved in health, education, or welfare activities pertaining to children for at least seven years or a practicing professional with a degree in child psychology, psychiatry, sociology or law.

**Duties of House Mothers/Fathers:** The house mothers/fathers shall function under the direction of the Superintendent/Person-in-charge and shall be assigned duties towards providing care to children.

**Guardian:** They may or may not be related to the child as kin. However, they have undertaken the responsibility of caring for the juvenile.

**Observation homes:** Section 8 of Juvenile Justice Act provides establishment of Observation homes for keeping the juvenile. It provides that 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 district, 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. 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 purpose of this Act. The observation home for preliminary inquiries, care and classification for juveniles according to age i.e. 7 to 12 years, 12-16 years, and 16-18 years giving due consideration to their physical and mental condition and the degree or gravity of the offence committed by them.

In the case of Sanjay Prasad Yadav v. state of Bihar, the court was called upon to decide whether a juvenile accused who is from guilty of an offence under section 302/34 IPC and observed to be kept in Observation home during inquiry under the juvenile justice Act, has to be shifted to jail in case he/she has crossed the prescribed age for being treated as juvenile. The court observed that such a juvenile must be continued to be kept in the observation home even if he has crossed the age-limit for juvenile during the pendency of inquiry against him and he need not be shifted to jail citing its earlier full bench decision in Krishna Bhagwan v. state of Bihar the court observed;

**Special homes:** Section 9 of the Act provide establishment of Special homes for the rehabilitation of juvenile in conflict with law. Any State Government may established and maintain either by itself or under an agreement with voluntary organizations, special homes in every district or a group of districts, as may be required for reception and rehabilitation of juvenile in conflict with law under this Act. If the State Government is of opinion that any institution other than a home established or maintained under sub-section (1), is fit for the reception of juvenile in conflict with law to be sent there under this Act, it may certify such institution as a special home for the purposes of this Act. The State Government may, by rules made under this Act, provide for the management of special homes, including the standards and various types of service to be provided by them which are necessary for re-socialization of a juvenile, and the circumstances under which, and the manner in which, the certification of a special home may be granted or withdrawn. The rules



made under sub-section (3) may also provide for the classification and separation of juvenile in conflict with law on the basis of age and the nature of offences committed by them and his mental and physical status.

**Bail of juvenile:** Section 12 of the Act contemplates that When any person accused of a bailable or nonbailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a Probation Officer or under the care of any fit institution or fit person but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that this released would defeat the ends of justice.

**No Joint trial:** the law prohibits and directs that no juvenile can be charged or tried for any offence together with a person who is not a juvenile<sup>47</sup>. If a juvenile is accused of an offence for which under section 223 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force, such juvenile and any person who is not a juvenile would, but for the prohibition contained in sub-section (1), have been charged and tried together, the Board taking cognizance of that offence shall direct separate trials of the juvenile and the other person.

**Juvenile Justice Board:** The State Government shall, constitute for every district, one or more Juvenile Justice Boards for exercising the powers and discharging its functions relating to children in conflict with law under this Act. A Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of First Class not being Chief Metropolitan Magistrate or Chief Judicial Magistrate (hereinafter referred to as Principal Magistrate) with at least three years' experience and two social workers selected in such manner as may be prescribed, of whom at least one shall be a woman, forming a Bench and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1973 on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of First Class. No social worker shall be appointed as a member of the Board unless such person has been actively involved in health, education, or welfare activities pertaining to children for at least seven years or a practicing professional with a degree in child psychology, psychiatry, sociology or law. No person shall be eligible for selection as a member of the Board, if he —

- (i) has any past record of violation of human rights or child rights;
- (ii) has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or has not been granted full pardon in respect of such offence;
- (iii) has been removed or dismissed from service of the Central Government or a State Government or an undertaking or corporation owned or controlled by the Central Government or a State Government;
- (iv) has ever indulged in child abuse or employment of child labour or any other violation of human rights or immoral act. The State Government shall ensure that induction training and sensitisation of all members including Principal Magistrate of the Board on care, protection, rehabilitation, legal provisions and justice for children, as may be prescribed, is provided within a period of sixty days from the date of appointment.

The appointment of any member of the Board, except the Principal Magistrate, may be terminated after holding an inquiry by the State Government, if he —

- (i) has been found guilty of misuse of power vested under this Act; or (ii) fails to attend the proceedings of the Board consecutively for three months without any valid reason; or
- (iii) fails to attend less than three-fourths of the sittings in a year; or
- (iv) becomes ineligible under subsection (4) during his term as a member.

**Vocational training:** The juveniles were required to take up vocational training as per their interests among the different vocations offered. The Model Rules under the ‘Standards of Care of Institution’ lays down that: “Every institution shall provide gainful vocational training to juveniles or children.” (MR, 2007: Rule 48)

**Psychological intervention:** Most of these juveniles come from dysfunctional environment and are in dire need of some sort of psychological treatment.

### **The National Policy for Children 2013**

The Government has adopted a new National Policy for Children, 2013 on 26th April, 2013. The Policy recognises every person below the age of eighteen years as a child and covers all children within the territory and jurisdiction of the country. It recognizes that a multisectoral and multidimensional approach is necessary to secure the rights of children. The Policy has identified four key priority areas: survival, health and nutrition; education and development; protection and participation, for focused attention. As children’s needs are multisectoral, interconnected and require collective action, the Policy calls for purposeful convergence and coordination across different sectors and levels of governance. The Government of India reiterates its commitment to safeguard, inform, include, support and empower all children within its territory and jurisdiction, both in their individual situation and as a national asset. The State is committed to take affirmative measures – legislative, policy or otherwise – to promote and safeguard the right of all children to live and grow with equity, dignity, security and freedom, especially those marginalised or disadvantaged; to ensure that all children have equal opportunities; and that no custom, tradition, cultural or religious practice is allowed to violate or restrict or prevent children from enjoying their right. This Policy is to guide and inform all laws, policies, plans and programmes affecting children. All actions and initiatives of the national, state and local government in all sectors must respect and uphold the principles and provisions of this Policy.

### **Recommendations**

- ✓ Orientation training and in-service refresher courses for the decision-makers as well as for the various others categories of personnel functioning under the Juvenile Justice System is most essential for implementing the spirit behind the various services and programmes under the system. Implementation without spirit may, in fact, be counterproductive in many instances, as has been the case with the homes established so far under the Juvenile Justice System.
- ✓ Orientation courses, seminars and awareness programmes should be organized by government on juvenile justice on regular intervals to enable the functionaries imbibe the message discussed and conveyed to them. The need for training all categories of personnel involved in the administration of juvenile justice was well-emphasized and recognized in the national conference of training of such personnel.
- ✓ At the local level and source areas government should generate compulsory high quality education, employment opportunities and income generation programme.
- ✓ The Parents, teachers and. the entire community should be sensitized regarding this issue. channels for linkages between the different Departments-Health, Education, Labor, Social welfare to make the process of rehabilitation more holistic

### **Conclusion**

The Problem of juvenile delinquency is not new. It existed in the ancient days as well. The fabric of society was very strong and to some extent impregnable for anti-social element. Therefore, there was no definite law to deal with the problem of juvenile delinquency. Children are considered to be gifts from God and are greatest personal as well as national assets. We as individuals, parents, guardians and society as a whole have a duty

that children should be allowed and provided opportunity to grow up in a healthy socio-cultural environment so that they could become responsible citizens, physically fit, mentally alert and morally healthy. Children are expected to be obedient, respectful and have virtues and good quality in them. However, due to various reasons certain percentage of children do not follow settled social and legal dictum. Such children are most often than not get involved in criminal behavior which is known as juvenile delinquency or juvenile crime. It is the duty of the State to provide equal opportunities for development to all children during the period of their growth which would reduce inequality and ensure social justice.

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