Chapter - 2

Review of literature

Before any meaningful investigation is made it is appropriate to know about the existing literature available in the field. Rane (1986)\(^\text{17}\) in a review on children in difficult circumstances states that in India, the traditional joint family, which has been in existence from many generations used to provide its in-built social security system. The responsibility of protecting and upbringing the disadvantaged child into potential adult personality and integrating to social mainstream of the society was given due emphasis. Recently due to rapid social changes, the age old joint family system is vanishing especially in urban areas due to changing lifestyle and social needs. Further, industrialization has created widespread growth of slums and juveniles are exposed to adverse environmental settings leading to problems like orphaned, destitution, exploitation victimization and delinquency.\(^\text{18}\)

Other factors contributing to juvenile problems are deteriorating nature of interpersonal relationship within the family, weakening of religious conventions and values to maintain its integrity and changing attitudes towards sex and morality.\(^\text{19}\)

As a result of continuous and considerable rise in juvenile problems and inability of family and community to cope with it adequately, some philanthropic agencies came forward to establish residential institutions to care and protect the needy children. The first orphanage was set up in Calcutta in the year 1787\(^\text{20}\). Later on, during 19\(^\text{th}\) and beginning of 20\(^\text{th}\) century, large numbers of orphanages were set up by Christian missionaries.\(^\text{21}\)

To support child welfare services, the first juvenile legislation was passed in the form of “Apprentices Act 1850”, which provided for dealing with the children between the ages of 10 and 18 years who had committed petty offences or were destitute.\(^\text{21}\) Later on, first special law dealing
with the treatment of juvenile delinquents, “Reformatory Schools act 1876”, was passed. This provided for the residential care of the destitute, deprived and delinquents.

In the year 1914, first juvenile court was established at Calcutta. Around 1920, the Children Acts were enacted in Madras, Bengal and Bombay on the basis of Reformatory schools Act. Under this act, residential care and rehabilitation services were provided to neglected, abandoned, destitute and delinquent children. In 1927, Children’s Aid Society, a first voluntary agency in Maharashtra, established first remand home at Umarkhadi.

After independence, the state came in a big way to organize child welfare services either directly or by supporting voluntary organizations in the field. To provide legislative support to child welfare services, various states enacted and enforced their own children acts. By December 1984, barring the state of Nagaland, all the states enacted and enforced their own children acts. The “Central Children Act” was enacted and enforced in all the union territories except in Mizoram, Arunachal Pradesh and Chandigarh. The Government of India enacted the “Juvenile Justice Act 1986” which reinforced the erstwhile children Acts of various states to provide for uniform and comprehensive services for the care, protection, treatment, development and rehabilitation of the juveniles in the uncongenial situations of social maladjustment, abuse and exploitation (NIPPCD 1996-2006)

Several provision of the constitution including clause (3) of article 15, clauses (e) and (f) of article 39, articles 45 and 47 also impose on the state a primary responsibility on ensuring that all the needs of children are met and that their basic human rights are fully protected. On 20th November, 1989 General Assembly of the United Nations adopted the Convention on the Rights of the Child wherein a set of standards to be adhered to by all the state party in securing the best interest of the child has been prescribed. The Convention emphasis social re-integration of child victims, to the extent possible without restoring to judicial proceedings. The Government of India, having, ratified the convention, has found it expedient to re-enact the existing law relating to Juveniles bearing in mind the standards prescribed in the Convention on the Rights of the Child, the United Nations standard Minimum Rules for the Administration of Juvenile Justice, 1985 (The Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), and all other relevant international instrument.
The erstwhile Juvenile Justice Act, 1986, was further reviewed by a working committee which indicated that the justice system as available for adults was not considered suitable for being applied to a juvenile or a child. Under the revised Juvenile Justice (Care & Protection for Children) Act No.56 of 2000) greater attention has been given to **children in conflict with law** and **those in need of care and protection**. The Juvenile Justice (Care and Protection of Children) Amendment Act, 2006\(^2^{6}\) is an Act to consolidate and amend the law relating to Juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation (and for matters connected therewith or incidental thereto).

An important feature of the Act is the provision of Juvenile Justice Board which ‘the State Government may as per notification in the Official Gazette, constitute for a district or a group of districts specified in the notification, one or more Juvenile Justice Boards for exercising the powers and discharging the duties conferred or imposed on such Boards in relation to the juveniles in conflict with law’. The composition of such Juvenile Justice Board as mentioned in the Act includes a Metropolitan Magistrate or a Judicial Magistrate of the first class and two social workers of whom at least one shall be a woman. It is thus obvious that the Juvenile Justice Board holds a key position in providing justice to juveniles. The act further states that justice providing system must be easily accessible to juvenile or the child or anyone on their behalf including the police, voluntary organizations, social workers or parents and guardians throughout the country. Adequate infrastructure is also necessary for implementation of the proposed legislation with a larger involvement of informal systems specially the family, the voluntary organizations and the community.

**Salient Features of the Act are;**

- It defines a juvenile/child as a person below the age of 18 years
- It has two separate chapters [i] Juvenile in conflict with law and [ii] Children in need of care and protection

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• Juvenile in conflict with law is a child who is alleged to have committed an offence.

• Children in need of care and protection are children have been defined as children who are neglected, abused, abandoned victim of any armed conflict or natural calamity.

• The JJ Act 2000 is the primary law for children in India, which came into force on 1st April 2001.

• Rehabilitation and social reintegration of abandoned and delinquent children is the primary aim of the Act.

• It provides for important role of voluntary sector.

**Significant Changes brought about by the Juvenile Justice Act 2000**

• The Act defines a child as person who has not completed eighteen years of age. There is now no discrimination in ages between boys and girls and the age conforms to the CRC;

• Use distinct terms such as ‘juvenile’ for children in conflict with law and ‘child’ for children in need of care and protection has been introduced;

• Juvenile Justice Board is to replace Juvenile Courts and Child Welfare Committee to replace the existing Juvenile Welfare Boards;

• Juvenile Justice Board is empowered to give a child in Adoption;

• The Act required that child’s consent be taken into account before adoption is completed;

• The Act allows patents to adopt a child of the same sex irrespective of the number of living biological sons or daughters;

• Rehabilitation and social reintegration of a child is an important part of the Act;

• Special provision for placing a juvenile in conflict with law under the charge of special juvenile police unit;

• New dispositional alternatives such as group counseling and community service have been provided to the JJBs;
Salient Features of (Amendment Act 2006) Juvenile Justice (Care and Protection of Children) Act, 2006 has broadened definition of children by including the children i.e

- Beggar
- Street Children
- Working Children

Juvenile Justice Board (JJB)

- Appointed by the State Government to deal with matters relating to juvenile in conflict with law, the JJB consists of a panel of Metropolitan Magistrate or Judicial Magistrate of the first class and two social workers of whom at least one shall be a woman;
- The Magistrate appointment to the Board shall have special knowledge or training in child psychology or child welfare and he/she shall be designated as the principal magistrate;
- The social workers appointed to the Board shall be actively involved in health, education or welfare activities pertaining to children for at least seven years;
- The Board shall have a tenure of three years and the appointment of members shall be co-terminus with the tenure of the Board;
- A social worker being 3 member of the Board shall be eligible for appointment for a maximum of two terms; A member may resign any time, by giving one months advance notice in writing or appointment of members of JJB may be terminated on grounds of;
- Conviction for offence involving moral turpitude
- Failure to attend Board of proceedings for three consecutive months/for less than three-fourths of annual sitting of the Board

In case the Principle Magistrate with special knowledge or training on child psychology is not available, the State Government to provide short term training on child psychology or child welfare. (Rule-3(b))
Orders that may be passed by JJB

- Allow the juvenile to go home after advice and admonition and counseling; Direct the juvenile to participate in group counseling and similar activities;
- Order the juvenile to perform community service;
- Order the parent of the juvenile or the juvenile himself to pay time, if juvenile is above 14 years of age and earns money, or in the interest of the juvenile, impose necessary conditions and order; that the juvenile remain under the supervision of a probation officer for a period not exceeding three years. • Direct the juvenile to be released on probation of good conduct, and place him/her under care of parent/guardian or other fit person or fit institution; Make an order directing the juvenile to be sent to a Special Home till he/she ceases to be a juvenile.

Orders that cannot be passes by JJB:

The JJ Act 2000 has specifically provided that a juvenile in conflict with law

* Cannot be sentenced to death/life imprisonment/committed to prison;
* Cannot be charged with/tried for offence with an adult;
* Cannot pass orders seeking security for good behaviour etc.

Some points to remember are that a Juvenile:

- Must be released on bail irrespective of the offence;
- May be released on bail with or without surety;
- May not be released on bail only if:
  * Release brings him into an association with a criminal
  * Exposes juvenile to moral, physical or psychological danger
  * Defeats the ends of justice
    * Not released on bail must be kept in the Observation Home/Place of safety pending inquiry;
• Parents/guardian of Juvenile must be informed of detention of juvenile as soon as possible.

Child Welfare Committee (CWC) for Children in Need of Care and Protection

• Child Welfare Committee to have the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care & protection and to provide for their basic needs and protection of human rights;• The State Governments are empowered to form CWC in every district or a group of district consisting of 5 members including a Chairperson and four other members, one of whom should be a women & another an expert on matters concerning children;• A person selected as a member of the CWC shall have either of the following qualifications in addition to five years experience in their respective field: • A respectable, well educated citizen with the background of special knowledge of social work, child psychology, education, society of home science; or A teacher or a doctor or a senior retired public servant who has been involved in work concerning child welfare; or

• A social worker of repute, who has been directly engaged in child welfare.
• A Chairperson of the Committee shall be at least a graduate with either of the qualifications given above;
• CWC to function as a Bench of Magistrates and to have the powers conferred by the CRPC, 1973 on a Metropolitan Magistrate or a Judicial Magistrate of the first class;
• CWC shall have tenure of three years and the appointment of members shall be co-terminus with the tenure of the Committee;
• A member of the Committee shall be eligible for appointment for maximum of two terms and he/she may resign from the Committee at any time by giving one month’s notice in writing;
• Appointment of members of CWC to be terminated on ground of:
- Misuse of power
- Conviction for offence involving moral turpitude
- Failure to attend Committee proceedings for 3 consecutive months/for less than three fourths of annual sittings of the Committee

Provisions related to constitution of JJB for Juveniles in Conflict with Law

- The Act empowers State Governments to constitute Juvenile Justice Boards (previously known as Juvenile Courts) to deal with juveniles in conflicts with law. A Juvenile in conflict with law to be produced before JJB or a member of JJB when JJB not sitting. JJB may act and pass orders in the absence of any members. At least two members including magistrate to be present at the time of final disposal of case. If there is any difference of opinion among members of the Board, the opinion of the majority shall prevail. In absence of majority, opinion of Magistrate shall prevail. Observation Homes in every district or group of districts for temporary reception of a juvenile in conflict with law during tendency of enquiry Special Homes in every district or a group of districts for reception and rehabilitation of juvenile in conflict with law

- Speedy disposal of case with a limited time period of four months

- All the offences against a juvenile have now been made cognizable offences

- The Board to hold its settings in the premises of an Observation Home and shall meet on all the working days of a week –(Rule-3(9))
Punishments for offences committed against child/juvenile

<table>
<thead>
<tr>
<th>Offence</th>
<th>Punishment</th>
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<tbody>
<tr>
<td><strong>Section 23:</strong> Whoever having actual change of or control over a child assaults, abandons or willfully neglects a child so as to cause the child mental or physical suffering</td>
<td>Imprisonment for a term up to six months or fine or both</td>
</tr>
<tr>
<td><strong>Section 24(1):</strong> Employing or using a child for the purpose of begging</td>
<td>Imprisonment for a term up to 3 years and fine</td>
</tr>
<tr>
<td><strong>Section 24 (2):</strong> A betting the commission of offence punishable under sub-section (1) of this section</td>
<td></td>
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<tr>
<td><strong>Section 25 :</strong> Giving intoxicating liquor or narcotic drug or psychotropic substance to a child except under medical advise</td>
<td>Imprisonment for a term up to 3 years and fine</td>
</tr>
<tr>
<td><strong>Section 26 :</strong> Procuring a child for hazardous employment, keeping him/her in bondage and withholding earning for own purpose</td>
<td>Imprisonment for a term up to 3 years and fine</td>
</tr>
</tbody>
</table>

Provisions related to Children in Need of Care & protection

- The Act empowers State Government to establish Child Welfare Committees (Previously known as Juvenile Welfare Board) in every district or a group of districts to deal with children in need of care & protection.
- Any child in need of care & protection to be produced before the committee by special juvenile Police, a CHILDLINE organization, social worker, public spirited citizen or by the child himself.
- On receipt of a report the committee or any police or special juvenile police unit shall hold an inquiry in the prescribed manner and the committee, on its own or on the report from any person or agency may pass an order to send the child to the children home for speedy inquiry by a
social worker or child welfare officer • Restoration of the child shall be the prime objective of any children’s home or shelter home and shall take such steps for the child deprived of his family environment temporarily or permanently rest oral on of child means restoration to parents, adoptive parents, foster parents If during the inquiry it is found that the child halls from a place outside the jurisdiction of the committees, it shall order the transfer of the child to the competent authority having jurisdiction over them place of residence of the child

• Children Homes in every district or a group of districts for the reception of children in need of care & protection during the pendent of enquiry and subsequently for their care, treatment, education, training, development and rehabilitation • Shelter Homes established by voluntary organization with support from State Government to function as drop-in-centres for the children in need of urgent support Inspection and social auditing for ensuring transparency in functioning of child care homes

Speedy disposal of cases within a limited time period of four months.

**Central Model Rules under the JJ Act 2000**

Rule 25, Procedures in relation to Committee:

1. The Committee shall hold its sittings in the premises of a children’s home and shall meet at least three days a week;

2. The quorum for the meeting shall be three members attending, which may include chairperson;

3. Any decision taken by an individual member, when the Committee is not sitting, shall require ratification by the Committee in its next sitting;

4. The final disposal of cases relating to children in need of care & protection, shall take place from the office of the Committee, by the under of at least two members;

5. The Committee shall take into consideration the age, physical and mental health background, opinion of the child and the recommendation of the caseworker, prior to disposal of such cases.

**Institutional Services under JJ Act 2000**
Observation Homes:

Under section 8(1) for temporary reception of juveniles

* Special Homes :

* Shelter Homes:

  • After Care Homes:

The Indian Penal Code (IPC)

  a) Feticide (Sections 315 and 316)
  b) Infanticide (Section 315)
  c) Abetment of Suicide: Abetment to commit suicide of minor (Section 305)
  d) Exposure and Abandonment: Crime against children by parents or others to expose or to leave them with the intention of abandonment (Section 317)

  e) Kidnapping and abduction:
      ■ Kidnapping for extortion (Section 360)
      ■ Kidnapping from lawful guardianship (Section 361)
      ■ Kidnapping for ransom (Section 363 read with Section 384)
      ■ Kidnapping for camel racing etc. (Section 363)

      ■ Kidnapping for begging (Section 363-A)
      ■ Kidnapping to compel for marriage (Section 366)
      ■ Kidnapping for slavery etc. (Section 367)
      ■ Kidnapping for stealing from its person: under 10 years of age only (Section 369)

  f) Procurement of minor girls by inducement or by force to seduce or have illicit intercourse (Section 366-A)
  g) Selling of girls for prostitution (Section 372)
  h) Buying of girls for prostitution (Section 373)
  i) Rape (Section 376)
Now the question comes as to why Juveniles turn delinquent? This has been the major concern of social thinkers and Policy makers for 10 years. A man’s behaviour is highly complete resultant of interrelated factual and elaborate delinquency has given conclusive evidence that there is no single pre-disposing factor leading inevitably to delinquent behaviour.

Etiological factors responsible for destitution need to be studied in detail, to delineate the systematic and broad welfare services at institutional levels. Such studies would also help in the integration of destitute children to family and community. The Profile of etiological factors is discussed here. Brown (1966) observed that while on one hand low socio-economic class increases the incidence of orphanhood, on the other hand the orphanhood can also lower the social class. Dennely (1966) states that there are many factors associated with orphanhood, but the chief ones are –

(a) Year of birth and parental age – incidence of orphanhood in children born to elderly parents is higher.
(b) Social class – poor medical care and diet in lower socio-economic groups have resulted in decreased life expectancy of parents in these groups.
(c) Marital status – unmarried mothers are more likely to desert their children, as compared to their married counterparts.
(d) Occupations – Death rates are higher in certain occupations such as drivers, deep sea divers, army personnel during war etc.

Tandon (1981) brought out that more than half of the bereaved children experienced parental loss before their 5th birthday. The Administrative Staff College of India, Hyderabad (1981) found that, besides death of parents or desertion by parents which are major causes of destitution among urban and rural Children, prominent causes among urban destitute were beggars or migrant parents, natural catastrophes, alcoholic fathers. Most of the rural destitute belonged to parents who were bonded labourers. Rane (1986) stated that deprivations are either economic, social
familial or emotional. The significant factors resulting in deprivation of adequate care and protection are –

   a) Natural calamities like war, flood, famine, earthquake etc.
   b) Death of one or both parents
   c) Discretion by one or both parents
   d) Child born out of wedlock
   e) Inability of parents to provide for child care due to extreme poverty
   f) Physical or mental handicap of one or both parents
   g) Chronic physical or mental illness of one or both parents
   h) Family disharmony or marital discord
   i) Parental involvement in antisocial activities
   j) Cruelty of parents forcing the child to beg or take to some antisocial activities.

In general, however, as Carr\textsuperscript{29} says “Children become delinquent for two reasons” because of some inadequacy in themselves or in their relation to environment they become frustrated, emotionally disturbed and fall into deviant behaviour as a way out. And second because the immediate environment presents predominantly deviant behaviour patterns, as in a given or on area of delinquency traditions, there adopt such patterns and become social outside of their on circle. Of come, a number of explanation or etiological factors relating to Juvenile delinquency can be recounted family is the most important in this regard. Carr Saunders, Mannhcim and Rhoder\textsuperscript{30} say that the cause of juvenile delinquency may be regarded as (i) Environmental, and (ii) Personal i.e. physiological or psychological. Environmental condition at home, particularly quarrels between parents, desertion, intoxication, immorality of the parent, poverty and lack of employment, overcrowding in one room lodgings, lack of proper sanitation or conveniences, cruelty of step parent, desertion or lack of care in the case of an unwanted child are main causes. A broken home, resulting from divorce between the parents or desertion by a parent or death or imprisonment of a parent is another environmental cause of juvenile delinquency.

There are two different views as regards the causal factors of delinquency. Hereditarians who hold that delinquency is caused by inheritance hold one view. The other view is held by Environmentalists who emphasis the importance of the environment in the development of
antisocial behaviour. A third view lays emphasis on the interaction of the heredity &
environmental factors and holds that individual is the by products of the constant interaction of
these two factors. It is very difficult to isolate the contribution either of heredity or environment
in the development of personality. The following may be the cause of delinquency:

Genetics Factor; Organic Factor; Congenital Temperamental Factors; Environmental
Factors: e.g. the importance of learning holds that delinquent behaviour is learned like other
behaviour in the environment. There are some specific conditions with in the family which may
create delinquency in children, Broken Homes: Marital Adjustment: Employed parents: Poverty;
Disability of parents: Defective Disciple ; Lack of Affection; Partiality; Un-vocalized Tension;
Lack of Moral Code; Lack of Recreation; Crowded Home; Company of Servants;

The School and Delinquency\(^{31}\) (Munro - 1965)

School is an important institution after home, which is responsible for training children to
shoulder the responsibilities of future life. The school of today has become even more important
with additional responsibilities, which were formerly the exclusive province of home. A
mushroom growth of kinder-garten and nursery school has taken place in the last two decades to
educate children right from two years of age in the process of socialization. The adolescent also
spent five or six or more of his most active hours in the school. Surrounding him are the boys and
girls with whom he will want to impress and by whom he wants to be accepted and liked.
Depending or how they view him, he can achieve social success, mediocrity, or rejection; he can
feel secure or insecure.

Counseling Intervention for Children with Behavioral Problems

Counseling with children is often more challenging than counseling with adults. There are
no clear-cut guidelines, which could identify children with behavioral disorders. However, to deal
with such children following types of approaches are adopted:

Institutional Approach
In this context, Juvenile Justice (Care and Protection for children) Act, 2000 which has recently been revised refers two categories of children, (i) Children who are not in conflict with law and are in need of Care and Protection (ii) Children who are in Conflict with law and their act is punishable under IPC\textsuperscript{32}. The Juvenile Justice (Care and Protection for children) Act, 2000, proposes to constitute Juvenile Child Welfare Committees and Juvenile Justice Boards for the Welfare of children. Simultaneously, need for developing proper linkages with the community and its institutions has also been emphasized in the provisions of the act. Institutional approach, however, should be taken as the last measure because best way to rehabilitate the child is in the family atmosphere.

**Non-Institutional Approach**

Among non-institutional programmes, adoption is considered to be the best form of rehabilitating a child. But in India, we do not have a uniform law dealing with adoptions. Presently, only a Hindu could adopt a child under the Hindu Adoption and Maintenance Act, 1956 whereas others can have children under Guardianship and Wards Act, 1860. In our country, the process of adoption is being carried out through orphanages and homes run by voluntary organizations. Foster Care is another form of non-institutional care wherein a child is placed in a family for a temporary period of time.

Sponsorship is another programme to rehabilitate orphan, destitute and abandoned children wherein a sponsor or gives a regular allowance to the child to meet his basic educational, health, and other needs.

The State of Delhi runs 26 statutory and non-statutory institutions for care and protection of children of which 14 Juvenile homes set up by Social Welfare Department of Delhi State has housed 1,315 juveniles.

The present study proposes to understand demographic profile of children in difficult circumstances, various factors responsible for their deviant behavior which lead them to Institutional life and measures adopted for their rehabilitation in the institutions as per standards and norms with reference to Juvenile Justice (Care and Protection for Children) Act, 2000\textsuperscript{32}.
Right through the ages, care for children has been one of the causes to which Indian Policy has remained committed. In independent India, this commitment was enshrined in our Constitutional provisions. The Constitution of India in its Directive Principles of State Policy pledges that “the State shall in particular, direct its policy towards securing... that the health and strength of workers, men and women, and the tender age of children, are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment”. As a follow up to this commitment, Government of India adopted a National Policy for Children in 1974 which reaffirms the Constitutional provisions and declared that “It shall be the policy of the State to provide adequate services to children, both before and after birth and through the period of growth, to ensure their full physical, mental and social development. It further recognizes children as “Nation’s Supremely important asset”.

Today children are regarded as individuals in their own right, and not passive possessions but as a vital human resource. Never before the child has been of so much public attention as in today’s context.

Geneva Declaration (1924) of the rights of the child and the universal declaration of Human Rights adopted by the United Nations in 1948 highlighted that childhood was entitled to special care and assistance and that children, whether born in or out of wedlock, should enjoy the same special protection.

The World Declaration on the Survival. Protection and Development of Children which was finalized in September 1990 and to which India is a signatory recognized that the essential needs of Children should be given high priority in the allocation of resources at the national and international levels.

With the adoption of the Convention more than 20 years ago, the recognition of the need for better protection, support and rehabilitation is increasingly evident. Specific attention to justice for children can be found in several articles of the Convention: article 40 spells out the standards for the administration of justice, article 37 details the protection of children deprived of
their liberty, and the actions necessary for rehabilitation and reintegration are found in article 39. The ensemble of its provisions and principles, when fully respected, are intended to provide an assurance that children will not fall into conflict with the law in the first place. Guaranteeing that all children have a safe and supportive home environment that they are healthy and go to school, and they are protected from exploitation and abuse would dramatically reduce the number of children that find themselves on the “wrong side of the law”.

The traditional approach of institutional care resulted in the child being separated from his family environment. Research studies and experiences have shown that negative and painful experiences in large, de-personalized Institutions often result in an “Institutionalized child syndrome” accompanied by long-term psychological problems. This led to poor academic performance, learning difficulties and behavioral problems in children. Institutional care also led families to seek institutionalization as an easy option for caring for their children, when faced with crisis. The cost of childcare in an institution also far outweighs its advantages. Hence it is better to provide support to families in crisis through Non-Institutional Services, so that the child can be looked after within his own family environment.38

The practice of child welfare has undergone a significant change from a historical perspective. The traditional approach of custodial care in an institution is being replaced because of a strong conviction that the Right to Family is one of the most basic rights of a child. Recognizing this right of a child to a family, all child welfare activities must try and ensure that the physical, social, emotional and educational needs of the child are met in a secure, nurturing family environment. The primary focus of social work intervention is the strengthening of the family39, prevention of family disintegration and abandonment of children Traditionally in India, the child without parents was looked after by the joint/extended family, but the systems slowly disintegrated and the problem of destitution has been on the increase. Institutional care has been on the alternatives; however due to changes in approach in child welfare, one realizes that it cannot be a substitution for the individualized care that a family can provide.

A shift in focus from the “Welfare” to the “Developmental” from the “needs” to the “Rights” and from “Institutional Care” to “Non-institutional Care” are significant changes in interventions for “Families at Risk” and Children in Need of Care and Protection (C.N.C.P.). This broadening of concern ensures that problems of child destitution and abandonment are best
approached through PREVENTIVE, COMMUNITY BASED, FAMILY ORIENTED, and NON-INSTITUTIONALISED SERVICES.  

Considering society’s and state’s responsibility to ensure the rehabilitation and social integration of children in conflict with Law, there is a need for a detailed study of problems of children in difficult circumstances in different strata of community, as such children in the institutions which constitute an important group. Various studies have been done in the past by many authors i.e. **Sachdeva Simmi and Patel R.R. (1997)** A study of Psychological Aspects of 60 Juvenile females in Observations Setting, **Khanna (1986-87):** Social Correlates of Child Battering. **Gupta Honey (1997):** Study of Personality Profiles of Juvenile Delinquents (13-18 Years) **Salve, Sahastrabudhe (1999) and others: Socio Psychological Profile of Juveniles (Institutional based).**

These studies have shown the evidence of psychiatric morbidity and emotional disturbances, which are the root cause of deviant behaviour. Hence the present study Psycho-Social profile and Rehabilitation of children in difficult circumstances (not conducted so far) in the area of the study will be a new carried on in one of the metropolitan cities with comprehensive coverage and scope to understand holistic outlook of children in conflict with law being treated in correctional institutions.

The priorities to study the psycho-sociological aspects of behaviour of Institutionalized children who are in difficult circumstances become all the more important in the context of the substantive areas or issues that need professional attention.