Part III of the proposed Children Code would deal with the integrated set-up of administrative machinery, from the local to the Union level, which would be responsible for the efficient and effective implementation of the provisions of the Children Code in co-ordination with the voluntary organisations. The new administrative set-up will not only provide the necessary auxiliary services to the judiciary at the local level, but will also share its independent responsibility of child-care levied under the modern doctrine of state responsibility towards children.

The review made under chapter-IX of this work, regarding the existing set-up of the administrative machinery for implementation of child care and protection, leads us to conclude that no single authority can be identified with which rests the responsibility to frame an integrated legislative policy of child care, to look after the proper implementation of the child welfare laws, or to ensure child care and protection at its operational level.

At present, the care, welfare and protection of the child stands fragmented amongst multiple organisational structures and bureaucracies. There is a lack of co-ordination between the judicial and administrative child-care and protection on the one hand and between the child-care and protective efforts of the non-governmental organisations and those of the governmental organisations on the other. Equally, there is no co-ordination in the efforts of the different departments obliged to look after some aspect of child-care.

(A) AREAS OF INTEGRATION AT ADMINISTRATIVE LEVEL

The integration of efforts in child care on the administrative front has to be achieved in at least three areas:

First, in the light of submissions made for creating a separate integrated system of Family and Children Courts, we shall require the assistance of the administration in the creation of certain extra services for child-care, institutional and non-institutional, to provide a suitable alternative care to children in need of it, at the discretion of the judiciary. This refers to institutional facilities like the children homes and non-institutional services like the supervision over children.

The process also requires the establishment of Juvenile Police Bureau, Child Guidance Clinics and Classification Centres, Training and Research Centres and making available other auxiliary services to assist the court in the discharge of its functions efficiently and properly. The administration must maintain a complete liaison with the judiciary by ensuring that the judicial spirit is realised in its effect and juvenile justice reaches the child.

Secondly, the fragmentation in the administrative organisation relating to child-care into different departments shall have to be brought to an end, by creation of a separate hierarchy of children departments from the Union to the local level, owing exclusive responsibility to oversee all aspects of child care, welfare and protection. This department shall act as the centre to which the activities of all other departments in relation to children shall be integrated. It shall have its own band of child welfare officers and other staff, who are assigned duties regarding different aspects of child care including co-ordination with the child welfare services of the non-governmental organizations.

Thirdly, the statutory gap which now exists in the field of non-judicial child care and protection at the administrative level, as part of the executive's independent responsibility, shall have to be filled. This refers to institutional services for the children in need of care and also the adoption, foster care and sponsorship services to be organised by the State at local levels. It also refers to making arrangements or fulfilling the different needs of the children in the light of the Rights of the Child indicated under the U.N. Declaration and which, it is cherished.
should be statutorily conferred. Thus pre-natal and post-natal services, distribution of adequate nutrition to the child and the mother, arrangement of proper health-check-ups and medi-care, education and recreation facilities, special services for the physically, mentally and socially handicapped children, which may be statutorily covered, would be the responsibility of some service agency, though integrated to the Children's Department, but having its separate existence. It would act as a service centre to the child in all his needs.

(B) RE-DEFINED ROLES OF CERTAIN CHILD CARE AGENCIES

Besides the organizational set up of the different administrative bodies and institutions, the mode of functioning of certain authorities and agencies which play a role in the administration of child care and protection under the existing system, shall have to be rationalised and redefined to attain the goal of total welfare of the child and serve his best interests, at the administrative level. The role of some such agencies is submitted to be redefined as under:

(i) Role of the Children Board

The National Children's Board which was originally constituted in 1974 in pursuance of the provisions of the National Policy for Children Resolution to provide a focus and a forum at the National level, to plan, review and co-ordinate the services for meeting the needs of children, has now been re-constituted in 1981 and its functions have also been redefined as follows:

(i) To plan, review and supervise implementation of the programmes connected with the activities for the welfare of children in the post-IYC (International Year of the Child) years.

(ii) To co-ordinate and integrate the efforts made by different governmental and private agencies engaged in implementing programmes for the welfare of children.

2. Submissions for the new roles of the Child Welfare Officers and the local authorities have also been made infra this chapter.


(iii) To periodically review the progress made in the different programmes.
(iv) To locate gaps in the existing services and suggest measures to eliminate such gaps.
(v) To suggest from time to time any changes needed in the priorities accorded to the different programmes.
(vi) To act as a high powered national body to symbolise the commitment of the nation to the work of welfare of children.

The Board is to meet once a year and the Standing Committee constituted under the same resolution, twice a year. A unit in the Ministry of Social Welfare forms the Secretariat of the Board and the Standing Committee. Some States have also constituted their local Children Boards, other have not. The National Children Board is the highest body relating to Child Welfare in the country with its members consisting of certain Union and States' Ministers, high ranking officials and child welfare experts.

The functions allotted to the National Children's Board indicate that it has almost full control over planning, review and supervision of child welfare programme, to locate gaps and suggest measures to eliminate such gap. In short, the duty to look to the implementation of the national commitments on child welfare is the responsibility of this Board.

The question is whether the framing of a legislative policy relating to children is in the jurisdiction of the Children's Board or not. We have submitted later in this work, for the creation of a separate Ministry of Child Welfare, but the policies for child welfare can not be totally isolated from the other departments and Ministries. Therefore the function of taking the ultimate decision on the legislative policy should rest with the Children's Board though the draft policy may be prepared by the Ministry of Child Welfare. The legislative policy making function of the Children's Board needs to be clearly spelt out.

The legislative policy should be decided by the Children's Board in the light of the Declaration of the Rights of the Child and the other decisions of the international bodies to which India is committed. A well laid down legislative policy will provide a useful framework within which the various child welfare activities should be pursued. Such a policy declaration shall not only grant the necessary legal backing and sanction to the child welfare efforts of the executive and the voluntary organisations but will also help evoke better support from the other forums of planning viz. the National Planning Commission and from the governmental budgeting for child welfare. It is difficult to conceive a dynamic programming based on a sound footing without a progressive legislation.

It is regrettable that conceptual advances in the philosophy of child welfare have not found their reflection in legislation, with the result that the laws regulating child welfare continue to be archaic even today. Many of the legislations governing this field are carry overs from colonial times. They are also limited in scope, being rooted more in 'correctional' than in 'developmental' and 'supervisory' than 'providing'. The new legislative policy on child should recognize the new horizons reached at the children jurisprudence.

(ii) Role of Police Organisation

The police organisation is an important organ in the administration of juvenile justice in two areas, viz. in respect of the delinquent children and in respect of the neglected and other children in need of care. It is the police officer who is the first person to come into the contact not only of a delinquent child but even a neglected child. The Children Acts are silent upon any aspect of police functioning or any directions regarding some special conduct of the police officials towards the children taken into their charge, except about their white dress and

6. S.O. Gokhale, 'Administration on Child Welfare Services in India, ADMINISTRATION ON CHILD WELFARE, p.64; See also UNSDRI, Juvenile Justice, An International Survey Publication No.12, Rome, February, 1976, pp.15-44.
7. Ibid.
prohibition of handcuffing dealt in the rules framed under some of the Children Acts. The police functioning needs to be reviewed differently in case of the neglected and the delinquent children respectively.

The Children Act creates no distinction whatsoever in the police dealing with the neglected and the delinquent children except the terminology of 'arrest' for the delinquent and 'take into charge' in case of the neglected children. The police officials are well trained in dealing with criminals and to keep law and order is their main function. Use of the same force to tackle the neglected children can not in any way he held just as the children in need of care who are non-delinquent, certainly fall in a different category as compared to the delinquent children.

As has been submitted the police may have a role to play to a certain extent in case of the juvenile delinquents but their similar role in case of the neglected children goes against the juvenile philosophy, which looks upon even the delinquent children as mentally psychologically diseased and provides them treatment and training to reform them.

It is submitted that the role of the police should be clearly defined in relation to the neglected children who are non-delinquent and who for no fault of their's are first deprived of a proper care and then deprived of a proper freedom, being detained by the police. It may be done by limiting the police role in case of the neglected children to their first taking into charge. The later process of enquiry in respect of such children should exclusively be handled by the civilian staff of the observation home etc.

A question that has often been asked is: Has the police any role to play in the great task of reforming the juvenile delinquent, especially when they have nothing to do with the administration of the Children homes, special schools borstals or the after-care institutions?

8. e.g. Rules 44 and 45 The Delhi Children Rules, 1961.
10. Sec. 13(1), Ibid.
11. See Chapter IX of this work.
In preventing crime and delinquency the police have hitherto relied on their well-known methods of patrolling, surveillance and prosecution of the known perpetuators of criminal acts whether adults or juveniles. Without minimising the importance of these time honoured methods of physical prevention and punitive deterrence, one can not ignore that the establishment of the first juvenile court about a century ago was prompted by an explicit dissatisfaction with the agencies of the criminal law. The entire concept of crime is deemed in-applicable to juvenile misconduct, instead a new label 'delinquency' was devised, provision was made for a new kind of Tribunal, non-punitive in orientation, and one designated to help rather than punish. To secure these ends, the resources of psychiatry, social work and sociological technique were to be employed.

The traditional concept of preventive police action should also undergo a thorough re-orientation in the light of the findings of the modern criminological researches in the advanced countries. For this there has to be brought a change in the policeman's ideas and outlook towards the juveniles. Even though a policeman is not called upon to directly assume the responsibility of reforming criminals or juvenile delinquents, like the social case worker, the probation officer or the child psychiatrist, yet in order to be helpful to these officers or various welfare services of the State including the children's courts, he must have some idea about the fundamental causes of deviant behaviour and the socio-psychological factors involved in the control of juvenile delinquency.

It has been pleaded that in cases of minor violations of the law, the police in India would do well to have recourse to warning the juvenile delinquents, than formal prosecutions.

12. Francis A. Allen, the Borderland of Criminal Justice (1969) USA, p. 16.
13. See Killion, 'The Juvenile Court as an Institution', 261, ANNAL, p. 89-100.
15. Dr. W. Reckless, c.f. 'Role of the police in dealing with Juvenile Delinquents; SOCIAL DEFENCE, Oct. 1979, p. 36.
As such timely warning have cured many a delinquent in England and United States of America, therefore, it would be in the interest of proper enforcement of the Children Act, if some statutory discretion is vested in the police\textsuperscript{16} in this respect.

It is submitted that such powers are already enjoyed by the Police officers under Section 157(1) of the Code of Criminal Procedure, 1973 and since the procedure to be adopted for investigation under the Children Acts is the same as prescribed under Cr.P.C., there is no need for any repetition of the provisions under the Children Acts. But one course can certainly reduce the rush at the children's court and it is to refer all delinquent children, committing minor offences first to the Child Guidance Clinics as is the practice at the Japanese family court system. Only if the Chief of the Child Guidance Clinic, feels that the child requires punitive or institutional measures, that he may be referred to the Children's Court.

With regard to the delinquent child, under the existing circumstances the role of the police can not be dispensed with but it should be rationalised. It may take some time to establish a separate juvenile police well-oriented to tackle the children. In the meanwhile a uniform Special Code of Conduct should be framed for the police force dealing with children. A special Police Code for Children should make distinction in the handling of the delinquent and neglected children.

(iii) Role of Voluntary Institutions

Under the existing set up there are two kinds of voluntary institutions recognised under the law which are discharging child care services of the residential nature. First, those institutions which have been established by some individual or organisation and have been recognised under the Children Act, 1960 or certified under the State Children Act as observation homes, children homes or special schools or approved schools. In the second category are orphanages and homes licensed under the Orphanages and Other

Charitable Homes (Supervision and Control) Act, 1960. Whereas the first category of institutions usually called the Children Act institutions are assimilated in the administration of juvenile justice, the latter kind of licenced institutions usually called orphanages, lack a laison with the judicial or administrative child care system.

As already indicated, there is a dirth of institutions of general child care at the administrative level. It is because there is no law obliging any institution to take charge of the children in need of care, beyond the orders of children court or welfare board. Therefore, the aforesaid orphanages are the only resort of such neglected children, who do not reach the children court for any reasons. It is per chance that they may reach the orphanage even. Some one may take them to the orphanage or they may themselves reach it whenever they feel hungry or are in need of shelter. Equally they may leave it any time they please. It is here that an integration of approach is required.

The orphanages, it is submitted, should be assimilated as part of the judicial and administrative child care. It may assume two forms. First, wherever a police officer or any other person finds a child in need of care and finds the cause to be temporary as not necessitating the Children Act proceedings, such a child may be placed by him in the orphanage. Secondly, in a place where there is no observation home or children home or special school the children may be ordered to be placed by the Court in such orphanages as a temporary measure, till other arrangements are made. Thus the orphanages may provide a supplementary service to the children's court. The same way the civil court may commit a child found during any children's cause to be in need of care and protection to such orphanages.

These institutions may be utilised as a centre to arrange foster-care and adoption of the neglected children by suitable persons and such institutions should be considered as guardians

17. See, Chapter IX of this work.
of the orphaned, foundlings, and such other inmates of the orphanages. It has also been submitted that the bar created due to judicial interpretation under the Guardian's and Wards Act, 1890, that an institution can not be appointed as a guardian of the person of a minor should be statutorily removed, to confer an advantage on the ill-fated children. The guardianship of the Institution as compared to that of the manager, shall provide protection to a greater number of children as Managers of orphanages shall always shirk from assuming personal responsibility of a child.

But then some more obligations should be imposed upon the Managers of the orphanages, to maintain proper records, to inform the children court about any inmate who is deemed neglected within the meaning of the Children Act and make proper arrangements for the moral and material security of the male children. Unless some other alternative is not provided under the existing set up or under the proposed Children Code, such orphanages can play an important function of providing alternative care to children within the legal framework, with equal responsibility which at present they lack.

(C) A FRAME WORK FOR NEW ADMINISTRATIVE SET UP FOR CHILD CARE

To fill the gaps and deficiencies of the existing administrative set-up relating to child care the following more departments, authorities, institutions and set-ups should be established and their functions should be defined or re-defined where the authority is already existing. The organisation and mode of functioning conferred and the duties imposed on these agencies of child care and protection may be dealt with under one chapter of the Children Code divided into sub-parts and sections.

(a) Departments for Children,
(b) Child Welfare Officers,
(c) A new role for Local Authorities.

18. See, Chapter IX of this work.
19. E.g., obliging the Local Authority to take care of all children in its locality, as under the English legal system.
(d) Juvenile police Beaureaux.
(e) Child Guidance Clinics.
(f) Research and Orientation Centres.
(g) Child Welfare Councils.

(a) Departments for Children

At present a majority of the Ministries at the Union or State levels have a child-context on some aspect or the other affecting the child care, welfare or protection. Thus the ministries of Social Welfare, Education, Home, Health, Planning, Industries and Employment, Law etc. all simultaneous deal with the same child though in different contexts. This fragmentation of child care is liable to lead to disintegration, duplication in some areas and gaps in the other. The same have been illustrated in our review of the ministerial and departmental set-up under chapter IX of this work. We have come to the conclusion that no authority may be identified which may be singly responsible for the whole arena of child care welfare and protection. The proposed 'Department for Children' is sought to be established to remove the prevailing disintegration in child care at the administrative level.

There should be established a separate 'Ministry for Children' at the Union level to which the following subjects should be allocated, viz. child care, pre-natal and post-natal care, child nutrition, child-health; pre-primary and primary school-level child education and recreation, informal child education; education; training and rehabilitation of physically, mentally and socially handicapped children, delinquent children, neglected children; child labour; offences by or against the child and administration of the entire range of children's special laws or special provisions relating to children under general laws; the establishment, organisation and functioning of the integrated children courts; the administrative machinery for child-care welfare and protection; the co-ordination with any other Ministry or Department on child care and welfare; promotion and development of non-governmental efforts in child care welfare and protection; co-ordination with the United Nations Children's Fund (UNICEF) or any other International organisation relating to
Child care and welfare; agreements and conventions with other countries in matters relating to child care and welfare; all categories of institutional and non-institutional services; all institutions relating to children, governmental or non-governmental and research, evaluation, training and exchange of information and technical guidance on all aspects of child care welfare and protection; the implementation of the Children's Code and any other law relating to children and any and all other matters relating to the child welfare.

At the State level also there should be separate ministries for children. The subjects to be allocated to such Ministry being on the same pattern as the Union Ministry for Children subject to the state's territorial limitations, matters of international agencies or foreign governments. Even if the Minister is common to two Departments Child Welfare and Social Welfare, as at present, the Children's Directorate and Secretariat must be wholly independent.

There should be established a separate Department for Children at every district headquarter with the 'Children Officer' as its Incharge and having a full-fledged staff. It should be a wing of the State Ministry/Directorate for Children. The Department for children should be the administrative centre to look after the effective implementation of the Children Code and all other child care, welfare and protection schemes, legislative or executive at the district level. It should establish liaison between the Family and Children Court and the agencies providing administrative support services to the Court. It would maintain liaison with Juvenile police, the Children Act institutions and orphanages, as well as the non-institutional care both governmental and voluntary. It will co-ordinate between the voluntary and governmental efforts at the local level.

Thus the entire responsibility for administration and implementation of child care, welfare and protection at the district level shall lie with the Department for Children, which shall also act as the coordinating authority in this field.
(b) Child Welfare Officer

The different Children Acts have recognised the Probation Officer as the main administrative functionary. Under some State Children Acts such officers have been called 'Reformation Officers' and 'Child Welfare Officer' under certain other State Children Acts. Under the Children Act, 1960 he is called a Probation Officer and his duties have been specifically defined. These duties include the pre-enquiry investigation, visits to and reports about delinquent and neglected children placed in institutions, advise and assistance to such children, and to exercise supervision over guardians or fit persons under orders of the court.

Since under the proposed Children Code the courts will require the aid of Child Welfare Officer mainly for the investigation and supervision, a new cadre of Child Welfare Officers should be created with certain added functions as indicated below. But before that, a submission needs to be made in regard to the nomenclature of 'Probation Officer' used under the Children Acts which is not congenial to the juvenile philosophy. As a matter of fact the Probation Officers appointed under the Probation of Offenders Act, 1958, have been imposed with duties under the Children Act also. This is something odd. The same gentleman who deals with adult criminals as a routine, casually dealing with delinquent or neglected children can not change his tough nature and bent of criminal prejudice towards the alleged offender child. In his routine such officer also can not possibly distinguish between a delinquent and a neglected child. So with reference to children, the nomenclature of the Probation Officer and the person who discharges such functions both need replacement.

The new cadre of Child Welfare Officers should be different from the existing Probation Officers under the Probation of Offenders Act, 1958. Such officers at the local level should be under the administrative control of the District Children Officer. The new Welfare Officers should be graduates in Psychology or Sociology preferably with law qualifications and those who have passed some course in Child Welfare and whose aptitude is child-oriented

20. e.g. the U.P. Children Act, 1951.
21. e.g. the Bombay Children Act, 1948 as amended.
should be preferred. Before they join their duties they must be given a thorough training in various aspects of their job and be fully acquainted with the modern juvenile philosophy of treatment, training and rehabilitation. They should be reoriented after every five years.

Besides the duties now imposed upon a Probation Officer under the Children Act, 1960, they would also provide assistance to all civil courts not only as an investigating or supervisory service, but will be a link between the Court and the District Children officer, in making arrangements for the alternative care of the child, where so ordered by the Court or in procuring the help of any expert or agency required to assist the Court in arriving at a decision, communicating with the guardian or helping the Court in other matters as may be prescribed.

A new and important function which is sought to be imposed upon the Child Welfare Officer is inspectorial now performed by the Labour Inspector or Factory Inspector and the like. A different individual may be assigned the job but such Child Welfare Officer would be responsible to make inspection of factories and other industrial and non-industrial establishments, shops and occupations or any other vocation and employments to oversee the due observance of child labour standards. He would also have a duty to visit schools and check the due observance of facilities statutorily imposed to be provided. Thus the entire inspecting job shall be conducted by the Child Welfare Officer and any breach reported to the District Children Officer, who shall initiate the necessary prosecution.

(c) A New Role for Local Authorities

The aim of child protection and welfare being common to the judiciary and the administrative organs of the State, there should be a complete co-ordination between them so that they compliment each other. A good example of this liaison in relation to the child protection efforts is found under the English legal system. There the central place in the administration of child care and protection is occupied by the local authorities. The local authority not only provides an auxiliary or support service to the courts
but assumes its independent position in providing care to the children. The local authorities under the English law have a duty to give advise, guidance and assistance including financial, in order to prevent a child having to be received into care or brought before a juvenile court\textsuperscript{23}. By Section 1 of the Children Act,1948, a local authority is under a duty to receive a child under the age of 17 into care under various circumstances. The Children Act, 1948 as amended upto the Children Act, 1975 gives powers to the local authority to assume the parental rights and duties of the aforesaid children by passing a resolution to that effect. They have a power of vesting parental rights and duties in a voluntary organisation in whose care a child is placed\textsuperscript{24}. The Children Act, 1975, when it comes into force obliges the local authorities to establish and manage an 'Adoption Service'\textsuperscript{25}. By whatever means a child comes into the care of the local authority, promotion of his welfare is entirely its responsibility. The local authorities have various other functions to perform in relation to the neglected and delinquent children.

The exhaustive nature of the functions performed by the local authority at the English legal system provides a good model to us to act upon. If the law aims that under no circumstance a child should remain without care and protection, statutory arrangements shall have to be made to provide him suitable alternatives of such care and protection under all circumstances. Since the Children Code visualises the proposed Family and Children courts to be vested with powers to pass 'care orders' and 'supervision orders' similar to those passed by the English courts, the incidental auxiliary institutional service and supervisory service shall have to be provided. Besides the gap which now exists in institutional services to the child at a pure administrative level has also to be filled.

\textsuperscript{23} Bromley's Family Law 5th Ed. p.409.
\textsuperscript{24} Children Act, 1975 Section 107 (1).
\textsuperscript{25} Section 107(1) Ibid.
It is submitted that the local authorities in India should also be imposed upon certain duties of child care and protection. We may not in the beginning, burden them with heavy responsibilities, but a beginning may be made by obliging every Municipality, Town Area, District Board, Cantonment Board etc. and if possible several panchayats joining hands at the Block level, to create one residential institution called Municipal Children Home or District Children Home, Block Children Home as the case may be to receive the children in need of care at the local level and one Child Welfare Officer be attached with each such home. The affix 'Municipal', 'Block' and 'District' have been purposely added to distinguish these Homes from those created under the Children Act or the licenced Orphanages.

If a beginning is made, the child welfare consciousness and responsibility will grow and with it the obligations of the local authorities may be gradually increased, to bring them at par with the functioning of the local authorities in respect of child care, now performed at the English legal system. This approach will remove the paucity of Children Act institutions now felt and will provide shelter to all categories of children who are in need of it at the local level. Beggary and Vagrancy can also this way be brought to an end. Duties and powers may then be imposed upon the local authorities to take into their charge any child deemed to be neglected. The supervision of the District Children Officer will be available to the Homes of the local authorities.

(d) Juvenile Police Bureaux

In October, 1951 Dr. Walter Reckless, as a U.N. expert visited India and in his report on Indian Jail administration, he made a plea for the establishment of Juvenile Bureaux in the police department. The first police unit of its kind in India was inaugurated in Bombay city on August 20, 195226. The Conference of the Inspectors-Generals of Police held in 1954 had appointed a Committee to report on the subject of juvenile delinquency in India. One of the recommendations of this Committee was as follows:

In those cities and towns where the problem of juvenile delinquency is acute, a Juvenile Bureau should be established in the police force in any case, the Juvenile Bureau should be an important part of each city police organisation with qualified officer-Incharge, who understands delinquency problems and knows how to organise recreation to children. He should be assisted by adequate and qualified staff of men and women. One of his duties would be to organise clubs for children, particularly in slum areas where children can meet, play, read and write and enjoy themselves.

It is submitted that the echoed calls of a need to have separate Juvenile PoliceBureaux in every district should be statutorily accepted by suitable amendments made under the State Police Acts and by adding a provision to that effect under the Children Code. It is also advisable that more and more women police are recruited to such units. A proper training should be given to the officers of such juvenile police in all the necessary aspects of juvenile philosophy, child psychology, sociology and the special procedural law relating to the juvenile delinquents and neglected children.

(c) Child Guidance Clinics

The diagnostic approach adopted at the modern juvenile law has necessitated the creation of more than one kinds of expert services to arrive at the right conclusion regarding the affected child's personality. Many a time a child is tempted to steal some article whether a toy or a gold ornament just glittered by its shine, or out of curiosity and such other petty child-like feelings. Jurisprudentially it may be theft but humanly is it? It is to know such realities that Child Guidance Clinics and Classification Centres are created and they provide a good support service to the Children Courts and a good counselling service to the parents and the administration.

Such centres are manned by a team of clinical psychologists, psychiatrists and trained social workers. They size up the problem

by giving various psychological tests to assess both intelligence and personality of the child. The experts may also make home visits to see the family and the living conditions of the child. If the mind is distorted, the actions are bizarre and harmful. Based on these results of the tests, case conferences are held to classify the child and formulate a treatment plan.

Child Guidance Bureaux are at present more often in the voluntary sector and are limited to big cities only. Looking to the important role played by this expert service, including the out-of-court counselling, Child Guidance Clinics should be established at all district headquarters, whether by the State or at the voluntary level having State recognition. The experts may be drawn from among the local private psychiatrists and child welfare workers but their qualifications and training must be ensured.

(f) Child Orientation and Research Institutes

The need to provide an appropriate child orientation and reorientation at proper intervals, through training of the whole machinery involved in the process of administration of juvenile justice, has been indicated above. The State should establish Regional Child Orientation and Research Institutes at least one in each State, to impart the required training. Such Institutes should take up the entire responsibility of academic and empirical research and training pertaining to different aspects of child care, welfare and protection in an integrated manner. Separate research teams should be assigned different aspects of child care and protection. The findings should then be pooled together and a co-ordinated Research Committee should arrive at conclusions and prepare an annual report, highlighting the data collected in the empirical researches and the academic researches and the recommended action or reform in the area of juvenile justice in the state.

A Central Child Orientation and Research Institute should be established to co-ordinate the activities of the Regional Institutes, to prepare courses to be imparted to the different

29. See, Chapters VII and IX of this work.
personnel involved in the administration of juvenile justice, to provide trainers and training material to the Regional Institutes and act as the apex research, documentation and training centre in the country, in the whole arena of the children's laws, substantive or procedural or its administrative aspects. It should publish a regular journal covering the entire field of justice to the child.

The two existing national institutes viz. the National Institutes of Public Cooperation and Child Development (NIPCCD), New Delhi and the National Institute of Social Defence (NISD), New Delhi both integral parts of the Ministry of Social Welfare, cover only a portion of the total child care and protection. The NIPCCD covers the area of 'development' of the child and trains the personnel involved in the ICDS programmes, while NISD, covers the area of delinquents and neglected children. It is submitted that either the two Institutes may be joined to form the proposed Child Orientation and Research Institute and their area of research and training be widened to cover all aspects of the child's legal protection in its widest sense or a separate institute should be established to do the whole job.

(g) Child Welfare Councils

The Children Act, 1960 lays down that the children's courts shall be assisted by a panel of two honorary social workers possessing such qualifications as may be prescribed, of whom at least one shall be a woman, and such panel shall be appointed by the Administrator. But the Act nowhere indicates about the source of such social workers. A similar provision is contained under Order XXXII-A of the Code of Civil Procedure where the civil courts exercising jurisdiction, in matters concerning the family may take assistance of a welfare expert.

The availability and suitability of social welfare workers to assist the children courts in their decisions or in the conciliation efforts in the family matters involves two fold difficulties.

30. Section 5(3).
First, the existence of a voluntary social welfare organisation at every place where such Court is situated is not essential. The field of action of the child/social welfare institutions is usually restricted to big cities. Secondly, even where volunteers are available their suitability and competency for the desired job can not always be assured.

Since the efforts of voluntary sector in the area of child care and welfare have also to be properly recognised and integrated in the total process of child protection it is quite essential that there should be one voluntary organisation at every District headquarter or where a Family and Children Court is situated. A new hierarchy of 'Child Welfare Councils' consisting of local, state and national level councils should, therefore, be created under the Children Code.

The existing voluntary organisations such as the Indian Council for Child Welfare may be recognised for the purpose and such organisation may open its branches at State and District levels. Any other voluntary organisation at the District level may also be recognised in the alternative, but only one such body should bear the responsibility of co-ordinating all the voluntary efforts at the District level and to maintain a liaison with the governmental Department for Children of the area, for a proper integration in child protection efforts. In case there is no voluntary organisation at the District level, the Council may be constituted by nomination by the District Children Officer.\(^{32}\)

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32. The Dutch law provides a good example in this regard. There is a Council for 'Child Care and Protection' statutorily created, in all the places where the District Court holds Session. The members of such a Council are appointed by the Crown on an honorary basis. The idea of the Council is to form a child care centre in each District. See, Child Care in the Netherlands, (3rd ed.) 1971, p.32.
The local Child Welfare Council should also see to the adoption, foster-care and sponsorship services for the area. It may provide institutional guardianship to the children without guardians. This will cover the gap felt in the area of such services. The Council will also provide a necessary statutory link to the voluntary efforts, co-ordinate such efforts and provide the child welfare experts to the Family and Children Courts.

33. See Chapter IX of this work.