The Government of India has devised entities separate from the traditional justice system to address the particular needs of children: Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs) under the Juvenile Justice (Care and Protection of Children) Act 2000 to deal with the children in conflict with law and the children in need of care and protection respectively. JJB and CWC are different in their functioning since the JJB looks through the cases of children in conflict with law in place of the previous Juvenile Courts and CWC looks through the cases of children in need of care and protection, in place of the previous Juvenile Welfare Boards (Figure-I). The JJB members also supervise the functioning of Observation Homes and CWC members supervise the functioning of Children’s Homes for children in need of care and protection. The Act has given an emphasis on adopting a child friendly approach in the process of adjudication and disposition. Children are brought to both these bodies through different agencies, one of them being the Police. This chapter therefore has two parts, the first looks at the JJ administration and the second looks at the role of police.

Part – I

Child Welfare Committee & Juvenile Justice Board

A child apprehended by the police directly or on complaint is brought to the legal system. The process of justice for children, facing adverse circumstances, commences with their production before the competent authority, that is, Child Welfare Committee (CWC) or Juvenile Justice Board (JJB). The competent authority is supposed to act ‘on behalf’ of children under difficult circumstances. It initiates action which is supposed to give a positive turn to the course such children find themselves set on. Here, the dominant ethical consideration needs to be as to what course of action would be in the larger and long-term interest of the children produced before the authorities.

Section 29 of the Juvenile Justice Act of 2000 stipulates the creation of CWC, and section 4 stipulates the formation of JJB. The law specifies attributes of those who are to serve on these two bodies. In order to make the system child friendly it provides for an appropriate orientation of the functionaries at the time of appointment. The Juvenile Justice (Care and Protection of Children) Act, with the amendment in 2006 (acquired some salient features). These were:

(1) Word “adoption” was defined.
(2) Categories of children falling in the definition of children in need of care and protection of law were expanded.
(3) The period for which a juvenile could be kept in any institution i.e. observation home, special home or fit institution or place of safety was limited to a maximum of 3 years.
(4) Meaning of "juvenile in conflict with law" was clarified and explained as a person who is alleged to have committed an offence and has not completed 18 years of age as on the date of commission of the offence.

(5) Section 7A was inserted in the Act, which provided the procedure to be followed for determining the juvenility of the child and the court was expected to determine this.

It is important that the situation at the ground level is examined to assess if they match the stipulations prescribed and discussed later. The underlying spirit of the JJ Act is that the competent authority will be innovative, proactive and coordinative. While dealing with the children and their problems, the competent authority could hardly be precedent-bound. Given these considerations, it would be relevant to take a critical look at the working of CWC and JJB as well as the Special Juvenile Police Unit. This chapter has two main sections under which we examine the structure and functioning of the juvenile services in Delhi. The Juvenile Justice Boards and Child Welfare Committees manpower resources, professional background of the members, their awareness of the JJ Act and their handling of children have been studied and presented in the first section to assess the extent to which changes in legislation have borne fruits. The second part looks at the role of Special Juvenile Police Unit and to cross check this part also looks at the children who at some point experience the impact of administrative and police systems.

Figure - 1

Juvenile Justice Management Structure
Prepared by the JJ Act. 2000

2 Juvenile Justice Boards
(Sewa Kutir and Nirmal Chaya; Sewa Kutir and Vihar & Lajpat Nagar)

4 Child Welfare Committees
(JJB-1 Sewa Kutir
JJB-2 Nirmal Chaya
Principal Magistrate (Judicial first class Magistrate)
Social Worker-I
Social Worker-II (Woman)

Principal Magistrate (Judicial first class Magistrate)
Child Psychologist
Social Worker-II (Woman)

CWC
(Since May 2009, all the 4 CWCs have the Chairperson and members in place)
Chairperson
Four Members
Two Members should be Women
6.1 Structure and Functioning of the Child Welfare Committees

6.1.1 Structure of the Child Welfare Committees

The Child Welfare Committee is the competent authority set to receive such children and pass necessary orders for their rehabilitation, restoration or social reintegration. As per the Act, “each CWC has to have a given staffing pattern. The Committee shall consist of a Chairperson and four other members as the State Government may think fit to appoint, of whom at least one shall be a woman and another, an expert on matters concerning children. The qualifications of the Chairperson and the members, and the tenure for which they may be appointed shall be such as may be prescribed by the State Government. The Chairperson must be a Post Graduate with a minimum seven years experience in fields pertaining to children.” The appointment of any member of the Committee may be terminated, after holding inquiry, by the State Government, if-

i. he has been found guilty of misuse of power vested under this Act;
ii. he has been convicted of an offence involving moral turpitude, and such conviction has not been reversed or he has not been granted full pardon in respect of such offence;
iii. he fails to attend the proceedings of the Committee for consecutive three months without any valid reason or he fails to attend less than three-fourth of the sittings in a year.

Early in 2003, two CWCs were set up in the capital city, although many more were required. Realizing the need in 2007 two more CWCs were set up. The four CWCs have thus been set up in different locations of the Capital, Nirmal Chaya, Lajpat Nagar, Mayur Vihar and Sewa Kutir, Kingsway Camp. On visiting the CWC in Lajpat Nagar and also confirmed in discussion with the Member of CWC in Mayur Vihar, we were informed that the CWC Mayur Vihar had the additional charge of CWC Lajpat Nagar and CWC Sewa Kutir had additional charge of CWC Nirmal Chaya till May, 2009 due to the expiry of the tenure of the other two CWCs. Now they have been constituted after the meeting of the Juvenile Justice Committee during March, 2009. Each of the four CWCs in Delhi has a Chairperson and four Members to manage its functioning. Of the four CWCs we could get permission to visit two for our research purpose. For other two, permission was not given nor was any reason provided for rejecting our request. Therefore the CWCs in the Nirmal Chaya complex and Sewa Kutir complex were not visited. We interviewed the Chairpersons and Members of the CWCs located in Mayur Vihar and Lajpat Nagar. Table–33 shares the constitution of CWCs in Delhi as during December 2009.
Table-33: Details of Child Welfare Committees constituted for Delhi

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Place of sitting of CWC</th>
<th>Districts falling in the jurisdiction of CWC</th>
<th>Present Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>N.P.S. for Deaf, Delhi Police Apartments, Mayur Vihar, Delhi</td>
<td>East, North East &amp; Central South, South East &amp; New Delhi</td>
<td>Functioning</td>
</tr>
<tr>
<td>2</td>
<td>Children’s Home for Boys, Kasturba Niketan Complex, Lajpat Nagar, Delhi</td>
<td></td>
<td>Tenure came to an end on 18.02.09 New committee has been constituted since May, 2009</td>
</tr>
<tr>
<td>3</td>
<td>Nirmal Chhaya Complex, Jail Road, New Delhi</td>
<td>South West, West</td>
<td>Tenure came to an end on 18.02.09 New committee has been constituted since May, 2009</td>
</tr>
<tr>
<td>4</td>
<td>Sewa Kutir Complex, Kingsway Camp, New Delhi</td>
<td>North, North West-I &amp; North West-II (outer)</td>
<td>Functioning</td>
</tr>
</tbody>
</table>


Since the Child Welfare Committees are required to handle a large section of children in need of care and protection (CNCP), physical facilities are important for attaining their goals. These bodies deal with public including friends and relatives of children facing adversity. Further they are mandated to coordinate the concerns and activities of various government and non-government agencies.

As mentioned by one of the CWC members, “Before 2006 absence of necessary infrastructure and manpower with CWCs to carry out the aforesaid functions smoothly had remained a constant source of concern. However, with the intervention of Juvenile Justice Committee of High Court of Delhi there has been a considerable improvement in the infrastructure and facilities provided to CWCs. These include provision of adequate furniture, sitting space, computers with necessary hardware and internet facilities and facility for telephone. One Probation Officer has been attached with each of the CWCs and some staff has also been provided.” The same view point was shared by another CWC member, ‘There has been a remarkable change and more efforts are underway to ensure further improvements in the infrastructure and staff provided to CWCs by the Department of Woman and Child Development, Govt. of NCT of Delhi.’
The CWC, Mayur Vihar is located in the School for deaf and dumb on the ground floor. It had three spacious rooms allotted for its functioning in the school premises on the ground floor. The school building had three floors and there was a board on the main gate with the school name on the ground floor. There was also a small sized board of the CWC on the main gate of the building. The main entrance to the school had a small gate with a security guard. The security guard did not note the name and purpose of all visitors. During all our visits he never stopped us, even when we asked him the way to the CWC. This freedom was not there in any other institutions. Perhaps it was because most other CWCs and JJBs were located in the premises of Children’s Homes. In the school corridor the corner room on the right side was used as a waiting room and if one went straight the two rooms in succession were used for CWC proceedings. The first room was comparatively small where the Probation Officer and one clerical staff member sat. The second room was spacious with adequate sitting arrangements for the CWC members as well as other staff and the child and his parents/guardian. From the entrance, the CWC members sat on the right side and the administrative staff in the front. There was a long table in front of the CWC members, across which the chairs were there for the child and his guardian. Further there was a bench adjacent to the left wall of the room for relatives and other members.

In terms of basic facilities, there was one computer and a fax machine in the room of the Child Welfare Officer. There was one telephone line in the main hall on the Chairperson’s table. Neither the CWC members nor the Chairperson had been allotted a separate room.

The waiting room had three long benches adjacent to each of the three walls. There was no drinking water arrangement for the children/guardian in this room. During most of our visits there were more than twenty children waiting for their turn. The guardians of some of these children used to be roaming outside the room and some were seen sitting on the floor.

The visits to CWC in Laipat Nagar-II were also on working days to get a realistic understanding of its functioning. The initial visits were unplanned ones with no prior appointments with the CWC officials. It was not an easy place to locate, was in an interior lane to which either the public vehicle like autos either demanded extra money or refused to take along. The CWC space was part of a bigger building, Children’s Home for girls in need of care and protection in the age group of 12-18 years. After entering the main gate, there was a passage, leading to three different directions. On going straight was the main gate for entry into the “Home for Girls”, on the right side was the waiting room for the children and accompanying persons and the left side was having one small room for other officials of CWC. Further to left was a big spacious room adjacent to, the room designated for CWC meetings. Each room was having basic furniture like chair, table, but were not in
a good shape. Each room had a ceiling fan and two tube lights with no air-conditioner for summers and heaters for winters.

For both the CWCs, we tried to ascertain the opinion of the eight CWC members and also the support staff about the available facilities. It was a general opinion of most of the CWC members contacted, "The facilities in the CWCs despite all improvements are still lacking. With all case load, the basic office items like the fax and photocopying machines are not there and one has to get it done from the Children's Home, which often ends up wasting the time. Also the availability of office stationery should be further improved."

It was stated by the CWC Chairpersons that except for the room in which CWC proceedings take place, there was no chamber, room or cubicle for the individual members. As reflected by the Chairperson of CWC, Lajpat Nagar, "The most probable reason for this limitation could be the Home premises cannot afford to give so many rooms for CWC functioning. This however makes the quality suffer as some cases need to be read carefully or discussed amongst the members before initiating any proceedings."

One of the CWC members felt, "Children's Home premises are not the right places for the legal proceedings of CWCs. Since any functioning day of the Committee involves the presence of large number of people from various backgrounds and this hampers the security arrangements of the Home." On checking the opinion of other members, there was a different viewpoint. As they felt, "Locating the CWC in the Children's Home facilitates the supervisory role of the Committee. They can now easily monitor the functioning of these Homes and can also ensure looking through the pending, non-committed cases of these Homes faster." During the field work it was however noticed that the CWC members did not supervise the Homes. In case of the CWC in Lajpat Nagar as informed by the Welfare Officer, "Since the CWC is located within the premises of the Home, the members sometimes make monitoring visits to the Home." However the Welfare Officer could not share any document of these visits to the Children's Home.

The CWC members were primarily concerned about their individual comforts and facilities rather than the systematic working of the institution. Not even a single CWC member was thoughtful towards the children and the accompanying parties who are sometimes required to wait for hours as none of them suggested some arrangement even for drinking water or a washroom for them.
The constitution of the two CWCs was found to be in line with the Act’s requirements with respect to having one woman member and the Chairperson with more than seven years of experience of working with children. However the experience in child related fields in case of the CWC members was not a consideration. Of the eight CWC members interviewed only two of the members had some prior experience of working with children. All the eight members were Post Graduates in social stream and were retired Government officials. The members were either retired from the State Social Welfare Department or were from other government departments. Their background was found to be as follows:

Retired Chief Superintendent in AIIMS - 1
Retired Superintendent of the Children’s Home for Boys - 1
Retired Officials from the Department of Social Welfare and Central Social Welfare Board - 3
Retired medicine doctor from the Government hospital – 1
Retired government officials with a legal background - 2

Because of the discouraging attitude of the CWC members, only limited information was obtained about their exact qualification. The support staff members also did not divulge any information on this aspect. The Child Welfare Officer in these Committees however informed about their professional backgrounds. The CWO, a young girl in early twenties in the Child Welfare Committee in Lajpat Nagar informed, “All the four members are retired government officials. Of these members, only one was having prior experience of working with children since he was the retired Superintendent of Children’s Home for Boys.” The Chairperson was Founder-Director of an NGO, Pratidhi working for children in difficult circumstances. He was thus having maximum experience of working with the kind of children who come in contact with the juvenile justice system. Two CWC members had a legal background and two with a medical background were found to have little or no experience of dealing with children. Even the members from social work departments had no prior experience of working with children. They were actually learning to function ‘on the job’. This information clearly reveals the state of affairs in terms of the experience of the CWC members of working with children, thus left much to be desired.

6.1.2 Functioning of Child Welfare Committees
To obtain an insight into the implementation of rules and procedures governing the children, from the Child Welfare Committees, we could meet two Chairpersons and eight members, from two CWCs. Children in need of care and protection are brought before the CWC for suitable action by the police, Child-line, NGO or any other concerned citizen. If the CWC is not in session on a particular day, the child is admitted directly by the
Superintendent of the Children’s Home. As per the Act stipulations, if the child is received directly by an organization, than the child is to be brought before the CWC within 24/48 hours and the final order for any child apprehended should be given within four months extendable to six months. This was however not happening and the duration of stay was much longer. In the Children’s Home for Boys in Alipur, many children were found staying in the Home with pending cases beyond the duration mentioned.

The main reason offered by the Superintendents of these Homes was the busy schedule of the CWC due to an increase in the number of children apprehended by police or brought to the Home otherwise by NGOs/Child-line. This further compelled the CWOs of these Homes to take the inmates again to the Committee. Thus the entire process took more than the stipulated time and this further prolonged the stay of children whose parents had been traced or who had not committed any offence. Another implication of the non-committed status of these children was they were not entitled to all benefits of the regular inmates in terms of food, clothing, bed and almirah provided by the Home authorities. The Social Investigation Report (SIR) of these children was however prepared by the CWOs of Children’s Homes. In the absence of the Probation Officer, this was one of their main tasks requiring most of their time in the opinion of all the CWOs approached by us. During the study period the CWOs in the Children’s Home for Girls and Boys – I & II were regularly noted taking the inmates with pending cases to the CWCs.

**Procedures of the Child Welfare Committee**

Once the child has been brought to the CWC, it is expected to assess the case or study the report of the police / child welfare officer and then interview and counsel the child. The Probation Officer in the CWC prepares the final report with the necessary recommendations. Some of the possible provisions for the rehabilitation and social integration of the child by the CWC as per the section 39 of the JJ Act are:

- Restoration to parents
- Repatriation of the child to his family or to the nearest Children’s Home in his home state
- Admission to institution (to be reviewed every year)
- Declare the child destitute and legally free for adoption
- Long term foster care (for children who are not legally free for adoption)

As mentioned earlier the stipulated adoption/foster care/sponsorship were not found operational in any of the four institutes under study. The second and third options were mostly followed by the Homes under study as per the directions of the CWC. All the CWC
members reported that, almost in all the cases, children were tried to be restored to the natural family. In the absence of the natural family or not able to locate the address (majority of cases) the child was sent to the Children's Home. Since it was not possible to locate the family of children in most of the cases they were sent to the Children's Home on a temporary basis. One of the Child Welfare Committee members in Mayur Vihar mentioned, "Though the Act envisages a special stress on the other means of disposition of cases i.e., adoption, foster care. In the absence of sufficient time and support, rarely have the options of counseling, foster care or adoption been used." She admitted that, "it is very often that the trial of cases takes more than the stipulated time i.e., four months, which was mainly due to the large number of cases on each working day." She stated that "though the Act was implemented in 2001, still all districts of the capital are not having a CWC. Thus defeating the basic purpose of the JJ Act i.e., of restoring children found in difficult circumstances to their parents or looking for sponsorship or adoption or foster care options." The perceived duties of CWC in words of one of the members of the CWC in Lajpat Nagar were, 'The CWCs are mandated to supervise the functioning of the Children's Homes and also act as a coordinating link among the NGOs, guardians of children and the police and Children's Homes under the juvenile justice system. In the past a lack of adequately trained members to discharge duties has hampered the functioning of the CWCs considerably. By its very nature of work, CWCs need to meticulously maintain records so that each child produced before it can be appropriately rehabilitated.'

The Child Welfare Committees in Lajpat Nagar and Mayur Vihar had a common scene. In both CWCs on almost all five days of the week, outside the CWC premises one could see policeman, NGO personnel, Child Welfare Officers and anxious parents moving around for their turn to come. There was no system of pre-defined date as many children were brought by the police and the NGOs on a random basis. Only the children coming from the Children's Home were given some fixed time and date. The rooms of the Child Welfare Officer and the support staff adjacent to the court room were responsible to allow only one case to be permitted inside at a time. This support staff was also expected to prepare the SIRs of the children brought by the Police or the NGOs or any other party besides those from the Children's Homes. Before sending the child to the hearing room, the Welfare Officer had to pass the Investigation Report to the CWC members and the Chairperson. Majority of cases brought by the police to the CWCs were linked to their stay on the streets alone or found begging or on being charged of minor theft.

These police officers were in uniform and were having a tough approach towards children picked by them. We noted most of them using a harsh language with the children and they
made the children wait for their chance in the van unlike the others brought by the NGOs or the Child Welfare Officers from the Children's Homes. We tried to speak to some of these policemen, most of the time they were not very welcoming and had a fixed response that, "These children are a nuisance and can be found anywhere in the city. There is no way to control their increasing number in the city." The children in the van were not offered water or anything to eat even after hours of wait for their chance. The children brought by the NGOs comprised of many minors found working in difficult conditions and also those brought by the parent/s who felt that they are not able enough to take the best care of the child and institutionalization would be a better option. The children brought by the Welfare Officers from the Children's Homes were either those who cases were pending and had come for the first hearing or the review cases after a year or two of their stay in the Homes. The children accompanied by the NGOs or the Child welfare Officers were mostly found seated in the waiting room having no drinking water arrangements.

When a case hearing had to get started, the adjacent room called out the name of the child along with the name of the accompanying party. The child and the guardian went inside the room and got seated in front of the CWC members.

We contacted one of the NGO personnel after their meeting the CWC members along with the child, to get a better understanding. She was from the 'Smarth' NGO functional in South Delhi providing non-formal education to deprived children. She informed that during their community work they had come across a family with five children under the age of 10 years and the mother working as a housemaid. Though the father of these children was working as a cook in a restaurant and was earning decent wages, he was an alcoholic and used to spend most of his earnings on self and was also abusive to the family members. The mother had approached the NGO to provide shelter to two of her children in the Children's Home since she was not in a position to look after them. The NGO personnel told that the CWC members were so busy that after her regular follow up she could get a chance to meet them only after two months and during the hearing, they only studied the Report prepared by the Welfare Officer and did not even talk to the mother who had foregone her wages of the day to meet the Members.

Of the many visits we describe one average day of these two CWCs. At 10:30 a.m. in the morning, the main veranda was a chaotic place. There were children of all age groups with their parents, Delhi police officials, advocates and NGO employees. The Welfare Officer and clerical staff member seated in the adjacent small room with the computer and one telephone, were being served tea and some fried snacks at twelve 'o' clock in disposable cup and plate. There was also a water jug on their table, a facility not available to every
other visiting person. The CWC did not have fax or photocopying machines but as in words of
the Welfare Officer, ‘This is not a constraint as we are allowed to use the stationary of
the Children’s Home for Girls in case of emergency. The staff of the Home is friendly with
us.’ The clerical staff member agreed with that. This was though in contrast to the opinion
of one of the CWC members who considered this as an impediment in a faster functioning.
The waiting room was having wooden benches on two sides and there was no arrangement
for drinking water for the children or the accompanying party.

During our visits the CWC members and the Chairperson were always busy looking
through the case reports as there were always a large number of cases waiting for their
hearing. During the case proceedings, outsiders were not allowed but we could see standing
at the door that in most of the cases that the Chairperson and the Members looked through
the Investigation Report’s findings and conversed with the accompanying party and gave
their decision. In very less cases we found them interacting with the child. The situation in
this main room of case proceedings was found to be very depressing as the interaction was
mostly one way and the approach of the Members was not open so as to encourage the
child to open up and share his feelings. We tried to enquire from the Welfare Officers about
their responsibilities and the response was similar in both the CWCs. The Welfare Officers
informed that besides preparing the Social Investigation Reports of the children brought to
the CWC, they were expected to maintain some discipline by not allowing anybody inside
the main room and ensuring that most of the children and guardians are seated in the
waiting room. Once the proceedings are over, they were required to prepare the final report.
According to the Chairperson, Mayur Vihar, “The working of CWCs is closely monitored
by the Juvenile Justice Committee of High Court of Delhi. The members of the CWCs have
been impressed upon to maintain a proper record of cases of children brought before them
and to send a regular statement of work for assessment of their performance as well as for
evolving new strategies and best practices for children in distress.”

One of the CWC Members in Lajpat Nagar mentioned, “there are not less than twenty to
twenty five cases each day and it is impossible for the Members to talk to all children. If
they start doing that they cannot see more than five to six cases in a day. Already the
backlog is enormous on us.”

Following table-34 shares the number of cases disposed of by CWCs during the month of
### Table – 34: The Comparative chart of institutions and disposal of cases at CWCs

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Child Welfare Committee</th>
<th>Month</th>
<th>Year</th>
<th>No. of Cases Disposed of</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CWC Mayur Vihar</td>
<td>January</td>
<td>2009</td>
<td>79</td>
</tr>
<tr>
<td></td>
<td></td>
<td>February</td>
<td></td>
<td>99</td>
</tr>
<tr>
<td></td>
<td></td>
<td>March</td>
<td></td>
<td>88</td>
</tr>
<tr>
<td>2</td>
<td>CWC Lajpat Nagar</td>
<td>January</td>
<td>2009</td>
<td>64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>February</td>
<td></td>
<td>69</td>
</tr>
<tr>
<td></td>
<td></td>
<td>March</td>
<td></td>
<td>35</td>
</tr>
<tr>
<td>3</td>
<td>CWC Nirmal Chaya</td>
<td>January</td>
<td>2009</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td></td>
<td>February</td>
<td></td>
<td>64</td>
</tr>
<tr>
<td></td>
<td></td>
<td>March</td>
<td></td>
<td>77</td>
</tr>
<tr>
<td>4</td>
<td>CWC Sewa Kutir</td>
<td>January</td>
<td>2009</td>
<td>103</td>
</tr>
<tr>
<td></td>
<td></td>
<td>February</td>
<td></td>
<td>99</td>
</tr>
<tr>
<td></td>
<td></td>
<td>March</td>
<td></td>
<td>128</td>
</tr>
</tbody>
</table>

Source: Juvenile Justice Newsletter, April 2009, Vol. 1, No. 4, Special Police Unit for Women and Children, pp.4.

One of the CWC members retorted, “We are handling more than fifteen cases on a daily basis, it is practically not possible for any of us to go into the details of each case. It is only in the long term interest of the child we send him to the Children’s Home, where they will at least get the basic minimum in terms of food, education and vocational training.” From our discussion it was evident that the lack of proper training and monitoring compounded by insensitivity of competent authorities left little space for children’s views to be expressed or heard.

It can be assessed that the proceedings were based on the findings of the Social Investigation Report and thus the Welfare Officer had a principal role to play. It was the responsibility of the Welfare Officer to give each child sufficient time to prepare the report.

The researcher was not allowed to see any official document but was informed by three CWC Members and the Welfare Officer in the CWC, Lajpat Nagar that the CWC members had started visiting Children’s Homes, within their districts, regularly and they submitted regular inspection reports so that issues like cleanliness, health of children staying at Homes did not take a back seat and were resolved at the earliest in the best interest of the children staying therein. The media reports of children escaping from the Homes or those of brutalities inflicted on inmates in the Homes however presented a contradicting picture.
6.2 Structure and Functioning of the Juvenile Justice Boards

6.2.1 Structure of the Juvenile Justice Boards

As per the requirements of the JJ Act 2000, two Juvenile Justice Boards have been constituted in the NCT of Delhi. In accordance with the present Juvenile Justice System, children in conflict with law are kept in the Observation home pending inquiry and on conviction by the Juvenile Justice Board, sent to the Special Home. The two Juvenile Justice Boards in Delhi have been set up in close proximity of Observation Homes. Juvenile Justice Board - I is in Sewa Kutir Complex, Kingsway Camp near to the Observation Home for Boys in Majnu ka Tila. Juvenile Justice Board – II is situated in Ferozeshah Kotla, adjacent to the Observation Home for Boys-II. Observation Homes are designed to be less punitive or stigmatizing than a jail, and staff members are prohibited from using weapons or handcuffs on the children.

The JJ Board–I in the premises of the Sewa Kutir at a distance of nearly half a kilometer from the main gate of the complex. The premises of Sewa Kutir complex was having two government run Homes, one was for the Beggars and the second was for Visually Handicapped and Child Welfare Committee and the Juvenile Justice Board – I. There was a guard posted on the gate with whom the visitor was required to share the purpose of visit. The JJB-I was situated just in front of the Child Welfare Committee. The JJ Board was having one big room for the case proceedings, rest room for the Magistrate which was also used by the Board Members, attached was a legal aid room having three cabins – one used by the advocates accompanying children in conflict with law, another used for storing the reports and the third having a photo copying machine. There was another room called ‘Kharja,’ the lock up room for the juveniles waiting for their hearing. This room was having separate partitions for the children in conflict with law from Tihar jail, Jail No. 5 and those from the Observation Home. Based on the information from the Probation Officer, these partitions were created in 2007 as the children with a criminal background especially from the Tihar jail used to create problems for other juveniles leading to fights. There was one room for the Probation Officer attached to the lock-up room. Unlike the JJB-II there was a separate facility of lavatory for the children in conflict with law.

The room for case proceedings was having a long table for the Board members and the Magistrate, located on the right side of the entrance. Facing the room entrance was the seating arrangement for the two clerical staff members. There was another long table on the left side of the room entrance for the support staff. There was only one chair for the child and apparently no seating arrangement for the accompanying party. The room for the Magistrate was adjacent to this room and was of a small size with a glass top office table.
and cushioned chairs for the Magistrate and the visitors. Unlike the court room, this room was having air conditioner fitted. There was also a desktop computer for the Magistrate. There were two telephone lines, one to be used by the Principal Magistrate and the other line was in the main room used for case proceedings. As per the clerical staff and also confirmed by the Board Members there was an adequate arrangement of office stationary.

The Second Juvenile Justice Board was constituted vide notification no. F.NO. 61(2)/(DOI/DSW/2001/19692-742 and had started functioning with effect from 1.1.08. It became effectively functional with effect from 1.2.08. Based on the records shared by the JJB-II member, with district wise distribution of work between two Juvenile Justice Boards the disposal of cases increased substantially and in the year 2008 more than 2300 inquiries of juveniles were disposed of. The JJB-II Member mentioned that, "Though the constitution of second JJB has reduced the pending cases to some extent, more JJ Boards are required keeping in context the increase in the number of cases with an increase in the juvenile age."

Reaching the JJB-II was a mammoth task. After entering the main road from ring road, one had to search for a narrow lane leading to the Observation Home for Boys-II. On entering the lane one notices on any average day the police van standing with the juveniles waiting for their hearing, policeman, advocates and the anxious parents waiting outside the building for their turn to come.

The singular building was having two structures. One, a recently constructed where the JJ Board proceedings took place and the other structure was an old one, the Observation Home for Boys-II (OHB-II) meant for the children in conflict with law. The entry to the premises of the OHB-II was through a very small door, which was not in a good condition. After entering, on the right side was the iron door guarded by caretakers for entering into the Observation Home. The left side immediately after entering the Home was dedicated to offices of the functionaries in the Home comprising of the Probation Officer, Superintendent, Medical Officer and others. On the left the first room was of a Probation Officer. The room itself explained the condition of the entire system in the Home. A 6" x 5" sq. ft room with chipped off paint, a wall calendar promoting girl child, and a wall clock. The room was having one table and three chairs. The chairs were decent enough to carry a load of medium weight people.

The place where JJB proceedings happened was a recently built new structure. The whole of the boundary was gated with iron grills. On entering the main gate there was a small corridor dividing into three different directions. In the front was the entry to the main room
where the case proceedings took place, on the right was the file records and enquiry room
and the left led to the cafeteria.

On entering the main room, one could see the raised dais for the Members and the Principal
Magistrate to sit. The room was a 20" x 25" sq. ft structure, with ample space for parents
and juveniles to sit in. The dais had 3 chairs; with center one for the Magistrate and other 2
for the nominated Board Members. Just adjacent to the dais on either side were designated
seats for personal assistant to the Magistrate and for the call out person. In front were the
chairs meant for the authorized people, allowed to be there in the room during proceedings.
The place was well illuminated with required lights fitted in and the temperature was well
maintained in the winter. The room was fitted with air-conditioners for summers. Linked
with the room was the separate room for the Magistrate, which was a well maintained 8" x
9" sq. ft room. The room was well carpeted and was having all the essential infrastructure
and environment facilities like computer, AC, room heater, side table for extra belongings.

The record room was an 8" x 9" sq. ft room with racks for keeping the necessary records
and a computer for tracking the information. This room was double gated and always
locked from a security perspective. The cafeteria was a good place for advocates and
employees to sit and discuss their cases as noted during most of the visits. It was a 15" x
12" sq. ft hall with the required table and chairs. The cafeteria was fitted with a water
cooler and had fans for summers.

Each Board handled on an average, twenty five to thirty cases everyday as told by the JJB
members. As far as the personnel go, both the JJBs had a Principal Magistrate and two
members, of whom one was a female. The JJB members were Post Graduates in Social
Sciences or related fields with minimum seven years experience of working with children.
The age of JJB members ranged between 45 to 55 years. The JJB – I situated in the Sewa
Kutir Complex was having all female staff. The JJB–I members comprised of two Social
Workers with more than five years experience in the juvenile justice system. The JJB–II
was having a male Child Psychologist and a female Social Worker.

The Act provides that the Magistrate on the Juvenile Justice Board should belong to regular
judicial service and is required to have special knowledge or training in child psychology
or child welfare while the social worker should have actively participated in health,
education and welfare activities pertaining to children for at least 7 years. The availability
of persons fulfilling these requirements and their suitability as Board Members is in itself a
matter of concern. The Principal Magistrates in both JJBs were members of the judiciary
but not having minimum seven years experience of working on child related issues.
6.2.2 Functioning of the Juvenile Justice Boards

To obtain an insight into the implementation of rules and procedures governing the juveniles, we visited both the Juvenile Justice Boards (JJBs) and could meet the Magistrates and three Members and ascertained their opinion about the structure and functioning of the Board.

Procedures of the Juvenile Justice Board

The children in conflict with law apprehended by police are supposed to be brought before the JJB within 24 hours. If the JJB was not in session, for any reason the child could be produced before the Metropolitan Court, who was holding the additional charge of the JJB. In no case a child in conflict with law should be placed in a police lock up or lodged in a jail.

Children are interviewed by the Judicial Magistrate and two social workers who function as a bench and a detailed inquiry is conducted. Probation Officer / Child Welfare Officer also meet the child and the child's history was recorded. If the age of the child was in question, an order is passed for age verification or proof age. As per the amended Act, age of the juvenility is as of on the date the offence was committed. In case of pending enquiry, an order is passed for the child to be kept in the Observation Home for safe custody. The Observation Home is meant for preliminary inquiries, care and classification of the child into age groups such as 7-12 years, 12-16 years and 16-18 years. The child is to be presented before the JJB, at least every 15 days. The police is required to file a charge sheet within 90 days before the JJB for all children who are in the observation home, as per the orders of JJB.

If the parents/guardians are present before the JJB, the magistrate can release the child on bail, on certain terms and conditions, if the JJB deems it fit, and in some of the offences which are minor in nature. For the child who has been released on bail, the police files the charge sheet when it is ready. When the charge sheet is filed and the child is brought before the JJB for a hearing the JJB explains to the child the charges leveled against him. If the juvenile in conflict with law (JCL) pleads guilty, the JJB passes a final order under section 15 of the JJ Act, with an admonition or decision to keep the child in a Special Home till 18 years or release under probation / supervision and follow up. If the JCL does not plead guilty, the trial of the cases continues before the JJB. Once the trial is over, the final orders are passed under section 15 of the JJ Act. Orders that can be passed against a child include:

- Admonition/counseling to the child and parents
- Directing the child to go for group counseling
- Order the juvenile to perform community service
- Order a fine
- Release the child on probation of good conduct in the care of parent / fit person with or without surely (not exceeding three years)

Outside the JJB premises on any usual day there were advocates, policeman, Child Welfare Officers from the Observation Homes and anxious parents moving around for their turn to come. Besides the children brought by the police or NGOs, the children from the Observation Homes had a pre-defined date and time for their hearing. The schedule was posted outside on the wall of the building, and is communicated in advance to all involved.

The notice contained the child name, his parent/guardian’s name, the crime he had committed along with the IPC section code. Majority of the cases were found to be linked to fighting and burglary. The children with serious crime were held up in police van parked outside the building in case of JJB-II. However in JJB-I there was a separate lock up room for the children in conflict with law, waiting for their turn in that room. By looking at these children it wa difficult to say that they were less than 18 years of age, as they looked like adults of 22-23 years of age. It was noted that at times the children in the van were smoking biddies which they were having by them.

The overall environment outside the JJB premises looked gloomy. At times the condition of the parents became as sympathetic as they were noted crying outside and talking to the advocate and requesting if their child could be released or be set free for the day.

The senior advocates were also seen accompanied by their students to gain an experience of the proceedings and understand the various kinds of cases. When a case hearing had to get started, the caller called out the name of the child along with his guardian/parent's name. The name was called thrice to ensure the audibility. Parents along with advocate went inside the hall, if child had been a resident of the Observation Home, he was brought in through an internal door linked to the hall or if there in the police van then he was escorted by the policeman. The key point is that the children were not handcuffed.

Raju, a 16 year old boy as per the Police constable who had escorted him to the Juvenile Justice Board, was brought on the complaint of his neighbour on the allegation of picking up a fight and then attacking him with a knife. The magistrate started the conversation with the child and asked about his family background and if he understood the implications of his behaviour. Since, he was involved in a heinous crime, it was important to identify his age. Raju's father also accompanied them. He was a shopkeeper by profession and had appointed a lawyer to defend Raju's case. The advocate spoke in favor of Raju saying that
since he was less than 18 years of age and the case should be started based on this assumption. But the JJ Board members were not convinced, and the case was postponed to a later hearing when police confirms the age of the juvenile.

The first JJB started functioning from June, 2003. The Principal Magistrate of JJB-I spent some time with the researcher mostly during the lunch breaks and shared certain revealing facts about the state of functioning of JJBs. She told that, “Though the Act became enforceable with effect from 01.04.2001, the first Juvenile Justice Board in Delhi could start functioning only with effect from 02.06.2003. This delay was due to a lack of requisite infrastructure required to be created for a basic day to day functioning of the Juvenile Justice Board. Another factor contributing to this delay has been the deferral in the framing and notification of the Rules for implementation of the Act. These Rules came into effect from 19.08.2002.”

She further informed that, “When the first Juvenile Justice Board started functioning in June, 2003 many basic issues were still pending to be solved. First and foremost was the need for a proper meeting place for the Board to hear the matters of juveniles in conflict with law. The Act envisaged a friendly home-like place for functioning of the Board whereas the existing infrastructure had a court-like atmosphere and lacked basic amenities like drinking water, adequate sitting space for the juveniles, their family members and other persons who were required to attend the Board in connection with the inquiries of the juveniles. The delay in the provision of these basic facilities further increased the piling of cases.”

As shared by her, the JJB-I had initially several teething problems many of which were solved with the guidance of the High Court of Delhi and through experience and tactful handling. One of the issues in the words of the Magistrate, JJB-I, “was the number of juveniles who were reported to have come in a situation of conflict with law after the age of juvenility was raised to 18 years by virtue of Juvenile Justice Act, 2000, pushing their numbers up.”

“While all the stakeholders were struggling to adjust with the changes brought about by the Juvenile Justice Act (Care and Protection of Children), 2000, it came to be amended by the Juvenile Justice Amendment Act, 2006. This Act brought about further changes in the existing legislation. This led to an increase in the work load. The members were required to strictly adhere to the revised provisions. Under the amended Act, the State Government was required to constitute, for every district, one or more Juvenile Boards, within a period of one year from the date of commencement of the Juvenile Justice Act 2006, for exercising
the powers and discharging the duties in relation to juveniles in conflict with law. However, notwithstanding the statutory mandate, only one Juvenile Justice Board was constituted for the entire Delhi.

As there was only one Board for entire Delhi, the number of inquiries pending before the Board continued to spiral. This was despite all efforts made by the only Juvenile Justice Board in Delhi to dispose of as many inquiries as possible by evolving and modifying its procedure from time to time.”

The JJB-I Magistrate and also one of the Members informed, “Taking note of the heavy pendency before the only Juvenile Justice Board in Delhi, the High Court of Delhi in its order passed on 25.4.07 in W.P.(C) NO. 8962/2006 observed as under:

“We are also informed that approximately 4000 cases are pending before the Juvenile Justice Board. 1000 cases are of heinous nature. Only one Board is looking after these cases. It is impossible for one Board to deal with such a large number of cases, out of which 1000 cases are of heinous nature. Accordingly, we recommend that another additional Board may be constituted immediately. Action in terms of this may be taken at the appropriate level.”

In the meantime a Juvenile Justice Committee was also constituted by the High Court of Delhi to look into the problems faced by the Juvenile Justice Board and Child Welfare Committees and for an effective and better implementation of the provisions of the Juvenile Justice Act. The Juvenile Justice Committee comprised of Mr. Justice Madan B. Lokur, Mr. Justice Anil Kumar and Ms. Justice Rekha Sharma. The Committee looked into the aspects hindering the functioning of the Juvenile Justice Board and Child Welfare Committee and necessary directions were issued from time to time to various Governmental Departments specially the Department of Social Welfare, to provide necessary infrastructure for smooth functioning of the Juvenile Justice Board and the Child Welfare Committees.” Both the Magistrate and the member did not dwell further on the details of the entire exercise. The second three-year term of Juvenile Justice Board in Nirmal Chaya commenced in January 2007.

The Principal Magistrate, JJB-II shared some important details about the system in place. Since JJB – II in Ferozeshah Kotla was established in November 2007, the Principal Magistrate and one of the members were still making efforts towards developing a grip over the JJ Act. The Principal Magistrate is appointed for a fixed tenure, after which s/he moves on to the next post. As shared by her, “she was having no special training that they
need to undergo before taking on this position. They learn on the job — experimenting as they go along. There is no provision to ensure consistency or 'quality control' in the performance of these functionaries who have undeniably crucial role in the entire JJ System.” As per the words of the Principal Magistrates in the two Juvenile Justice Boards there has been an increase in crimes committed by children. They attributed this to the new definition of the child in the juvenile justice law which has raised the age from 16 to 18 years, bringing more children within the purview of the JJ Act 2000 in both the categories of children in need of care and protection as well as those who have committed crimes. The Principal Magistrate in the JJB-II felt that, this clearly calls for more investment in infrastructure and administrative mechanisms to deal with the increased numbers. Since they try to look through as many cases as possible in a day thus barring them to carefully assess any particular case and listen to the child’s verdict. It also calls for age-specific treatment of children in special homes. In fact some of the 16-18 year olds have committed heinous crimes and therefore besides age-specific treatment and programmes, there may be need for separate facility and programmes for children committing heinous crimes, different from those who have committed petty crimes and are first time offenders.” She thus observed that an absence of interventions catering to such specific situations and groups of children further violates children’s right to proper care and protection which is critical to the realisation of every other right of the child.

Despite positive provisions in the law, it was observed that the social workers play a limited role. Even if the Social Worker was present during the judicial proceedings, only the voice of the Judicial Magistrate was to be heard. This owed mainly to the limited understanding of the social worker of the criminal jurisprudence and law. As shared by the Social Worker in JJB-II that, “though she has been in service from 2007 and was having prior five years experience of working in the Children’s Home as a Social Worker, it was mainly the Magistrate who takes the decision about the children produced in the Board. This was mainly due to their legal expertise. Thus they are not able to assess how the law and its interpretation is being applied by the Magistrate, what social and legal implications does it have on the child and whether any other approach is required to ensure the best interest of the child.”

In words of the female Social Worker in JJB-II, “As per the Act we are conferred the powers of a first class Judicial Magistrate so that we also have an equal say in all case proceedings and judgments. This is practically not possible as there is no provision of training to handle the volume or the quality of the work which we are expected to perform.” This was indicative of the lone say of the Magistrate in most of the cases.
This was noted in one of the cases brought by the Child Welfare Officer in the Observation Home for Boys – II. The case of Sonu, a 17 year old boy who had been brought by the Probation Officer of the Observation Home, was pending from the last 4 months due to the delay in deciding the right age of the child. This boy along with his friend had been caught stealing in the jewellery showroom where he was working as a helper and used to serve water/tea. On being caught he had tried to threaten the owner with a home made pistol though he could not cause any harm as the pistol was snatched immediately by a customer present that time. Sonu had run away from his home in Firozabad three years back in search of a better city life. He had been then into several jobs and was apparently having a bad company which had led him into smoking and gambling. The Social Worker after studying his report asked the Probation Officer about his behaviour in the Observation Home. Since the Home authorities had not been successful in tracing Sonu’s family, the Magistrate stated the legal clauses under which Sonu’s stay in the Home was prolonged till the age of eighteen and the boy should be rigorously engaged in some skill based activity in the Home. We noted that in this case the Board members with social science background had little to say as the Magistrate dealt and decided using legal sections.

Juvenile judicial proceedings are intended to differ notably from ordinary criminal proceedings. These alternative proceedings do not significantly diminish the sense of formality and criminal suspicion. As mentioned regardless of the presence of female Welfare Officer, who has little or no say in the proceedings, the overwhelming feeling imposed on the child was that of intimidation and fear. The fear was apparent on the faces of the children in question and those waiting outside the room for their hearing. Most of the children present were reluctant to share their feelings in the presence of the JJB staff members or the police constables.

Children were brought in vehicles meant for adult prisoners and had to wait till they were called in, sometimes the whole day till all matters listed for the day are attended by the Board and they can all be carted back to their institution. There wa no provision of toilet and drinking water facility for the children waiting to appear before the Juvenile Justice Board. In case of toilet, the boy was escorted by a police constable who stands outside on guard to ensure that he did not attempt to run away. These children were kept waiting in a locked van with minimal or no ventilation for security reasons. They were offered no food either. In such circumstances it is not possible to expect that children will be able to represent themselves and their case adequately. This creates an environment of fear, guilt and aggression and often children were not able to present their stories adequately due to this environment. The feelings shared by one of the boys when the police constables or the JJB staff members were not around, who was waiting for his chance outside the room,
“these police officers are ruthless. I used to work with a street side tea stall near Hanuman mandir. They picked me up on charge of theft which I had never committed. On my trying to make them understand, they just dragged me into the van full of other boys and brought me to this place. I am doubtful these senior officers sitting inside will rely on my words. I know they will more listen to the police officers. They are all alike.”

In the disposal of cases by competent authority, time factor is extremely important. This is especially relevant for the cases produced before the Juvenile Justice Board, as these are of juveniles in conflict with law. The JJB Magistrates were also quite open about the fact that the cases were taking more than the stipulated time i.e., four months since each case required four hearings – to decide the juvenity; presenting the charge/evidence; decision. Regarding the modes of disposal of juveniles, the JJB magistrates informed that they have at times used the modality of ‘admonition’ and release while disposing of the cases of juveniles. None of them have utilized such modalities as group counseling community services, probation, etc. The JJB – II Magistrate though in service for more than four month, had still kept herself aloof from the other functionaries of the juvenile justice system and more so from the children. There was no inclination to interact with the children like any other child and attempt to solve their situation.

The Probation Officer in the Observation Home for Boys – II in Kotla, shared the case of a boy, Khetri who was brought to the Home at the age of 15 years on the charge of molesting a five year old girl in their neighbourhood. This boy’s case initially took seven months to get a chance of being heard in the JJ Board since his age was to be confirmed. Khetri belonging to a low income group family has studied till third standard in a government school. After the death of his mother in an accident, he was forced to leave his studies to look after his one year old sister at home when father was out for work. In the absence of any supervision, Khetri got into bad company and ended up committing a heinous act. As per the Probation Officer the boy’s conduct in the Home was appreciative and was attending scooter repairing classes. According to him, this boy and other such cases should be restored back to their families at the earliest that often gets delayed due to the busy work schedule of the JJ Board Magistrate and the members and less initiative by them to understand the child and search for the best alternative other than institutionalization.

During the pendency of inquiry by JJB, quite a few children are lodged in Observation Home. We tried to enquire if there has been any case of escape from Observation Homes,
in the recent past been reported to the Board\textsuperscript{6}. The Magistrates did not respond since they were not aware. Similar is the report about death of juveniles in institutions. Apparently, the competent authority is yet to pay adequate attention to different modes of disposal of children, which, if used sensitively, would go a long way in an effective and enduring reunification of the youngsters with the family and community.

\textbf{Coordination and Networking}

The concepts of rights of the child and juvenile justice call for a sensitivity and collective attitude towards children and their problems. This becomes evident as soon as we cast a look on the stakeholders in juvenile justice administration in India. These include citizens, civil society organizations, the police, members of competent authority and service providers. It follows that the involvement and working of all these stakeholders makes heavy demands on networking and a coordinative functioning. The modalities for achieving coordination include such communication channels as (a) face-to-face interaction, (b) written documents, e.g., handouts, circulars, etc. and (c) meetings, conferences, symposia, seminars and workshops. For the present purposes, attention has been focused on prominent stakeholders and to the extent to which they coordinate their working with others. These include the police, members of competent authority, institutions and Directorate of Social Welfare of State governments.

The juvenile justice system is spearheaded by the Directorate of Social Welfare of state governments and union territory administrations. It follows that these Directorates have to be, in their functioning, proactive and innovative and not regulatory. Further, they have the responsibility of organizing and coordinating a wide range of services for the juveniles and also to facilitate and coordinate the functioning of Special Juvenile Police Units or designated Child Welfare Officers and Probation Officers, so important in conducting enquiry pertaining to children and for providing them supervision. They have to set up, service and coordinate the functioning of Child Welfare Committees and Juvenile Justice Boards and also the institutions.

According to the JJB members as far as coordination meetings were concerned, nothing concrete actually takes place. Members of CWC were asked about the coordination meeting with the office – bearers of Directorate of Social Welfare to discuss the problems of children in difficult circumstances. One Chairperson reported having discussed the

\textsuperscript{6} 10 Delinquents Flee from Home, Indian Express, New Delhi, May 19, 2004; Abandon all Hope, yet who enter here, Indian Express, Mumbai, March 25, 2004; 36 Boys escape from Observation Home, Times of India, New Delhi, Sept. 10, 2009
problems of juveniles with the JJB members, police officers and officers of the Directorate of Social Welfare twice during the past year. Other members reported that in the past two years, only two meetings with the officers of Directorate of Social Welfare had taken place. The Welfare Officers in the CWCs informed that there were no formal meetings on a regular basis, however the members did discuss the cases during any official day routine. Also she was not aware of any meetings with the JJB members and the Children's Home Superintendents or the Welfare Officers.

It is important to mention that the members of Juvenile Justice Boards seemed to maintain some kind of a calculated distance from other stakeholders of the juvenile justice system. As a result, no JJB member reported to having attended a coordination meeting convened by the Directorate. On the other hand, field—observation revealed that numerous children in conflict with law who had spent inordinately long periods of time in the Observation Home, without their cases making any substantive headway and the same was noted in the Children's Homes. The absence of coordination meetings has created a gap in the effective functioning of the amended juvenile justice system. Coordination and networking are important in all organizational endeavours, particularly in such a sensitive domain as rights of the child and juvenile justice. Not only it was non-existent in many domains, but also a perception for this was seemingly absent.

Part — II

6.3 Special Juvenile (Child) Police

Although, there are provisions for the children in the Indian Penal Code, 1860, and local and special laws, in accordance with the Code of Criminal Procedure, 1973, these laws are primarily meant for adults. The police in India, created under the Indian Police Act 1861 or other Police Acts, are traditionally trained to enforce its provisions. As such, few police-officers are exposed to the modern concepts of the Juvenile Justice System, rights of the child, child protection, welfare and development, National Policy on Children, juvenile detention, institutional services, non-institutional alternatives, juvenile aftercare, public participation in juvenile correction and the like.

Most of the time, the first contact that children have with the legal system is with a police officer and most of the time the experience is unpleasant since the policeman is not trained or sensitized to handle them. Since the police officer has relatively wide discretionary powers, he can wield a great influence on the child's future behaviour and they can also create an indelible impression on the child.
The situation has vastly changed on paper under the Juvenile Justice (Care and Protection of Children) Act, 2000, though in practice, it remains much the same in most of the country. Under Section 63 of the Act, a Special Juvenile Police Unit has to be constituted in every police district of India. The Special Juvenile Police Unit (SJPU), created under the new law, shall be exclusively to deal with 'children in conflict with law' and 'children in need of care and protection'. The unit at the district level is to function under a police officer of the rank of inspector of police who may be assisted by at least two social workers one of whom shall be woman and another preferably child expert or having relevant experience). For the purpose, it is advised to give training to two or three policemen out of whom may be deputed specially for this kind of job. In case of non-availability of the Juvenile Police Officer for any valid reason the services of other trained officers may be taken on a temporary basis. The unit may function under the direct supervision of a Deputy Superintendent of Police who may besides this specialized job continue to perform other normal duties. At the police station level, two policemen of the rank of SI or ASI may be deputed for the purpose who may be designated as Juvenile/Child Welfare Officer. At the police station level the unit will be assisted by at least two or more honorary social workers. Such police officers deputed shall be specially instructed and trained to deal with the cases of child/juvenile. Thus, the Juvenile Police Unit, at the district level and the Juvenile/Child Welfare Officer at the police station level will have a team of at least three, one from the police and two social workers from the community.

Duties

Apprehending children and procedures there before:

- To produce the child before Child Welfare Committee (CWC)
- To produce juvenile before Juvenile Justice Board (JJB)
- May hand over the child to Voluntary Organisation
- Child must be produced before the CWC / JJB within 24 hours
- Juvenile/Children in conflict with law may be kept in Observation Home before production, if for any unavoidable reason cannot be produced immediately before JJB. But the juvenile must be produced in the subsequent sitting of the JJB

Protection of child/juvenile

The law provides certain protections which are mentioned below. The police should keep in mind the protection while handling the child/juvenile:

- Handling by Special Juvenile Police / Child Welfare Officer

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7 Child has been used for children in need of care and protections and Juvenile is used for children in conflict with law

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- Handcuffing of juvenile/child prohibited
- No detention in lock up or prison
- Crimes against children are cognizable offence
- No death penalty or life imprisonment
- Proceeding are informal, participatory and private
- Parents involvement in Juvenile process
- Right to free legal aid
- Information about Juvenile cannot be released to media
- No case can be filed against a child below the age of 7 (Section 82 IPC)
- No case can be filed against a child between the age of 7-13 if the child does not know the consequences of committing the crime (Section 83 IPC)
- Child / juvenile cannot be tried in the normal court

**Duties during Apprehension / Trial Phase**
- Must inform parents / guardians about apprehension of child / juvenile
- Must inform the Probation Officer of the area about the apprehension of juvenile
- May release juvenile on bail
- Must make entry in the daily diary of the apprehension of child / juvenile and also enter the age of the child / juvenile
- FIR against victimizer of a child
- Conduct enquiry or age verification, as per the order of CWC / JJB
- The above provisions, under the JJ Act, have been made to ensure this legal treatment, protection to the child and their rights which, in any case, can be realized by making the police force child friendly.

Even after the JJ (Care and Protection of Children) Act, 2000 the momentum of reforms and modifications in the criminal procedures adopted by the police came much later with amendment in 2006 and modal Juvenile Rules. In its endeavour to create the child friendly police upholding all the rights of a child/ juvenile, Delhi Police has created the necessary child friendly infrastructure.

**Present Status**
Delhi Police as per its mandate under the Juvenile Justice Act and the corresponding rules has created the Special Juvenile Police Unit (SJPUs) in each of the 11 police district as well as in Crime and Railways and IGI Airport Units with a purpose to co-ordinate and upgrade police treatment of the juvenile and the children. Every Police Station has designated two or three police officers with necessary aptitude, appropriate training and orientation as Juvenile or Child Welfare Officer, who handle or deal with the juvenile or child in conflict
with law as well as the children in need of care and protection. It is assumed that these officers will handle the children in a much more humane and child friendly manner as is required under the mandate the Juvenile Justice system. At the State level the office of the Jt Commissioner of Police (CP), Special Police Unit for Women and Children (earlier Crime (Women) Cell), Nanakpura is the Nodal office on the issues relating to children. Following table-35 presents contact details and personnel information about the SJPUs in Delhi and their attached NGOs. This information was collected from the police unit in the North West and North districts of the capital.

Table – 35: Delhi Special Juvenile Police Units and attached NGOs

<table>
<thead>
<tr>
<th>S. No.</th>
<th>District</th>
<th>Head SJPU</th>
<th>ACP/Nodal Officer</th>
<th>District Juvenile Welfare Officer</th>
<th>NGO Partner</th>
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<td>2.</td>
<td>East</td>
<td>Sh. Mohan Anand</td>
<td>Sh. R.S. Chauhan</td>
<td>Inspr. Satish Sharma, 22091950</td>
<td>Pratidhi 9891788455</td>
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<td>5.</td>
<td>North</td>
<td>Dr. Sagarpreet Hooda</td>
<td>Sh. Mohan Chand</td>
<td>Inspr Meenu Naidu, 23828880</td>
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<td>Outer</td>
<td>Sh. Atul Katiyar</td>
<td>Sh. Dev Raj</td>
<td>Inspr. Sangeta, 9953736913</td>
<td>HAQ 26490136</td>
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<td>South</td>
<td>Sh. H S Dhaliwal</td>
<td>Sh. Dharampal</td>
<td>Inspr. S. Kaushik, 26482871</td>
<td>Chetna 9811432012</td>
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<td>South-East</td>
<td>Ms. Shalini Singh</td>
<td>Ms. Tej Rani</td>
<td>Inspr. Jagpal Kaur, 28727991</td>
<td>Chetna 9811432012</td>
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<td>13.</td>
<td>IGI Airport</td>
<td>Sh. Sanjay Singh</td>
<td>Mohd. Irshad Haider</td>
<td>Inspr. Ramesh Chander, 25674416</td>
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Source: SJPU in North Delhi
In the absence of social workers which are yet to be appointed by the State Govt., the SJPUs have sought assistance from voluntary organizations/NGOs working in the field of child rights (Table - 35). These NGOs have been proactively working at the district as well as police station level in educating the police personnel about the law relating to juveniles as well as the need of sensitivity in handling children in difficult situations.

The Assistant Sub Inspector, we could talk to shared that, "Keeping in context the non availability of social workers with the SJPUs, the High Courts Committees on juvenile issues has suggested that the assistance from within the civil society be taken. The efforts are now on to associate the proactive members of the society be it from the Resident Welfare Associations, Voluntary agencies, who are willing to work for the cause of children and extend help in identifying juveniles in conflict with law as well as reporting cases of violence against children, child abuse, etc. The purpose of this endeavour is to have a police force wherein each and every member of the force is sensitized to the needs of the children and is effective in full implementation of the Juvenile Justice System in its letter and spirit."

Special Juvenile Police Units have been set up in each Police District and Units. As per the provisions of the Juvenile Justice Act, 2000, the main function of the SJPUs is to take serious cognizance of adult perpetrators of crimes against children. SJPUs shall seek assistance from NGOs and Resident Welfare Associations (RWAs) and maintain liaison with other units of Police Stations while handling children and juveniles. These units receive information through the Child-line - 1098, a toll free phone emergency outreach service operational round the clock. The Child-line service receives information about the children in need of care and protection and the children in conflict with law, it immediately contacts the SJPU in the respective district or tries to link them to long term services for their care and rehabilitation.

The information could be ascertained only from two of the police units in the North and North West districts of Delhi. The police constables and assistant sub inspectors in the police stations of both North and North West districts informed us that they did not have much information about the Juvenile Justice Act. However since they had attended one training programme on the Act organized by an NGO working for the street children in Delhi, they were aware of the administrative structure under the Act i.e., the Child Welfare Committees decide about the children in need of care and protection and send them to the Children’s Homes and the Juvenile Justice Board decides about the children in conflict with law and sends them to the Observation Homes.

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The police constables of the North West district agreed that they arrest the children living on streets or working in the Azadpur area especially those near the vegetable market. The purpose was to reduce the nuisance and trouble created by these street children in a crowded area and also to send these children living in misery to institutions where they could get all basic facilities for a better overall development.

These children after the arrest were taken to the nearest Child Welfare Committee and if there was no time with the Members to hear all cases, they were taken to the Children’s Home in Alipur. The police mentioned that they did not explain the reason of arrest to these children and considered them a nuisance since often they were mostly seen roaming on the streets or begging from the passerbys.

The police officials in the North district sounded better aware of the Juvenile Justice Act and cited their association with the NGO Pratidhi as one of the reasons for that. They had also attended the training on the JJ Act but felt that since there was no follow up, it was quite inadequate in meeting its purpose. They also arrested street children from the ISBT/Kashmeri gate as they were noted begging or roaming around and were taken to the CWC in Kingsway camp or to the Children’s Home.

The officials in the police stations of both districts mentioned that they also got calls from the Child-line, a toll free number for reporting about any child in difficult situations. There were also sometimes FIRs lodged about some children for offences committed by them like stealing or attempt to hurt somebody. Such children were taken to the juvenile justice board or the observation home. They felt that these children were dangerous to be left open without any corrective action since they lacked any proper guidance. The police officials often found it hard to judge the age of these children and left it to the authorities in the juvenile system to decide.

**NGOs’ Perspectives** – The personnel of two NGOs attached with the respective Police units in North and North West districts were interviewed of their levels of involvement in the implementation of the juvenile justice Act. The police units did not have social workers neither the police officials were well informed about the juvenile justice system and lacked the sensitivity for children in distress. The attached NGOs thus had an important role to play. They informed that in case they receive any call from the Child-line they immediately go along with the police constable and try to handle the case with the required sensitivity and try to judge if the child is having any family background and if possible restore them back to their families. Some of them felt that the police needs to be better sensitized towards the rights of children. The senior office holders in the two NGOs, Sampurna and Pratidhi informed of the thick-skinned approach of the police constables with the children.
in need of care and protection. They also felt that there should be more Child Welfare Committees and Juvenile Justice Bards in place as despite all efforts by the existing CWCs and JJBs, the case load on them was difficult to be managed. This makes the list of pending cases longer and thus many children are institutionalized for no fault and often the pending cases of children in conflict with law were sent to the Children’s Homes meant for the children in need of care and protection. Most importantly it was felt that the NGOs should be involved in the rehabilitation of the institutionalized children.

6.4 Police through the Eyes of Street Children

“On Streets with others we play, fight and enjoy”

Our efforts to get data from the police personnel were quite frustrating as the so-called sensitization of the police was more on paper and it was difficult to contact them as they were always out on duty. We therefore used the alternate strategy of talking to the street children and their experiences of the justice system specially the police. Interviews with children about their experiences, with the police and the justice system often demonstrates the vicious cycle of street life, police treatment, institutionalization, release/escape and recidivism. If the root causes of poverty and exclusion are not addressed then a child is likely to return to anonymous street life.

A brief survey of the street children near the New Delhi Railway Station and Hanuman Mandir, a big Hindu temple near the shopping centre ‘Cannaught Place in Central Delhi’ was conducted. With the overriding limitations of time and resources twenty children were contacted. The overall experiences of these twenty children who had at some point encountered the police and the functionaries of the justice system form an insightful revelation of the actual reality of special juvenile police force and the functioning of the amended JJ system in the Capital region. Unlike their institutionalized counterparts nine of these children were not under the scrutiny of Home staff and were not dependent on the staff for anything and therefore felt free to talk of the conditions in institutions. All of them spoke freely about the police whom they encounter almost every day. Most children who talked of the conditions within institutions spoke only about poor food and misbehavior and neglect of the staff. They were not very familiar with their rights within the institution and its rules. Six selected case reports from these children that reflect their common plight are appended as annexure – 2.
Out of these twenty children, seventeen children were detained. Nine of the seventeen had been institutionalized. Of these children, five had been institutionalised for a short duration and then released since their offences could not be established and two children were released on bail. There was a case where the child was detained for a longer duration in the Children’s Home of Kingsway Camp and then released after attaining the age of 18 years. There is one most significant case of a 16 year old boy who could find a chance of running away from an Observation Home in Delhi. Each child has been interviewed in a minimum of three and maximum of six sessions.

Street Children and Juvenile Justice System

In the following section, we assess the availability of basic needs of the street children and their experiences when they come in contact with the juvenile justice system covering the impression of the street children of police, Children’s Homes, confinement in the Children’s Homes and the procedures of the Child Welfare Committee or Juvenile Justice Board.

Life on the Streets

Before exploring into detail about the interaction of the street children with the juvenile justice functionaries, we looked at the everyday lives of these children, their basic needs and their fulfillment. The subjects’ estimated ages ranged from 8-16 years old with twelve children in the age group of 12 and 16 years old. Ages were estimated by taking both the children’s answers and appearance into consideration since most of these children do not know their exact age and do not celebrate their birthdays. Of the twenty children, three were girls in the age group of 12-15 years.

A brief look at the daily life of these children brings forth their encounter with police on a daily basis.

Shelter is one of the important basic needs. Eight in a group of twenty children were staying with families in covered shelters and others were staying on the streets. On visiting their homes in slums, they were found to be dingy and congested houses made of mud and thatched roof. Of the remaining, two boys were living in the subway near the Hanuman temple. If rebuked by the police from there, they used to find place near the closed shops in open, this often made them vulnerable to police thrashing. The shelter available to street children is unsatisfactory making them more susceptible to be picked by police. As one of the boys, Shanta, 15 years old mentioned, “I am living at the New Delhi Railway station. I keep getting all kinds of abuses from the police. I have been picked twice by them and then taken to the CWC followed by detention once in the CHB in Alipur for three months since my case hearing took this long.”
In terms of food availability, majority of the sample covered (17 out of 20) got just satisfactory food with respect to getting two meals most of the days. The street girls were relatively more deprived of food than the street boys. The clothing of most of the street children was markedly unsatisfactory. The condition of their clothes was very bad. As explained by most of them (fifteen) the expenditure on clothing was more dictated by necessity and partial satisfaction.

Five out of the twenty children interviewed were attending school. These children (two girls and three boys) were living with their families. They were however working as well. One of these boys, Shanu, a 11 years old boys mentioned, “I get up very early everyday so as to go with other children for rag picking. Then I come back to my home, take bath and go to school. In the late evenings as well I do rag picking, since this fetches money for my family. I have three younger siblings and an elder sister to be married off. We need money.” He was too young for these kind of mature sentiments but circumstances do make them grow before age. Another boy was studying in third standard in a nearby government school and was fourteen years old. He was staying in and around the railway station for the rest of the time.

Income Generating Activities of these children reveals a lot about their living condition. Since they are to a high degree depending on their own incomes, making money is an important aspect of the lives of street children’s lives. We explored the nature of their working status, kind of work, tenure, duration and hazards of work and rest time. Majority of children interviewed were working children, only two (both girls) did not have any income generating activities at the time of interviewing. Both had held the job of helping their mother in their work as a maid in the past. Six children named more than one income generating activities and one gets the impression that these children often change their jobs. Main occupation of these children was that of helper in some shop or stall followed by self employment, i.e., rag picking, beggary, domestic work. The children who stayed in and around the railway station generally held jobs related at the station. The main job was rag picking and helping at various tea/ snacks stalls. The children collected empty bottles or garbage to sell and get a profit. At the time of interviewing five of the boys said they worked for almost entire day, during five or six days a week. Two worked for four to six hours and the two girls were working as domestic maids in nearby homes. Since most of these children are working in a group or independently in the informal sector, they were free to decide when they work and for how many hours. However, two of them spoke of an older man who collected bottles from them and gave the boys their share. With rag-picking they could earn about forty-fifty Rupees per day. The two other popular jobs were working in a canteen or with a stall (four boys). Both jobs were carried out under an employer but
this is the hidden sector of informal economy; not a single child was found to be in the formal sector. Two older boys amongst others pulled rickshaw, said they could earn upto 125 Rupees in a day. However all mentioned about the money extorted by the police constables from them on a regular basis and often getting physically abused by them for no fault.

As shared by Mushtaq, a thirteen year old boy who was living on platform of the New Delhi railway station and working as a porter, “Local police frequently harasses and abuses children like me working and living on the streets. As a smart boy I have always been paying bribe out of earnings to them and also do some mundane jobs like washing their clothes or bringing them water. I suggest my friends the same but one of my friends, Ajay who had recently joined us and had started working as a porter on the railway station did not accept my advice and is now languishing in some juvenile home. The police constable asked him for some part of his earning to which he refused and was then beaten mercilessly and on the charge of stealing was taken in the police van to the juvenile home.” This boy Mushtaq considered himself intelligent for having developed a good relation with the police.

The children who lived near Hanuman temple held jobs related to the temple, like selling food items or flowers on the temple square or sweeping and collecting bottles in and around the temple. Four out of twelve children who were visited near the temple who worked in and around the temple reported to work for over 12 hours a day and one of them even claimed to work over 16 hours. With this they earned a meager salary of about Rs. 50 a day, ranging from 10 to 80 rupees depending mostly on skills and the employer, the sweetshops in the temple square. Another job was that of begging, other children were engaged into begging as their income generating activity which could fetch them on an average Rs. 100-120 on Tuesday and Saturday and on other days near to 40-60 rupees and the work hours were also less. However they reported of sometimes beaten up by the police and two of them had history of institutionalisation. These children in addition were also engaged in rag picking. All of these children maintained that to continue working peacefully it is important to keep the police officers happy.

This gets substantiated with Mushtaq’s life experiences on the streets of Delhi. Thirteen year old Mushtaq worked as porter and was living on the platform on the New Delhi railway station. He came to Delhi from Gorakhpur leaving his family behind. Mushtaq’s father, a heavy drinker, was an auto rickshaw driver. He married five times to make a family of 18 members, including 8 children below 15 years of age. His father deserted Mushtaq’s mother, leaving her to fend for her three children. She tried to do so by stitching clothes for others but this only brought her Rs. 50 per day. This was not enough for a
family of four, so Mushtaq was forced to drop out of school when he was in class three. He
started to earn a living for himself, his mother and his younger brother and sister by
working in a bakery at Gorakhpur for four years. There he was beaten up frequently by his
employer over minor mistakes. Life was miserable there. One day he decided he could not
bear it any more, so he left for Delhi, all on his own. He had no place to stay, so he took
refuge on the railway platform.

Mushtaq was working for 12 to 13 hours daily to earn 100 to 150 rupees. He spent all the
money he earned as he had no place to keep it safely. He could not deposit it anywhere
because he did not trust anybody. For his entertainment he watched movies in a nearby
theater where he spent 50 rupees on the ticket. On the platform, danger lurks in the form of
policemen. But he was not scared because he kept them happy by washing their clothes and
doing odd jobs for them. He recalls,

“I was once picked by the police constables along with other children. We were playing
cards. But then I was later released by them since one of the constables recognized me. All
other children were taken to the Children’s Home. I never want to be put behind the bars of
these Homes. I love my independent life on streets and will do all kinds of favours to police
to ensure that.”

Mushtaq’s expressed the desire to start his own shop of snacks on the railway platform. He
was a fair complexioned boy with two shirts and three trousers (assets. He was not having
any fixed place to sleep. Sometimes he misses his mother and siblings but does not want to
go back. He looks malnourished with a big scar on face he got from the baton of police
whom he had once not obeyed.

As stated earlier all these street children were in the informal sector of economy. They do
the unstable, casual work for which they get poor wages and have no bargaining power.
The kind of work they do, lies at the lowest rung of the occupational ladder. They work
under harsh conditions and handle work that is dirty and dangerous which normally people
refuse to do. They work for full time even beyond the adult working hours, mostly tired
and breathless, since they do not get the rest time in proportion to the labour they put in.
They are exposed to work hazards whose seriousness depends upon the kind of work they
do. They reported cuts and infections when rag picking, burns at dhabas, body aches and
pains working over time, carrying loads, etc.

Despite the hard work and long hours of work, the return is very meager for most. The
income earned is minimal with no saving to meet the uncertainties and contingencies of life
to which they are susceptible. Some of them having families were required to share a part
of their income with the families. Thus the concept of healthy food or no illness does not
exist in their lives.
The street children nurture negative attitudes towards the employers, they fear or hate them. They were found to enjoy the company of their peer group which they find sharing similar circumstances. As mentioned by Khatri, a twelve year old boy living and working as a beggar near the Hanuman temple, "I have a family but I prefer to stay with my friends since we play and work together. My father is an alcoholic and beats all of us, me and my siblings. On streets police constables do treat us badly but we often skip by hiding ourselves."

The role in which policemen were mentioned was mostly negative by almost all street children. Six boys from the railway station mentioned policemen as those who asked them to perform tasks they dislike. A railway station boy told that one such task was to remove debris and all sort of filth from the railway tracks. One of these six boys also mentioned policemen as those whom he was afraid of, as those who treated them badly. One of the boys on the railway station however mentioned policemen both in negative and positive roles. He stated that he could approach the policemen if somebody had treated him badly. Only he was required to offer him some money on a weekly basis. Three boys living at the Hanuman temple had a different story to share. They told that, "We usually hide ourselves in the market so that the police don't get us. They beat us very badly and take away all our earned income."

Number of times arrested by the Police and taken to the Children's Home – There were in all nine children (all boys) who had experienced institutionalisation at some point. Only one street girl was arrested once on the complaint of the household where she was working as a maid for some time. Since her offence could not be established and on her mother's pleading, she was released. Anita, then twelve years old recalled, I was only eight years old and was working as a maid in a nearby big house. One day Madam started beating me badly saying that I had stolen her jewellery, which I had never done. I begged her and swore upon my mother/God but she did not believe me. She handed me to the police who had beaten me badly and had put me in the jail. I was not being given anything to eat for the entire day. Later I was released when my mother pleaded to the policemen and Madam. Policemen are merciless."

Confinement in the Children's Home after Arrest – Twelve children of our limited sample size were arrested and of them nine were confined in the Children's Home for Boys (CHB) since all of them were boys. Other street children had not faced institutionalization but were having experience of harassment by the police for extorting money and set free. It was also found that boys are more prone to such arrests or confinement to juvenile Homes than the girls.
All the children who were confined to the Children’s Home felt that the provision for meeting the basic needs was not adequate and the food provided was of bad quality. As state by one of the street children, Golu, a fifteen year old boy “I stayed in one of these Homes for two months on being picked up by the police along with some other children when we were all begging. Though I was regular in paying some part of my income to the police, they arrested me and sent me to the Children’s Home. They did not offer us a reason for arrest. The Children’s Home where I stayed for more than two months was more than a prison. To get three meals every day initially was very good, however gradually I started getting tired of the same routine and monotonous food pattern, which was often served to us (he and other boys in the Home) with lot of humiliation by the staff members. The Home staff was not at all friendly and approachable. I was given orders by the older boys and on refusing, used to get physically abused by them. The Home staff members never took action against those boys. However it was because of my stay in the Home for two months I could learn the skill of scooter repairing which helped me in getting employed in a motor garage. I was later released on the intervention of the Child Welfare Committee comprising of some learned big people who listened to my life story and experiences and agreed to release me on the promise of never begging again. Today I am working as a trainee in a motor garage. I am also saving some part of my earnings with a local street shop.” However this was not the case with another boy, Ramesh, who was arrested on the charge of stealing and misbehaving with his employer and sent to the Children’s Home by the police. He stayed in the Home for more than three months after which he was released on bail when his case was heard in the Child Welfare Committee. He used to attend the stitching classes in the Home but that did not help him outside since he was not fully skilled in the job and then could not afford himself a sewing machine.

Two of the younger boys in the age group of 12-14 years also having experienced institutionalization shared that the behaviour of the care takers in the Home was highly atrocious who made them regularly clean the sewage and the toilets. They also mentioned the bossy behaviour of the older boys in the Homes. The educational and training facilities according to all these children were good in these Homes. The overall impression was however of dissatisfaction as not even a single boy who had stayed in the Home for a short duration wanted to stay there for a prolonged time. Since they found the Homes like prisons where their freedom was snatched and they were made to obey the rules of the staff. They all preferred the life on streets to Home which allowed them freedom of deciding about their lives.
Reasons for arrest of the street children – As shared in some cases of children in the earlier sections, of those who were apprehended, majority were arrested on suspicion and not for committing any specific crime. Five of the nine boys were arrested on suspicion or complaint from their employer of stealing and sent to the Children’s Home. These boys were released after a short duration soon after their cases were heard in the Child Welfare Committees since their offences could not be established. However, three of these five boys stayed in the Home for more than two months and were having distressing tales to share. This also confirms that CWCs are taking more time to settle the cases.

Two of the boys were arrested on the complaint of the employer of stealing and misbehaving. Their offences could be proved so they were released only after bail from their respective guardian. In one case of a boy of now 18 years old, he was arrested by the police when he was 15 years old on the charge of loitering around and stealing. He was then sent to the CHB in Kingsway Camp. Since he had no family to look after, he was suggested by the CWC to be kept in the Home till the age of 18 years. He was only recently released from the Home after attaining the age of 18 years.

Social Belongingness – One of the main findings of our study of the street children in Sangam Vihar, an authorized colony in Delhi was the community feeling amongst the street children for each other. During this survey as well the social needs of love, affection, social interaction and social acceptance seemed to be revolving around the peer grouping especially in case of boys if compared to girls. Most of the interviewed boys ate or slept in the company of peer boys, enjoyed and played with them, but just as much fought with them. They seemed to be satisfied with their lives in general, their work and income and their friends. This feeling of satisfaction and companionship with other inmates was found to be grossly missing in case of institutionalized children. There was a sense of distrust not only for the staff but for other inmates. Some of our case reports enclosed in Annexure – 2 illustrate these in an in-depth manner.

In conclusion, not even a single street child who had been arrested and confined to the Children’s Home carried a good impression of the institution they were confined in. Even if they got some education or training, there was no provision or surety that they would be able to use it as they were not helped to find a related job. So after release they were back on the streets and into the labour jobs they could get. Even more important is the fact that their stories tell of the informal sector using child labour at exploitative terms and the police, that is to protect them is perpetuating their exploitation.