Chapter – 1
Children in Need in the Literature
We have reviewed literature drawn from several areas that impinge upon our problem. Our review covers government reports, documents, studies, national data sources and international studies and surveys and is divided into two chapters; chapter I reviews the available literature on children in need of care and protection, children in conflict with law and street children and chapter II examines the juvenile justice system. This chapter is structured around definitions, children living in poverty; with a focus on street children, profile of street children, their predicaments, organization and management of institutions within the juvenile justice system.

1.1 Definition

1.1.1 Definition of Child / Juvenile in Juvenile Justice System of India
There are specific connotations to the definition of child in context of juvenile justice system. The simple dictionary meaning of ‘juvenile’ is someone young or youthful or having the characteristics of youth or being immature. There is nothing derogatory in this expression except for the historical meaning attached to it. Similarly, the meaning of ‘child’ as someone young, below the age of puberty or, below a particular age for the purpose of any legal treatment or otherwise, is about the same. A working group appointed by the Department of Social Welfare, Government of India in 1947, discussed the question of standardization of the definition of ‘child’. It concluded that it was not possible to do so for all purposes, though it might be possible to have uniformity of age in particular fields for certain specific purposes (Jain, S.N., 1979). To put the meaning straight, such a child becomes a ‘child in conflict with law’ once he commits an offence; otherwise, he is defined differently under much legislation for different purposes.

The United Nations Convention on the Child Rights ratified by India in 1992 defines a “child” as every human being below the age of 18 years. It allows for minimum ages to be set, under different circumstances, balancing the evolving capacities of the child with the State’s obligation to provide special protection (Goonesekere, S. 1998). Accordingly, Indian legislation has minimum ages defined under various laws related to the protection of child rights (UNICEF UN-CRC Handbook, 1992). Varying ages of legal capacity is a phenomenon that can be seen in many countries. However, while the CRC’s definition of childhood can be perceived as setting a basic minimum standard in view of Article 41, which declares that ‘nothing in the Convention or any of its provisions shall effect realisation of the rights of the child’ under the law of a State Party, it is essential that there is some synchronisation of the upper age limit for childhood. India has achieved this to a large extent, for instance, the minimum compulsory age of education is 14 years. The various laws relating to labour
prohibit a person under the age of 14 years to work (NIPCCD, 2000). The Child Marriage Restraint Act, 1929, defines a child as a person who, if a male, has not completed 21 years of age, and if a female, has not completed 18 years of age. Under Section 5 of this Act whoever performs, conducts or directs any child marriage shall be punishable with simple imprisonment upto three months and shall also be liable to fine, unless he proves that he had reason to believe that the marriage was not a child marriage (NIPCCD, 2000). This uniform legislation is an effort to discourage child marriages under personal laws.

A closer scrutiny of these various child related legislations in the following passage discusses that the cut off ages do not take social environment, class or caste background into account. They took however the gender dimensions into account (Kumari, V., 2004).

The Children Act, 1960 introduced the sex based definition of child in the realm of juvenile justice in India for the first time. Sixteen years was considered to be the right cut off age for the purpose of juvenile justice in the light of what had been done in other countries (Kumari, V., 2004). The Minister introducing the Children Act, 1960 justified the age of 18 years for girls saying that ‘by our experience in Bombay and other places we have found that though they attain puberty and maturity earlier, due to our social conditions they require protection for a longer period (Shrimali, K.L., 1960). The statement was unsupported by any data or research for presenting an intelligible criterion for differentiating 16 to 18 years old girls from 16-18 years old boys (Kumari, V., 2004). One possible explanation for choosing 16 years as the cut off age in the Children Act, 1960 may be historical – the earlier Children Bill of 1953 defined children as persons below 16 years of age. The Bombay Children Act, 1948 prescribing sixteen years as the cut off age might have influenced the choice because it was considered to be model legislation at that time.

The definition extending the benefits of the JJS to girls for two more years was also difficult to justify as a protective legislation for women in the case of neglected girls between 16 and 18 years of age. The JJA in its operation provides the promised care, protection and opportunities for development and rehabilitation through institutionalization of children. It is well recognized that institutionalization, even if for protective purposes, does result in curtailment of liberty of neglected girls between 16 and 18 years of age while leaving free similarly situated boys of the same age (Kumari, V., 2004). Institutionalization of girls could hardly be described as favorable to women and reflects only a patriarchal approach by subjecting women to greater control and regulation (Syracuse Law Review, 1972).

The JJ Act, 1986 adopted a similar sex based definition of juvenile without any further explanation (Kumari, V., 2004). The JJ (Care and Protection of Children) Act, 2000 has now modified the age to 18 years (both boys and girls) in order to bring it in accordance with the
definition of the "juvenile" or "child" in the UN Convention on the Rights of the Child (JJ Act, 2000, No. 56).

1.1.2 Juvenile in need of care and protection

There are other groups of children in our country facing especially difficult circumstances. These children include: children involved in prostitution and children sex workers; children who have been sexually or physically abused; children with substance abuse problem; children affected with HIV; children with disabilities; and refugee children. The presence and difficulties faced by all these groups of children are compounded by the circumstances of poverty and many of these may also be street children (Panicker, R. & Kane, C., 1999).

The re-enacted Juvenile Justice law for children proposes to set the legal and popular meanings and distinctions between the juvenile and the child clear for their appropriate treatment under section 2(d) of the new Act which now redefines the neglected child as a ‘child in need of care and protection’ (Kanth, A., 2001). Such children may be those (i) without any home or settled place or abode or ostensible means of subsistence, (ii) residing with a person (including guardian) who has threatened to kill or injure the child and there is reasonable likelihood of the threat being carried out, or has killed, abused or neglected some other child or children and thus there is reasonable likelihood in respect of other children, (iii) mentally or physically challenged, ailing or suffering from terminal or incurable diseases, (iv) having parent or guardian unfit or incapacitated to exercise control, (v) not having parent or someone willing to take care or abandoned by the parents, or missing or run-away children whose parents cannot be found after reasonable enquiry, (vi) found vulnerable or likely to be indulged in drug abuse or trafficking, (vii) being or likely to be abused for unconscionable gains, (ix) victim of armed conflict or civil commotion or natural calamity (Section 2-d of JJ, (C & P of Children) Act, 2000).

1.1.3 Juvenile in conflict with law

A child or a juvenile becomes a ‘juvenile delinquent’ once he commits an offence; otherwise, he is defined differently under much legislation for different purposes. The juvenile delinquent is now redefined under section 2(1) of the re-enacted law as ‘juvenile in conflict with law’ meaning a juvenile who is alleged to have committed an offence. The meaning of offence would obviously be the same as given in the code of criminal procedure, the Indian penal code or any other law in force (Section 2-e of JJ, (C & P of Children) Act, 2000).

Unfortunately, in the Indian context, even global, the status of juvenile delinquency always takes the precedence over the juvenile neglect (Kanth, A., 2001). Such undue emphasis and
inappropriate preference also speaks of a historical mindset. Ever since the child, called juvenile (JJ, (C & P) Act, 2000), became the subject matter of legal treatment, he was generally viewed to be an offender and nothing more. It is only in the recent decades that some kind of legal protection has been given to the juvenile or the child and it has been appreciated that child is the most vulnerable segment, and also the most valuable asset of the society, who needs special care and special treatment.

1.1.4 Definition of Street Children

Families in distress in villages and cities alike have to bear the onslaughts of poverty. Besides the aggravating poverty in the majority of cities, major rural-urban migrations are taking place adding to the population of street children. The manifestation further results in anomie, disruption and abandonment. It is for this reason that majority of such families have limited bonds with their children. Such children grow up on the streets and value street culture above anything else. Life for them begins and ends on the street.

The very terminology “Street Children” has been introduced and popularized in social science vocabulary about twenty-five years ago. The term “street children” was universalized when international agencies such as the UNICEF, WHO, etc., started to identify these groups of children in urban areas as very vulnerable in need of care and protection. Perhaps it was important to categorise these children as “street children” for the purpose of policy and programme formulation. The United Nation’s Year of the Child and its Declaration on the rights of the children (1989) focused much attention on the situation of the street children in the less developed countries through out the world. In 1993 street children’s convention brought street children to the attention of the public, the media, NGOs and the policy makers prepared the ground for today’s many activities to rehabilitate them and to present other children from following them on to the streets (UNICEF report on street children, 1998). The following section looks through the definition of street children as till date there has been no consensus on a uniform definition for this huge and increasing section of all societies in both developed and developing countries.

It is very difficult to conceptualize a street child or put it within boundaries. Such children carry various nomenclatures in different parts of the world. Efforts have hardly gone into enumerating and identifying such children. In India, they incorporate a large variety of children (Mohsin, N., 1994), such as those in especially difficult circumstances, children in distress, children in need, disadvantaged children, deprived children, neglected children in irregular situations, delinquents, latchkey children (Pandey, R., 1992), child labourers, school dropouts, etc.
According to one definition (Agnelli, S., 1986), a street child or a street youth is any minor for whom the street (in the widest sense of the word, including unoccupied dwellings, wasteland, etc.) has become his or her habitual abode and who is without adequate protection.

Another definition of street children incorporates four forms of disadvantages (Dallape, F., 1989), isolation, vulnerability to diseases or illness, poverty and powerless.

The following definition of street children by UNICEF has been used in this research work. UNICEF categorizes street children into three groups:

1. **Children on the Street**
   Such children have family connections of a more or less regular nature. Their focus in life is still the home. Most of them return home at the end of each working day and have a sense of belonging to the local community to which their home is situated. They are children on the street.

2. **Children of the Street**
   This group is smaller, but more complex. Children in this group see the street as their home, and it is there that they seek shelter, food and a sense of family among companions. Family ties exist, but are remote and their former home is visited infrequently. They are children of the street.

3. **Abandoned Children**
   This group may appear to be a part of the second group and in daily activities the two are particularly indistinguishable. However, by virtue of having severed all ties with a biological family, they are entirely on their own, not just for material but also for psychological survival. They are also children of the street.

UNICEF observes that of the total number of such children, about 75% are in contact with their families, 20% stay away from home for several reasons, whereas the remaining 5% have no family at all. This categorization of street children provides more insight into the concept of such children. These three categories can be found practically in all developing countries and, more so, in the South Asian countries, including India.

Although the concept of street children and their numbers are discussed in terms of their relationships with their families, the generalization of the above statistics provided/collected by the UN may not be very true of India as a whole. In fact, in the absence of a precise definition of street children, it is very difficult to take up an exercise of enumeration of such children. Agnelli, S. (1986), points out that given the approximate nature of the definition, no objective basis for a proper statistical calculation exists.
An attempt has also been made in India to categorize street children into various groups, based on the relationships of such children with their families (Nandana R., 1993):

1. Children who live with their families, whether it be on the street, in slums, or waste land or abandoned/derelict buildings, etc., but spend a lot of time working or hanging about on the streets.

2. Children who work or live on the street (that is, in the widest sense of the word) and yet maintain occasional contacts with their families, who live either in other cities, or more often, in rural areas. These children, sometime, send money to their families. They see the street as their home.

3. Children who live and work on the street (that is, in the widest sense of the word) and have no family contracts, whatsoever. These children are orphaned, abandoned, neglected by or estranged from their families.

The classification of Reddy, like other categories based on the child-family ties in India, by and large, matches with that of the UNICEF. Her first category includes a large chunk of slum children, most of whom are on the streets because of parental neglect or shortage of living space within the so-called dwellings or settlements. To that extent, there is an overlap, because slum children are at times considered to be different from street children.

The basic idea of categorizing children into various groups is to determine the specific needs of each group, including the health and educational needs. This will facilitate in formulating programmes for street children as a community having common features and needs as well as for individual categories of street children. Differences in the degree of isolation from home and family will necessitate differences in the kind and nature of services required (Nandana R., 1993). Depending on the degree of family contact and support and the economic status of the family various services can be created including the programme of education.

To this list of attributes, Nadeem has added a few more (Nadeem M., 1994). According to him, the social status of the street children is always looked down upon with condemnation; perception about self is completely lacking and a majority of them are illiterate as far as their educational status is concerned. Their value orientation is largely individualistic. These traits can be useful in identifying parameters for future studies related to problems of such children in the third world and in evolving the programmes and services for them.

Alongside street and working children there are other groups of children in our country facing especially difficult circumstances. These children include: children involved in prostitution and children sex workers; children who have been sexually or physically abused; children with substance abuse problem; children affected with HIV; children with
disabilities; and refugee children. The presence and difficulties faced by all these groups of children are compounded by the circumstances of poverty and many of these may also be street children (Panicker, R. & Kane, C., 1999). To locate these children in the overall context of a society we essentially need to understand the lives of the poor in that society. Hence the next section looks at children living under poverty.

1.2 Children Living in Poverty: A Focus on Street Children

1.2.1 International Scenario

Estimates of the number of street children, aged 18 and under, who either work full time or live on city streets, range from 30 million to 170 million (United Nations Dept. of International Economic and Social Affairs, 1986). "Child Hope" estimates the number of street children near to 100 million (Rocky, 1989). Currently 37% population in the developing world is under the age of 15 and 32% of the total population in developing countries living in urban areas (Population Reference Bureau, 1989). Given the rates of poverty in developing countries a figure of 100 urban million working children may even be an underestimate. Using Child Hope's rough estimate of 100 million street children, more than 40 million are estimated to be found in Latin America, between 25 and 30 million in Asia and more than 10 million in Africa (UNICEF – Asia, 1989 and Rocky 1989). Asia and Africa account for well over 90% of the total child labour work force. In 1996, the United States had 5.5 million children living in extreme poverty, approximately one million of whom were on the streets (Alston, P; 1998). A study conducted by the Luxembourg Income Study shows poor children in the United States are poorer than children in most Western industrialized countries, since the United States has less generous social programs, the widest gap between rich and poor, and high numbers of poor immigrant and unwed teen mothers (Kanth, A., 2004). The poverty and social conditions many American children face lead to large numbers of homeless and street children.

Almost all researches in different parts of the world point towards the understanding that most children on the streets are not homeless. Over three quarters and as many as 90% of the children found on the streets in various developing countries, worked on the streets but live at home. Most of them are working to earn money for their families (Enned 1986; Myers, W.E., 1989). The gender of street children is overwhelmingly male in the development world. The predominance of boys, is particularly striking since in many cultures girls are more likely to be abandoned and abused than boys (Korbin J.E., 1981). The most common claim for finding fewer girls in the streets have been that they are taken off the streets to become prostitute (Agnelli, S., 1986, Tacon, P., 1981a, UNICEF, 1985, 1986, 1990). A plausible reason for gender difference is that because girls are needed in the household, they tend to stay in the
family. Many street children come from female headed homes in which boys are socialized into leaving homes much earlier than western middle class sensibilities have been appropriate and in which girls are encouraged to stay at home far longer than is typical in the developed world (Aptekar, L., 1989).

1.2.2 Indian Scenario

Prevalence of Poverty in India

It is a matter of grave concern that one fourth of the world's poor live in India. According to the Asian Development Bank (ADB), the number of poor in India is 622 million for 2004-05, compared to the Bank's estimate of 456 million, and the Indian Planning Commission's national estimate of 301 million for the same base year (Parsons, A., 2008). In India, the country with the largest number of extremely poor however defined, more than 4 out of 10 Indians - or 41.6 percent of the entire population - survive on less than $1.25 a day (Chen, S. and Ravallion, M., 2008). This means that a third of the global poor now reside in India (Mozumder, S., 2008). An estimate by the Planning Commission (1999-2000) shows that more than 260 million people continue to live "below the poverty line" (BPL), which is about 26 percent of the country's population (National Human Development Report, 2001). Poverty also breeds many socio-economic problems which need to be addressed separately. Despite the strong articulation of a multi-dimensional view of human poverty (Saha, N., 2005), India has been overwhelmingly concerned with income poverty. In India over 70 percent of its poor reside in six states: Uttar Pradesh, Bihar, Madhya Pradesh, Maharashtra, West Bengal and Orissa (including the new states of Uttaranchal, Jharkhand and Chhattisgarh) (Mehta, A. and Shah, A., 2003).

A 2007 report by the state-run National Commission for Enterprises in the Unorganised Sector (NCEUS) found that 77% of Indians, or 836 million people, lived on less than 20 rupees per day, with most working in "informal labour sector with no job or social security, living in abject poverty" (Reuters, 2007).

According to the latest report (2009) produced by an expert group headed by former chairman of the Prime Minister's Economic Advisory Council, Suresh Tendulkar, the poor in India have increased by 10% since 2004 and the panel claims that every third Indian is poor (Tendulkar Committee Report, 2009). This Committee was set up to make a more realistic assessment of poverty after the government faced criticism about its official estimates, which experts believe, suppressed rural poverty, and the way in which poverty was measured. The Tendulkar Committee steered away from the calorie norm set in 1973-74 (the money required to access 2100 calories in urban areas, and 2400 calorie sin urban area). In the past 35 years, the calorie norm was never revised, an so is less relevant today. While highlighting
this inadequacy, the Committee proposed a broader definition that includes spending on food as well as education, health and clothing. It also proposed the abolition of different criteria for rural and urban India. According to the Tendulkar Committee report, 41.8% of people in rural areas live below the poverty line as against 25.7% of urban residents.

The child population is growing faster than the general population in India. While the total population registered an increase of 187 percent since 1901, child population grew by 192 percent (Kumari, V., 2004). The main reason for this rapid growth is explained by the increased gap between birth and death rates. According to the 1981 census there were 27.20 crore children in the age group 0-14 years in India, constituting about 39.7 percent of the total population. The number went up to 30.10 crore children in the age group 0-19 in 1991, constituting about 46.67 percent of India’s population (Census of India, 2001, Goi). The number of females continued to be less in all the age groups (Kumari, V., 2004).

Around five lakh women die each year from causes relating to pregnancy and childbirth, leaving over ten lakh young children motherless (UNICEF Policy Review Strategies, 2001). These figures are of special significance to the developing countries but more so for India with its second largest child population (Kumari, V., 2004).

Prevalence of Malnutrition among Children

Approximately 40 percent of all the young children who died in the world each year, 45 percent of the children who were malnourished, 35 percent of those who were not in school, and over 50 percent of those who lived in absolute poverty were to be found in just three countries – India, Pakistan and Bangladesh (State of World’s Children, UNICEF, 2002). Almost 47 per cent of children below the age of three years in India are underweight, almost 60 per cent of those in the age group of 2-3 years are stunted and the infant mortality rate is 70 per thousand live births (Jaitely, T., 2002).

According to the New York Times, is estimated that about 42.5% of the children in India suffer from malnutrition (Sengupta, S., 2009). The World Bank, citing estimates made by the World Health Organization, states "that about 49 percent of the world's underweight children, 34% of the world's stunted children and 46 percent of the world's wasted children, live in India" (Indian Express, Mumbai, Apr 14 2009). The World Bank also noted that "while poverty is often the underlying cause of malnutrition in children, the superior economic growth experienced by South Asian countries compared to those in Sub-Saharan Africa, has not translated into superior nutritional status for the South Asian child." A special commission to the Indian Supreme Court has noted that the child malnutrition rate in India is twice as great as sub-Saharan Africa (MedIndia, India Health News, December 22, 2007).
As per the Government of India there were thirty-eight crore children below the age of 14 years. The percentage of population of children in the age group 10-14 and 15-19 years were 11.9 and 10.7 percent respectively, of the total population (Initial Report of Govt. of India on UN-CRC, 1992). C. Gopalan in 1997 pointed out that child survival, without adequate concurrent steps to ensure health and nutrition of the survivors and of the mothers on whom child bearing and child rearing depend will only lead to an expansion of the existing pool of substandard survivors, causing a further erosion of human life (Gopalan, C., 1997). Almost 50 per cent of the children in our country are underweight, about 50 per cent are stunted, and a significant percentage are wasted (NFHS-1998-99, Gol). The fact that such a high percentage is stunted is of particular significance, since this is an indicator of malnutrition over a long period of time. (See Table 1)

<table>
<thead>
<tr>
<th>Table 1: Percentage of Undernourished Children</th>
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<tbody>
<tr>
<td>Age of child</td>
</tr>
<tr>
<td>&lt; 6 months</td>
</tr>
<tr>
<td>6 - 11 months</td>
</tr>
<tr>
<td>12 - 23 months</td>
</tr>
<tr>
<td>24 - 35 months</td>
</tr>
</tbody>
</table>

Source: National Family Health Survey (NFHS-3) India (2005-06), International Institute of Population Studies; Mumbai; September 2007, p. 270.

The above data reveals that the largest number of undernourished and severely undernourished children is found in the age group 12-23 months. This is consistent with the widely presented argument that the process of growth faltering is already underway by the time children are five months old (Gillespie, S. and McNeill, G., 1992).

As per the Planning Commission’s current expert group estimates, the population below the poverty line in rural areas is 33 percent and urban areas are 20 percent. It is near 100 million children within this age group are living under dire poverty and an almost equal number, who may be labeled as above poverty line are only marginally better (Qadeer, I., 1997).

India’s slum population is more than 62 million of which around 32 million are living in metropolitan cities. In accordance with the Sixth Educational Survey, Government of India (1994), nearly 21 million children are added to the population of India every year, out of whom about 8 million die due to lack of adequate health facilities and proper care (Gol, 1995). Still, 13 million are being added to the child population of the country every year. Even if one goes by conservative estimates, nearly half of these children would belong to the category of children in distress or children in especially difficult circumstances. These are also the children who are engaged in some form of work or the other. They are either into
wage employment, self-employment or part of the family labour and thus deprived of education (Chandra, K.S., 1997).

An in depth survey was conducted by a country team in the slums of Delhi and in five cities in the state of Andhra Pradesh. The results of surveys on the Mumbai street children living on their own and children of pavement dwellers, prepared for the Society for the Promotion of Area Resources Centers (SPARC), two years earlier, have been analyzed. The incidence of children working in the slums of Delhi was higher than the estimates provided by the 1981 Census of India. 22% of the children in the age group 5 – 19 years were working in Delhi. In Andhra Pradesh, the percentage of working children was marginally lower. The ages of such children were lower than those reported in the Census data. More than 80% of the working children were in the age group of 7 – 15 years. Over 28% of the low income households surveyed in Delhi had at least one working child, whereas 6% had more than one (Aggarwal, K., 2002.)

According to the UN-HABITAT, India is home to 63% of all slum dwellers. As India continues to grow in economic stature, there is much debate over the country’s ability to tackle poverty and urban homelessness. As per 2001 Census, 78 million people in India living in urban areas without a home in crowded places.

1.2.3 Estimates of Children living in Poverty

Estimates of Children in Need of Care And Protection
No authentic data is available on the number of destitute children in the country. One estimate had put the figure at 72.2 lakh and another at 11.5 lakh for destitute orphans (Khandekar, M., 1979) A study conducted by children in need institute of 700 destitute children living in the Sealdah Station in West Bengal revealed that 90 percent girls and 25 percent boys were sexually abused while all of them were physically assaulted by various customers who hang around the platforms on a regular basis. Drug addiction among the street and working children is on an increase, which turn them often into compulsive criminals to pay for their expensive vice. According to one estimate, in 1988 Delhi had at least 1000 child drug addicts who indulged in pick pocketing and petty thefts. (Singh, S., 1988)

The comparison of overall crimes in the country and the crimes committed by juveniles\(^3\) indicates that the percentage of delinquency in total crimes is in fact quite low in the country compared to majority of other countries, particularly the affluent ones. This also gives a clue to

\(^3\) Throughout the text the term children have been used for the Children in need of Care and Protection and Juveniles has been used for the children in conflict with law.
the fact that poverty is, perhaps, only one of the factors not the only factor behind juvenile delinquency. Kanth, feels that very few children under conditions of extreme socio-economic deprivation actually turn delinquents, they however are at the verge of it if not taken care of (Kanth, A., 2001).

No studies conducted on the forms of victimization of children or their numbers, however there is sufficient evidence to show that children are subjected to violence, abuse and neglect by society, by employers and even by their own parents. According to Asha Das, Joint Secretary in the Ministry of Welfare, Government of India, in 1990, atleast one third of the 27.2 crore child population (Census of India, 1981, Gol) needed critical intervention to prevent them from falling prey to various forms of delinquency, abuse and abandonment. A 1991 survey in six metropolitan cities of India indicated that the population of women and child victims of commercial sexual exploitation would be between 70,000 and one lakh. It also revealed that about 30 percent of them were below 18 years of age and nearly 40 percent of them were inducted when they were less than 18 years of age (Gol, 1994).

The Swedish children’s aid agency, Rädda Barnen, a member of a coalition of agencies affiliated with Save the Children, wrote in October 1995 that (HRW, 1996):

Limited data reveals that, in 1991, 29,591 juveniles were apprehended for various crimes. Most of them were charged with theft, burglary and riot. Of those, 20% were children aged between 7 and 12 and 64% were between 12 to 16 year of age. Over 60% were from families earning less than Rs.500 a month. Girls formed 27% of juvenile offenders (an uncommonly high percentage). Very little information is available on what happens to these children. Legal representation is rare and there are few facilities existing for the detention of children separately from adults. Little is known about the effectiveness of any rehabilitation centres that may exist (Flynn, T., 1995).

Estimates of Children in Conflict with Law

The figures relating to crimes by children are more systematic than those relating to children in other difficult circumstances but the state of crime statistics, in general, is problematic. There is only one source of information on the national crime rate, and by the official publishing agency’s own admission, the data supplied to it by most of the states/ union territories and cities still fail to satisfy the various consistency checks (Kumari, V., 2004). As author Srikantha Ghosh wrote in 1993: ‘In this country where normal crime statistics contain a large element of concealment and non-registration, it is not possible to present a correct picture of the situation (Ghosh, S., 1993). ’
Very little information is formally recorded and what information is available is not reliable. For example, the National Crime Records Bureau (NCRB) reported that in 1992 there were 1,102 juvenile arrests in India’s five largest cities (Bangalore, Bombay, Calcutta, Delhi, Madras). The same year, the United Nations estimated that the population of children in these five cities was 8,919,474, which would mean there was one arrest for every 10,746 children (UN Compendium of Human Settlement Statistics, 1995). The figures show that juvenile crime was extremely low in these cities, but the figures are questionable (HRW, 1996).

In addition the publication gap of about five years, though now reduced to two years, makes the data outdated for futuristic policy making. The official figures however do not include the hidden figure of crime and cannot depict the true picture of child delinquency in India. Kumari further points out that data notices the increasing or decreasing trends, it offers no possible explanations (Kumari, V., 2004).

The highest number of juvenile delinquency cases under the Special and Local Laws (SLL) was reported from Tamil Nadu (4,002), which accounted for 50.8 percent of total juvenile crimes under SLL. Andhra Pradesh reported 831 cases followed by Gujarat (738) and Haryana (523). These four states taken together accounted for 77.4 percent of total juvenile delinquency under SLL reported in the country (NCRB, Crimes in India, 2003). These four states, as per Thukral appear to have enforced the laws against juveniles effectively (Thukral, E., 1995).

The share of crimes committed by the juveniles to total crimes in the country during 1997 to 2000 was constant at 0.5 percent. However, in 2001 this increased to 0.9 percent and further marginally increased to one percent in 2002 (NCRB, 2003). This increase may be partly attributed to the inclusion of delinquent boys from 16-18 years of age following the enhancement of the new Act Juvenile Justice (Care & Protection of Children) Act, 2000.

<table>
<thead>
<tr>
<th>Year</th>
<th>Incidence</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>16,509</td>
<td>1.6</td>
</tr>
<tr>
<td>2002</td>
<td>18,560</td>
<td>1.8</td>
</tr>
<tr>
<td>2003</td>
<td>17,819</td>
<td>1.7</td>
</tr>
</tbody>
</table>

Source: NCRB, Crime in India, 2003

These official figures are however the only one available on all India basis and are expected to be atleast indicative of the pattern of child delinquency in India between 1989 and 1999 as given in crime in India 1999 (see Table - 3).
Table – 3: Incidence and Rate of Juvenile Delinquency in India
Juvenile Crime under the Indian Penal Code (IPC) and Special Local Laws (SLL)
1989 - 99

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Year</th>
<th>Juvenile Crime</th>
<th>Total Crime</th>
<th>% of Juvenile Crimes to Total Crimes</th>
<th>Juveniles apprehended</th>
<th>Total</th>
</tr>
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Even though the numbers of street children and children in need of care and protection are not very definite, the table-3 indicates that those numbers must be the larger numbers because the numbers of children apprehended are so large despite of declines indicated in the year 1999 and they originate from the vulnerable ones mentioned earlier. The analyses of the juvenile crimes in comparison to the total number of crimes in the country presents a very strange situation wherein, in 1982 the percentage of such crimes was 4.4 of the total crimes and in 1999 it is just 0.5 percent. As the crime figures have come down from 18457 in 1989 to 8880 in 1999. There are no explanations for the decline except the plausible explanation by the officials of NCRB, GOI that it is mostly on account of non-reporting of juvenile crimes to the states and the national crime record bureau. Kanth pointed out that most of the juvenile crimes, unfortunately are being clubbed with general crimes, i.e., the child in conflict with law are being arrested like ordinary criminals and being produced in the courts meant for the adults. Besides the devastating impact it has on these children, this also gives a lopsided picture of the juvenile delinquency in the country (Kanth, A., 2001).

During 2003, 3584 juveniles in the age group 7-12 years were apprehended as against 4,488 in 2002 and 11,687 juveniles in the age group 12-16 years were apprehended as against 13,864 in 2002. The bulk of juveniles (18,049) arrested were in the age group 16-18 years. The ratio of girls to boys arrested for committing IPC crimes during 2003 was nearly 1:13. This ratio during 2002 was 1:16.
A total of 33,320 juveniles were arrested and sent to various courts during 2003 (see Table-4). The percentage of juveniles awaiting trial at the end of 2003 was 36.1 percent (12,049 out of 33,320). It needs further mention that the official document of the Government still refers to ‘arrests’ and ‘courts’ even though terminologies have long undergone change. This reflects upon the change in language means little in actual practice or in attitudes (Thukral, E, 1995).

The NCRB classifies juveniles in conflict with law according to attributes. According to Crime in India 2003, “the large chunk of juveniles (73.8 percent) belonged to the poor family whose annual incomes was up to Rs. 25,000. Out of the total juveniles involved in various crimes 9618 juveniles were illiterate and 13,505 had education up to primary level. These two categories have accounted for 69.4 percent of the total juveniles arrested during the year.” In 1999 it has observed, ‘As expected, low education, poor education set-up are generally the main attributes for delinquent behaviour of the juveniles.’ As Thukral says, clearly it is all those who cannot get bail, continue to go to jail (Thukral, E, 1995).

### Estimates of Street Children

The largest group of marginalized children is that of street children. There are various estimates of street children but to date no satisfactory means for determining the global number have been developed. Therefore the estimated of the number of street children vary depending upon the definition used. The hidden and isolated nature of street children makes accurate statistics difficult to gather; however, UNICEF estimates there are approximately 100 million street children worldwide with that number constantly growing. There are up to 40 million street children in Latin America, and at least 18 million in India.

In India, the realization about the problem of street children came quite late, although the problem of child labour was identified long back. With a population above 1000 million, given the existing poor socio economic conditions coupled with the phenomenal growth of cities and towns under the processes of urban growth and urbanization, the number of street children is estimated to be very large. There are no current statistics that give the exact number of such children in India. According to the 1981 census, there were 13.6 million
children of the age of 15 engaged in work in India. Of the total child population, about 20 percent are estimated to be migrant to urban areas, while the rest of the children were born in cities (Census 1981, Gol). In 1991 Census, about 11.3 million children were found either living or working on the streets of urban India (Census 1991, Gol). According to the Census 2001, there were 12.7 million economically active children in the age-group of 5-14 years. It can be thus said that there has been an increase in the number of working children (Census 2001, Gol).

A study carried out by ORG (Operational Research Group) estimated the number of working children to be 44-million (Baroda, ORG, 1993). The criticism against these figures of 18-million working children and the 44-million working children has been that these refer mostly to working children in urban areas in a situation where about 90% population of the working children is constituted of the child working in rural areas. It is important to note that, both the figure, that is 18 million and 44 million do not refer to the street children but to the orphans and working children.

There are some reliable statistical data available on the Union Territory of Delhi as per the 1981 census. The population of the city was 5,768,200. The child population within the age group of 6 to 14 was 12,95,741. Children enrolled in schools in the age group of 6 to 14 were 3,03,366. Of the 3-lakh children not going to school in 1981, 2.65 lakhs who were below the poverty line were expected to be in the labour force. Many children who were above the poverty line, which is Rs 122 per month in the urban areas, also worked to enhance their income. Apart from that, a large number of school going children took part in employment. Thus it is expected that the total number of working children in Delhi was nearly 3,00,000 in 1981. The annual increase in the magnitude is estimated to the tune of nearly 10,000 children. Therefore it can be estimated that the strength of child labour in Delhi in 1988 was nearly 4 lakhs (Panicker, R. & Nangia, P., 1992). The study has estimated that out of the 700-working children surveyed in the Union Territory of Delhi about 30 percent were street children.

In a similar study, which was conducted earlier (Nangia, P., 1987) there were about 15 percent street children in a sample of 350 working children. Taking average of the two studies under reference, the UNICEF has calculated that an average of 25 percent of the working children is street children. Thus it was estimated that in the Union Territory of Delhi there are approximately 1,00,000 street children among the estimated 4,00,000-working children. Similarly, if we accept the figure of ORG of 44 million working children in India in urban areas, then the 25 percent of this, that is, 11 million are the street children. According to
UNICEF, this would still be a conservative figure if seen in the context of the steadily growing numbers of street children in the metropolitan cities of India.

T.C. Joseph in an article "Child Victims of Exploitation" published in the Times of India newspaper 12 March 1993 mentions that "A pitiful 60 percent of children at work are below the age of 10, business and trade absorbs 23 per cent while work in the household covers 36 per cent. Nearly 18 percent of these kids are themselves engaged in childcare. For every 1000 boys at work there are nearly 1,200 girls. Quite naturally, 64 percent of working children are illiterate since they are generally of the age group of 6-12 which is also the primary school going period. If the dropout rate from the school is higher in rural areas, these zones also account for 79 per cent of India's child labour force.

By conservative measures there are around 25-30 million children in India who spend their lives on streets (26 February, 2005 in The Statesman newspaper). UNICEF's estimate of 11 million street children in India in 1994 is considered to be conservative (Thukral, E., 2005). The Hindustan Times of 22 May 1993 reports that "India probably has the greatest number of street children according to the 1993 Human Development Report of the UNDP, New Delhi, Bombay and Calcutta have around 1,00,000-125,000 street children each and Bangalore 45,000. The Report says that on the streets as elsewhere these children have to work to survive collecting rags, shining shoes, scavenging on rubbish dumps, many also turn to crime. India's Juvenile Crimes rate is 3.1 per 1000 people.

A series of studies carried out by the National Labour Institute in the early nineties in the larger cities has shown that there are 25,000 street children in Bangalore, 25,000 in Madras, 10,230 in Bombay and 5,000 in Kanpur (National Labour Institute, Noida, 1993). There has been clearly an increase in the number of street children since then.

Many studies have determined that street children are most often boys aged 10 to 14, with increasingly younger children being affected (Amnesty International, 1999). Many girls live on the streets as well, (Kanth, A., 2004) although smaller numbers are reported due to their being more "useful" in the home, taking care of younger siblings and cooking. Girls also have a greater vulnerability to trafficking for commercial sexual exploitation or other forms of child labor.

Reliable estimates of the extent of the problem are scarce, but the trend is clear and the causes are known which include pressure of demographic growth and shifts, unemployment and underemployment, migration, urbanization and disruption of the social structures of the family makes the child vulnerable. Poverty worsens an already delicate situation. Children
are left with relatives, some distant ones, or are placed in institutions that are improperly managed; as a result child loses attachment for the family. For most of children the street life is tiring, unhappy and difficult. They enjoy few comforts without proper guidance. They mostly waste their money on the cinema, useless snacks, sweets and many spend money on drugs or cheap liquor and cigarettes. Even those children who have closer contacts with their home have closer contacts with their friends. Most children are looking for comfort and support from their peers.

1.3 Profile of Street Children

Street children vary with respect to their family backgrounds, occupations they are engaged in, circumstances in which they live and the kinds of problems they have. However, all of them present major needs arising from their particular and especially difficult circumstances (Aptekar, L., 1994).

UNICEF, in collaboration with Ministry of Social Welfare, Government of India, sponsored field studies on children in Bangalore, Mumbai, Kolkata, Delhi, Indore, Kanpur and Chennai. (Reddy, N., 1992; D, Lima and Gosalia, 1989; Ghosh, S., 1992; Panicker, R., and Nangia, P., 1992; Pandey, R., 1993 and Arimpoor, J., 1992). These studies have revealed major characteristics of Indian street children based on their finding. Most of these studies reveal very similar results that street children in the Indian situation share similar life situations, socio economic factors, needs and problems.

Demography

Most children are over the age of 6, the majority over 8 - Initiation into active street life begins very early. Younger children are more likely to be in the company of an older sibling, relative or a parent, and to be found closer to a place of safety. The Indore study reported 25.4% under the age of 10 years; 26% between the ages of 10-12 years and 48.6 % over the age of 12 years (Philips, WSK, 1989). The Bangalore study showed 20.2% to be 6-10 years of age and 79 % in the 11-15 years of age (CWC, 1989). The Kanpur study found that 13.5% were under six years of age, 72.4% between 6-12 years of age; and 14.1% were in the age group of 13-18 years (Pandey, R., 1993).

Most children are Boys

Mainly because of the socio cultural factors, limiting the girl child’s mobility, the various surveys conducted in different parts of the country did not indicate equal ratio of boys and girls in their sample distribution (Bose, AB., 1992). Bangalore study reported 31.3 % girls
Most of the Street Children Have Never Attended School
Most of the street children have never attended school and the majority of those who have, drop out before completing the primary school. Few were attending schools. The Mumbai study reported 54.5% as having never enrolled and only 11.4% as currently attending schools (D'Lima and Gosalia, 1989). The Indore study reported 66% as illiterate, the incidence being much higher among girls (85.4%) than boys (61.8%), (Philips, WSK., 1992).

Not all Children are recent Migrants
The Mumbai study reported that only 29.5 % of the street children had migrated to the city within three years prior to the investigation (D'Lima and Gosalia, 1989). Most of the street children migrate to the cities with their families, although some come to the city alone to earn money to support their impoverished families back in the village. A smaller percent of children (including the very young have run away from homes which had become intolerable because of poverty, neglect, maltreatment; and the breakup of the family due to death or dissertation, or harsh working and living conditions.

Parents of Street Children mainly hold Low Paid, Unskilled Jobs or are Self Employed
19.5 % of the street children in the Bangalore study reported that their father engaged in vending and 60.9 % stated that their father was a coolie, laborer or a construction worker. In mist cases where the mother was alive, she was reported as being self-employed or working in low paid unskilled jobs or employed in domestic works (Reddy, N., 1992; Pandey, R., 1993)

Most Street Children Work for a Living and Work Exclusively in the Informal Sector
Most street children work in the jobs that do not require special skills, training or sizable capital investments. Pickings rags and scraps, carrying loads, vending (usually of inexpensive goods), shining shoes and cleaning vehicles are among the jobs they typically undertake. Only few have more skilled jobs, such as auto repair work. Only a small percentage of the younger children engaged in begging (Reddy, N., 1992; Pandey, R., 1993; D'Lima and Gosalia, 1989). They work for a living and work exclusively in the informal sector (ILO, 1995; Mohsin, N., 1996).

Majority of Street Children are Self Employed
Many of the street children may carry out more than one job in the same day, and in other cases, different jobs in different seasons (Bose, A.B., 1992). The hours they work show wide
fluctuations as some occupations are usually carried out in the mornings (selling newspapers, flowers or vegetables, for instance); others only in the evenings. Some children work part time, especially those who combine work with household chores and marginal schooling. Majority of them work for 8-10 hours a day (Reddy, N., 1992; Arimpoor, J., 1992; Pandey, R., 1993).

**The Current Earnings are Low and Occupational Mobility is very Limited**

Because of lack of education, skills, training, finance or even guidance and help, street children capacities and occupational mobility in the market is rather low. Like their parents, street children have no occupational or career ladder. Their earnings show a wide fluctuation, but are usually just enough for subsistence (from Rs. 10 to Rs. 25 per day). (Reddy, N., 1992; Panicker, R., and Nangia, P., 1992; Verma, S., and Dhingra, G., 1993)

**The Nutritional intake and Health Status are Poor**

Food intake is both qualitatively and quantitatively inadequate. Street children have inadequate medical care; they lack bathing and toilet facilities; and they are exposed to various health hazards, unclean surroundings and climatic variations. Girls who live in the street are more prone to difficulties and disadvantages in this regard than boys. Occupational hazards include car accidents for street vendors and cuts and infections for rag-pickers (Bose, AB., 1992; and Ghosh, S., 1992).

**Street Children are exposed to Physical Abuse and Extortion**

Street children are exposed to physical abuse and extortion and although most are law abiding, the need to survive forces some of them into illegal activities. They may get caught up in violence over territorial rights or may be forced to share profits with the local dadas (bullies) who demarcate the right to operate in choice spots. Street children also acquire the habit of smoking and gambling at a very young age (Pandey, R., 1993; Bose, AB., 1992).

**Street Children’s Survival Strategy**

Street children are engaged in strategies for day to day survival. Thus develop resourcefulness, self-reliance, independence and other survival skills in a hostile street environment. Street children hardly have a social status in a larger society where their existence is tolerated but not trusted, as their background is not known. They live in a world of their own, seeking the protection and support of the local gangs for companionship or to learn the ways of street life. They sometimes develop a group identity, and occasionally a spirit of camaraderie, which meets however, imperfectly, their emotional and psychological needs. Street children who have no contact with their families, or who have no family at all, are specially deprived and marginalized (Bose, A.B., 1992).
1.4 Social Roots of Street Children

As our review showed the problems of street children are embedded in our social structure and are not new. A relatively insignificant amount of objective research has been done on the subject in India (Pandey, R., 1993). A careful view of the literature in educational, public health, medical, policy development an social work journals of the past reveals that little has been published regarding the dynamics and nature of the problems of street children. There are a host of factors that leave the child unprotected ranging from economic, social, environmental, intra familial and psychological factors (Agnelli, S., 1986). For a large number of street children, the underlying and basic causes for being pushed onto the streets lie in the increasing number of families surviving under extreme poverty, unemployment, lack of opportunity for social mobility and strained family relationships (Bourdillion, Michael, FC., 1991, Dube, L., 1999). Tacon and Hollnsteiner et al indicate external or environmental circumstances as the sole etiology of their condition (Tacon, R., 1981 and Hollnsteiner, M., and Tacon, R., 1983). Factors such as poverty, rural-urban migration, civil strife and family crisis play a central role in the genesis of the phenomenon of street children.

Felsman suggests that an interaction of the factors, including temperament, intelligence play a major role in these children’s running away from the home and the nature and pattern of their daily street life is also affected by these factors (Felsman, J.K., 1981). According to statistical indicators, divorce and separation, child abuse and alcoholism are all increasing inexorably. These factors also give rise to street children (Ágnelli, S., 1986). Street children are primarily an urban phenomenon linked to the voluminous rural to urban migration. Industrialization has not kept pace with this population shift, which has brought poverty of rural areas to urban centers (Felsman, J.K., 1984).

Agnelli describes street children in developing countries as “products of rural to urban migration, unemployment, poverty and broken families.” in industrialized nations they are considered as “victim of alienation and systematic exclusion” (Agnelli, S., 1986). Co-mingled with the migrant population and contributing to the phenomenon of street children is the local population of urban poor who were born in the cities, the temporary migrant families, children who travel to cities daily for work, and abandoned or orphaned children (UN-HDR, 1996).

According to a UNICEF report in 1996, street children are the phenomenon of modern times when urban centers in developing countries are faced with the process of rapid urbanization (State of the World’s Children, UNICEF, 1996). At the micro level the child is on the streets typically because his family is in crisis (Agnelli, S., 1986). Staggering number of children live in poor settlements (30.2 million) in inhuman conditions with nearly all (28.1 million)
being below the poverty line, unable to meet their basic needs of food, shelter and security (Punhani, S., 1996).

Large scale migration from rural areas to urban settlements will continue at a fast rate in the coming years. The slum dwellers, footpath dwellers, unskilled and casual workers, workers in unorganized sectors and street children constitute a major proportion of the urban poor population and this segment of the society has not been given adequate attention. Global Consensus on the need to reduce and eventually eliminate poverty was emphasized in the Plan of Action emerging from the 1995 World Summit for Social Development held in Copenhagen. The Summit emphasized the need for policies that lead to labor intensive economic growth, increase poor people’s access to productive resources and basic services and ensure adequate economic and social protection of all people (Report of the World Summit for Social Development, 1995).

The root of the urban crisis is poverty, whether it is poverty of rural areas that drives people to the cities, or the poverty of under employment. Delhi has experienced phenomenal demographic change and urban growth since Independence. The population of the city has grown from 1.4 million in 1951 to an estimated over 8.0 million in 1990 (Singh, R.R., 1990). The breakdown of the family support systems and traditional values leaves a number of children in urban areas than in rural areas to fend for them (State of the World’s Children, UNICEF, 1997).

1.5 Plight and Predicament of Street Children
Marginalization also results in children engaging in anti-social activities. They are lured to pick-pocketing, stealing, gambling, drug peddling and prostitution. The earnings of street children are often confiscated by unscrupulous adults. Reports of exploitation and extortion by the police have been frequently reported. Policeman on the beat often take away the child’s earnings on the grounds that money was obtained through unlawful ways or it also taken away as form of ‘protection money’ to let the child work and sleep in a particular area on the street (Human Rights Watch, 1996).

Such hardships may turn these children living on and off the streets into subjects of juvenile justice system. Very little information is available because very little information formally recorded and what information is available is not reliable. Crime records do not accurately reflect the state of crime in India, and consequently, do not give proper indication of how many people are detained by the police or why people are detained by the police. While the extent of juvenile crime is unknown, the police perception of street children as criminals is common and
is a factor that contributes to police abuses against street children (Human Rights Watch, 1996). A 1992 study on street children in Delhi reported:

*Five police officials, one at Connaught Place and four at New Delhi railway station, were interviewed to find out their perception of these children and their experiences in dealing with them.* The police invariably were quite critical about these children - excepting one officer who was quite sympathetic. According to the three police at the railway station and one at Connaught Place, these children are anti-social elements. They perceive them as thieves, rogues and drug addicts (National Crimes Records Bureau, 1992) who have to be remanded in institutions and disciplined. They feel there might be only 2 to 3% who are "honest" and are at the station and street to earn a living (Panicker, R. & Nangia, P., 1992).

Studies also show that though most of the street children are law abiding, having their own groups / gangs acting as support groups in times of need both joy and misery. The society including police and municipal authorities treat them as anti-social elements, resulting in further discrimination and a lack of support from the general public. As Bose pointed out that there is a blurred borderline between the neglected and delinquent children. More often then not, situational factors result in one child being and other child not being apprehended as delinquent and subsequently institutionalised (Bose, A.B., 1992).

It is now being increasingly recognized that street children are deprived of adequate care and protection and therefore, are in especially difficult situation. These children who need substantial protection beyond what their families offer have been termed by UNICEF in the mid 1980s as, "Children in especially difficulty circumstances" with the acronym CEDC (UNICEF, 1988). All these children who are neglected, deprived and abused, irrespective of the fact whether they live with or without their families are in vulnerable conditions and require special assistance and protection (Ennew, J., 2003).

Several researchers have identified and categorized children in especially different circumstances in various groups. They include: children living in families in extreme poverty; working children especially in the unorganized sectors; orphans, destitute and abandoned children; abused children; illegitimate children and street children. These categories are not mutually exclusive and often tend to overlap (Rane, A. and Shroff, N., 1986).

It may be noted that the list of children in difficult circumstances is not exhaustive and should not be considered complete as other categories of children e.g., child beggars, child prostitutes, bonded labor, etc; can also be included in the classification. However the focus of this study is to highlight the plight of urban, homeless, working street children and describe and analyze the especially difficult circumstances affecting their health status adversely.
Street children compromise of children belonging to extremely poor families, destitute or orphan children, working children and abused children. Thus while discussing the phenomenon of street children it is essential to establish linkages between these varied but related aspects of this phenomenon. The categorization is done primarily to illustrate the multi-dimensional role of this phenomenon.

1.5.1 Health and Nutrition of Street Children

Health services are the main factors that influence the health status of the population, there are many other significant factors that influence the health of a population, such as social and economic factors like nutrition, water supply, environmental sanitation, housing, education, income and its distribution, communication, transport and social structure (Banerji, D., 1978). Thus health service system is a complex of research, education and delivery systems (for preventive, promotive and rehabilitative services), but is only one of the many inputs required to improve the health of the people (Qadeer, I., 1985).

Poor housing, sanitation, malnutrition, exposure to infections, high environmental risks, exposure to vagaries of weather, lack of parental guidance and supervision and early childhood labor are endemic and contribute to ill health of younger children. The circumstances in which street children live seriously jeopardize their health, safety and moral health (Shah, P., 1985).

Apart from physical and sexual exploitation, undernourishment, poor health conditions and a high prevalence of diseases and infections are features common in the lives of street children. Because of the vulnerable and precarious situations in which they live, the incidence among them of under nutrition and other health problems seems particularly high. Poor, inadequate shelter arrangements adopted by homeless street children, inadequate and poor quality diets, at times starvation, lack of access to medical facilities, respiratory infections, skin ailments, and high environmental risks especially hazardous living and working conditions, have been found to contribute to the ill health of the street children (Shah, P., 1985; Nangia, P., 1988 and Sondhi, P., 1989).

Young street children are particularly vulnerable to sexually transmitted diseases. A study by the Child in need Institute, Kolkata, 1990, revealed that child prostitution at Sealdah railway Station was widely prevalent. Around 100 runaway children were found on the platform. Out of these, 5 children in the age group of 5-14 had been found to be sexually exploited for periods ranging from 1 to 2 years. Sexual exploitation of very young street children, in lure of some money or the promise of shelter for the night, was common at the platform or the streets (Mohan, S., 1990).
Street children, particularly those living alone without families, are an integral part of the urban scenario and they lead harsh, precarious and hazardous lives. They have specific problems like deprivation of basic needs of health, nutrition, education, physical and sexual abuse, harassment and coercion by authority and by other people involved in anti-social activities. Some children, unsupervised by adults, spend their days on the street but are able to return home at night. Others have no home to return and they sleep anywhere they can find shelter. They don’t have access to basic amenities like toilet facilities or a place to bathe. There is no place to keep their belongings and the money saved by them (Reddy, N., 1992; Ghosh, A., 1992; Pandey, R., 1993).

According to situational analysis of street children carried out in Mumbai, Bangalore, Kolkata, Delhi, Hyderabad, Indore and Chennai by the Ministry of Welfare, Government of India and UNICEF in 1988-89, health of most of the street children sampled in the studies was found to be in poor state. A test of the degree of nourishment show that 90% of the total of 2031 street children sampled in the city of Kolkata were undernourished while 3% of them were severely undernourished. Of these 65% of them have excessive lack of protein and essential vitamins. The data were based on the study of quantity and quality of food usually taken by the street children (Ghosh, A., 1992; Bose, A.B., 1992).

Although street children are more in need of health services than other children because of the ‘high – risk’ environment, in which they constantly work and live, their access to health care is limited (Arimpoor, J., 1992).

In Indore, an analysis of the height – weight ratio of the 300 street children showed that 86% of the boys were below the normal ratio of the height and weight. Only 20% of the street children included in the sample in Chennai were found to be adequately nourished, while in Bangalore 87% were found to be undernourished (Arimpoor, J., 1992). In Mumbai, it was observed that though 60% of the children had two meals a day, the nutritional value of the food was poor. As a result of under nutrition, intake of nutritionally poor diet and unhygienic living conditions, children often suffered from diseases like: gastroenteritis, ringworm infections, anemia, Vitamin A deficiency and rickets (Philips, WSK., 1992).

In another study of street children in Bangalore, the total sample of 1,750 street children, 87% of them were stated to be undernourished and 7% severely undernourished. Moderate or excessive protein and vitamin deficiency was found in over 95% of the sampled children. However, the age – height ratio was found to be satisfactory for 72.5 of the children. The study also revealed that children constantly suffered from scabies, tuberculosis, anemic, dysentery, rickets, and ear and throat infections (Reddy, N., 1992).
In Mumbai study more than 25% of the children suffered from ill health and majority of them did not have access to primary health care. Nearly all the street children of Mumbai suffered from one or the other form of chronic disease (Reddy, N., 1992). In Bangalore study majority of the children suffered from various forms of hazards like environmental hazards and occupational hazards. Children were exposed to sun, smoke and dust (D’Lima, G. 1993).

Generally the street children suffer from seasonal illness like cough, cold, fever and work related illnesses like scabies, backache and stomachache. Lack of hygiene in their lives increase the chances that wounds or infections picked up in the streets, where accidents and assaults are all too common, will become worse. It is difficult for street children to go to dispensaries partly because of their own fear about requiring revealing their identities and also because of lack of awareness about available medical facilities. Majority of them do not get any treatment. 9% suffer from chronic illnesses, 16% suffering from last 4-5 years. For 87% children in Hyderabad, medical facilities are not available. In Kolkata, situation is equally bad. They usually get themselves treated at private clinics or medical stores in spite of being aware of the Public health facilities; they use these, very little (Reddy, N., 1992; Pandey, R., 1992; Verma, S. and Dhingra, G., 1993; D’Lima, G. 1993, Gosalia, R., 1993).

Homeless children are in poorer health than children who are not homeless. Lack of a going health care and the problems of growing up in unhygienic, hazardous and unprotected setting are primary factors that negatively affect the child’s health (Mohan, S., 1990; Pandey, R. 1993).

One of the seven children born in India, says a study, suffer from breathing problems. In the unhygienic environment of the squatter settlements, where there is no regular process of garbage disposal or drainage of the waste water, children suffer a range of health disorders. Public health care services are often the last choices of the families with sick children because of their distances, transpiration difficulties, overcrowding, besides incurring a loss of daily wages (cited in CANCL News Newsletter, Ed. Aggarwal, K., Vol. 1, Jan., 2002). These children are susceptible to various diseases due to their stay in unhygienic environments for most of the time (Zutshi, B., 2001).

Work conducted by Philadelphia Health Management Corporation (1985) and other research as well suggests that homeless children are also highly vulnerable to developmental delays and emotional disturbance. Developmental delays and emotional problems in homeless children may have their roots in the stresses of family life and homelessness and / or long -- standing family problems (Fox, E.R, & Roth, L., 1989).

The incidence of HIV infection among street children is increasing. The Houston Chronicle reported that among 121 Mexicans street children tested for HIV in 1998, about seven
percent tested positive. The Mexican government’s AIDS agency said then that the cases were only the “tip of the iceberg” among the estimated 2 million children living in Mexico City’s streets. In the Indian context, data about HIV infection or prevalence among street children is very limited and more research is required in the area. National AIDS Control Organization (NACO has listed street children as one of the “at-risk” groups of HIV infection (NACO, 1999).

1.5.2 Education and Recreation among Street Children

Besides having no stable environment, street children are denied their right to education. Most of them are hardly literate and have never gone to school or have not finished primary schooling, though some have had a few years of education. Poverty, running away from home and distressful experiences at school is common reasons for dropping out of school. Sometimes poor performance at school and consequent beating by the parent and / or the teacher are also causative factors of children leaving their homes and taking to streets (Panicker, R., and Nangia, P., 1992; Reddy, N, 1992; Verma, S., and Dhingra, G., 1993).

Life on the streets deprives them of their legitimate right to education, opportunity for play, recreation and social; security. Without adequate education, street child’s opportunities and prospects to develop are markedly reduced. In the long run, these children are likely to be on the lowest rung of the urban socio-economic ladder and lead a marginal experience. Street experience thus deprives them of educational opportunities, minimizes their chances for vocation training and forces them to remain as unskilled labor (Panicker, R., and Nangia, P., 1992; Reddy, N., 1992; Verma, S., and Dhingra, G., 1993).

However, the moot point is whether compulsory education can be implemented effectively without addressing other related problems of poverty, unemployment, increasing population and massive rural to urban migration. It is to be noted that all these problems are inter-related and attempts to tackle only one of these will not solve the problem of child labor. Subrahmanyam, V. (1992) states, “The intervention strategies for providing better water facilities in village, providing clean food grain, and encouraging community tending of cattle in rural areas might free more children to attend school. Schooling will only be acceptable if it can be conceptualized as providing a meaningful contribution to the people’s lifestyle. Until this is done, it will continue to be of unattractive propositions without any relevance to grass root realities at the village level.” (Subrahmanyam, V., 1992).

Many street children are emotionally immature ands how a strong and desperate need for affection and love. They have a string need to, but experience difficulty in gaining intimacy. In a street child’s life, psychological deprivation may manifest itself in the form of feelings

The situation is particularly for street children living without families because firstly, they do not have a permanent dwelling, and secondly, they are highly mobile. Because street children are constantly on move from one place to another which, make it difficult for them to form stable relationships with people in their environment. It is quite possible that they may be psychological isolated from others and have only superficial social contacts (Pandey, R., 1993).

In order to cope with this insecurity, uncertainty, stress, tension of street life, low self-esteem and feelings of rejection or alienation, the street children turns to drugs. The use of drugs by street children, because of peer pressure, emotional disturbances, and societal rejection or to escape from pressure of life, is widely reported. Street children have also been found to sniff glue, shoe polish, paint - thinner or cleaning fluid (Agnelli, S., 1986). These children, living in misery and daily hopelessness, easily fall in the trap of drugs and become their unfortunate victims. Street life is most often denies the child has the pleasures of childhood and opportunities for play and recreation. As for games, sports and leisure activities, the child’s basic needs are not adequately met. Almost all - street children seek refuge in the cinema. Movies are perhaps the all - time favorite pastime and also a source of entertainment. They provide temporary escape from boredom, tension and stress associated with living on the street (Agnelli, S., 1986).

While on the street, exploitation and abuse by the police, municipal authorities, hooligans, ‘dadas’ and people in their environment are common. An evaluation study carried out by the Social Science Centre, St. the Xavier’s College, Mumbai for ‘Sneh-Sadan’ - an organization working for the welfare of street children, in 1987 describes the street life for these children as ‘savage, poor, nasty and bruise’. Except for the groups or gang members other outsiders on the street are feared and distrusted.

Children in the gangs devise their own special languages, by rearranging words or by a secret vocabulary or gestures, cries, whistle or signal. They very often conceal their real identities, their names for the fear of being caught by the police. They give each other alias so that they won’t be recognized (UNESCO Courier, Oct., 1991)

Another diversion in the life of street children is gambling, which can take the form playing cards, pitching small coins or bottle caps or even empty plastic glasses which can be sold later. Like drugs and gambling, violence is also common in the lives of street children. Living without any adult guidance, control and supervision, these children are more likely than others to turn to violence as way of living (Reddy, N., 1993).
1.5.3 Understanding Myths about Street Children

The problem of street children has been widespread for many years. A relatively insignificant amount of objective, scientific research has been done on the subject in India (Pandey, R., 1993). Researchers have studied developmental aspects of life of street children in different cultures to generate empirical data to understand and explain the phenomenon of street children. The studies cover perspectives on family and socialization of street children; peer influences, skills and competencies; delinquency and drug abuse on high light many myths and misconceptions, which are attributed to street children due to vulnerable street existence.

Almost all researches in different parts of the world point towards the understanding that most children on the streets are not homeless. Over three quarters and as many as 90% of the children found on the streets in various developing countries, worked on the streets but live at home. Most of them are working to earn money for their families (Ennew, J., 1986; Myers, WE., 1988). The predominance of boys among street children, is particularly striking since in many cultures girl are more likely to be abandoned and abused than boys (Korbin, J.E., 1981). The most common claim for finding fewer girls in the streets have been that they are taken off streets to become prostitute (Tacon, R., 1981a; UNICEF, 1985, 1986, 1990).

A plausible reason for gender differential is that because girls are needed in the household, they tend to stay in the family. Many street children come from female headed houses in which boys are socialized into leaving homes much earlier than western middle class sensibilities been appropriate and in which girls are encouraged to stay at home far longer than is typical in the developed world (Aptekar, L., 1989).

Many hypotheses have been advanced to explain the origin of street children. One related to urban poverty; a second class relates to aberrant families (e.g., abandonment, abuse or neglect), and a third is associated with modernization.

Almost all street children begin their life on the streets by a gradual and predictable process. They leave home in a measured manner, at first staying away for a night or two and then gradually spending more time away from home (Aptekar, L., 1986; Connolly, M., 1990).

The myths and misconceptions, which often get attributed to street children due to intensive judgments of their physical and psychological life by mainstream population, are further exaggerated by media. "Most writings about street children assume or even insist that they live in a disorganized illegal misery (Agnette, L. 1986).

Misconception also exit concerning the degree to which street children are violent. Prevalence and incidence of some violence can be expected since most of the street children encounter, and live in, in human conditions. Research on street children suggests that even
though street children find support within their peer group, they feel lonely and are insecure about how to deal with their lives (Bandeira, D.R., Hutz, C.Z. and Koller, S.H., 1996). There is documented evidence that the older boys take advantage of the younger boys in India (Subrahmanyan, V. and Sondhi, P. 1989).

Often these children are perceived by public and portrayed by press as drug dependent, violent and delinquent children, vulnerable to a point of ‘criminality’ and anti social behavior. Although most of the claims of a high number of drug dependent street children do not come from empirical research (Aptekar, L., 1984).

The popular belief that street children are “nothing but little criminals” as based on portrayals which, create an impression in the population that these children are inherently vicious beings, incorrigible “bad individuals” who must be eliminated from rather than being re-integrated into society. (Diversi, M., 1995)

Many authors on the other hand, have pointed out that street children are resilient, they believe that the prevailing stereotypes of the children in labeling them as delinquents and drug users reflect more blame and less accuracy (Aptekar, L., 1988; 1989C; Felsman, JK., Tyler et al 1987).

Some authors have assessed self esteem, trust and active painfulness in street children on their psychological competence scale. They showed that the children showed a high degree of autonomy; and actively defined their lives in their own terms. The children were highly creative and engaged in a network of caring and supportive friendships (Tyler, F., and Zea, M., 1991 and Tyler et al, 1987). The Tyler group believed that the act of leaving home and becoming street children is in itself as an act of empowerment. Similar findings from a study of 300 “twilight children” in Johannesburg (Hickson, J., and Gaydon, V., 1989) suggest that the underlying motivation of leaving the home was to seek freedom, which gave these children a previously unknown control over their lives (Aptekar, L., 1994).

Several authors described the “street kids” of Brazil as “vibrant energetic, highly skilled fast thinking youngster.” The common view on street children as deprived emotionally disabled and culturally back is inaccurate. As a whole “street kids” is a much more complicated and complex group of children than one might think of. They vary as do other children and street life affords then thrills, challenges, fascination as well as danger and risks.” The authors further believes that if one would the best they have, these kids could contribute substantially for the development of culture and society, instead of being considered as risk and problems (Oliveira, W., Baizeman, M., & Pellet, L., 1992). What is amazing about street children and working children is the human capacity to construct meaning and to develop a universal human capacity (Brunet, J., & Haste, H., 1987).
One must not always think that life on the streets for the child is particularly bad (Aptekar, L., 1989a; Felsman, K., 1984; Tyler, F., Tyler E., & Zea, M., 1991). Very often, the child may find the life on the streets more rewarding and richer in experiences as compared to deprived home conditions (Connolly, M., 1990).

1.6 Organisation and Management of the Institutions within the Juvenile Justice System

In the following section, an endeavour has been made to delineate the existing status of present position in this regard, various research findings have been presented, to explore the extent of benefit, the children within the purview of law could really derive from these correctional institutions in India. However, due to the limited research work done on the organisation and management of the institutions within the Juvenile Justice System, we have reflected on the reports in the various National Dailies about the plight of the institutionalised children. This section is presented under the following sub-heads:

i. Implementation of the Legislation
ii. Institutional Working
iii. Committees to Oversee the Functioning of Juvenile Homes
iv. Failures of Legal Scheme and Framework to deal with Juvenile Destitution and Delinquency

1.6.1 Implementation of the Legislation

"A Study of the Implementation of Juvenile Justice Act, 1986, in Delhi" conducted in 1998 by Dr. Devakar, Former Director of National Institute of Social Defence, revealed that a majority of the inmates staying in the Homes, were Hindus and there was more or less an equal distribution of inmates in the age group of 6-12 years (38.6%) and 12-16 years (30.26%). Some boys over the age of 16 years were still in the Juvenile Homes. It was felt that the educational and vocational training programmes needed to be further geared up, and effective linkages with outside institutions had to be forged to increase outside placements.

The Report suggests an urgent need to identify fit persons / institution and strengthening linkages with foster care services and as far as possible, juveniles should be released on probation. Utilization of probation would not only ease the pressure on the institutions, but would give an opportunity to the juveniles to adjust in their own environment. Recreational and physical training facilities to be organized in a more orderly fashion to be purposive and constructive and inspection by visitors should become a routine and their reports be given
due cognizance. Similarly, periodic inspections by the headquarter staff would also help in identifying the bottlenecks for concerted action to mitigate them.

Similarly, analysis of Special Home showed that there were 17 new admissions during the year under review, out of which 9 were released after completing the period of commitment. It is evident that the number of neglected juveniles was 1119 while the delinquents were only 8. Thus, more emphasis was required to be given to those juveniles who had not come in direct conflict with law.

In view of the large number of neglected juveniles in the institutions, non-institutional services like probation and fit persons / institutions and foster care services needs to be strengthened. In fact, that entire gamut of community based preventive strategies needed to be planned and implemented. It has to be realized that these juveniles had to be sent to the institutions as the last recourse. As the number of delinquents was small, more concerted attention could be given for their correction and reformation. However, it appeared that a 'hold up' operation was in vague.

According to the study conducted by an NGO in Bihar, following facts regarding the juveniles have come to light. Of the institutionalised juveniles, the circumstantial wrong doers constituted 35%; repeated wrong doers 30%; 80% were property related cases; 20% were body related offences and 35% were falsely implicated cases. Other facts which came to light were - Long pending cases- some time more than 10 or sometimes even 20 years; Age determination not done in about 80% cases on time; in 80% cases age is not mentioned in FIR; in 10% cases they are still remanded in adult prison; after bail also children has to appear in court 10-50-100 times without being heard for disposal of their cases; joint trial of children with adult are prohibited. But still in 80 % cases it is being done. Provisions of Juvenile Justice Act, High Court, and Supreme Court's directives were hardly practiced. Most alarmingly, misbehavior of authorities some times resulted in severe consequences, like death, suicide & escape from home. Regarding rehabilitation measures, there was no constructive avenue and no follow up of the released cases was done by the institutional staff (Bal Sakha: Bihar, 2002).

Study conducted by another NGO in Bihar in 2001, revealed the level of implementation of the Juvenile Justice Act, 1986 and the new Act, Juvenile Justice (Care and Protection of Children), 2000, in the state of Bihar (BVCA, 2001). Study of the implementation of the old JJ Act, 1986 brought out facts as no Juvenile Welfare Board and Juvenile Court were constituted so far and 13 homes were being run by Bihar Government with only one Home for the girls. The condition of these remand homes was very poor and was mostly over crowded. In the absence of Children's Courts, joint trials of adult and children were being
held. Looking at the state of affairs, the Hon’ble Patna High Court directed the Chief Judicial Magistrates to function as Juvenile Courts. The new Act, JJ (Care and Protection of Children), 2000 was not enforced in Bihar state. However Bihar Govt. in principle has agreed to setup five Juvenile Justice Boards and one Child Welfare Committee along with a change in the nomenclature of the juvenile homes from ‘remand homes’ to special homes & Children’s Homes (Bihar Voluntary Coordinating Agency, 2001).

Tandon, in her study of the institutions under the JJS reported about the problem of overcrowding in residential institutions. The number of children most often exceeds the sanctioned strength. As a result, they have to stand in long queues just to get mugs of water. Daily baths are ruled out due to insufficient bathing space, shortage of water and the hurry to be ready in time for breakfast (Tandon, S.L., 1984).

The state of affairs prevailing in an observation home for children, in Mumbai comes through in Sheela Barse vs Secretary, Children’s Aid Society case. The petitioner complained that the authorities did not apply themselves when taking children into custody and producing them before the Court. The detention of children continued without justification leading to their harassment, and there was a delay in restoring the children to their parents, despite orders from the competent authority (ICCW Journal; January-March 1998 & April-June 1998).

Problems of escape of children from institutions have attracted a great deal of public attention in the past few years in Delhi and elsewhere. This has also involved higher levels of judiciary through Public Interest Law. An Enquiry Report has brought out such facts as absence of caretakers from the duty, non compliance of obligatory rule of residence on the campus by the Superintendent, late reporting of the cases to the Crime branch, no practice of keeping children’s photographs and casual treatment of the escape cases by the higher authorities (Enquiry Report, Delhi Government, 1983).

**1.6.2 Institutional Working**

**Western Context**

The frequently cited study in this field is ‘The Prison Community’ by Clemmer. In his work too, the discussion on the organisational aspect of the institutions forms only a small part of the whole study (Clemmer, D., 1954). Among other studies, authors have made a comparative study of the Juvenile Correctional Institutions (Winter, R. and Janowitz, M. 1964). Lerman in his evaluative studies of institutions for delinquents assesses that most evaluative studies of institutions for delinquents has tried to measure organizational success. This was considered to be a misleading approach since reliance was usually placed on indications of renewed delinquent involvement - a measure of potential organizational failure (Lerman, P., 1968).
Zald and Street have tried to analyse the organizational problems of the institutions in a very lucid way. Their findings based on a study of six juvenile institutions are; (i) institutions which stress treatment are likely to have a greater delegation of authority and a more complex departmental structure; (ii) treatment institutions and the organisations which place equal stress on custody and treatment are likely to have higher levels of conflicts among the staff; (iii) inmates' attitudes and groupings are more positive in treatment institutions (Zald, MN. and Street, D., 1964).

In a paper by Novick, the theme of institutionalization is built around four principles of institutionalisation of the organisations and treatment of the juveniles in the training school setting, viz., clear statement of the policy, and effective communication of the policy, opportunity for self expression to the staff and integration and coordination of staff responsibilities. His conclusions are: that policy is determined by day to day practice in an institution and not by formally advocating it; that in order to ensure effective communication of the policy, lines of authority should be clear to all persons; the staff should be given ample opportunities for self expression in order to create an institutional atmosphere conducive to growth and changer and that an effective administration needs integration and coordination of efforts (Novick, A., 1964).

Massoglia examines the relationship between institutionalization and health functioning by testing more than 20 different measures of health. Using multiple analytic procedures, a distinctive pattern of association emerges. Individuals with a history of incarceration appear consistently more likely to be afflicted with infectious disease and other illnesses associated with stress. In contrast, no consistent relationships were observed between institutionalization status and ailments unrelated to stress or infectious disease. The results suggest that exposure to infectious disease and stress is important to understanding the lasting impact of institutionalization on health (Massoglia, M., 2008).

In the United States, Goldfarb has observed that institutionalised children made adjustment on a more superficial level and were less motivated by ordinary social and human identifications (Goldfarb, W. 1943, 1955). Tomasevski carried out a global survey of juvenile institutions (Tomasevski, K., 1986). Flint also has noted deficiencies among children reared in institutions. These children were unable to form relationships with adults. The very organisation of institutions made it impossible to meet their psychological needs. She has therefore suggested play therapy and psychotherapy for attitude change, and replacement of unsupervised scrambling by worthwhile activity (Flint, B., 1966).
Pringle and Bossio have reported that the retarding effects of institutionalization were greater for children separated earlier, and for those children who did not have contacts with their families. Moreover, the institutionalization in the first six months was likely to have most enduring and damaging effects on later development. On the basis of above observations, the hypothesis, which can be advanced, is; the long range deleterious effects of a physically and socially impoverished institutional environment decrease with the age of child upon entry. The later the child is admitted to an institution, the greater is the probability of recovery from developmental disturbance after release (Pringle, K. M. L., & Bossio, V., 1958).

Several researchers compared the intellectual development of children living in children’s homes to compare with that of children living with their (foster) families. Their analysis of 75 studies on more than 3,888 children in 19 different countries, showed that the children growing up in children’s homes showed lower IQs than did children growing up in a family. The age at placement in the children’s home, the age of the child at the time of assessment, and the developmental level of the country of residence were associated with the size of the delays (IJzendoom, M., Juffer, F., & Luijk, M., 2008).

Indian Context

Reddy noted that institutional environments deeply affect the mental health and growth of inmates. His study revealed that the mental health of children who joined institutions at a very young age was poorer than those who joined later. It was also found that children who maintained regular contact with their families during their institutionalisation were more robust than those who had infrequent family contact (Reddy, S.N., 1989).

Priyadarsini and Hartjen critically evaluated juvenile institutions in India (Priyadarsini, S. and Hartjen, CA., 1984). Harnath and Devi discuss characteristics of juvenile institutions in Andhra Pradesh (Harnath, S., and Devi, B., 1995). The Indian Council of Social Welfare has conducted a study of institutions on the juvenile delinquents and has pointed out that the craft training did not equip children adequately to get jobs, and casework services were found to be inadequate (Gokhle, SD., 1969).

A study on the institutionalized delinquent girls, has noted a trend of longer institutionalization in their cases. The study has also reported about the unqualified and poorly paid staff in the private institutions, unsatisfactory physical facilities, meagre training and formal supervision (Dave, H.M., 1974).

Examining the organizational aspects of the juvenile justice system with a focus on juvenile delinquency, Attar, made a comparative study of the institutions in Bombay and England. The
study concluded that the training of institutionalized children should be based on the fundamental laws of psychology (Attar, A.D., 1977). On the basis of his research on the juvenile justice institutions in West Bengal, Mitra also comes up with the same suggestion. He reported of the inadequacies in the functioning of the institutions (Mitra, M.L., 1988).

An etiological analysis of the juvenile delinquency in West Bengal has been done by Sarkar. He asserts urbanisation and industrialisation as critical factors responsible for an increase in juvenile delinquency. The study reported functional inefficiency, inadequate staff training, and limited infrastructure with no provision of the social rehabilitation of the institutionalized children (Sarkar, C., 1987).

The operations under the JJS take place invisibly (The Times of India, 5 April, 1990, Metro, p.2, cols 1-2), the general public is not allowed to be present neither in the proceedings before the competent authorities nor in the homes housing the children. Occasional reports of mismanagement create a sensation but are not capable of sustaining the concern generated by such sensation. Volunteer and voluntary organisations involved with child welfare see the JJS as a mechanism to oppress the poor classes (The Times of India, 20 September, 1988).

While examining the pattern of rehabilitation as envisaged under the Juvenile Justice System, Tandon, S.L. (1993; 1994) observed that once children are institutionalised, the question of their re-integration into the mainstream is often forgotten and the net result is that children keep rotating from one institution to another. Rehabilitation programmes, specific to the needs and background of each child, have to be planned much before the child is finally released from the institution. This is rarely done, and the result is that on release from the institution, juveniles are back on the streets again. This is how many children of yesteryear have turned into adult offenders (Tandon, S.L, 1988).

1.6.3 Committees to Oversee the Functioning of Juvenile Homes

Wason Committee appointed to enquire into the twelve Delhi Homes in its report to the Supreme Court (Statesman, June 28, 1986), found their conditions far from satisfactory. These institutions according to Wason, lacked medical facilities and some of them did not provide children with the basic amenities like food and clothing. Children were found under-nourished and they had not bathed for several days. The incident of large-scale escape of children from a Delhi Observation Home, Kotla, received wide publicity in 1983, (Statesman, March 9, April 11, 13, 14, 15, 16 and Indian Express, April 17, 1983). Aspects which were highlighted by the leading newspapers were that of drunken watchman, systematic brutalisation and deadening of the children’s spirits, raped or their being picked up for brothels, lack of individualisation
seen in the fact that 85 children were assigned to a caseworker whose time was mostly spent in visiting hospitals and courts and in administrative works.

In 1995, Lt. Governor, National Capital Territory of Delhi constituted a High Powered Committee consisting of representatives of Government, Juvenile Welfare Board, Political Parties, NGOs, etc., to oversee the functioning of Custodial Institutions/ Homes run by the Social Welfare Department. The findings of the Committee were:

**Physical Infrastructure**
The condition of the buildings of juvenile institutes was found in a very bad shape. General maintenance was negligible and over the years the buildings had become dilapidated and damaged in general, most of the institutions suffered from blocked sewage, broken toilet, missing and broken electric fixtures.

**Security**
The security guards were in connivance with the caretakers. They did not perform their duty seriously. As a result there were many cases of escape of children from the institutions. There were some vulnerable points in most homes which were instrumental in escapes. Most of the walls of the home required to be upgraded for the security purposes. The security guards were reported to be involved in corruption and malpractices. This could happen because their duty was round the clock in homes and there was no round the clock supervision by senior staff.

**Difficulties in Apprehension Remand and Release of the Inmates**
There was no co-ordination between the missing persons squad of the local police and the social welfare department when a person was rounded up under the statutes. The juveniles were not being placed out on license. The cases of the juveniles were pending for years.

**Segregation**
The various inquiries highlighted that there was an urgent need of segregating different category of inmates. Children of different age groups lived together in the same dormitory as a result, sodomy was widely prevalent.

**Prevalent criminal malpractices**
*Violence:* It was reported to the Committee that the institutionalised children were brutally beaten by the staff. The older children acted as *Dadas* and subjugated the younger ones. In one of the cases a child was beaten to death in a Children’s Home located in South Delhi.
Pilferage: Apart from violence, there was report of large scale pilferage of nearly all materials whether food clothing, bedding, detergent, etc from the homes. In fact the members of the High Powered Committee had described this as theft due to its enormity.

The malpractices were of three kinds:
(a) The items were only shown to have been bought but actually existed only on paper.
(b) Lower qualities of items were purchased or there was shortage of quantity.
(c) Items were actually purchased but were pilfered or even sold out. So the inmates did not receive adequate supply.

Sexual Abuse and Exploitation of the Inmates
The cases of sodomy among the children were widely reported to the Committee. In some cases sodomy of the children by the staff were also reported. The children were supplied guthaka, biddies, etc., by the staff in lieu of the work which the staff was supposed to do. The children were made to do all kinds of work in the juvenile home. The concerned staff either used to sit idle or was absent.

Vocational Training and Recreational Facilities
These facilities were not adequate in the Homes inspite of the directions given in the manual. The number of posts which were created for teachers, craft instructors, PT instructors, welfare officers, etc., lapsed because they remained vacant for a long time. The Homes had very large vacant area which remained unutilised. This space could be used for yoga, gardening, games & sports and recreation.

Recommendations of the High Powered Committee
The Committee felt that the Homes should be first of all opened up to side influences and scrutiny. There should be participation of Non Governmental Organizations. Besides this the other recommendations of the Committee were as follows:
• Staff of the custodial Homes / Institutions was over worked and the inmates were numerically out of proportion.
• There were many vacancies in both gazetted and non-gazetted ranks which need to be filled on top priority.
• There was a need to bring about attitudinal changes in the staff of custodial Homes to reorient their behaviour towards the inmates.
• Need to maintain case files of each and every inmate.
• Provisions of the Act Manual which were mostly not being followed were to be implemented.
• Inmate-wise issue of articles/items to be properly maintained.
• Restoration of children to their respective homes and guardians and the transfer of older children to appropriate Homes.
• Need to create facilities of vocational training programmes.

Loeber and others observe that non governmental organisations could play an important role in non-judicial intervention in respect of children in difficult circumstances. The programmes of interventions need to be perceived as having relevance to their lives, and use methods of work that will interest them (Loeber et.al, 2001). It may be noted that the Juvenile Justice Act, 2000 goes much beyond this observation. It stipulates a substantial role of NGOs in apprehension, shelter, processing and non-institutional and institutional care of children and juveniles. What is the ground reality? Closely linked with this is the issue of coordination. While coordination is important in all organisational activities, it is crucial in juvenile justice system. A fresh database is needed on this critical issue.

Our review of literature on children in need of care and protection thus reveals the following gaps in the studies conducted so far:
• The category of juveniles includes a cross section of children varying from street children, prostitutes, neglected and delinquent children whose specific issues are not addressed within a common Juvenile Justice Act.
• The focus of available literature and official reports is mostly on the juvenile in conflict with law. Thus there is a disjunct within the legislation itself.
• The methods of dealing with juveniles within the juvenile justice system are far more institutional than desired and the nature of institutions leaves much to be desired.
• Studies on conditions of institutions and the children living within these institutions are few and they largely address institutional issue and the way of implementing the Act rather than the condition of the children and their perceptions.

The review thus far suggests that legislative reforms and institutions that implement it also need to be examined.