CHAPTER 3

JUVENILE IN NEED OF CARE AND PROTECTION

3.1 Introduction

Who is a Child? The Indian state defines a child variously. While the JJCPA 2000 (Section 2k) defines a child as any person up to the age of 18 years, and is in harmony with the UNCRC, other laws do not. As we saw earlier, the 1986 JJA defined a juvenile as a boy less than 16 years old or a girl less than 18 years old. This definition was altered by the 2000 Act, adopting the CRC’s age limit. While the ideal age to cast a vote or get a driving licence is 18 years, the right age for marriage has been kept at 21 for a boy and 18 for a girl. The age of consent for girls remains at 16 years (15 years or puberty in case she is married). The Child Labour (Prohibition and Regulation) Act, 1986 defines a child as a person below 14 years. Confusion over age has been the biggest deterrent against speedy justice for the child in need.

The Government of India recognises that some children are living in especially different circumstances and includes orphans, street children, beggar children, migrant children, children affected by human made and natural disasters, drug addicts, children of nomads, refugee children, slum and migrant children, children of commercial sex workers, children of prisoners, children affected/ by in armed conflict, displaced children, evicted children, young children in charge of siblings, children born as eunuchs or brought up by eunuchs and other children who need care and protection in this category. These

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are children who are victims of abuse and exploitation, or victims of their social, political and even geographical circumstances. Many of them are included in the JJA as children in need of care and protection.

Violence against children is particularly rampant in India. Every year around 26 million children are born in this country, which is also home to the world’s largest number of children out of school – 19 per cent of all children. Most of them end up as child labour. The 2001 census put the number of child labour in the country at 12.66 million, while unofficial estimates range from 14 million to 50 million. The same census also found 4 lakh children under the age of four in some form of work. In May 2008, Allahabad High Court in one of its judgement made the following observation,

We felt that if it was ensured that every child was present in school as mandated by the said Constitutional provision and the decisions of the Apex Court as well as this Court, when any child was found out of school during school hours it could be presumed that such a child had run away because he had been abused at home or he/she was a trafficked child or a child engaged in unacceptable or illegal child labour.

Of the lucky 81 per cent who are enrolled in a school, close to 53 per cent drop out before completing middle school or the eighth standard and 70 per cent do not complete full schooling or the secondary level. Of the dropouts, 66 per cent are girls. Some 46 per cent of the children come from scheduled castes, 38 per cent from scheduled tribes and almost all affected by HIV/AIDS or infectious

318 Mapping India’s Children. UNICEF in Action. UNICEF, 2004
319 As has been listed in the National Plan of Action for Children, 2005.
diseases are still out of school. Most of these children end up in difficult circumstances, that is, in need of care and protection. There are 420 million children in India, or over two fifths of the population, but they do not vote and apparently do not constitute a politically powerful lobby. In the last four years, on an average, only 2.7 per cent of the questions asked in Parliament by members related to children. Ironically, even as 60 per cent of these questions were on education, Parliamentarians haven’t yet managed to pass a law that makes education of children compulsory, free and equitable.321

Psychological and physical violence towards children is routine, for instance, slapping, hitting, pulling by the hair and boxing the ears as punishment at home or in schools. In many poor families, the child is forced to work, hard and unrelentingly, from an early age to supplement the family kitty or simply in order to survive, even as his or her physical and emotional well being as well as schooling is blatantly neglected. Sexual abuse cuts across class, religion, caste or ethnicity. Even in educated, high-income families, sexual abuse might be frequent. What has been a matter of deep concern when addressing laws dealing with child sexual abuse is that most forms of sexual abuse that do not amount to rape is dealt with lightly.

There was demand in seminars and conferences for replacement of JJA 1986 with a new Legislation and Large-scale dissatisfaction with the functioning and effectiveness of the JJA. The main deficiency in the old JJA 1986 was that it did not provide for the differential approach to delinquent juveniles and neglected juveniles. JJCPCA 2000 came into force with the aim to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care.

treatment by catering to their development needs, and by adopting a, child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation: through various institutions established under this enactment.322

The JJCPCA 2000 clearly distinguishes between the juvenile in conflict with law and child in need of care and protection, for the purpose of their appropriate treatment. Under Section 2(d) of the Act neglected child is redefined as a "child in need of care and protection" means a child-

i) Who is found without any home or settled place or abode and without any ostensible means of substance, 

\[323\] [(ia) who is found begging, or who is either a street child or working child].

ii) Who resides with a person (whether a guardian of the child or not) as such person-

(a) has threatened to kill or injure the child and there is a reasonable likelihood of the treat being carried out, or

(b) has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person,

iii) who is mentally or physically challenged or ill children or children suffering from terminal diseases or incurable diseases having no one to support or look after, 

322  Preamble to JJCPA 2000.
323  Inserted by Act 33 of 2006 amendment.

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iv) who has a parent or guardian and such parent or guardian is unfit or incapacitated to exercise control over the child,

v) who does not have parent and no one is willing to take care of or whose parents have abandoned [or surrendered] him or who is missing and run away child and whose parents cannot be found after reasonable inquiry,

vi) who is being or is likely to be grossly abused, toured or exploited for the purpose of sexual abuse or illegal acts,

vii) who is found vulnerable and is likely to be induced into drug abuse or trafficking,

viii) who is being or is likely to be abused for unconscionable gains, who is victim of any armed conflict, civil commotion or natural calamity.

"The state", writes Mahrukh Adenwala, "through legislation, is required to intervene to safeguard the child’s rights, especially in situations of absence of family support or when the family itself is the abuser. Removal of the child from the abusive situation, and its rehabilitation is the prime objective of JJCPA. The modes of rehabilitation envisaged under JJCPA differs depending on the circumstances of each individual case, institutionalization in cases where parents are the exploiters, sponsorship in cases where parents due to economic constraints force children into exploitative vocations, adoption in cases where infants are abandoned."

324 Inserted by Act 33 of 2006.
Children in need of special care can be extremely vulnerable to abuse and exploitation. The Chapter III of the JJCPCA 2000 deals with child in need of care and protection. The Act mandates to constitute Child Welfare committee (herein after referred as CWC) in every district for disposing the cases for care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human rights. The Act also provide for the establishment Children Home for reception of child in need of care and protection during pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation, and Shelter homes for the children in need of urgent support who have been brought in such homes. For the first time we have a provision in the Act for inspection and social audit of such homes.

3.2 Child Welfare Committees (CWC)

The CWC has “the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and human rights”. The Committee shall consist of a Chairperson and four other members from which one shall be a woman and another an expert on matter concerning children. Section 29 (1) provides for constituting one or more Child Welfare Committees within a period of one year of the date of commencement of the Juvenile Justice (Care and Protection of Children) Amendment Act 2006 for “exercising the powers and discharge the duties conferred on such Committees in relation to child in need of care and protection under this Act”.

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326 JJCPCA 2000, sec 31(1).
327 Id. Section 29(2).
Any CWC member must have five years’ experience in his or her respective field plus one of the following qualities: Special knowledge of social work, child psychology education, sociology or home science, or a teacher, a doctor, a professional worker of repute engaged in child welfare or a senior retired public servant involved in work concerning child welfare. Most members belong to the last category, probably because they are easily available, keen on a post-retirement income and familiar with the ways of the bureaucracy.

**Power of Committee**

The CWC functions as a Bench of Magistrates and has the powers conferred by the Criminal Procedure Code of 1973 (Cr.P.C). Committee shall have final authority to dispose of cases. In event of any difference of opinion among members of the committee the opinion of the majority shall prevail but where there is no majority then opinion of the Chairperson shall prevail.328

### 3.3 Inquiry Of Child in need of Care and Protection

Any child in need of care and protection shall be produced before the CWC within 24 hours by any of the following:329

1. Any police officer or SJPC or designated police officer;
2. Any public servant;
3. Childline, a registered voluntary organization or any agency recognised by the State Government;
4. Any social worker;
5. By child himself

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328 *Id. Section 30 (3).*
329 *Id. Section 32.*
When a child is produced before the committee, the CWC shall assign the case to social worker or child welfare officer. The CWC on receipt of a report under Section 32 or on its own or on report from any agency may pass an order to send the child to the children home for speedy inquiry.\textsuperscript{330} The inquiry must be completed with in 4 months of receipt of order. The time can be extended only after reason recorded in writing and approved by CWC.\textsuperscript{331} After inquiry is over if the CWC is of the opinion that child has no family or ostensible support and is in need of care and protection, it may allow the child to remain in the children home or shelter home till sustainable rehabilitation is found or he attains age of 18 year old. The State Government shall review the pendency of the cases in every 6 months and direct accordingly.\textsuperscript{332}

To give full effect to the JJCPA 2000, the Model Rules 2007 have been framed. As per the Section 68 of the JJCPA 2000, each State has been empowered to frame their own rules and until the State Government frames the same the Model Rules 2007 shall apply. The Section 25 of Rules deals with the function and power of the CWC in detail. The rules also specify the standards of care to be taken while dealing with the children. It also envisages the involvement of the voluntary organization in coordination with the State government to establish children homes and shelter homes.\textsuperscript{333}

\textsuperscript{330} \textit{Id.} Section 33.
\textsuperscript{331} \textit{Ibid.}
\textsuperscript{332} \textit{Id.} Section 33(3).
Table 1

Comparative chart of institutions and disposal of cases at CWCs

<table>
<thead>
<tr>
<th>S.No</th>
<th>CWC</th>
<th>Month/Year</th>
<th>No. of cases instituted</th>
<th>No. of cases Disposed of</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>CWCMayur Vihar</td>
<td>April/2009</td>
<td>78</td>
<td>92</td>
</tr>
<tr>
<td>2.</td>
<td>CWCLajpat Nagar</td>
<td>April/2009</td>
<td>50</td>
<td>61</td>
</tr>
<tr>
<td>3.</td>
<td>CWCNirmal Chhaya</td>
<td>April/2009</td>
<td>60</td>
<td>67</td>
</tr>
<tr>
<td>4.</td>
<td>CWCSewa Kutir</td>
<td>April/2009</td>
<td>63</td>
<td>105</td>
</tr>
</tbody>
</table>

Source from the Newsletter of activities in Delhi for the implementation of the JJCPMA 2000 (April, 2009).

3.4 Children Homes

Section 34 provides for children homes for children in need of care and protection during the pendency of any inquiry and subsequent thereto. The Children Act 1960 use the expression children homes which were changed into juvenile homes under JJA, 1986. The provisions in case of these homes from the above two homes are different firstly, these homes are for the children in need of care and protection, secondly these homes have been specifically ordained to take care and provide treatment, education, training development and rehabilitation and lastly the homes shall get themselves registered under this Act with in six months form the date of commencement of the JJCPMA 2000. Inserted by amendment of 2006.

334 These homes are for the
neglected juvenile and therefore, they are under greater responsibility to see that the neglected children do not join the path of the child in conflict with law. These homes are for longer duration of the stay of the children and therefore Act make provisions not only for care and protection but also treatment, education, training, development and rehabilitation. Separate children homes are to be set up for boys and girls in the age group of 10 to 18 years. The State Government may permit management of children homes by voluntary organization.\textsuperscript{335}

3.5 Shelter Homes

Section 37 of the JJCPA 2000 deals with the shelter homes. The shelter homes function or drop-in-centers for the in need of urgent support. The child may come by himself or may be brought by any authorized person under Section 32, which includes any police officer, public servant, childlines or any social worker. These homes are recognised by the State Government and run by voluntary organization with the assistance provided by the government. These shelter homes are not meant for juvenile but children affected because of natural calamity in family, etc.

Shelter home types\textsuperscript{336}

- short-stay homes for children needing temporary shelter, care and protection for a maximum period of one year,
- transitional homes providing immediate care and protection to a child for a maximum period of four months,
- 24 hour drop-in-centres for children needing day care or night shelter facility.

\textsuperscript{335} Rastogi, R. S: Prevention and Treatment of Juvenile Delinquency in India; 2 Canadian J. Corrections 324 (1959-1960), heinonlinebackup.com/hol-cgi
bin/get_pdf.cgihein.journals/
Rule 30 (2) of Model Rules 2007.

\textsuperscript{336}
- No child shall ordinarily stay in a short stay home for more than a year except in special circumstances with the approval of the Committee.

**Infrastructure**

- There shall be separate shelter homes for girls and boys as per rule 40(2)(d) of the rules.
- The shelter homes or drop-in-centres shall have the minimum facilities of boarding and lodging, besides the provision for fulfillment of basic needs in terms of clothing, food, health care and nutrition, safe drinking water and sanitation.
- All shelter homes shall provide requisite facilities for education, vocational training, counseling and recreation or make arrangements for it in collaboration with voluntary organizations or corporate sector.
- The services of Officer-in-charge, child welfare officer, social worker shall be provided for the proper care, protection, development, rehabilitation and reintegration needs of children in shelter homes.

**Referral and Monitoring:**

- The Committee, Special Juvenile Police Units, public servants, CHILDLINEs, voluntary organizations, social workers and the children themselves may refer a child to such shelter homes.
- All shelter homes shall submit a report of children using the shelter home facility along with a photograph of the child to the Committee, the missing persons bureau or
3.6 Social Audit

The social objectives and legal standards of the Act, the aims of Juvenile Justice as per the Beijing Rules and the rights enshrined in the Constitution as well as the UNCRC provide a strong foundation for Social Audit. The Beijing Rules, for example, aims to the well being of the juvenile and his/her family, develop conditions that will ensure that the juvenile has a meaningful role in the community, foster a process of personal development free from crime and delinquency, and finally, mobilize all resources and community support to reduce the need for intervention under the law. The UN Convention on the Rights of the Child provides minimum standards for how children should be treated. Article 4 of the Convention requires that all State parties to the convention shall see to it that the laws and rules of the country correspond to the Convention and they shall undertake all appropriate measures for the practical implementation of these rights. Social Audit therefore provides a means to identify how meaningfully this Article has been implemented and whether the State in India is genuinely working for the betterment of marginalized and excluded children in society.\footnote{Manohar, Sujata, ‘Human Rights of The Child Implementing The Juvenile Justice (Care and Protection of Children) Act, 2000’, SCC 2(1) 2008 Feb at J 1-14.} The JJCPA 2000 has attempted to provide for a progressive rights based approach to juvenile justice. Interestingly, in Section 31, which specify the powers of the Child Welfare Committee places a responsibility on the Committee to ‘provide for their basic needs and protection of human rights’.

Section 36 of the Act clearly made a provision for Social Audit to be undertaken by the Central or State Government.
The Central Government or State Government may monitor and evaluate the functioning of the Children’s Homes at such period and through such person and institutions as may be specified by that Government.

Model Rules 2007 related to Social Audit (Rule 64)

(1) ‘The Central Government or the State Government shall monitor and evaluate the implementation of the Act annually by reviewing matters concerning establishment of Board or Committee or Special Juvenile Police Unit where required, functioning of Board or Committee or Special Juvenile Police Unit, functioning of institutions and staff, functioning of adoption agencies, child friendly administration of juvenile justice and any other matter concerning effective implementation of the Act in the State’.

(2) ‘The social audit shall be carried out with support and involvement of organizations working in the field of mental health, child care and protection and autonomous bodies like the National Institute of Public Co-operation and Child Development, Indian Council for Child Welfare, Childline India Foundation, Central and State level Social Welfare Boards, School of Social Work and School of Law’.

It is pertinent to mention here that in JJCPA provision is made for the social audit of such homes/ institutions but nowhere in the Act their powers, procedures and functions are prescribed in the detail. For successful implementation of this provision and proper working of social audit following suggestions are given below and for utmost of concern JJCPA 2000 may be amended to the following effects:
1. It is important that for an effective social audit process, the social auditor needs to have the right to seek clarifications from the implementing agency about any aspect, consider and scrutinize existing schemes and activities and access documents relating to all procedures.

2. The social audit process needs to be designed sensitively enough to enable weak stakeholders to voice their opinions and make decisions that previously were made only by the managers/officials. This is especially important for children and families who would like to air grievances but fear reprisals. There is now an urgent need to assess the effectiveness and efficiency of the Executive in this area if we are to get a clearer picture of whether such justice is being done to children who most need it.

3. It is important that the Rules lay down detailed procedures for the conduct of social audit so that its processes effectively translate identified principles relevant to ensuring democratic participation, transparency, good governance and accountability.

4. The process needs to be operated from within all the concerned Departments at the level of State Government who should own the process but who may be facilitated by the institution/organization facilitating the social audit process.

5. The penalties for non-implementation of the Recommendations emerging from the social audit need to be identified.
3.7 Restoration of Child in need of care and protection

Restoration and protection to a child shall be the prime objective of any Children homes or the Shelter homes. The children's or a shelter home as the case may be, shall take such steps as are considered necessary for the restoration of and protection to child deprived of his family environment temporarily or permanently. The committee shall have the powers to restore any child in need of care and protection to his parents, guardian, fit person or fit institution, as the case may be, and give them suitable directions. Section 39 of JJCPCA 2000 is reproduced herein below:

Section 39 Restoration

1. Restoration of and protection to a child shall be the prime objective of any children's home or the shelter home.

2. The children's home or a shelter home, as the case may be, shall take such steps as are considered necessary for the restoration of and protection to a child deprived of his family environment temporarily or permanently where such child is under the care and protection of a children's home or a shelter home, as the case may be.

3. The Committee shall have the powers to restore any child in need of care and protection to his parent, guardian, fit person or fit institution, as the case may be, and give them suitable directions.

Explanation

For the purposes of this Section "restoration of child" means restoration to:

a) parents;
b) adopted parents;
c) foster parents;
d) guardian;
e) fit person;
f) fit institution.

Beijing Rule 19.1 states that the placement of a child in an institution shall always be a disposition of last resort and for the minimum necessary period.

As per the Model Rules 2007:

1. Every Restoration has to be planned as a part of the Individual careplan. A follow up plan shall also be prepared under the individual care plan to assist the restoration of the Juvenile. [Rule 65 (8)]

2. The order for restoration of the juvenile shall be made by the Board after hearing the juvenile and his parents/guardian and considering the report of the Probation Officer or NGO. [Rule 65 (1)]

3. The order of restoration of a juvenile suffering from infectious or contagious disease shall be based on the principle of best interest of the juvenile, keeping in mind the risk of stigmatization and discrimination and discontinuation of treatment. [Rule 61 (3)]

4. A follow up report shall be submitted by the Probation officer or NGO to the Board District CPU and the Officer-
in-charge of the concerned institution for a period of 2 years. [Rule 65 (9), (11) & (12)]

5. Management Committee shall review every month post-release or post restoration rehabilitation programme and follow up for a period of two years in collaboration with aftercare services. [Rule 55 (6)(a)(x)]

6. The follow up report shall clearly state the situation of the juvenile post restoration and the juvenile’s needs to be met by the State Government in order to reduce further vulnerability of the juvenile. [Rule 65 (10)]

7. Where a follow-up is not possible due to unavailability of government functionaries or NGOs, the concerned District CPU shall provide necessary assistance and support to the concerned Board. [Rule 65(13)]

The Probation Officer or Child Welfare Officer or NGO directed by the Board or Committee shall conduct the home study, other documents and produce the report before the court on basis of which order of restoration of juvenile or child shall be made. From this duty of officers we can make out how important is the role of Probation or Child welfare officer. So the skills and knowledge required to supervise adult offenders on probation are completely different from the skills and understanding required for supervising juveniles in conflict with law. A.E. Jones in succinctly defined the role of a Probation Officer in regard to juveniles thus: “. . . the relationship between the probation officer and the probationer will have little value if it is regard as a matter of carrying out the terms of a contract for a certain period. . . The essential power of the probation officer is in his personality; if he can inspire devotion in his charge; if the

probationer becomes filled with a genuine desire to gain his approval; if the parents accept him unreservedly as a wise friend of the family and profit by his suggestions on the upbringing of their offspring; if the probationer does not look on him as a sort of policeman whose watchfulness it is almost a point of honour to cheat; then the probation officer may hope for a true success . . . the probation officer can only cure delinquency by effecting a change of heart either in the child or the parent”.

**Importance of The Role of Probation Officer or Child Welfare Officer**

To discharge his duties effectively, a Probation Officer or Child welfare Officer dealing with juveniles or child should know the basics of juvenile justice law and criminal law as also human and child psychology, and a broad knowledge about avenues of educational, vocational and employment opportunities. He should be able to ‘talk’ to them to gain their confidence and respect. His supervision should be a proper blend of discipline, patience, concern, understanding and compassion. He should not treat juveniles in conflict with law as criminals. Nor should he treat their problems, grievances, fears and needs with disdain and cynicism, in a mechanical and routine manner. A Probation Officer should always remember that a juvenile usually gets into a situation of conflict with law on account of ignorance, illiteracy, penury, threats or undue influence, which in turn, are the consequences of the greed, selfishness, apathy, lust and depravity of adults – many a time the parents and guardians. More often than not, a juvenile is unaware of the consequences of his actions; he is hardened by the callous and harsh treatment meted out by the adult world; and he is hardly in a position to distinguish right from wrong. Many a juvenile being victims of physical and sexual abuse, suffer
from sexually transmitted diseases, physical ailments and mental disorders. Many develop fear psychosis or other abnormal behaviour which may vary from ‘violent and unsociable’ to ‘timid and withdrawn’. Many become addicted to drugs and substance abuse, making them human wrecks requiring special care and delicate handling.\textsuperscript{340}

The Probation Officer’s role is to persuade the juveniles in conflict with law learn to follow what is good and healthy; to make them unlearn what is bad; and to wean them away from corrupting habits and influences. In short, each Probation Officer should be a social worker, disciplinarian, friend, guide, nurse, teacher and mentor rolled into one. That is why Chief Justice Bhagwati observed two decades ago in \textit{Sheela Barse v Secretary, Children Aid Society},\textsuperscript{341} that unless Probation Officers remain motivated and observant, they will not be able to handle juvenile related situations. The two significant roles of a Probation Officer under the juvenile justice system can be summarized thus:

Investigation, that is obtaining information regarding the antecedents and family background of the juvenile and other material circumstances to assist the Board in making the inquiry, preparing a social investigation report on the juvenile to be taken into consideration by the Board while passing a final order in respect of the juvenile, and preparing further report regarding the necessity, nature and period of after-care, when the juvenile is discharged from the Special Home.

Supervision, that is supervising a juvenile, either pending inquiry by the Board, or on a final order being passed by the Board on

\textsuperscript{340} Sharma, Parul, “Point of View”, JIACAM, Vol. 1, No. 4, Article 6, National Law School of India University (NLSIU), Bangalore, India, (2005).

\textsuperscript{341} AIR 1987 SC 656.
finding that the juvenile has committed an offence, or after the juvenile is discharged from the Special Home.

The general perception among the public is that there is considerable delays and inadequacies in the appointment of Probation Officers and Child Welfare Officers. The inadequacies are attributable to financial constraints and lack of administrative ‘will’ and ‘commitment’ to implement the ‘Act’. Inordinate delay in effective implementation of the Act will make a mockery of juvenile justice system. (There should be adequate Probation Officers and Child Welfare Officers. They should be given specialized training to enable them to deal with juveniles and their special problems, so that they can effectively guide, educate, reform and improve the juveniles entrusted to their supervision. If the existing probation service does not have adequate number of efficient, full-time professional Probation Officers, the service could be shared with the voluntary officers. The Boards cannot effectively discharge their duties nor render justice to the juveniles in the absence of an effective and dedicated probation service with necessary facilities and infrastructure.)

The reports of the Probation Officer containing the facts relating to the background, antecedents and present condition of the juvenile and the suggestions and recommendations of the Probation Officer, is the most important input which the Board will have in taking an appropriate final decision in regard to the juvenile in conflict with law. On such report depends the decision whether the juvenile will be sent to a Special Home for three years, or will be released to the care of the parents or guardian or a voluntary organization or will be asked to do community service or will be merely admonished and advised. On such report depend the directions as to how the juvenile will be dealt with after he completes his stay in a Special Home. Effective
achievement of the objects of the Act is therefore possible, only when there are adequate number of committed and professionally trained Probation Officers and Child Welfare Officers sensitized to the problems and needs of victimized and abused juveniles.\textsuperscript{342}

The observations made in judgment in \textit{Bandhua Mukti Morcha v Union of India and others},\textsuperscript{342} are relevant in the context, which read

Child of today cannot develop to be a responsible and productive member of tomorrow’s society unless an environment which physical health is assured to him. Every nation, developed or developing, links its future with the status of the child. . . Neglecting the children means loss to the society as a whole. If children are deprived of their childhood – socially, economically, physically and mentally – the nation gets deprived of the potential human resources for social progress, economic empowerment and peace and order, the social stability and good citizenry. The founding fathers of the Constitution, therefore, have bestowed the importance of the role of the child in its best for development.

Therefore Probation Officers and Child Welfare Officer play a crucial role in the restoration of the child in need of care and protection, rehabilitation and social reintegration of child. Probation officers or Child welfare Officer or NGO can prevent them from reverting to a life of crime and help them to back to their family for restoration and convert them into law abiding responsible citizens of the society.\textsuperscript{1}

\textsuperscript{342} WP(c) No. 12125 of 1984, para 24.