Chapter -VI

CONCLUSION AND RECOMMENDATION

Part I

The approaches to the prevention of juvenile delinquency, administration of juvenile justice system and protection of the children who are deprived of liberty have undergone a progressive evolution of thought and action since 19th century. Under the aegis of the United Nations in the 20th century many seemingly important initiatives have been attempted to secure the best interest of the child. A major initiative in this regard was adoption of United Nations Convention on the Rights of the Child (UNCRC) which recognises the responsibilities of parent, family, communities and the state towards children. The UNCRC endows children with rights for their protection when they come into conflict with law. The creation of these rights and imposition of duties suggests that law and administration shall endeavour in such a manner that these rights are realised in real sense. It says every child shall be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others which takes into account the child’s age and desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society. Under the Convention State Parties are required to ensure that no child is subjected to torture or other cruel, inhuman or degrading treatment or punishment.
Similarly the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) provides for promoting juvenile welfare and wellbeing to minimise the necessity of intervention by the juvenile justice system. It desires the States to ensure for the juvenile a meaningful life in the community which will foster a process of personal development and education that is free from crime and delinquency. The United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) emphasises on preventive measures by engaging young person in lawful, socially useful activities and adopting a humanistic orientation towards society an outlook on life which can develop non-criminogenic attitudes. To that end it advocates for socialisation. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990 refers to a juvenile justice system that upholds the rights and safety and promotion of the physical and mental wellbeing of juveniles in stead of imprisonment.

In India before the enactment of the first ever central uniform legislation the approach of reformation through rehabilitative measures had started in the late 19th century during the colonial rule. With enactment of Juvenile Justice Act in 1986 it was believed that not only uniform treatment can be offered all through the country to the children who have come in conflict with law but also delinquency can also be prevented through measures like rehabilitation and social reintegration. In this backdrop there is a need to understand the context in which the legislative arrangement had been made. The Juvenile Justice Act 1986, the first uniform central legislation on the subject was enacted consequent upon the observation of the Supreme Court that in stead of each State having its own legislation there shall be a uniform legislation for the
entire country. Thus, the need for the uniform legislation emerged for uniformity in treatment of children who come in conflict with law. In that context a very few international standards were in place like the Beijing Rules which laid down minimum standards for administration of juvenile justice. All other international human right instruments were not child focused. The provision regarding juvenile was very much an integral part of the broader framework of human rights. However, the Juvenile Justice Act 2000 was enacted in a context when there are several international framework and standards exist like the UN Convention on the Rights of the Child, United Nations Standard Minimum Rules for Administration of Juvenile Justice, United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990 and the United Nations Guidelines for the Prevention of Juvenile Delinquency. Each of these above frameworks encompass a variety of measures and services for protection of juveniles and children in difficult circumstance or in a situation when they come in conflict with law. In the present context the domestic law and legal system does not operate in isolation. The performance and progress of the domestic law is subject to monitoring under these above mentioned international instruments. The facilities and opportunities for children along with various kinds of services envisaged under the law are no longer restricted to welfare measures but these are rights for which the juveniles and children are entitled. The performance of law thus bears significance as the violation of these legal rights would amount to commission of legal wrong and omission legal duty.

In this backdrop the present research has been undertaken to investigate at the operational level the function of institutions for juvenile justice. It was
undertaken with the aim of ascertaining the state of implementation of the legal provisions envisaged under Juvenile Justice Act 2000. The provisions of Juvenile Justice Act 2000 are intrinsically connected with the above mentioned international convention and standards. Any violation of it would defeat the purpose of the Act as well as the ideals enumerated in the United Nations instruments. As a result of it children will be deprived of their rights. As has been discussed in the previous chapters, the right of the child has assumed significance in the contemporary society. These rights recognise a legal status of child. Therefore, there is a need for recognition of legal status of children in the actual practice. The attempt under this research was to locate the actual legal status of children and the manner in which the rights are being secured for them by the agencies of the state. In view of that, this research tried to examine the role and function of governance institutions in Cuttack for juvenile justice.

Findings of the Research:

The engagement at the operational level unfolds the fact that apart from establishment of institutions like Juvenile Justice Board and Child Welfare Committee no further progress could be made in respect of treatment of children. The idea of juvenile justice gets degenerated from a means of care and protection to a means of operation. From the stage of apprehension of juvenile through various stages like production, release on bail, inquiry and disposal the system is largely influenced and regulated in accordance with the conventional modes of criminal justice system and its procedures. In spite of enactment of the Act still the practice is that when a juvenile comes in conflict with law he or she is apprehended by the same police, escorted to court along
with adult criminals and exposed to criminal trials as they are produced in the initial stage in the same criminal court for subsequent remand to Juvenile Justice Board. Even after production before Juvenile Justice Board the process of hearing of bail petition is no way different from bail petition in other adult courts. Refusal of bail is still the rule than exception. Grant of bail is contingent upon capacity of accused or their family to spend money to engage lawyers and furnishing surety. The only change that could be noticed throughout the process of field enquiry under the research is that when juveniles are remanded they are being placed in a Home established only for juvenile in conflict with law which is different from adult jail. In all other aspect there are inadequacies of various natures like inadequate documentary evidences in support of claim ofjuvenility. The system is unaware of the guideline of the Supreme Court that if there is confusion about age of the juvenile, in that case in the absence of birth certificate the school certificates should be relied on. This is apparently clear from seeking report of ossification test by medical experts or Board. The low level of awareness about the special scheme for children in conflict with law among general public also restricted juvenile from seeking benefit under the Act when they come in conflict with law. There is no visible effort to create awareness in the society about such measures. As a consequence of such low level of legal literacy the benefit could only be assured where there is a benevolent support either by the police official, the lawyer or the judge himself. Nobody in the administration of justice knows how many juvenile were deprived due to the absence of claim of juvenility.

The purpose of the Act is to reform, rehabilitate and ensure reintegration of juvenile into the society. However, there was hardly any attempt as no case
could be disposed off within the prescribed time. When reintegration could not be ensured, the labelling of these juvenile as accused is very much prevalent in the official record. The record often used the conventional languages against juvenile in conflict with law like ‘delinquent’ and ‘accused’ which labels a juvenile in conflict with law as criminal, as long as the case is not finalised.

The situation of children who need care and protection is more disturbing. In many cases the Members are even not aware that they are made members of the Child Welfare Committee. Apart from it Child Welfare Committee has no administrative mechanism to discharge its function. As it operates in isolation, there were visible marks of inadequate coordination and follow up measures for rehabilitation and ultimate reintegration in the society through measures like adoption, foster care, sponsorship and aftercare. The involvement of Non-Governmental Organisations for delivery of services is also largely affected due to absence of policy regarding partnership between Government and Non-Governmental Organisation, no or low financial allocation and absence of knowledge about the objective of the legislative measure among service delivery agencies.

The major preoccupation that the Juvenile Justice Act has criminal overtones due to treatment of juvenile in conflict with law and children in need of care and protection under a single legal framework which leaves children who need care and protection with a label of criminal is somewhat minimised due to two separate mechanisms. However, the juvenile in conflict with law always played a dominant role in course of formulation of policy and debates
concerning fairness and justice. This aspect downplays a very important aspect of rehabilitation of children who are living in difficult circumstances.

**Theoretical Contribution:**

Theoretically the legislative attempt in India directed at preventing labelling of children as criminal or “bad kid”, so that children do not internalise such perception. While the law tried to prevent delinquency and secure their social reintegration it also intended at affording protection in the justice system as a matter of rights of children. The Juvenile Justice Act 2000 had been enacted to fulfil the obligation of the State under the UNCRC. As the law recognises such protection measure as a right of the child, the duty to provide safeguard for children rests primarily with the State. This is important especially in case of juvenile in conflict with law as the State through its agencies of criminal justice system regulates crime, law and order in the society. As a fundamental principle of UNCRC the state in India also contemplated policy for separate adjudication of cases involving juvenile by establishment of Juvenile Justice Board. Such a legislative and administrative measure is made in conformity with the provision of Article 37 and 40 of UNCRC.

As has been said above the enactment of Juvenile Justice Act 2000 emerges in the premises of various instruments adopted by United Nations like United Nations Standard Minimum Rules for Administration of Juvenile Justice 1985, United Nations Rules for Protection of Juvenile Deprived of the Liberty 1990 and United Nations Guidelines for Prevention of Juvenile Delinquency 1990. These three Rules are complementary to each other and envisage a comprehensive approach to the problem of crimes committed by juveniles and
prevention of delinquency through a process of reformation, rehabilitation and social reintegration. These provisions seek to achieve justice and fairness to children through measures like rehabilitation, education, socialisation and reformation. It endeavours to promote justice and fairness through effective juvenile justice administrative machinery.

These ideological notions which are very much linked to the present international framework for dealing with children in conflict with law also consequentially integrated into the Juvenile Justice Act 2000 as the law draws its sanction from the above frameworks and explicitly declares its commitment to fulfil the conditions laid down in these standards and framework. Therefore, the Indian legislative attempt also seeks to conform to the ideas of justice as fairness and based on restorative justice model.

In this research an attempt has been made to position the existing law in various theories on the subject. As these international instruments together seek to prevent labelling of children as criminals through measures for prevention of delinquency, justice and fairness and restorative justice to children, therefore, the Juvenile Justice Act 2000 can also be grounded on this theory.

This research theoretically contributes to labelling theory as it has identified how juveniles are being treated in the system as ‘delinquent’, ‘accused’ and ‘order for remand to jail’. There was one example where three brothers were charged with almost twenty cases as they become labelled as criminal. The police made it a practice to drag them in all crimes in the locality.
The research also examined the reason for delay in adjudication in Juvenile Justice Board. It was revealed that as the Board follows a justice model the cases could not be finalised without charge sheet. This aspect is already highlighted by Archard in a comparative analysis of ‘Justice’ and ‘Welfare’ models. He observes a welfare model addresses the needs of the child, as the source of her misdeeds. It seeks to rehabilitate or treat the child, not to punish her for her errors. By contrast, the justice model focuses on deeds of the child, viewing those which are misdeeds as meriting appropriate penalties. The child is to be punished and not reformed under justice model. Although the Indian law does not aim to punish but in practice it follows the rules of procedure of criminal court to trace the misdeed of the child. The result is that the cases could not be completed in time as the Board awaits for police investigation report or charge sheet.

This research also contributed towards the reasons for malfunctioning of juvenile justice system. It identified the problem as lack of coordination, sensitisation, inadequate capacity of juvenile justice personnel and documentation of cases. This aspect was highlighted by Ved Kumari. This research corroborates the findings of Ved Kumari from empirical study.

A study about Juvenile Justice Act 1986 revealed that although this Act was intended to promote uniformity through centralised legislation in actual practice it has produced a few noteworthy changes. Even after 10 years of implementation of the Act many state did not have a separate Juvenile Justice Court. In many instances a single Magistrate rather than a collegiate bench adjudicated juvenile cases. The result of various studies in the area of juvenile
justice suggest that Juvenile Justice Act did not bring about the intended reform (Chatterjee; 1995). The present research also contributed from the perspective of the present Juvenile Justice Act 2000. The present research also collected evidences that the existing law has made very slow progress and hardly produced any result.

**Empirical Contribution:**

Empirically this research attempted to bring into focus the state of enforcement of the Act in the practical level. It made an extensive effort to locate how the legislative provisions are being enforced at the operational level. The engagement at the operational level reveals that the provision of separate treatment of children is actually integrated in the existing adult criminal justice system. Apart from provisions of law in practice the law has hardly impacted the effort to treat children differently from adults in the criminal justice system.

The persisting problem of juvenile crimes for which they come in conflict with law is a matter of great concern for many countries in the world and especially for India. Cuttack district is no exception to this nation wide and world wide phenomenon. It is of vital importance not only to prevent delinquency through judicial measures but also to ensure the protection of the well-being and rights of all juveniles who come into conflict with the law. Fairness and justice standards relating to physical, mental and emotional wellbeing of juveniles could not be accomplished in spite of legislative endeavour by the state. The effort for prevention of juvenile delinquency by addressing the problem of certain categories of children who live in difficult circumstances also did not
yield much impact. While there is a rising incidence of children who need care and protection very few children could be actually benefited through legislative effort. This emerges as a major challenge in a country like India as it is a home for a vast chunk of child population who are living in condition of deprivation and the state does not have adequate infrastructure to serve the target group. These aspects become the major thrust area in the present research.

**Limitation of Research:**

Even though this research made an attempt to investigate the practices at the operational level in relation to Juvenile Justice Act 2000 in Cuttack district, still it had certain limitations. Firstly it unravelled the field situation in one district. There may be other districts where the situation might have different from the present one. Therefore, the evidences with regard to the situation is specific to a particular district. Secondly this enquiry was mostly focused on the institutions established under Juvenile Justice Act 2000 i.e. the Juvenile Justice Board and Child Welfare Committee. It could not examine the position of district and city Enquiry Committee and Advisory Board as these two institutions have not been established at all. The enquiry was primarily made on the basis of the case records, interviews with the personnel engaged in the institutions and observation during proceedings. It did not cover the state of juvenile and children to ascertain their present condition and how the law impacted their life. Thirdly the major aspect of law that juvenile and children shall be rehabilitated and consequentially reintegrated into the society could not be revealed as in the area of research the institution could not take any measure for final disposal of cases. Therefore, the research had restricted
coverage as the final objective of law was not achieved. Finally a fundamental aspect which even restricts the operation of law was about non-availability of data and information about the magnitude of cases where children need care and protection. Initially it was found difficult to define the term 'children in need of care and protection'. However, the Juvenile Justice Act 2000 made an attempt to contemplate a definition by bringing various kinds of situation of children under the purview of the definition of child in need of care and protection. However, these definitions are such that there is a dearth of information about the magnitude of the problem. A handful of children could only be presented before Child Welfare Committee for their rehabilitation. The sheer number of beneficiary in Cuttack district shows that the law could not reach out to many more children who live in conditions of deprivation which can easily be grounded on the present definition of child in need of care and protection. It is hard to believe that these few children who were brought before Child Welfare Committee constitute the definition of child in need of care and protection. Therefore, the enquiry under the research also had limitation as it covered only those cases which came before the Child Welfare Committee.

**Scope for Future Research:**

The present research leaves adequate scope for future research into various aspect of juvenile justice from the perspective of rights of the child, due to its limitations. Firstly further research can be made about the way the Act impacted the life of its subjects such as juvenile in conflict with law and child in need of care and protection. For this individual or group of cases of similar nature can be taken up. Secondly the same kind of research can be replicated
elsewhere in the country to find out the operational issues in different situation. India is a huge country. There may be many examples of successful models available in various locations. If not a successful model at least, it can be presumed that a better functional institutions available. Therefore, similar kinds of research can be undertaken to find out the reason for success and failure. Thirdly in order to draw lessons from past experience a further research into functional aspects of predecessor Act and its nature of impact can be taken up to improve upon the functions of the present Act. Even though it is a formidable task now to trace the cases to find out what kind of changes the predecessor Act brought to the life of children, nevertheless it can have long term impact on the present Act. Both the Act can also be reviewed in a comparative perspective to verify the effectiveness of both the models contemplated under the predecessor and present Act. Fifthly one of the significant aspects of the present subject is the proposal of the Act to seek participation of voluntary organisations for implementation of various schemes. The present research also noticed that there are NGOs who are engaged to deliver various services. A further research would help in expanding the idea of Government and NGO partnership and the role of NGOs in the process of prevention of delinquency. Finally, and most importantly research about various services like adoption, foster care, sponsorship and aftercare which are envisaged under the Act for social reintegration of children. Engagement into these specific aspects of the law can also contribute significantly for enrichment of knowledge concerning the impact of such measures.
Epilogue:

The treatment of juvenile in conflict with law reveals that the constitutional vision and legal provisions have not impacted the Rights of the Child. In case of children who need care and protection the situation is even more upsetting. Despite the enactment of Juvenile Justice Act 2000 children live in conditions of deprivation and in circumstances, which can easily lead them to crime and further distress. Those children who are already in conflict with law they are not provided with the benefits of the special legislation. Children within the juvenile justice system are also not treated differently from adult criminals, neither they get the impression that they are not criminals. Notwithstanding the best of intentions of the Act, lack of implementation of the Act, ineffective institutions and lack of coordination among various juvenile justice agencies defeats the very purpose of the law.

The juvenile justice system in India consistently endeavouring to find a proper shape where the final goal of rehabilitation and social reintegration of delinquent juvenile could be realised. The history of legislative attempts in India witnesses that the system encountered operational difficulties as a result of which the purpose of law could not be fulfilled. There is no model available which works in an efficient manner. This research also found that juvenile justice system is still evolving as evident from constant changes in the law.

Finally I would conclude with the observation of Upendra Baxi which I consider significantly important in the context of rights of children in India.
Baxi\textsuperscript{300} observes “Ours is a deeply perplexing age in relation to rights. On the one hand there is a virtual explosion of human rights enunciation; on the other hand, there is growing disregard of rights and cynicism about their future. The proliferation of human rights instruments seems to have caused critics of human rights to form a rights-weariness and a rights-wariness. It is difficult to imagine even the most conscientious critics of human rights enunciations as having any cogent critique of the expansion of child rights. Critics of human rights enunciations must surely respect the achievements of these measures and realise that inaction would be costly. The neglect of the rights of children would mean the confiscation of our common future: the world’s children. Human rights articulations represent human hope in a brutal and brutalising world. They provide arenas for the struggle for a just national and international legal order in relation to the child; they mark an insurrectionary protest against the savage uses of power in the state and society. Even if we fail to achieve our collectively formulated human aspirations, not to try to achieve them is, starkly put, to belie our claim to be and to remain, human. For a state and society which is callous to the rights of the child can never aspire to be a just society. What then is our appointed historical task? And how do we achieve it? Happily, the agenda for action is now abundantly available. What is needed, first of all, is the elimination of adult illiteracy about children’s right. Adult illiteracy about children’s rights is widespread among policy makers, intellectuals, ideologues, opinion makers (e.g. the media), and even among human rights communities. This illiteracy also makes possible the comprehensive and continual ignorance about linkages between the rights of

the child and human rights enunciations which are not child-centred and yet affect their and our common future. Promotion of adult literacy about children’s rights is a sine qua non for their realisation. It must be realised at the outset that the problem of adult illiteracy with respect to children’s rights is as massive, complex and in need of urgent resolution as the problem of general illiteracy addressed at the Jomtien World Conference on Education for All. Second, we must acknowledge and develop linkages between the rights of the child and other instruments of human rights. There is no danger in such an endeavour of losing the focus on children’s rights. Rather, awareness and advocacy of such linkages will enable us to advance the plan of action on children’s rights.
In India the national policies, legal framework and judicial pronouncements unequivocally envisage a society where the best interest of the child is secured so that children can grow and develop progressively. The existing legal and policy framework consider that children are the future asset of the society and the development of the nation depends largely on the manner in which children are given facilities and opportunities to realise their inherent potentials. This vision receives further impetus with an international legal environment which recognises survival, development, protection and participation of children, as their right. The state in India is both under obligation to fulfil the commitments made under the international standards and law as a state party to it and also benefited by virtue of these instruments particularly because of the reason that the UNCRC promotes scope for international development support for strengthening the efforts of Government for realisation of rights conferred on children.

However, the above mandates do not seem to have impacted the life of juvenile and children at the practical level. Most of the prescriptions remain confined to the legal and policy framework. These provisions are hardly translated into action in actual practice. They remained Black Letter Laws. It is well known that laws by themselves cannot bring about change in the desired direction unless these are applied in practice.
This thesis emerges as an evidence based document to substantiate the claim that the state has failed to perform its legitimate role to protect the best interest of the child. Even the state could not secure for the child its own commitment made under the Indian constitution and legislative measures for children and juvenile in India. However, we cannot escape our responsibility just by identifying the lacunae and inadequacies in the system of governance and its institutions. The interest of the children is our common interest as they are the future of the nation. Being the future of the nation their ‘present’ is important and hence deserves special care and treatment. There is a need to reorient our laws and policies so that the executive agencies and institutions in India endeavour to make India “fit for its children”.

It is the duty of every citizen to endeavour for bringing about change in the life of children when they are exposed to unjust situation. As a fundamental responsibility and a duty towards children, it is my role to contribute to the process of reform so that an efficient mechanism comes into place to play an effective role in the everyday life of children. Accordingly, I would like to offer the following recommendations which may pave the way for promotion and protection of rights of children. My suggestions are not driven by my emotional attachment to the cause but it is meticulously articulated within the existing legal and policy framework. Besides it also reviewed various literatures on the subject of juvenile and children to collate recommendations to offer constructive suggestions.
These recommendations are in the nature of affirmative action in support of strengthening the status of children and juvenile which cannot be contested in view of the sanction of the constitutional provision under Article 15(3) which permits the state to make positive discrimination for children. The recommendations are offered on various dimensions to make the institution and systems of governance more effective and accountable. It converges into various aspects like monitoring, capacity building, strengthening governance, legal awareness and legal reform. The suggestions are discussed below:

1. **Monitoring Implementation of the Legal Provisions:** We have seen in the preceding chapters that the institutions created under the Juvenile Justice Act 2000 are operating almost in isolation. There is no accountability procedure. Even the existing institutions under the system are not directly a part of any administrative hierarchy rather these are segregated from line department and operating in isolation. At the apex level they are inbuilt in the broader state structure. It is impossible to manage, control and monitor such institutions who are operating sporadically. In the absence of immediate administrative arrangements the representatives are neither accountable nor in a position to share their concerns. Even though the Members are aware about malfunctioning of the institutions they do not find any forum to lodge their grievances. It happens in both the categories of institutions contemplated under the Juvenile Justice Act 2000. A review of law also makes it clear that the central government has escaped from its responsibility by leaving all duties concerning implementation of the
law on the state government. The provision of constitution of Central Advisory Board (Section 62) under the law is merely a body to advice the Government on matters relating to the establishment and maintenance of Homes, mobilisation of resources, provision of facilities for education, training and rehabilitation of child and juvenile. It does not have the authority to regulate these institutions at the practical level. Lack of monitoring emerges as a major preoccupation for non-implementation of the Act. Therefore, the central government must make sure that an independent body is constituted which exclusively looks into the implementation of the Act. It should have adequate scope to receive feedbacks from the institutions operating at the ground level, so that, the practical difficulties can be resolved through legislative and administrative measures including allocation of finance.

2. **Capacity Building of Juvenile Justice Personnel:** Quality of services rendered by juvenile justice institutions is contingent upon the capacity of its personnel. However, our research identifies that the personnel in the system have limited exposure to the epistemological aspect of juvenile justice, hence, lack quality to perform better. The significance of capacity of juvenile justice personnel and their commitment is a matter of concern for which even the Supreme Court of India underlined its importance. A close analysis of existing international instruments for administration of juvenile justice reveals that training and education of personnel engaged in the system of juvenile justice is highlighted as a major aspect. The training and
education, of course find due space in the Juvenile Justice Act 2000. It makes provision of training especially of the police officials and the members who lead the adjudicative machinery. However, at practical level there is hardly any systematic training programme for orientation of different levels of functionaries in the juvenile justice system. In view of the legislative requirement systematic training inventory must be in place which should offer continuous orientation to develop a cadre of human resource who can be engaged in delivering services.

3. **Strengthening Governance:** There is a need to strengthen governance institutions for making it effective, accountable and goal oriented. It requires various approaches. First of all a clear provision of financial allocation to meet the expenses of the institutions. This research identified the problem of non-availability of fund towards operational cost. Even the members on the Board of both the institutions do not receive their honorarium and contingencies in time. On the other hand there is a specific provision in the United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990 that adequate honorarium to be paid to juvenile justice personnel to attract and retain professional officers. Infrastructure facilities for these institutions are inadequate. It was noticed during field study that the system operates only in the conventional criminal justice courts in the absence of its own infrastructure. Child Welfare Committee had even worst condition. It constantly moves for its own identity and address. The Law and the Rules there-under simply stated that the place of meeting shall be in the premises of various institutions like
Children's Home and Observation Home. However, while formulating such provision the legislators and policy makers might have overlooked the fact that they have not made any provision for establishment of Homes. The present practice is that the Homes are being run in collaboration with voluntary organisations. These voluntary organisations have a mandate of running Orphanages. Very often they are based in rural areas with limited access and communication. It is practically difficult to move to different places for holding sessions of the institutions. Even in case of space being made available there is even no arrangement for minimum infrastructure like table, chair and a store-well to keep the records. Therefore, there is a need to invest resources to strengthen these institutions. Access to justice to these institutions can only be strengthened when these institutions are strengthened.

4. **Critical Legal Awareness**: Critical legal awareness about the safeguards provided for under the Act needs to be systematically built. There are apparent danger associated with an informal awareness as there is a chance of engaging children in criminal acts when people come to know that an offence committed by children would not attract any punishment. Therefore, the idea of critical legal awareness is very much essential where the key stakeholders know their responsibility when they find any juvenile in conflict with law. Similarly, awareness concerning the definition of child in need of care and protection needs to be developed, so that, the agencies and individuals who are supposed to secure production of children know
the limitation of their responsibility. The awareness about giving a better deal to children should not be restricted to the benefits under the Juvenile Justice Act 2000. There should be enough awareness about allied provisions like registration of birth of children in time. It is witnessed due to absence of birth certificate many children are either deprived or had undergone medical examination for their age to be established.

5. **Legal Reform**: Historically the juvenile legislations have undergone reforms on various phases on different considerations. Even the first uniform central legislation had been amended for further improvement within a short span of time due to inadequate provisions. However, it seems no lessons were learnt from the failure of previous experiments. The exposition of the fact by various studies that the two categories of children should be separately dealt, so that, no category is stigmatised due to other. In spite of the fact that the Juvenile Justice Act 2000 has made an effort to provide two different kinds of institutions for two different kinds of subject, still the law carries criminal overtones with it for which either children in need of care and protection are stigmatised as delinquent or for that matter a “delinquent in the making” or this aspect gets marginalised in the process of enforcement of the Act. Therefore, both the categories need to be dealt in two separate legislative arrangements. Similarly, the overlapping provisions like adoption must be clearly linked with the law, so that, the goal of social reintegration can be made possible in reality.
The provisions like offences against children in matters of child labour, cruelty against children and engagement of children in illegal practices need a completely different approach as these are deeply rooted in the criminal justice system. There is no mechanism to look into these aspects under the law. If the law desires to get this aspect implemented by police then there is in fact no need to reiterate such provisions in this Act as these are already the subject matter of other laws. For this a subject law review needs to be undertaken.