

Rehabilitation Management of Children in Conflict with Law: Trends in India

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Abstract--- *This paper entails management of rehabilitation of children in conflict with law as prevention strategy to protect the children in conflict from abuse, neglect and exploitation under the Juvenile Justice (Care and Protection) Act, 2015. It covers the institutional and non institutional services provided to children. The purpose of this research is to enhance the legal facilities provided for managing the rehabilitation of children.*

Keywords--- *Juvenile, Children in Conflict with Law, Rehabilitation.*

I. INTRODUCTION

In this era of 21st Century, many children suffer from multiple types of maltreatment, sometimes by several perpetrators including the legal system. To combat with such scenario, Education is the most vital instrument that can make any developing country's future to brighten and shine. Children are considered as the pride of the nation. They are the future of the nation. Children are the potential beneficiaries who stand to make the greatest profits from the sustainable development. Nurturing a child is the most crucial thing for every parents but if the children are neglected or not guided in a proper manner, then it will lead to create delinquent behavior in them. A Child's physical, psychological, surrounding is most vital for their development and builds them to be competent of becoming conscious to know their capabilities. On the opposite side, detrimental environment, lack of basic needs, poor parenting supervision, other factors may turn a toddler to a delinquent, misbehavior may be a social problem affecting not only on children in conflict with law but it affects families, communities, and society. It is obligatory from every individual side to build up the society, school, values and morals in strong and positive manner. To safeguard and protect the interest of children below eighteen years of age, Juvenile Justice (Care and Protection) Act, 2015 came into force. This act gave emphasis to the rehabilitation of children in conflict with law rather than sending them to jail. Under the Juvenile Justice system, Ministry of Women and Child Development has set Standard Operating Procedures (SOP) for rehabilitation of children. It highlights the cause of rehabilitation and re-integration by facilitating institutional care, after care, foster care and sponsorship to the children in conflict with law. The concept of rehabilitation indicates nobody is born with the label of criminal, to reform such criminals an opportunity must be provided for restoring them back to the society.

CONCEPTUALISATION: The basic concepts used are as follows:-

- a) **Children in conflict with law:** "Child in Conflict with Law" has been defined under Section 2 (13) of the Juvenile Justice (Care & Protection of Children) Act, 2015 as a child who is alleged or found to have

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committed an offence and has not completed eighteen years of age on the date of commission of such offence (The Juvenile Justice (Care & Protection of Children) Act, 2015).

- b) **Juvenile:** It is defined under section 2(21) of JJ Act, 2015, and it means a child below the age of eighteen years.
- c) **Juvenile Delinquency:** Crime committed by children and adolescents under the age of 18 years, is called delinquency. The maximum age limit and also the meaning of delinquency vary from country to country. But it is always below 18 years of age which is the statutory age for delinquency.
- d) **Child Care Institution:** It is defined under section 2(21) of JJ Act, 2015 as open shelter, observation home, safety home, special home, adoption agency providing care and protection to children who are in need (The Juvenile Justice (Care & Protection of Children) Act, 2015).
- e) **Aftercare:** It is defined under section 2(5) of JJ Act, 2015, as providing financial support or other facilities to those who have completed eighteen years of age but not completed twenty one years of age and have left any institutional care to join the mainstream of the society (The Juvenile Justice (Care & Protection of Children) Act, 2015).
- f) **Childline Services:** It is defined under section 2(25) of JJ Act, 2015, means a twenty-four hours emergency outreach service for children in crisis which links them to emergency or long term care and rehabilitation service (The Juvenile Justice (Care & Protection of Children) Act, 2015).
- g) **Observation Homes:** It is established by state government or through voluntary or non-governmental organization and maintained in every district for the purpose of rehabilitation of child alleged to be in conflict with law.

II. REVIEW OF RELATED LITERATURE

The entire mechanism governing the Juvenile Justice system emphasizes on rehabilitation & social reintegration. This paper emphasizes the rehabilitation of children in conflict with law case, being a complex integration of tender age of child, delinquent behavior, family background, social surrounding, lawful inquiry process, and the ultimate goal is to ensure justice is being served at the end. It is evidently seen as the nation's concern for the child. Various surveys and studies have established maximum juveniles apprehended are street children. Researchers have found mostly children alleged to be in conflict with law are between 13 and 17 years of age group. It is also found from the crime data statistics that maximum number of such children indulge into committing offences such as theft and robbery. This paper entails the rehabilitation measures taken for management of children.

(a) Rights of Children in Conflict with Law

The rehabilitation procedure helps to ensure that every child alleged to be in conflict with law are not prevented from getting their rights. The rights granted to child in conflict with law under JJ Act, 2015 are a child friendly environment has to be ensured in observation as well as special homes, right to get legal facility like participation in legal counselling, privacy of the child has to be protected, right to bail, right to education, no child shall be subjected to cruelty in the observation homes, there should be no imposition corporal punishment and every child shall be

protected from any kind of discrimination and exploitation. All the rights guaranteed to a child under Indian Constitution has to be maintained.

(b) Rehabilitation Management by Government and Non Government Organization

The Juvenile Justice (Care and Protection for Children) Act, 2015 has classified different kinds of homes for rehabilitation of children in conflict with law. This classification is made on the basis of gravity of offences committed by a child. As offences are classified into petty offences, serious offences and heinous offences. The rehabilitation homes specifically for children in conflict with law are classified into two types and they are Observation Home and Special Home.

Observation homes is described under section 48 of JJ Act, 2015 , it is a home which is established in every district and maintained by voluntary or non-governmental organizations and the most important it shall be registered under JJ Act. The purpose of establishment of such homes is temporary reception, care and rehabilitation and social re-integration of any child in conflict with law during the pendency of inquiry(The Juvenile Justice (Care & Protection of Children) Act, 2015).

Special homes is dealt under section 48 of the JJ Act, 2015, it is established by the State Government and maintained by voluntary or non-governmental organization which shall be registered. Children placed in special homes are those who are confirmed to have committed an offence, which is found through inquiry. The decision regarding the children to be placed in special homes is decided by the Juvenile Justice Board (The Juvenile Justice (Care & Protection of Children) Act, 2015).

The rehabilitation and social integration process is made on the basis of individual care plan of the child. But specifically for children in conflict with law rehabilitation and social integration of child takes place in observation homes if the child did not receive bail, or in special homes, place of safety or fit facility, provided by the order of the Juvenile Justice Board as mentioned under section 39 of the JJ Act, 2015 (The Juvenile Justice (Care & Protection of Children) Act, 2015).

The Juvenile Justice Board (JJB) is considered as the backbone of the entire juvenile justice system. Juvenile Justice system took a major initiative, a turning point that is rehabilitation process for children in conflict with law and institutionalization care as an ultimate measure. Currently, there are both institutional and non institutional facilities available for welfare of the child. There are several Central and State Government schemes and Non Governmental Organization interventions in the administration and implementation of JJ Act, 2015. The areas of interventions are institutional and non institutional care, preventive and rehabilitation of children. The Government provide grant-in-aid to the NGOs to run the rehabilitation homes. At present, NGOs appears to be most active participant and in large scale manner for child rights and taking measure for their rehabilitation. The topmost today's NGOs like Amrit Foundation of India, Make a Difference (MAD), SOS Children's Villages of India, children in SOS Villages grow up as children in an ordinary family, they support the children emotionally and educationally for well being of the children entrusted with care. Such care homes have played a great role for providing basic facilities and after care facilities to the children. The aftercare provision is mentioned under section 46 of the JJ Act, 2015, it states any child who leaves any kind of child care institution on completing eighteen years of age, the child will be

provided with financial support, so that child can be re-integrated to the society and lead a better life. The intake of the children is done on the basis of age and to which category the children belongs to as child in need of care and protection, child in conflict with law, street children and orphans. Professionalism has to be maintained while conducting the rehabilitation process. Reforming a child involves a multi-dimensional approach, by understanding their physical, mental, emotional feelings and their intellectual power.

(c) Rehabilitation Measures

Rehabilitation is the foremost important step for reformation of a child. The rehabilitation process shall be different for various categories of children. There are numerous factors which should be looked into such as family background, psychological history, education quality of a child. By looking into the conduct and behaviour of child's interest, a child shall be allowed to continue his schooling, attend vocational training, visit to therapeutic centre for change of his mentality and should participate in the counselling activity. Another most important measure taken by Juvenile Justice authorities is every child in conflict with law shall be segregated from other children according to their age and gender with considering their physical and mental status in observation homes as well as special homes. All kinds of basic facilities such as food (nutritious food), shelter, medical assistance, children with disabilities shall be provided with hearing aids, braille kits, wheel chairs and other aids according to the need of hour and legal assistance shall be provided. The rehabilitation management team will be at responsibility for enhancing the development skills, life skill development which will help a child to differentiate between right and wrong. It will also focus on children participation in recreational activities like yoga, sports, etc.

Special treatment for victimized and sexually abused children should be provided. Judges should visit in regular interval the place of detention for observing proper care is taken or not. The Central Government and State Government independently to have a check should evaluate the functioning of the Juvenile Justice Board (JJB), registered institution. There should be a regular inspection relating to how much being provided for the overall development of the child care institutions and how much money is utilized. Hygiene is an important factor, which has to be maintained like cleanliness of bathrooms with proper drainage system as to prevent the children from any kind of infection. Parenting programmes, coping with social stigma, reconciliation with juvenile help to integrate with family while dealing with the peer pressure, awareness, controlling of behaviour will lead to successful transition of adulthood, learning to deal with stress, educational pressure help to prevent from re offending and reacting to unusual behavioral pattern.

III. FINDINGS OF THE STUDY

Table 1: Total Number of Children in Conflict with Law Sent to Observation Homes for Rehabilitation from 2015-2018

YEAR	NUMBER OF CHILDREN IN CONFLICT WITH LAW SENT TO OBSERVATION HOMES
2015	9206
2016	9739
2017	7286
2018	1010

From the above table and through the NCRB report it is analyzed:

- During the year of 2015, 9206 children were sent to observation cum special homes, 9739 children in the year of 2016, 7286 during 2017 and 1010 children were sent during the year of 2018. The above mentioned figures shows during the year 2015-2016, there was gradually increase in number of children alleged to be in conflict with law who were sent to observation homes.
- During the year 2018, there is a decline in number of children sent to observation homes.
- In India, today there are total number of 9589 Child Care Institution or homes in operation.
- It is found 2135 institutions carried out by Integrated Child Protection Scheme.
- According to the Ministry of Women and Child Development, Government of India, during the year 2015-2016, Rs 43892.10, during 2016-2017, Rs 50847.97 and during 2017-2018, amount was released for utilizing such in infrastructure, development and management of rehabilitation centre which includes observation homes and special homes.

Table 2: Juvenile Homes (Observation Homes and Special Homes) in India for Rehabilitation

<i>NAME OF THE STATES</i>	<i>NUMBER OF OBSERVATION HOMES</i>	<i>NUMBER OF SPECIAL HOMES</i>
ANDHRA PRADESH	5	4
ARUNACHAL PRADESH	0	0
ASSAM	5	0
BIHAR	12	1
CHHATTISGARH	13	1
GUJARAT	8	2
HARYANA	5	3
JHARKHAND	10	1
KARNATAKA	15	1
KERELA	14	2
MADHYA PRADESH	18	4
MAHARASHTRA	53	3
MANIPUR	5	0
MEGHALAYA	3	0
NAGALAND	10	2
ODISHA	4	1
PUNJAB	4	0
RAJASTHAN	38	10
TAMIL NADU	8	2
UTTAR PRADESH	30	0
TRIPURA	3	2
WEST BENGAL	18	5

- From above mentioned data and as per the present study, currently there are in total 316 observation homes, 39 special homes and 54 observation cum special homes in India.
- Out of all the juveniles present, observation homes and special homes constitute 3.5% and 0.72 respectively.
- There is another type of rehabilitation home known as borstal schools, this concept was adopted from the U.K.. Such schools are considered as youth detention centre. In India, there are 9 borstal schools in the states of Himachal Pradesh, Jharkhand, Karnataka, Kerela, Maharashtra, Punjab, Rajasthan, Tamil Nadu and Telengana. In Himchal Pradessh and Karnataka there are female inmates present. Tamil Nadu has the highest capacity to keep 678 inmates.

- The findings reflect that the highest number of observation homes are present in the states of Maharashtra, Rajasthan and Uttar Pradesh whereas there are some states like Arunachal Pradesh, Sikkim, where there are the least number of observation homes and special homes established.
- It is analyzed that 34.3% of counselling facilities, 27% of vocational training, 40% of health services, 20.5% of legal assistance and 52% of recreational facilities are provided at observation as well as special homes.
- Considering the legal status of Child Care Institutions (CCIs), there are 3,071 institutions which are registered under Juvenile Justice (Care & Protection of Children) Act, 2015. There are still 3,215 institutions which are not registered under any kind of acts or schemes. There are 67 homes run by NGOs and 211 homes managed by government.
- It is found that 32% of homes are registered under the act and the highest number of children are placed in the state of Maharashtra and Uttar Pradesh.
- The facilities provided in homes constitute 64% of vocational training, 63% of skill training and 59% of recreational activities. These trainings play a vital role in the reformation of a child.

IV. RECOMMENDATIONS

- To provide children educational facilities of a proper standard combined with tutorial sessions for bringing them back into the mainstream formal schools system. It is strictly recommended to ensure that not a single child remains dropped out from schools, being found in conflict with law and placed in observation homes. Regular exams should be conducted to test their intelligence.
- To mobilize the children alleged to be in conflict with law through self-groups to enable them to address issues concerning themselves and their families.
- A child-friendly environment has to be focused on. When a child from his/her side will come forward and open up with his/her own issues, then this will be considered as proper measures are being taken by the authorities in the observation as well as special homes by making a favourable and comfortable environment.
- Rights of the girl child alleged to be in conflict with law relating to their interrogation, arrest and release shall be protected. Their hygiene needs to be provided. A surprise visit should be made frequently by the authorities to have a check whether the girls are not subjected to any kind of cruelty and abuse and for their security a safety mechanism has to be made.
- It is recommended to adopt certain principles as principle of right to privacy and confidentiality, right to equality and non-discrimination and principle to start afresh.
- The management staff should behave cordially and politely with the children. Proper diet and nutritious food should be provided such as milk, fruits, leafy vegetables etc. And quality of the food should be maintained. There should be health check up at regular intervals.
- It is strongly recommended to introduce computer facilities and implement digitization process, through which interrogation, inspection and supervision can be checked upon and this will also make the entire inspection mechanism very transparent.

V. CONCLUDING REMARKS

Children are the most valuable asset of the nation. Children are vulnerable and are exploitable especially at their tender age and they may become children in conflict with law. Children are the most vulnerable section of the society and at the same time they are considered to be the future of the nation, so their development in overall aspects like mentally, physically educationally has to be ensured. Rehabilitation and social integration of a child is an important aspect of this act. Restoration of child to the family is the prima facie object of the juvenile system. Empowering children with their basic rights and making them stable in such manner so that they can lead a dignified life. There should be speedy disposal of cases, so that child continues to live in his family and enhance their overall development. Trained social workers with experience in their respective field and professional counsellors are required to be appointed by the JJB. Regular evaluation, surprise inspection by the Government will make rehabilitation process to reach at a successful level. Children are not born as hardcore criminals, but at times become miscreants and become unable to understand the after effect of their acts. So to eliminate such negative factors, it is the responsibility of family members and every individual to help the children them to learn the new ways of thinking, building their confidence, self esteem. The outcome of the rehabilitation process includes counselling, therapy for past trauma, treatment for any underlying psychiatric, mental health conditions that are essential for any rehabilitation measures to have any impact, might predispose them to offending. Programs that are based on the principles of juvenile jurisprudence, understanding adolescent psychology and accountability-oriented rather than punishment will help in reforming a child to a greater extent.

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