

**A Study**

**Commissioned**

**by**

**National Commission for Protection of Child Rights**

**on**

**Juvenile in Conflict with Law and Administration of  
Juvenile Justice System in States of Maharashtra  
and Rajasthan**

**Conducted by**

**Tata Institute of Social Sciences, Mumbai**

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## List of Abbreviations

<b>APP</b>	: Assistant Public Prosecutor
<b>CCP</b>	: Child Care Plan
<b>CJS</b>	: Criminal Justice System
<b>CNCP</b>	: Child in Need of Care and Protection
<b>CRC</b>	: Convention on the Rights of the Children
<b>CWC</b>	: Child Welfare Committee
<b>DCPU</b>	: District Child Protection Unit
<b>DLSA</b>	: District Legal Services Authority
<b>FLA</b>	: Free Legal Aid
<b>IPC</b>	: Indian Penal Code
<b>JCL</b>	: Juvenile in Conflict with Law
<b>JJA</b>	: Juvenile Justice (Care and Protection of Children) Act, 2000
<b>JJB</b>	: Juvenile Justice Board
<b>JJS</b>	: Juvenile Justice System
<b>NGO</b>	: Non-Governmental Organisation
<b>NT</b>	: Nomadic Tribe
<b>OBC</b>	: Other Backward Class
<b>OH</b>	: Observation Home
<b>PO</b>	: Probation Officer
<b>SC</b>	: Scheduled Caste
<b>SIR</b>	: Social Investigation Report
<b>SJPU</b>	: Special Juvenile Police Unit
<b>SLL</b>	: Special and Local Law
<b>SSC</b>	: Secondary School Certificate
<b>ST</b>	: Scheduled Tribe
<b>UN</b>	: United Nations
<b>UTs</b>	: Union Territories
<b>U/S</b>	: Under Section

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## Chapter 1: Introduction

The Juvenile Justice (Care and Protection of Children) Act, 2000, (amended in 2006; 2011) covers two categories of children: “Child in Need of Care and Protection” and, “Juvenile in Conflict with Law”<sup>1</sup> The law demarcates between these two categories of children and has mandated separate and independent mechanisms and procedures to address their issues. This research focuses only on ‘Juvenile in Conflict with Law’<sup>2</sup> i.e. children who allegedly commit offences. Juvenile crime or offence often raises more uncomfortable questions than what we would like to answer. Juxtaposing the two contrasting ‘images’ of ‘child’ and ‘crime’ and thereby understanding ‘juvenile crime’ often becomes challenging. When the media reports about 'heinous' crimes being committed by children, there is public outrage and anger. Questions are raised on the rationale for differentially treating such offenders as “children” when the safety of society itself is at stake. It then becomes difficult to associate crime with child vulnerability.

When a country decides to reduce the age of juvenility, it is not merely a presumption of more youngsters committing crimes/serious crimes. It is also a sad reflection on the inability of society and the State to provide adequate protective measures that could have prevented the children from getting into crime and in the process saved the plight of the victims as well. Media reports too often validate the majoritarian discourse of retribution. While the debate continues about the cut off age for 'majority', age of 'consent', 'culpability', etc., the need to create the 'distinction' between child and adult has always been largely accepted. It is widely accepted that young people require special care and protection up to a certain age. This is also mandated under the Article 15(3) of the Constitution of India. Well-being of all children is the responsibility of the family, society and the State (Noble, et al, 2011). The United Nations ‘Committee on the Rights of the Child’ in their “General Comment no. 10” (2007) asserts that “Children differ from adults

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<sup>1</sup> The study has been based within the ambit of Juvenile Justice (Care and Protection of Children) Act, 2000 as this legislation was in existence during the time of the study. Currently the juvenile justice system is governed by the Juvenile Justice (Care and Protection of Children) Act, 2015. Though there is a new legislation now, some of the core aspects pertaining to the child and the juvenile justice system included in this study continue to remain relevant even within the context of the new legislation

<sup>2</sup> In the new Juvenile Justice (Care and Protection of Children) Act, 2015, the term ‘juvenile in conflict with law’ has been replaced with ‘child in conflict with law’ However this study has used the word ‘juvenile’ as the study was based on the earlier Act

in their physical and psychological development, and their emotional and educational needs. Such differences constitute the basis for the lesser culpability of children in conflict with the law. These and other differences are the reasons for a separate juvenile justice system and require a different treatment for children. In all decisions taken within the context of administration of juvenile justice the best interests of the child should be a primary consideration” (pp: 5)

Penal Reform International (2014) note: ‘Their age and stage of development also means that children are more likely than adult offenders to respond to rehabilitative interventions and abandon their offending behaviour if shown a better way. These are universally applicable principles that hold true for all children under 18 years, regardless of their exact age or the severity of the offence in question’.

### **Why do Children Commit Crimes?**

There is no easy answer. Over the years, globally, research has proved that it is difficult to identify a single cause for juvenile crime. A sudden situation or a combination of factors can lead children towards crime. Further there is no one homogenous profile of children who commit crimes. Nonetheless, it has been found that there are certain common circumstances that adversely impacts children. Deb (2006) has categorized causes of juvenile delinquency into three groups such as socio-economic, cultural and environmental factors, pathogenic family patterns, and personal pathology.

### **Child Vulnerability and Juvenile Crime**

While juvenile crime may be individual in some cases, it is necessary to continue focusing on it as a social problem. When children are within the safety net of the family, irrespective of the structure and size of the family, there are lesser chances of the child getting into a difficult or dangerous situation. Unfortunately not all children are able to get adequate nurturance and protection from their family. To mitigate this vulnerability, structural factors in society such as poverty, discrimination, and inequality too need to be addressed. In many situations these factors adversely impact family lives, relationships, thinking, and behaviour as well. Various other situations such as death, desertion, illness, lack of income, negative relationships, abuse, addiction, child labour, etc. can lead to increased child vulnerability and a fall out of which can

be juvenile crime. “Vulnerable children are an invisible population and Juveniles in Conflict with Law are an invisible population within that larger invisible population” (Mukundan, 2015).

In a Study by ECHO (2014), 2500 cases brought before the Juvenile Justice Board in Bangalore from six districts in Karnataka were analyzed. The findings reveal that majority of children (65 %) live with parents whereas 16.7 % live with single parents and 5.1 % are without parents. But 94 % of juveniles’ perceived inadequate parental care, probably due to the demands of everyday life as most of these children hailed from lower socio-economic backgrounds where parents/caregivers strived to earn their daily living. (pp: 31). There are also many juveniles who are falsely trapped and coerced into crime by peers and/or adults. Further, according to Mukundan (2015), in most cases children who broke the law were victims of ‘restricted opportunities available for their development.’ Often juveniles were booked for offences due to ‘prejudice, stereotyping and discrimination’ without even committing a crime.

Case studies of youth in Mumbai involved in organized crime (Sarkar, 2008) indicate that ‘broken home, poor education, insecure and inhuman living conditions in slums with ample vices practiced by all age groups, adventurous and ambitious adolescent youth, glamour of consumer culture, joblessness and uncertainty of future, contact persons of the underworld in slums, overcrowded city with anonymity of life’ appear to be a few factors for entry of youth in crime.

### **Juvenile Justice System in India: Intersecting Welfare, Rights, and Justice**

Some of the fundamental principles of a juvenile justice system include humane treatment of children, creating a child-centered system, provision of specialized services along with a multi-disciplinary approach (UN Juvenile Justice Panel, n.d.). Across the world, the juvenile justice system for children is different from the adult criminal justice system. It acknowledges that the child, though responsible for any act committed, requires a different approach vis-à-vis adult offenders. The emphasis is on a child’s right to family, education, rehabilitation and social reintegration (e.g. Agnew, 2005; Nigudkar, 2013). Intervening with young offenders before they graduate to serious crime is a basic principle of the juvenile justice system (Butts, et al., 2005).

An analysis of the juvenile justice system in India indicates two value positions: First, a crime cannot be understood any differently if it has been committed by a child. Thus, the same offence ‘charges’ apply equally to both an adult and a juvenile. More importantly, the second value position that the law takes is that if a crime has been committed by a child, then separate machinery is required, on the basic premise that they are “children” and, as endorsed by other juvenile justice systems, require a different approach (Nigudkar, 2013). The emphasis being rehabilitation, the law then becomes both an end in itself as well as a means to an end. Bakken (2007) puts it in perspective: “The juvenile court is offender-oriented rather than offence oriented, making it much easier for offenders to get a second chance at being a productive member of the community” (p.3).

### **Significant Development**

-The 1985 United Nations guidelines on Standard Minimum Rules for the Administration of Juvenile Justice, served as a basis for the introduction of major changes in the juvenile justice system in India.

-The Juvenile Justice Act passed in 1986, initiated uniform legal provisions for children all over the country for the first time.

-In 1992, with the ratification of the Convention on the Rights of the Children (CRC) by India, the Government was committed towards ensuring the Rights of Children and integrating rights based approach in all relevant child related legislations.

-A review of the lacunae within Juvenile Justice Act, 1986 and endorsement of the CRC culminated in the new Juvenile Justice (Care and Protection of Children) Act, 2000 replacing the earlier Juvenile Justice Act of 1986.

-The Juvenile Justice Act, 2000, (further amended in 2006 and 2011) was the framework for the juvenile justice system in India till it was replaced by the new Juvenile Justice (Care and Protection of Children) Act, 2015.

Over the years, several UN instruments have been responsible for initiating appropriate policy changes for the protection and promotion of human rights of children especially in the context of juvenile justice.

The Title and the Introduction to the Juvenile Justice (Care and Protection of Children) Act, 2000 affirm that for all children coming within its purview (whether in need of care and protection or those allegedly committing offences), the State is responsible for providing “proper care, protection, and treatment”. The State has to make provisions for adequate infrastructure and human resources. The system is supposed to adopt “a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation”. The Introduction itself integrates welfare and rights and envisages rehabilitation as the overall objective of the Juvenile Justice Act. The Act has incorporated UN guidelines, CRC principles, and welfare and social provisions pertaining to children from the Indian Constitution.

Children are much more than statistics on crime. Over the years several articles and academic papers in India have consistently highlighted that implementation of the Juvenile Justice Act in its true sense continues to remain a challenge (e.g. Sharma, 2009; Mukundan; 2008; Dabir and Nigudkar; 2005; Shanmugavelayutham, 2002; Shukla, 1980; Panakal, 1961, as cited in Nigudkar, 2013). Several areas have been critiqued such as quality of care in the institutions, lack of infrastructure and other resources, lack of adequate educational and vocational facilities, abuse within the homes, abuse at the hands of the police, insensitive officials within the system, lack of trained staff, procedures within the juvenile justice system, and inadequate rehabilitation. Thus, children get further victimized within the system. Children who have been victims of violence continue to be violent as they become older and move into relationships. Reports of the recent National Consultations organized on juvenile justice (e.g. Supreme Court Juvenile Justice Committee, 2015; NCPCR, 2015) and attended by multidisciplinary team of Govt. officials, judiciary, police, juvenile justice system functionaries and practitioners, also bring forth the several existing challenges and constraints within the juvenile justice system.

Ironically, though the juvenile justice system has developed over several years, the weakest aspect of implementation seems to be the rehabilitation of these children. **Rehabilitative work has to start the day the juveniles come within the juvenile justice system and has to finally culminate with the closure of the ‘case’ and subsequent supervision, if required.** This does not happen in the cases of many juveniles. Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 [henceforth referred to as the Juvenile Justice Act] which

pertains to Final Orders by the Juvenile Justice Board is often more procedural than any meaningful plan of intervention with the juvenile. Children are sent home as part of “rehabilitation” but little work is done with the family or the immediate environment to ensure that the family is in a position to provide the care and direction that the child requires. “Community service” or community-based programmes are yet to become more visible for a juvenile in conflict with law. Much work is also required with the statutory children’s Institutions within the juvenile justice system to facilitate reintegration of juveniles. The State too has immense responsibility towards reform and better facilities for care (e.g. Mukundan 2016; Raza, 2015)

### **About the Research Study**

Juvenile offence is multi-dimensional and there is interplay of several factors at the level of the individual, the family, neighbourhood, community, and society. While police data gives an overview, understanding the profile of the children, their dynamic interaction with the family and environment is crucial for any kind of meaningful preventive and rehabilitative work. It requires a systematic study towards gaining insights about the life situation of the child, family and environment context and its bearing on the offence charges, if any. The purpose of this study was to understand the overall socio-economic and family profile of juveniles coming within the juvenile justice system. At the same time, a larger purpose was to gain an insight into the life situation of the children and a context to his/her behavior. The goal is to understand the factors leading to the offence “charges” as shared and understood by the child. The Study also resulted in an understanding of the perspectives of “significant adults’ in the lives of juveniles in conflict with law; parents/guardian, functionaries, NGOs and other adults within the juvenile justice system. The findings are based on the interviews of the juveniles and adults interfacing with the juvenile justice system and analysis of over thousand case files of children whose cases have been closed. The study suggests a framework for rehabilitation.

The location of the study was three cities each within the States of Maharashtra and Rajasthan. This study is an effort to bring forth opinions and understandings of all significant adults including the JJB members, parents, auxiliary staff, officers in the institution, NGOs along with the children staying in institutions (Observation home, Special Home) and children on bail and

those released after final order. The study also presents rehabilitation practices and needs, functionaries' opinion, understanding of the system and suggestions for further improvement. The study comes out with the significant facts which could be guidelines for bringing further improvements in the juvenile justice system.

'Children have great potential to be rehabilitated and reintegrated back into their communities and that this can be the key to preventing juvenile offending from escalating into prolific adult offending. Children are at a stage in their development when beliefs, opinions and personalities are evolving and shifting. There is potential for them to be informed and molded by rehabilitative and educational measures. Punitive measures, on the other hand, do nothing to address the root causes of offending, can arrest children's development, can blow them off course so that their life chances are diminished, and can lead to increased offending' (Penal Reform International, 2014)

### **Objectives of the Study**

The objectives of the Study are:

- 1) To study the magnitude, nature and trend of offences by the juveniles in the States of Maharashtra, and Rajasthan
- 2) To find out the socio- economic and demographic factors that lead to juvenile offences
- 3) To examine the perspective of the significant adults about the juveniles and their rehabilitation
- 4) To examine the rehabilitative measures undertaken for the juveniles within the juvenile justice system and the Juvenile Justice Board
- 5) To study the life situation of the juvenile after rehabilitation and social reintegration
- 6) To suggest a framework for rehabilitation of juveniles in conflict with law

This research does not attempt to verify or predict the causes of crime. Rather it delves into the complex lives of children who commit crimes, analyze the overall profile of children who come within the juvenile justice system, their experience of the juvenile justice system and the current status of the administration of the juvenile justice system. It culminates with a framework for effective rehabilitation which can be incorporated within the present juvenile justice system.



## **Chapter 2: Methodology**

A mixed methods approach was followed with predominantly quantitative method used for the study. The quantitative aspect of the study helped to understand the profiles of the juveniles in conflict with law (henceforth referred to as juveniles), experience of the parents, perspectives of the functionaries and the overall functioning of the juvenile justice system. The qualitative aspect using the case study method assisted to develop an in-depth understanding about the lives of the juveniles, both within the juvenile justice system (Special home) and those outside (case closed and staying with parents). Mixing of both methodologies aided in fulfilling the objective of the study and presented a more comprehensive account of the area of inquiry.

### **Location of the Study**

The Study covered the selected Observation Homes, Probation Department, and the Juvenile Justice Boards in the States of Maharashtra and Rajasthan. In each of the States, one Observation Home, and one Special Home in three of the highest populous cities within each State was identified for data collection. Thus data was collected from a total of six cities across the two States. The cities were Mumbai, Pune, Nagpur, Jaipur, Jodhpur, and Kota. Mostly it was found that the Juvenile Justice Boards were located in the premises of the Observation Home. Juveniles were either in the Observation Home or during the bail period, juveniles came to meet the probation officer or to attend their ‘case proceedings’ before the Juvenile Justice Board. The functionaries too were primarily located within the premises of the Observation Home as they worked in different capacities and roles with the juveniles. Other significant adults too visited the Observation Home and the Juvenile Justice Board. Hence these places were most suitable to select the participants for the study.

Additionally, juveniles who were outside the juvenile justice system were either contacted in their own homes, Special Home or requested to come to Observation Home. Few cases were also selected from the details available in the case files of secondary data and with the help of NGO’s working with juveniles specifically in the state of Maharashtra.

## **Gaining Access**

Formal permission was sought from the Registrar Generals of both the Hon'ble High Court of Maharashtra and Hon'ble High Court Rajasthan to gain access to the Juvenile Justice Board, one Observation Home and one Special Home in each of the three cities of Maharashtra and Rajasthan. This permission included interaction with the juveniles and the functionaries. During data collection process oral permission was again taken from the juveniles, parent/guardian, functionaries, and other significant adults.

## **Selection of Sample**

The Population of the study was juveniles in conflict with law i.e. all children who have not completed eighteen years of age and have been apprehended by the police on offence charges in the States of Rajasthan and Maharashtra.

## **Data Sources**

The study utilized a combination of primary and secondary data sources.

### **A) Primary Data:**

The primary data was collected through interviews with juveniles in conflict with law, their parents, functionaries within the juvenile justice system, and significant adults, and through case studies of juveniles.

There were two kinds of primary data, involving direct contact with the juveniles.

#### **a) Interviews with:**

- Juveniles in conflict with law. There were two subgroups within this category:
  - Juveniles currently within the juvenile justice system (either on bail or admitted in the Observation Home), and
  - Juveniles whose cases have been 'closed' (either staying in the Special Home or with their own family)
- Parents (either mother/father/relative/guardian) of juveniles whose cases were currently pending before the Juvenile Justice Board (JJB). For some of the juveniles who were part of the primary data, their one parent too has been interviewed. In the cases of other parents, their children were not part of the primary data.

- Juvenile Justice Board Principal Magistrates and Social Work members
- Functionaries within the Observation Home/Special Home and the Juvenile Justice Board (from where the sample of juveniles were identified)
- Legal Aid Lawyers
- Assistant Public Prosecutor (APP)
- NGO social workers closely associated with the juvenile justice system (from where the sample of juveniles were identified) in Maharashtra and Rajasthan State.

**b) Case Studies** of juveniles both in Special Homes, and living with their own families.

### **B) Secondary Data:**

Secondary data was drawn from:

- Select Case Records available with the Juvenile Justice Board of juveniles for the period June 2014 to July 2015

### **Data Collection Instruments**

The primary method of data collection was the interview method. Structured Interview Schedule was developed for the interviews with the juvenile, parents. Semi structured Schedule was used with functionaries. Interview Guide was prepared for case studies. An Information Collection schedule was developed for the secondary data. The following are the details:

### **Sampling**

Both convenience and purposive sampling techniques were adopted for selecting respondents.

### **Primary Data**

The Principal Magistrate, Functionaries within the Home, and NGOs facilitated the identification of juveniles, parents, and case studies of both juveniles (boys and girls) whose cases were currently pending and juveniles who were on bail. The Superintendent/Probation Officer supported the process of interviewing the functionaries. Case Files for secondary data were randomly selected. The Principal Magistrate identified the case files to be perused based on availability.

For the case studies efforts were made to capture a combination of typical cases, unique cases, variants such as age, nature of offence, family background, socio-economic class, period of stay in Observation Home/Special Home, and “repeat offenders” (children who had committed offences more than once). These criteria were placed before the JJB/Probation Officer/NGO for appropriate identification of juveniles.

Staff members such as Superintendent, Probation Officer, Counsellor, Teacher, attendant, caretaker, cook, guard etc. directly or indirectly working with juveniles in conflict with law at different levels of hierarchy and job responsibility in the Observation Home were identified for the study and interviewed. In some of the Observation Homes/Special Homes where the number of caretakers were more than one or two members, a combination of the most experienced/senior caretakers and relatively newer and younger caretakers were identified for the study.

All Magistrates and social work members of seven Juvenile Justice Boards were interviewed. For Nagpur, during the time of data collection, the Magistrate was transferred. Therefore both the erstwhile Magistrate as well as the new Magistrate were interviewed.

### **Selection of Significant Adults**

A few persons external to the juvenile justice system but working closely with the system (public prosecutor, free legal aid lawyer, defense lawyer, NGO social workers etc.) were also purposively identified to obtain their experience and perspectives on the juvenile in conflict with law and the juvenile justice system.

## Secondary Data

A pre-determined Information Collection Schedule (SPSS Data Sheet) was prepared for collecting secondary data to capture those items of information from each case record that would be most relevant to fulfill the objectives of the study. A few records were initially perused and based on the information available; the schedule (SPSS Data Sheet) was prepared. A total of 1156 case files were covered in the States of Maharashtra and Rajasthan between the age group of 7-18 years. Table 2.1 and 2.2 provide information about the sample size covered in the States of Maharashtra and Rajasthan and City-wise distribution.

**Table 2.1: Sample Size Covered in the States of Maharashtra and Rajasthan**

Type of Data	Participant Category	Maharashtra	Rajasthan	Sample Size Covered
<b>Primary Data</b>	Juveniles within the Observation Home	59	51	<b>110</b>
	Juveniles on Bail	75	26	<b>101</b>
	Parents (either mother/ father/ relative/ guardian) of Juveniles	55	40	<b>95</b>
	Functionaries within the juvenile justice system, and significant adults	49	34	<b>83</b>
	Case Studies of juveniles both within the juvenile justice system, in Special Homes, and outside the system	32	7	<b>39</b>
Total sample size covered for Primary Data		271	157	<b>428</b>
<b>Secondary Data</b>	Secondary data was drawn from the case records or case files.	781	375	<b>1156</b>

**Table 2.2: District-Wise Distribution of Sample Size Covered in the States of Maharashtra and Rajasthan**

Type of Data	Participant Category	Maharashtra			Rajasthan			Sample Size Covered
		M	P	N	JP	JD	K	
Primary Data	Juveniles within the Observation Home	31	19	9	36	7	8	110
	<b>Total</b>	59			51			
	Juveniles on Bail	5	60	10	7	8	11	101
	<b>Total</b>	75			26			
	Parents (either mother/ father/ relative/ guardian) of Juveniles	16	38	1	17	10	13	95
	<b>Total</b>	55			40			
	Functionaries within the juvenile justice system, and significant adults	25	16	8	11	15	8	83
	<b>Total</b>	49			34			
	Case Studies of juveniles both within the juvenile justice system, in Special Homes, and outside the system	24	7	1	0	6	1	39
	<b>Total</b>	32			7			
<b>Total sample size covered for Primary Data</b>		<b>101</b>	<b>140</b>	<b>29</b>	<b>71</b>	<b>46</b>	<b>41</b>	428
<b>Total</b>		270			158			
Secondary Data	Secondary data was drawn from the case records or case files.	617	108	56	207	101	67	1156
	<b>Total</b>	781			375			

*(Note: M=Mumbai/ P=Pune/ N=Nagpur/ JP=Jaipur/ JD=Jodhpur/ and K=Kota)*

Table 2.3 and Table 2.4 present the State-wise and city-wise data of boy and girl juveniles' case files that were examined. From the State of Maharashtra, a total of 781 case files were accessed (757 case files of boy juveniles and 24 case files of girl juveniles). From the State of Rajasthan, a total of 375 case files were examined (372 case files of boy juveniles and 03 case files of girl juveniles).

The emphasis of perusing the case files was to primarily examine the nature of offences and the nature of Final Orders passed and other aspects related to the juvenile's case.

**Table 2.3: State Wise Data of Boys and Girls**

Name of State	Gender	Number	Percent (%)
<b>Maharashtra</b>	Boy	757	65.5
	Girl	24	2.1
<b>Rajasthan</b>	Boy	372	32.2
	Girl	3	0.2
<b>Total</b>		<b>1156</b>	<b>100</b>

**Table 2.4: City wise Data of Boys and Girls within the two States**

Name of State	City	Boys and Girls	Number	Percent (%)
<b>Maharashtra</b>	Pune	Boy	105	9.1
		Girl	3	0.3
	Mumbai	Boy	597	51.6
		Girl	20	1.7
	Nagpur	Boy	55	4.8
		Girl	1	0.1
<b>Rajasthan</b>	Jaipur	Boy	204	17.6
		Girl	3	0.3
	Jodhpur	Boy	101	8.7
		Girl	0	0.0
	Kota	Boy	67	5.8
		Girl	0	0.0
<b>Total</b>			<b>1156</b>	<b>100</b>

### **Pilot Testing**

All tools were pilot tested with appropriate number of participants and necessary modifications were made.

### **Data Analysis**

The two sets of primary and secondary data were collected and analyzed independently. Thereafter as per the mixed methods research the findings were integrated for synthesis.

### **Analysis of Quantitative Data**

Data analysis was conducted by using the Statistical Package for Social Sciences (SPSS), using descriptive statistics for the appropriate variables. The data collected was edited to check for errors and completeness. Thereafter a code book was prepared. After pre-testing of the code book, coding was undertaken, and verified. Data was coded directly into the computer. For open ended questions, it was entered in the SPSS as it is and then later on quantified into categories.

### **Analysis of Qualitative Data**

Qualitative data was analyzed based on the qualitative research paradigm, using thematic analysis relevant to the emergent points from the case studies and the interviews with the functionaries and other significant adults.

The key findings have been analyzed within the framework of the Juvenile Justice (Care and Protection of Children) Act, 2000. The mandate of the juvenile justice legislation, and the current field situation were viewed together to arrive at an understanding of the expected outcome and the prevailing reality. The findings of both the States have been integrated as they were similar and better suited for a more comprehensive analysis rather than fragmenting. Situations unique to each State have been presented separately.



## **Experience of Data Collection**

The data collection was during August 2015-October 2015. Efforts were made to reach out to every component of the Study. Valuable data had been obtained. The experience of data collection had been both challenging and enriching. Insightful information emerged on different aspects of the juvenile justice system. Given below are highlights of the experience:

### ***Primary Data***

- Initially it was decided to select the juveniles through a random process. Juveniles who matched the criteria were identified. However, though some juveniles were willing, practical difficulties expressed by the juveniles, especially those on bail (some were in school, others were working), prevented some of them from participating. In some of the cases, addresses were not known and the juvenile was on bail. Primary data was thus obtained purposively based on availability of the juvenile and the time available for the juvenile.
- It was relatively easier to obtain the data from the juveniles residing in the Observation Home and the Special Home. Appointments were taken from the Superintendent and based on the schedule and time table of the juveniles within these Homes, permission was granted for a few hours each day.
- For the juveniles on bail, the Magistrates were requested to suggest names of juveniles who would be coming to the Board on dates of the inquiry. In some of the places there were NGOs working with the juveniles. They too were requested to forward names of the juveniles. On the basis of information received, the juveniles were contacted. Juveniles who were available and not too preoccupied with their 'case' 'hearing' before the Juvenile Justice Board (JJB) consented to participate in the study. This decision was also determined by the consent of their parent/family/guardian. Sometimes, the lawyer representing their 'case' before the JJB also indirectly influenced this decision. Parents would consult them and take their opinion as well as there was apprehension whether the participation in the data collection would impact the outcome of their child's pending case. Some families declined permission to interview their children. Based on all of these factors only a certain number of juveniles could be 'interviewed' for this study.

- For the juveniles whose cases were closed and they were currently at home with their parent/family/guardian, the experience of data collection was challenging. In majority of the closed cases, it was very difficult to trace the juveniles. The address was not complete and there were very few contact details available with the authorities. Further in some of the cities, the juveniles lived almost 80-100 kms away from the Juvenile Justice Board. Within the limited time available for data collection and a very small team of staff, it was not feasible to travel without any confirmation about the availability of the juvenile or his willingness to participate in the study. Further, in some of the cases where juveniles were contacted, there were a range of feelings from ambivalence to anger expressed by their family. They wanted to know the reason for contacting them when everything was over and they did not want to re-live the negative experience of arrest and having been a 'juvenile in conflict with law', In two instances, the Research Officer who reached their house was viewed with suspicion and asked to leave the house.
- Some of the juveniles for the case studies were referred by the NGOs working with the JJBs. These juveniles were willing to participate. They are doing well, had received positive inputs from the JJB/ NGO and were hopeful about the future. Their enthusiasm reflected and emphasized that in cases where the Board/NGO had played a positive role, juveniles invariably benefitted and moved towards a stable life.
- For the 'case studies' of closed cases, every effort was made to locate some of the juveniles and explore their life situation after the 'case' was closed. The study includes case studies of 39 juveniles whose cases had been "closed" by the JJB and who were either admitted in the Special Home or were living in their own homes with their family/guardian.

### *Interview with Significant Adults*

- In this arena, two groups were covered; parents/guardian of the juveniles, key functionaries within the juvenile justice system, and allied supports such as NGO social workers
- Interviews with parents/guardian were few for a variety of reasons. Parents were apprehensive of sharing about their experience of the juvenile justice system. Majority of them were from poorer socio economic backgrounds. They did not agree to give an

interview, and many of them did not have the time to spare. They were anxious/pre-occupied with their child's 'case' on the date of 'hearing' and seemed to be struggling to manage everything. It was not feasible to do home visits to every parents' house. The interviews were scheduled on the dates they came before the Observation Home or the Juvenile Justice Board.

- Interviews with almost all functionaries and other significant adults associated with the juvenile justice system were conducted as scheduled. As permissions had been obtained, functionaries spared time and shared their experiences. Valuable information was obtained regarding the current functioning of the juvenile justice system and suggestions for improvement.

### **Secondary Data collection**

Records of different case files from all the Juvenile Justice Boards were examined. This gives an insight of the offence charges, nature of Final Order passed and other details. These files were all of 'closed' cases. Secondary data was obtained based on availability of the case records, access to them, and the time available to peruse them.

### **Challenges in Data Collection**

- Juvenile crime is a specialized subject. Getting experienced persons for data collection for a short duration was difficult.
- Long waiting hours to get access to the documents such as case files and records was another challenge within the stated time lines.
- Almost all interviews were conducted during office hours of the functionaries which resulted in delay in getting appointments and managing frequent work related interruptions.
- Sudden occurrence of emergency situations such as a juvenile trying to run away or attempting suicide ended up in sudden change in the pre scheduled interviews as functionaries got occupied.
- Considerable time was spent in identifying juveniles, parents, gaining their trust, and developing a positive relationship. The research team also did not 'hurry' the

juvenile/parent and ensured that they voluntarily participated without any feeling of compulsion.

### **Limitations of the Study**

- The results of the study cannot be generalized to the population.
- The context of the interview could have also impacted the responses of the juveniles as majority had pending 'cases' before the Juvenile Justice Board. Moreover there is also a probability that some of the juveniles may have shared more candidly about the juvenile justice system if the interviews had been conducted in places other than the premises other than the Juvenile Justice Boards/ Observation Homes/ Special Homes.
- The responses given by the parents too were cautious and guarded as the cases of the children were pending before the Juvenile Justice Board and hence they were not inclined to give elaborate answers. Parents had fear and anxiety to share their views. They were especially not very keen to give their suggestions about the juvenile justice system.
- Initially it was planned that all the parents of the juveniles selected for the study would be included. However, as some of the parents were not willing to give an interview, other parents who were willing to participate in the study and had their children's cases pending before the Juvenile Justice Board were included.

### **Ethical Considerations**

Before the start of the interview, permission was obtained from the participants for the interview. Confidentiality and anonymity was assured. The roles of the researcher and juvenile, purpose of the interview, the estimated time required, and type of questions were shared. The ethical guidelines were primarily prepared around the following areas:

- The purpose of the study was clearly outlined prior to the interview. It was shared with the juveniles/parents that while the scope of the study did not include interventions, the findings would help to generate greater awareness about the needs of the juveniles and scope for effective rehabilitation.
- Participation in the interviews was voluntary.
- All personal information pertaining to the juveniles would be kept confidential and used for research purposes only.

- Participants were also given the option to withdrawing from the interview at any stage of the research.
- Names of the juveniles or any other identifying information would not be used anywhere in the study.
- Only the designations of functionaries would be provided in the final report as it is linked to roles and responsibilities within the juvenile justice system.
- Permission was obtained to voice record the session from each individual participant. Whenever recording was not possible, detailed notes were taken.
- Interviews with the juveniles and significant adults were conducted either at the premises of the Observation Home, Special Home, Juvenile Justice Board, and/ or at a convenient place and time, as mutually decided.

## Chapter 3: Understanding Juveniles in Conflict with Law

This chapter delves into the profile of juveniles in conflict with law<sup>3</sup> alongside analyzing the overall trend and magnitude of juvenile offence. It primarily includes the findings from the primary data (juvenile data, parent data, and case studies) and secondary data (Juvenile Justice Board case files). Additionally, Police Crime in India Report of several years were examined. Data from Maharashtra and Rajasthan have not been separated as the findings pertaining to the juveniles were almost identical. Situation unique to each State have been presented separately wherever required.

### 3.1 Trend and Magnitude of Juvenile Offence

Though, the overall trend and pattern of offences have apparently not changed over time, the nature and form of some of the offences have undergone some alterations due to different kinds of developments and progress in society. For example, in the 1960s, there was a separate section on ‘cattle theft’ and ‘ordinary theft’. In contemporary society, theft of mobile phones would probably be much higher than cattle theft. In the Crime in India Police Report (2015), a newer category of juveniles have been highlighted under ‘Causing injuries under rash driving/ road rage’. Nonetheless, theft has always been the highest form of juvenile offence. Further, it is also difficult to analyze whether the incidences of some of the offences have increased. It is not known whether the offence has increased in real terms or there is more vigilant reporting.

#### 3.1.1 Proportion of Juvenile Crime to Adult Crime

The police records are indicative of the kind of children who are coming within the juvenile justice system. Such records may not necessarily give a completely accurate picture of the reality, as the statistics are dependent on reporting of juvenile cases and most importantly, subsequent police action and other factors. Nonetheless, for the children who do come within the system and get officially registered, police records have a significant implication on the kind of

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<sup>3</sup> The term ‘Juvenile in Conflict with Law’ is no longer in use. The new Juvenile Justice (Care and Protection of children) Act, 2015 has the term ‘Child in Conflict with Law’. Since this study has been based on the earlier Juvenile Justice (Care and Protection of children) Act of 2000, terms have been used as per the earlier Juvenile Justice Act of 2000

rehabilitative programmes and other process-oriented work that have to be developed for this group.

Information about juvenile crime in the police report too has evolved based on changes in the law and national and international developments. From 1960<sup>4</sup> onwards, separate mention was made of “Juvenile Delinquency Statistics” in police crime data. At that time, the percentage of juvenile crimes to total adult crimes was around 2.5%. This was due to the fact that in the initial period young persons upto the age of 21 years were listed as ‘juveniles’. Data regarding three age groups-7-12 years, 12-17 years, and 17-21 years were provided<sup>5</sup>. Moreover, around that time, children who were in begging, apprehended in brothels, intoxicated, smoking, had no place of residence etc. were also grouped under the category of “miscellaneous” under ‘Heads of Crime’. These behaviours are no longer considered as ‘crime’. Such children would be considered as ‘child in need of care and protection’ under the juvenile justice system.

In 1988, the total percentage of juvenile crimes to adult crimes decreased from 2.4% to 0.7%. By this time, the definition of ‘juveniles’ had changed; juveniles were considered as boys upto sixteen years and girls upto eighteen years as per Juvenile Justice Act of 1986<sup>6</sup>. In the year 2001, the percentage again increased from 0.5% to 0.9% as the Juvenile Justice (Care and Protection of Children) Act, 2000<sup>7</sup> increased the age of boy juveniles from sixteen to eighteen years. Over the past fifty years the proportion of juvenile crimes to total crimes has been between 1% and 2%. This has been closely linked to age definition of a ‘juvenile’ which has changed over time. Since 2000 to till date, the proportion of crime has remained around 1%. As per the Crime in India Report (2014), the share of IPC (Indian Penal Code) crimes committed by juveniles to the total IPC crimes reported in the country was 1.2%. Though there was an increase from 0.9% in 2001

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<sup>4</sup> In 1954 the first standardised Crime in India Police Report was published. There was no separate mention of juvenile offenders. The Second United Nations World Congress in 1960 resolved that juvenile crime figures should relate to cognizable offences and offences for which adults cannot be charged must not be included in the statistics on juvenile delinquency. The Crime in India Report started following this principle since 1960. ([ncrb.nic.in/statpublications/c11/c11960/cii-1960/INTRODUCTION.pdf](http://ncrb.nic.in/statpublications/c11/c11960/cii-1960/INTRODUCTION.pdf))

<sup>5</sup> From the year 1971, four age groups were formed in police crime data and 16- 21 years were further categorised into two groups-16-18 and 18-21 years.

<sup>6</sup> The Juvenile Justice Act, 1986 was the first uniform legislation in India. It was enacted after the 1985 Beijing Conference and formulation of ‘Beijing Rules’

<sup>7</sup> The Juvenile Justice (Care and Protection of Children) Act, 2000 was formulated after India ratified the Convention on the Rights of the Child, 1989

to 1.2% in 2014, the Crime in India Report (2015) states that ‘the share (of juvenile crime of total IPC crimes) has marginally decreased to 1.1%’. Thus, the change in total number of juvenile crimes does not seem as substantial as public perception of the same.

### *3.1.2 Incidence and Nature of Offence Charges*

In 2014, Madhya Pradesh, Maharashtra, Bihar, and Rajasthan were among the four States with the highest incidence of cases registered under IPC (Indian Penal Code)<sup>8</sup>. Way back in 1960, in the first police report to separately include data on juvenile offence, Maharashtra<sup>9</sup> was among the States which had the highest incidence of juvenile crime. The trend continues till date and there could be various factors that could explain this phenomenon.

In terms of the nature of offences, over the years, theft<sup>10</sup> and robbery have always accounted for the highest number of crimes<sup>11</sup> followed by hurt and assault. In 2015, the highest share of cases registered against juveniles were reported under the crime head ‘theft’ (19.2%), ‘rape’ (5.4%), and kidnapping and abduction (5.2%) and ‘Causing injuries under rash driving/road rage’ (4.9%). These five crime heads have together accounted for 43.0% of total IPC cases (31,396 cases) of juveniles in conflict with law<sup>12</sup>.

In this study, among the 1156 JJB case files examined (secondary data), majority of the offence charges (899 juveniles; 77.8%) were registered under different sections of the Indian Penal Code (IPC). Fewer juveniles (129 juveniles; 11.2%) were registered under Special and Local Laws

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<sup>8</sup> Madhya Pradesh (6,320 cases), Maharashtra (5,482 cases), Bihar (1,562 cases), Rajasthan (2,126 cases), Delhi (2,332 cases), Chhattisgarh (1,788 cases) and Tamil Nadu (1,483 cases) taken together (seven States) have accounted for 67.2% of total cases under IPC related to juveniles in conflict with law in the country. (Crime in India, 2015)

<sup>9</sup> Bombay and Madras had a separate mention and even in 1960 Bombay and Maharashtra together were among the places with the highest incidence of juvenile crimes.

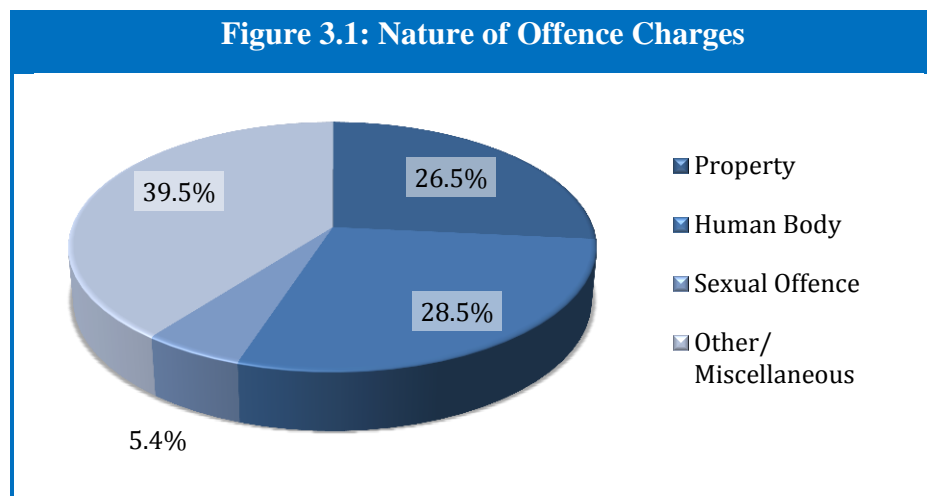
<sup>10</sup> Thefts then were classified as ‘ordinary’ thefts and ‘cattle thefts’.

<sup>11</sup> In a 1966 Crime in India Report nearly 60 % of the juveniles were under charges of theft, cattle theft, robbery, and house breaking

<sup>12</sup> Maharashtra (1,279 cases), Delhi (669 cases), Madhya Pradesh (458 cases), Rajasthan (412 cases), Tamil Nadu (432 cases) and Andhra Pradesh (399) have reported high number of cases of theft registered against juveniles. These six States taken together have accounted for 60.4% of total such cases (3,649) reported in the country. Maximum cases of kidnaping & abduction registered against the juvenile in the country were reported from Madhya Pradesh (299 cases), Uttar Pradesh (145 cases), Bihar (298) and Chhattisgarh (230 cases); they together accounted for 59.6% of total cases (972) reported in the country (Crime in India, 2015).



(SLL) or a combination of both IPC and SLL (128 juveniles; 11.1%)<sup>13</sup>. A large number of the juveniles (306; 26.5%) had come under theft charges (see Figure.3.1) and for Offence charges against human body (330; 28.5%). A small percentage of juveniles (63; 5.4%) had been apprehended under offence charges related to sexual abuse along with other persons. The remaining juveniles (457; 39.5%) were under other/miscellaneous charges.



U/S 34 of IPC<sup>14</sup>: It was also important to note whether the juvenile was alone or in the company of others during the episode of the alleged offence. It was found (see Table 3.1) that among the 1156 case files of juveniles, 443 juveniles (38%) had offence charges with U/S 34 of IPC. Further, the number of juveniles who had committed offences along with others, against the human body, was marginally higher than juveniles who had committed offences against property along with others.

The juveniles, as well as parents who were interviewed in the study shared that several juveniles committed offences along with peers/groups. Some of the juveniles among them also got into addiction and thereafter committed theft to meet expenses for addiction.

<sup>13</sup> According to Crime in India, 2015, 31,396 juveniles were apprehended under IPC crimes while 2,037 juveniles were apprehended for cases under SLL crimes. The majority of the juveniles were apprehended for theft (7,936) followed by criminal trespass & burglary (3,632), rape (1,841) and robbery (1,838).

<sup>14</sup> **Section 34 of the Indian Penal Code** - Acts done by several persons in furtherance of common intention- When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

In the juvenile justice system, the offence charge is not the sole determining factor for subsequent Orders of the Juvenile Justice Board or the Final Order. Nonetheless, it gives a glimpse of the allegations against the juvenile and can become one of the starting points for in-depth work with the juvenile. If the juvenile was allegedly in the company of others, that too needs to be taken into consideration to ascertain the involvement or influence of peer group and others, if any, and the next steps that would be required towards addressing the same.

**Table 3.1: Total Number of Cases under IPC Section along with U/S 34 of IPC**

Offence Charge	Number	Percent (%)
Offences against Property/Offences against Property and Human Body	208	47.0
Offence affecting the Human Body/ Offences against Human Body and other Offences	219	49.4
Sexual Offences	13	2.9
Other/ Miscellaneous	3	0.7
<b>Total</b>	<b>443</b>	<b>100</b>

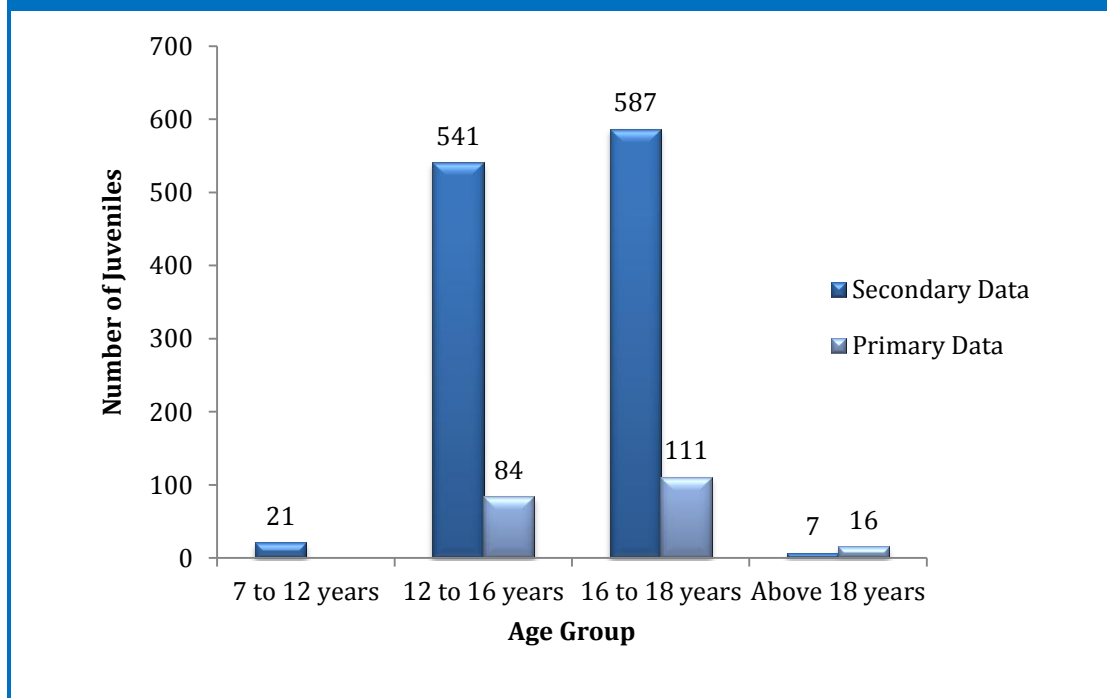
### 3.1.3 The Age of the Juvenile

Among the 1156 case files, majority of the juveniles were between 16 and 18 years of age (587 juveniles; 50.8%) This was followed by around 541 juveniles (46.8%) in the age group of 12 and 16 years. There was a small group of juveniles (21; 1.8%) in the younger age group. This age distribution was also reflected in the primary data (see Figure 3.2). The police Crime in India Report<sup>15</sup>(2015) too have similar statistics about the ages of children. This implied that the rehabilitation programmes planned for the juveniles should be standardized age-appropriate programmes for different age groups and specific individual programmes addressing individual needs. Further, within the case files examined, seven juveniles (0.6%) were above eighteen years of age. Youth based programmes would be required for this group of young persons.

Among the 211 juveniles interviewed, majority (111 juveniles; 52%) were under the category of 16 to 18 years of age whereas 84 juveniles (39%) were under 12 to 16 years of age group. Remaining 16 juveniles (8%) were in the age group of above 18 years of age

<sup>15</sup> In 2015, a large majority of the juveniles for IPC and SLL crimes were in the age group between sixteen and eighteen years (71.8%), followed by 12-16 yrs. (26.7%). Only 1.4% is in the age group 7-12 years.

**Figure 3.2: Distribution of Age in Secondary as well as Primary Data**



Children allegedly committing offences have always been in the older age group (above 16 years of age). This does not simply mean that older children develop greater proneness to offence. The period of 16-18 years is also within the adolescent phase of life. Among other physical and psychological changes, adolescence is an age where friends exert considerable influence over the child's behaviour. Adolescents who had the opportunity to develop a positive relationship with an adult role model were usually better supported and more successful than their peers, in coping with the stresses in everyday life. They received timely/appropriate adult guidance and care. The high percentage of offenders in the age group of 16-18 years has significant implications on the kind of rehabilitation being planned.

The juvenile justice system, although legally meant for “children” has to gear itself for work with older children, who are part of “youth” or on the threshold of adulthood. Some may even complete eighteen years of age during the inquiry of their case. Therefore, rehabilitation has to be more youth focused and be designed such that it continues to remain relevant even after the juvenile had ceased to be a “child” (Nigudkar, 2013).

### *3.1.4 Religious and Social Identity*

In the juvenile data, among the 211 juveniles interviewed, 142 juveniles (67.2%) belonged to Hindu religion followed by Islam with 51 juveniles (24.1%), Buddhist (16 juveniles; 7.5%) and Christian (2 juveniles).

The caste-wise distinctions showed that 108 juveniles (51%) belonged to General Category whereas 40 juveniles (19%) belonged to Scheduled Caste, and OBC (52 juveniles; 25%). There were a few juveniles who were from Scheduled Tribe (7 juveniles; 3%) and four juveniles were from Nomadic Tribe.

### *3.1.5 The Family Context*

The 1968 Police Report<sup>16</sup> found that 70% of the juveniles were living with their parents. The remaining 30% were either with guardians or were homeless. Even today, juveniles in conflict with law were usually staying with their families. A very small percentage of juveniles were actually homeless or destitute. This is corroborated by the findings of this study wherein very few juveniles (3%) were found to be on their own. Thus, while planning the

One of the earliest studies in India on juvenile delinquency was by Doraiswamy (1940). “100 cases of juvenile delinquency” were examined in Madras (now known as Chennai). The findings reveal that fifty seven of the 100 homes were considered to be “broken homes” with the father or mother dead or had deserted the family, or had a step parent situation at home. Majority of the parents did not have education beyond primary class. Only fifty nine out of the 100 children had some schooling. Though the situation has improved to some extent, the profile largely remains the same. Unfortunately knowledge of this profile has not led to adequate corrective actions to prevent juvenile offence.

rehabilitation programme, on one hand, in-depth work with every family is required. On the other, destitute or homeless juveniles require special attention and support.

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<sup>16</sup> From the 1968 report onwards, there was a separate chapter on ‘juvenile delinquency’. The socio economic background of the juveniles were introduced during this year.

The socio economic profile of the juvenile continues to largely remain the same as per earlier research studies and crime in India Police report. This has been further elaborated upon in the next part of the chapter. As per the Crime in India Report (2015), majority of the juveniles were from a lower socio-economic background (42.4%) whose annual income was upto Rs.25,000. Another 28.2% of juveniles had families whose annual incomes were between Rs.25,000 and Rs.50,000. These groups accounted for nearly 70.6% of juveniles in conflict with law<sup>17</sup>. Further the report also indicates that 85.6% juveniles were living with their parents. Thus, the overall trend in the study showed that the juveniles were primarily staying with their families and a large number of them belonged to families with a low socio-economic background.

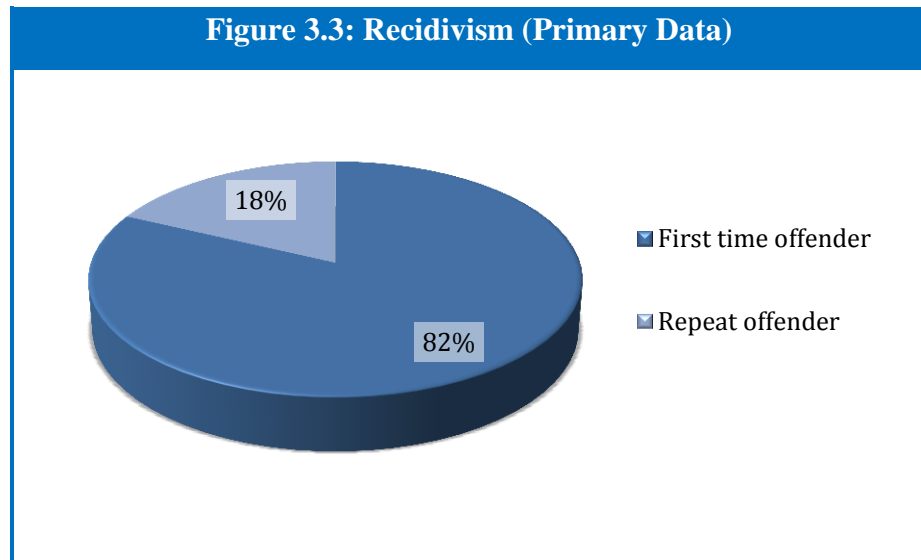
### **3.1.6 Recidivism or Repeat Offenders**

- While the police data do not mention statistics on repeat offenders, earlier studies have indicated that number of repeat offenders is low (e.g. ECHO, 2014; Nigudkar, 2013). In a study by ECHO (2014), out of 2500 case files of juveniles in Karnataka, 80% juveniles were first time offenders while only 7% were repeat offenders. This indicated that in most cases juveniles were apprehended or brought into the justice system on their first offence itself. According to ECHO (2014), providing the effective responses and rehabilitative mechanisms through the juvenile justice board, children's institutions, and child welfare committees is considered an opportunity to provide necessary inputs that could curb the chances of repeat offences.
- In this study too, among the 211 juveniles interviewed, 174 juveniles (82%) indicated that they were the first time offenders whereas only 37 juveniles (18%) mentioned that they were repeat offenders (see Figure 3.3). Among the 37 juveniles who were repeat offenders, at the time of data collection, 33 (89.2%) were staying in the Observation Home and four (10.8%) of them were on bail. *While planning the rehabilitative programme, the approaches for both groups of juveniles needed to be a little different. For first time offenders, thorough assessments of the circumstances were important. While for repeat offenders, it is necessary to analyze the reasons for failure of the juvenile justice System to provide appropriate positive inputs when the juvenile justice*

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<sup>17</sup> According to Crime in India (2015), the share of juveniles hailing from income group (Rs.50,000 – Rs.2,00,000) was 25.9%. The share of juveniles from families income group (Rs. 2lakh to Rs. 3lakh) and income group (above 3 lakh) was low at 2.3% and 1.1% of total juveniles apprehended respectively.

*system had been admitted for the first time.*



## 3.2 Life Situation of Juveniles in Conflict with Law

During the formative years, education, income of the family, fulfillments of physical needs, health, positive relationships with family and peers are some of the critical components for the child's growth and well-being. The study delves into each of these aspects to gain insights about the life situation of the juveniles. The neighbourhood or the external environment too influences the child. Hence some information about the neighbourhood has been gathered for better understanding their immediate environment.

This section has three parts:

**3.2.1 Part A:** Findings from interviews with juveniles (either admitted in Observation Home or on bail)

**3.2.2 Part B:** Findings from interviews with parents of juveniles whose cases are pending

**3.2.3 Part C:** Analysis of the Case studies

### 3.2.1 Part A: Findings from Interviews with Juveniles

Part A includes findings that have emerged from the interviews with the 211 juveniles (either admitted in Observation Home or on bail). At the time of data collection, all of their cases were at different stages of inquiry before the Juvenile Justice Board. For majority of the instances, both the groups of juveniles (either admitted in Observation Home or on bail) have been analyzed together with the exception of a few situations unique to each group of juveniles.

### Education and Schooling Experience

Juveniles were asked not only about their educational profile but also other aspects of the schooling experience. In terms of enrollment, 33 juveniles (16%) had no education. One juvenile was literate but had no formal education. 18 juveniles (9%) had studied

Among the 98 juveniles who were school, 35 juveniles (35.7%) were admitted in the Observation Home. If not released on bail within a few days, these juveniles lose out on attending school. Further 63 (64.3%) of them were on bail. However, it was found that after release on bail only 35 juveniles (55.6%) had re-joined the school. The remaining 28 juveniles (44.4%) were yet to re-join school. this is an important aspect that requires follow up.

upto primary school. The majority (92 juveniles; 43.6%) were educated till middle school level whereas 41 juveniles (19.4%) had studied till the tenth standard (secondary school). Only 18 juveniles (8.5%) had completed 12<sup>th</sup> Standard (higher secondary school). Seven juveniles (3.3%) had reached graduation level and one juvenile had completed a Diploma programme (Short term training course).

### Experience of Juveniles who were Currently Going to School

98 juveniles were currently enrolled in school (46%) whereas majority (113 juveniles; 54%) had dropped out. Box 3.1 provides some of the reasons for children ‘dropping out’ of school.

➤ **‘Performance’ at School:** Forty six juveniles (46.9%) perceived that they did well in school with ‘good results’. Another 21 juveniles (21.4%) perceived their performance was ‘okay’ in school. 10 juveniles (10.2%) shared that their results were not good in school. 14 juveniles (14.3%) did not respond while 7 juveniles (7.1%) gave variety of responses such as, was interested in studying, going outside with friends so could not concentrate on studies, and was scared of exam results. None of the

#### Box 3.1: Reasons for School ‘Drop out’: Study Findings

- Did not want to study
- Simply stopped going to school
- Death of father; started working
- Health problem
- “Bad company” of friends, got “spoilt”
- School closed down
- Police went to enquire about juvenile in school, hence juvenile was suspended
- Doing mischief in class
- Needed to help family in farm work
- Failed in exam, hence left school
- Got suspended due to fight with other boys
- Got married

juveniles had been ever expelled or suspended from school. One juvenile mentioned about trouble with the teachers over keeping ‘long hair’, and two other spoke about fighting with a friend.

➤ **Support for Studies:** 27 juveniles (27.6%) were going to additional coaching classes. The remaining juveniles were doing self-study. A few juveniles did not want to respond to this question.



- **Friends at School:** Among the 98 juveniles who went to school, 81 juveniles (82.7%) shared that they had friends from their school. They also had friends who were either in college or were working. 17 juveniles (17.3%) mentioned that they had no friends. Those who did not have friends in school were further asked to elaborate on the same. Their responses were varied. While some pointed out that they did not like friends, others shared that the children in school were not ‘good’ and had bad habits like chewing tobacco. One of the juveniles shared that he had always had been living alone as his family did not allow friends. A few juveniles did not respond to this question.
  
- **School Attendance:** Out of the 98 juveniles who were enrolled in school, 69 (70.4%) shared that before coming within the juvenile justice system/Observation Home, they were able to attend school regularly whereas remaining 29 juveniles (29.6%) were not, even otherwise, attending school regularly.
  
- **School related Difficulties:** Thirty-three juveniles (33.7%) mentioned that that they did not have any difficulties/ problem in the school. Five juveniles (5.1%) stated that they had problems with their teacher. 24 juveniles (24.5%) mentioned that they had difficulty in understanding various subjects taught in school. Seven juveniles gave diverse reasons such as health problems, study-related difficulties, death of father, lack of interest in studies, and taking up a job. 29 juveniles (29.6%) did not respond to the question.

While planning the rehabilitation program, one must consider that if a juvenile is going to school, then concrete steps are required in the Individual Child Care Plan to ensure that he/she continued with schooling and received the required support. Admission in the Observation Home must not disrupt the child’s school schedule. While it may not be possible that every juvenile gets bail immediately, the Juvenile Justice Board (JJB) needs to be vigilant about the continuation of school or education. Even during bail, the JJB may consider writing about it in the Bail Order itself with ‘conditions’ of monitoring or supervision over the juvenile wherever deemed necessary.

### **‘Drop out’ Juveniles**

Out of 113 juveniles not attending school, 28 juveniles (24.8%) indicated that they had never been to school. 25 juveniles (22.1%) mentioned that they did not want to study. 15 juveniles (13.3%) stated that they had simply ‘dropped out’ school. 12 juveniles (10.6%) mentioned a variety of responses such as failing in the exam, nobody to work on their farm, fighting with other students in school, and getting influenced by the friends. Two juveniles mentioned about death of their parents (1.8%) and 31 juveniles (27.4%) did not want to respond to the question.

Dropping out of school meant a large amount of unoccupied time and a growing feeling of inadequacy. McGuffey et al (1990) in their study on self-esteem of delinquent children found a strong co-relation between low self-esteem and delinquency. Their findings indicate that youth who felt good about themselves and their potential for success did not usually engage in risk taking behaviour. Therefore, during assessment, it is imperative to find out the reasons for discontinuing with school and take suitable steps and plan for alternatives

### **The Family Context**

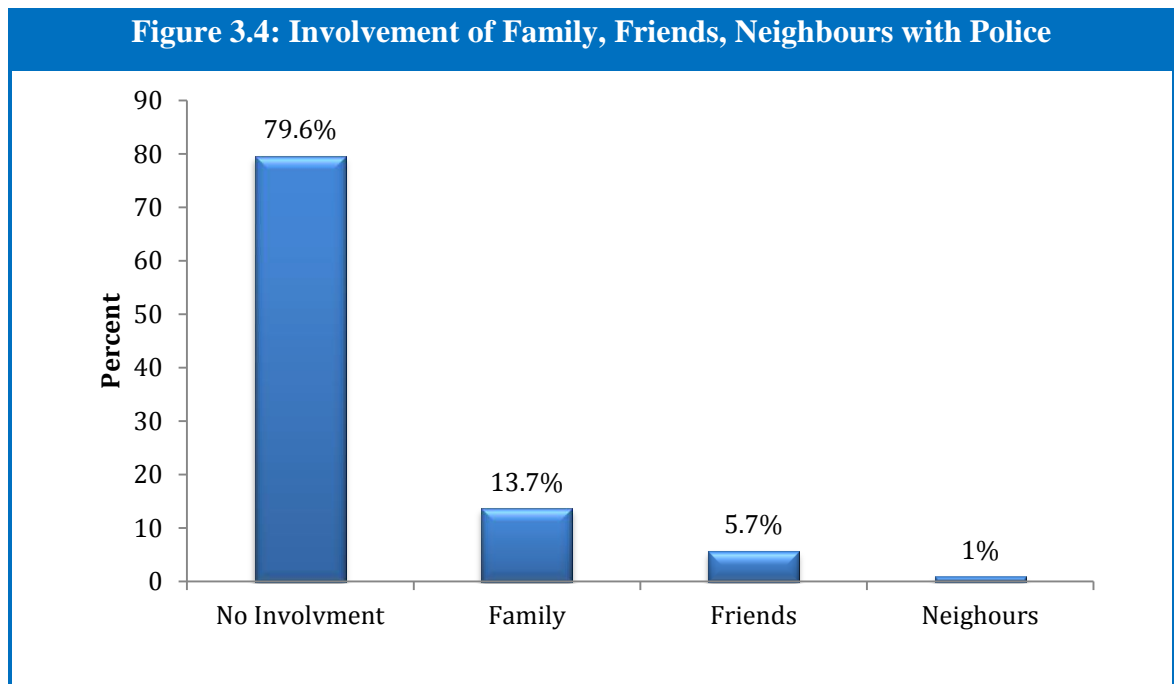
This section presents an overview of the different aspects of the juvenile’s family:

- **Family Composition:** Two Hundred and five out of 211 juveniles (97.1%) were living with their family comprising largely of parents and siblings. A few of the juveniles among them had other relatives too living with them. Overall, 137 juveniles (66.8%) mentioned that father was the ‘head’ of the family while 47 juveniles (22.9%) indicated that mother was the ‘head’ of the family. Six juveniles mentioned that they were on their own. The remaining 21 (10.2%) juveniles mentioned about their grandmothers, brothers or uncles as ‘heads’ of the family.
  
- **Income:** One hundred and fifty-eight juveniles (75%) indicated that they knew about their monthly household income. Among them, 65 juveniles (31%) mentioned that their monthly household income was between Rs.4001 and Rs.8000; followed by 33 juveniles (16%) with an income between Rs.8001 and Rs.12000; 18 juveniles (9%) with an income between Rs.12001 and Rs.16000; 23 juveniles (11%) with an income less than and equal

to Rs.4000; and 17 juveniles (8%) with an income of Rs.160001 and above. Two juveniles were unable to give an approximate amount.

- **Basic Amenities within the House:** There were multiple responses. Almost all juveniles (190; 90%) had electricity in their house and 183 juveniles (87%) indicated having water facilities. Majority had basic amenities in their houses like 170 juveniles (81%) had toilet facilities followed by utensils (147 juveniles; 70%), and furniture (120 juveniles; 57%). However very few reported sanitation in the neighbourhood (76 juveniles; 36%). Interestingly, only 57 juveniles (27%) mentioned that there were books and other reading material in their house. While majority of the juveniles appeared to have basic facilities at home, a small percentage is nonetheless without basic amenities like electricity (21 juveniles), water (28 juveniles), sanitation (135 juveniles), and toilet facilities (41 juveniles).
  
- **Addiction in the Family:** Out of 211 participants, 110 juveniles (52%) indicated that there were no cases of addiction among the family, friends and neighbours while 73 juveniles (35%) shared that there was addiction within the family. Nature of addiction included multiple responses such as drinking alcohol, smoking, and tobacco chewing. Another 25 juveniles (12%) and three juveniles (1%) stated about addiction among friends and neighbours respectively. Among friends and family members who were addicted, 41 juveniles shared that the nature of addiction included drinking (19%), and tobacco chewing. Remaining juveniles gave a variety of responses such as smoking, gutkha, local drinks, ganja, 'solution' and other substances. When asked about any kind of treatment only eight juveniles mentioned that their family members had been for de-addiction treatment.
  
- **Involvement with the Police:** One hundred and sixty-eight juveniles (79.6%) (see Figure 3.4) indicated that there was no involvement of their family/friends/neighbours with the police or court for a criminal matter. Only a small percentage of juveniles (29 juveniles; 13.7%) mentioned that family members were involved with the police. Eleven among them (37.9%) mentioned that one of their family members had a 'police case'. 12

juveniles (5.7%) mentioned that their friends were involved and among them 6 juveniles (20.7%) reported that their friends were in jail. Two juveniles (1%) mentioned the involvement of neighbours. Among those who mentioned the involvement of family and friends with police or court, they further elaborated their responses about the nature of crime. The most common offences included robbery/theft case, dispute over agricultural land, etc. One juvenile was only aware about the involvement but was not aware of the details.



- **Conflict within the House:** The study found that 30 juveniles (14%) reported incidents of serious conflicts (strong arguments, fights, violence based on financial problem, lack of trust, poor respect, communication failure and unmet expectation) in their house. The participants further illustrated that most conflicts were related to household matters and arguments and/or alcoholism. A few shared that conflicts happened over ‘minor matters’ too. Five juveniles were unable to elaborate on reasons for conflict. The remaining 181 juveniles (86%) mentioned about not having any conflict in their house.
- **Impact of Offence on Relationships between Family and Juvenile:** Forty-one juveniles (19%) indicated that there were changes in the family interaction after episode of alleged offence while 170 juveniles (81%) stated that there were no changes. Among those who mentioned about the changes they further illustrated that their families were

upset with the incident, did not talk, give attention, would speak rudely, beat and blamed the juvenile. One juvenile mentioned that family was not willing to come to the Observation Home and meet him. Another shared that he himself has stopped talking to his parents as whenever they spoke, his parents start crying. Two juveniles also reported that they were not on talking terms with their families.

### **The External Environment: Neighbourhood Context**

Juveniles were asked to share the information about their neighbourhood/ locality where they were staying. Multiple responses were given by the juveniles on the information of their neighbourhood/locality.

- **General Profile of Community:** One hundred and three juveniles (48.8%) indicated that people were ‘good’ in their locality whereas only 11 juveniles (5.2%) shared that people were ‘not good’. Multiple as well as diverse responses were given by juveniles. Twenty-eight juveniles (13.3%) shared about most festivals being celebrated in the community. Another 71 juveniles (33.6%) stated that their community had predominantly people speaking one common language whereas 36 juveniles (17.1%) spoke about the heterogeneous languages in their community. 31 juveniles (14.7%) stayed in a community wherein there was one predominant religion being followed whereas 75 juveniles (35.5%) lived in multi-religious places. A large number of juveniles (101; 47.9%) mentioned that people were engaged in self-employed jobs or other kind of work. A large percentage of participants in the parent data too mentioned that the

#### **Box 3.2: Occupation in the Neighbourhood**

Thirty-six out of the 95 parents (38%) interviewed mentioned that the occupation in the neighbourhood was largely labour work and domestic work. Others (55 parents; 57.9%) spoke about occupations such as service, fishing, farming, own business, and driving. Four parents did not respond. 78 parents (82%) stated that there were no illegal activities in their neighbourhood. Four parents did mention about illegal activities while another 10 parents expressed that they did not know whether there were illegal activities in their neighbourhood.

occupation in their neighborhood was largely labour related work and other services (see Box 3.2). 157 juveniles (74.4%) indicated that most of the children in the community went to school whereas 39 juveniles (18.5%) indicated that children do not go to school. The remaining 15 juveniles (7.1%) were not very certain whether children went to school.

Thirty-one juveniles (14.7%) were unable to share anything. It is not known whether they did not want to speak about their neighbourhood or that they were not connected much with the community. One juvenile mentioned that he did not like to get involved in the community.

- **Participation of Juvenile in Community Activities:** One hundred and nineteen juveniles (56.4%) indicated that they participated in the community activities such as cultural activities, community sports or celebration of festivals. Among these, 119 juveniles who mentioned about participation in the community activities they were further asked about the activities in which they were involved. 55 juveniles (26.1%) indicated that they used to participate in all the community activities. Further 24 juveniles (11.4%) stated that they participated and celebrated community festivals, followed by participating in community sports (11 juveniles; 5.2%), and cultural activities (23 juveniles; 10.9%). Remaining six juveniles were not very clear in their responses though they mentioned that they occasionally participated in community related activities

Ninety-two juveniles (43.6%) stated that they did not participate. Reasons given for non-participation were not wanting to participate, people not 'good', getting bored, feel shy and awkward, going to village during festival celebration in community, there was no activity/celebration, family not approving or allowing, sometimes participating only with friends, participating in college sports, and fights may happen during such participation.

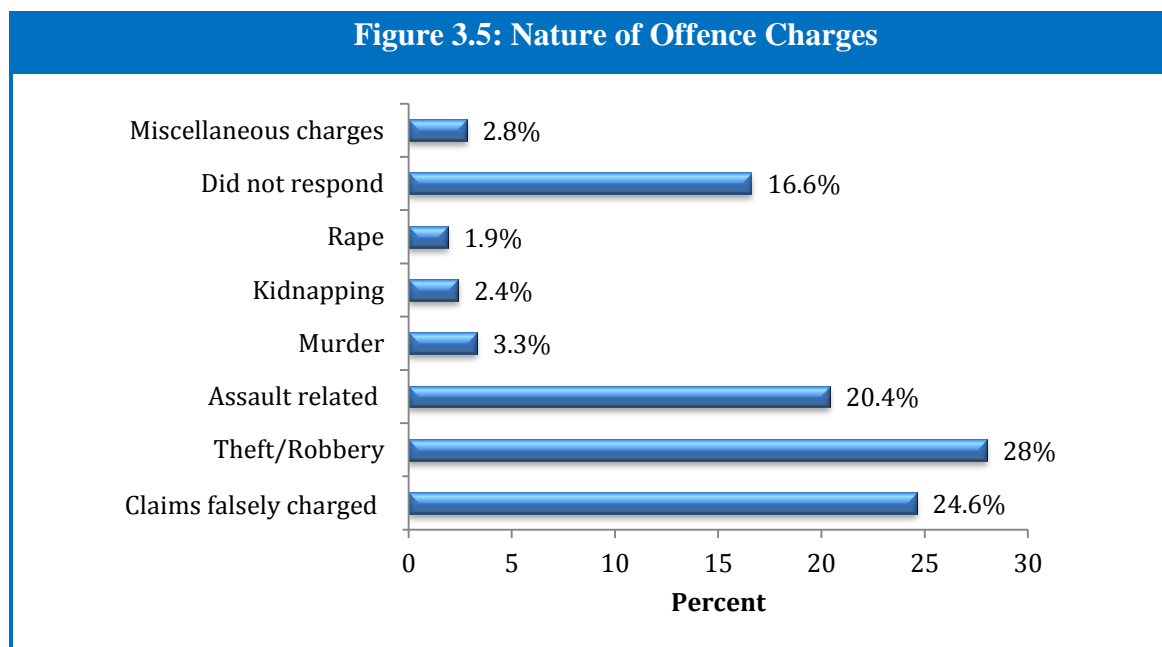
- **Witnessing Strife or ‘Fights’ in Neighbourhood:** Among the participants, 114 juveniles (54%) mentioned that they had witnessed ‘fights’ in the community whereas 97 juveniles (46%) answered in the negative. Among those who mentioned about seeing ‘fights’ they were asked to elaborate further. Among them, 69 juveniles (32.7%) indicated that fights used to take place ‘sometimes’ in the community, 29 juveniles (13.7%) shared that fights happened frequently. Eight juveniles (3.8%) shared that fight was not a frequent occurrence. When asked about the cause of the fights, the juveniles gave a varied response such as domestic/family matter, use of abusive words, fight over water, electricity, land issues, and over children’s issues, harassment of girls, and ‘ego’ issues. While the study has not quantified ‘frequency’ of fights or its severity, this question was asked to gain an insight into different aspects of community life and exposure to violence, if any.
  
- **Existence of Peer Groups or ‘Gangs’ in Community:** One hundred and ninety juveniles (90%) indicated that there were no peer groups or ‘gangs’ in the community. Nineteen juveniles among them shared that there were different gangs involved in different crimes (beating, murder, kidnapping, theft, inter group fights etc.). Two juveniles did not respond.
  
- **Involvement of Juvenile/ Family in Peer Groups or Gangs:** Majority of the juveniles (199 juveniles; 94.3%) stated that they were not part of any group or gang. Only three juveniles (1.4%) shared that their family member (brother, uncle) was involved in a gang. Another 12 juveniles (5.7%) shared about their own involvement. One juvenile was in a gang but subsequently left. One juvenile shared that he had no option but to remain in a gang as it was difficult to move away. Two of them were not in gangs but in peer groups who engaged in drinking/committing theft. One juvenile specifically mentioned about being part of a mobile phones theft group and seven juveniles did not respond. While statistically majority of the juveniles were not in groups or gangs, yet in a study of this nature, every juvenile’s testimony is important and rehabilitation has to be individual based.

- **Knowledge of Family about Friends/Peers:** Ninety juveniles (42.7%) stated that their family knew about their friends. 42 juveniles (19.9%) stated that their family did not know. A significant high number of juveniles (79 juveniles; 37.4%) stated that they did not know whether their family knew about their friends.

### About the ‘Offence’ and ‘Offence Charges’

While the offence charges is not the sole determining factor to plan rehabilitation, nonetheless, it gives a glimpse of the set of circumstances and can help in understanding the juvenile better. Different aspects of the alleged offence have been studied.

- **Nature of Charges:** Fifty-nine juveniles (28%) were under the charges of theft/ robbery and another 43 juveniles (20.4%) of the respondents were under assault related charges (see Figure 3.5). A large number of juveniles (52; 24.6%) emphasized that they were falsely charged. Four juveniles (1.9%), five juveniles (2.4%) and seven juveniles (3.3%) were under charges of rape, kidnapping, and murder respectively. 35 juveniles did not respond (16.6%). The remaining were under miscellaneous charges. 32 juveniles shared that they had used weapons (such as stone, pipe, rod, stick, ‘koyta’, cricket bat, and knife). The use of weapons indicated violence and whether the juvenile had witnessed/participated and/or got involved, knowingly or unknowingly, needed to be understood and accordingly worked with.



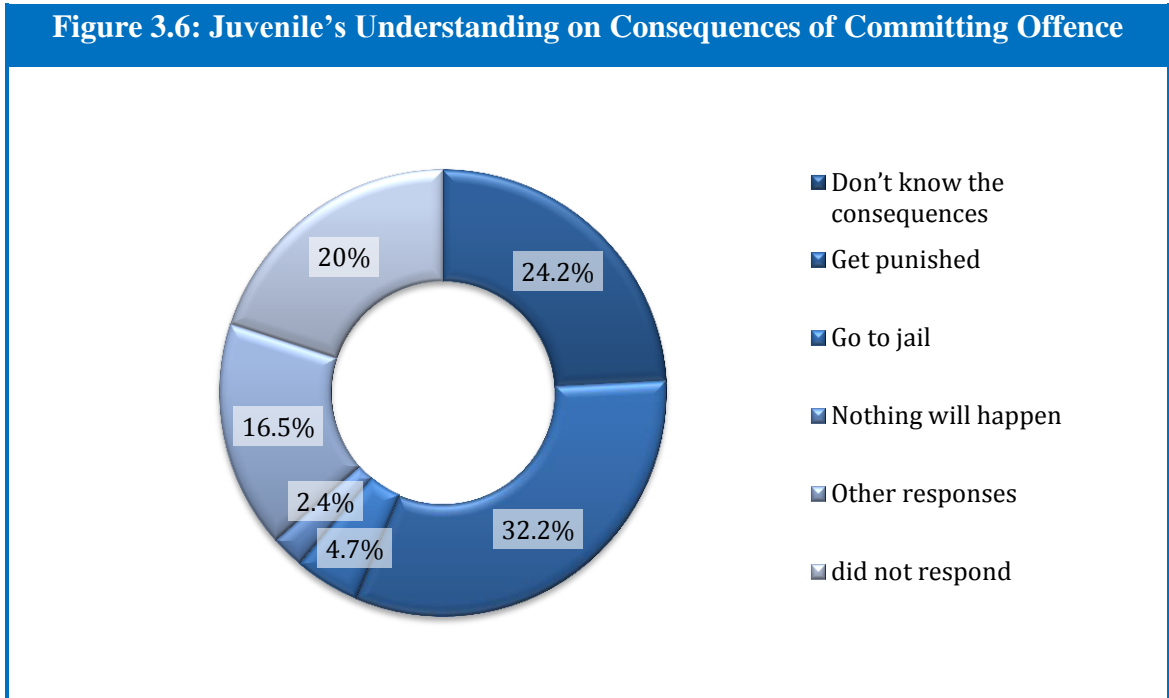


- **Knowledge of the Alleged ‘Victim’:** Sixty-six juveniles (31.3%) mentioned that the alleged victims were known to them whereas 85 juveniles (40.3%) mentioned that they do not know about the victim. Responses of another 60 juveniles (28.4%) were not clear; whether they did not want to respond or they did not know about the victim. For social reintegration this too needs to be understood further.
- **Planning the Alleged Offence:** Sixty-two juveniles (29.4%) mentioned that there was no prior planning of the offence. Six juveniles (2.8%) mentioned about the involvement of family members. 96 juveniles (45.5%) gave a variety of responses such as either they or their friends were involved in planning for the offences. 11 juveniles (5.2%) were vague in their responses. 36 juveniles (17.1%) did not respond.
- **Involvement in the Alleged Offence:** Eighty-five juveniles (40%) indicated that they had direct involvement in the offence while another 36 juveniles (17%) indicated that they were indirectly involved in the offence. 57 juveniles (27%) insisted that they did not have any involvement with the offence while 33 juveniles (16%) did not respond.
- **Prior Involvement in Offence but not ‘Caught’:** Fourteen juveniles (7%) out of 211 juveniles mentioned that they were in earlier offences but had not ‘caught’ by police. Out of them, 13 juveniles had been in theft and one juvenile in assault. This reinforces the fact that each time the child comes within the system, in-depth assessment must be done to address the circumstances that creates situations of offence.
- **Nature of Getting Apprehended:** Majority (51 juveniles; 24%) stated that they were arrested by police outside their house. In the case of 41 juveniles (19%) police came to the house of the juvenile and apprehended them. 53 juveniles (20%) self-surrendered themselves at the police station. For eight juveniles (4%) their family members took them to the police station. In the case of 12 juveniles (6%) they were taken to police station by others. Remaining 56 juveniles (27%) did not respond about how they got caught. When juveniles get apprehended in the presence of others, it impacts their stay in the neighbourhood and family too gets affected. Juveniles who self-surrendered or their

families themselves took the juvenile to the police can give us clues on the next steps in working with the juvenile/family while planning for rehabilitation.

- **Juveniles: Understanding of Consequences of ‘Breaking the Law’:** Juveniles were asked what they thought were the consequences of committing an offence. 41 juveniles (24.2%) indicated that they were not aware about the consequences of breaking the law. 68 juveniles (32.2%) expressed that they would get ‘punished’ and 10 juveniles (4.7%) indicated that they would go to jail. A few juveniles (5; 2.4%) stated that nothing would happen. Some spoke about loss of dignity/ education. Among ‘other’ responses some had feelings of remorse about what they did, some felt that it was a wrong thing, some felt guilty that their family members had got into trouble for no reason, some felt the burden of economic strain, had to now spend money on case related expenses, some missed their families, and some were worried about the impact on their job/livelihood. One juvenile perceived that with passage of time, the case became more complicated and difficult to resolve. Remaining 42 juveniles (20%) did not respond (see Figure 3.6).

**Figure 3.6: Juvenile’s Understanding on Consequences of Committing Offence**



## Health of the Juvenile

An attempt was made to find out whether any juvenile was undergoing medication for health problems and whether they had been hospitalized in the near past. 197 juveniles (93%) indicated that they had not been kept overnight in the hospital in last six months. Among the remaining who were kept in the hospital (14 juveniles; 7%) there were varied reasons such as fever, itching problem, road accident, injury, typhoid, de addiction, and kidney operation. Further 10 juveniles were taking medications. These were related to cold, cough, fever, and wound.

## ‘Self’ and Future Hopes: Findings from Juveniles Admitted in the Observation Home

- **Plans after Release on Bail:** Out of the 110 juveniles who were in the Observation Home, 48 juveniles (43.6%) planned to work. 21 juveniles (20%) wanted to continue with their education/vocational course/training. 17 juveniles (15.5%) were undecided and eight juveniles (7.3%) mentioned that they would take care of family/stay with family. Six juveniles (5.5%) mentioned that they would not repeat the offence again. Four juveniles (3.6%) were keen to work and study. Five juveniles (4.5%) gave other responses such as stopping addiction in future, and want to ‘be a good person’.

- **Support after Release on Bail:** Out of the 110 juveniles who were in the Observation Home, 76 Juveniles (70%) stated that their family members would help them settle back after release on bail and for further plans. A few mentioned about receiving help from their friends, neighbours, and other extended family members. A few juveniles did not know whether they would receive support (see Table 3.2).

**Table 3.2: Support after Release on Bail**

Who will Support After Release on Bail	Number	Percent (%)
Father	38	34.5
Mother	15	13.6
Parents	10	9.1
Family members	13	11.8
Other	12	10.9
Don't know	3	2.7
Friends	15	13.6
No response	4	3.6
<b>Total</b>	<b>110</b>	<b>100.0</b>

- **Occupation:** Sixty-two juveniles (56%) had been working before coming to the Observation Home. The nature of job ranged from daily wage labour, farming, driving, service and self-employed. The earnings of majority of the juveniles (30; 48%) were between Rs.4000 and Rs.8000. 10 juveniles (16%) had monthly earnings less than and equal to Rs. 4000. 19 juveniles (31%) had income beyond Rs. 8000. Three juveniles (4.8%) did not respond.

The juveniles were largely working within their own district/areas. Majority of them had begun work recently, ranging from one month to a period of one year. They would give their income to their family and keep some for themselves. A few juveniles gave responses such as paying electricity bills, buying medicines for sister, buying fruits and vegetables.

- **Future Goals:** Majority (34 juveniles; 31%) hoped that in future they would do some job or work whereas 17 juveniles (16%) wanted to finish their education while 10 juveniles (10%) wanted to complete their training. 10 juveniles (10%) wanted to stay with parents and ‘serve’ them. 11 juveniles (10%) were undecided. The remaining juveniles spoke about starting business, doing skilled job, and farming (see Table 3.3).

**Table 3.3: Future Goals of Juveniles in Observation Home**

Future Goals	Number	Percent (%)
Do skilled job	7	6.4
Want to have own business	9	8.2
Farming	5	4.5
Do some work	34	31
Want to study and do job	7	6.4
Complete the education	17	15.5
Get training/ Finish training	10	9.1
Not yet decided/ Don't know	11	10.0
Stay with parents and serve them	10	9.1
<b>Total</b>	<b>101</b>	<b>100.0</b>

- **Fear and Anxieties of Future for Juveniles in Observation Home:** Forty-nine juveniles (44.5%) indicated that they did not have any form of fear or anxiety. However, the majority of juveniles gave a range of responses. 27 juveniles (24.5%) stated that they had fears about their case (when will it close, will they get bail or not/ will they be released or not). 16 juveniles (14.5%) expressed anxiety about the difficult times for the family members due to this case. A few shared fear of society, boys fighting in the Observation Home, being caught though innocent, and journalists publishing photographs (see Table 3.4).

**Table 3.4: Fears and Anxieties of Juveniles in Observation Home**

<b>Fear and Anxieties</b>	<b>Number</b>	<b>Percent (%)</b>
About education	2	1.8
Fear of case (when it will be closed/ will get bail or not/ will be released or not)	27	24.5
About future	5	4.5
Other (did not do anything, boys fighting with OH, journalist publishing photograph though juvenile innocent)	8	7.3
Fear/ Anxiety about family members	16	14.5
Fear of society	3	2.7
No fear	49	44.5
<b>Total</b>	<b>110</b>	<b>100</b>

#### **‘Self’ and Future: Findings from Juveniles on Bail**

- **Plans of Juveniles Already on Bail:** Out of 101 juveniles on bail, 32 juveniles (32%) mentioned that they would continue working/ do jobs, 29 juveniles (29%) stated that they would continue with their education/course. Nine juveniles (9%) wanted to continue both their jobs and education. Eight juveniles (8%) were undecided. Further four juveniles (4%) gave other responses as ‘they would like to do something which was good for their future’. 19 juveniles (19%) were unable to respond.

- **Support for Juveniles Already on Bail:** Out of 101 juveniles, 85 juveniles (84%) mentioned that they were receiving support from their family members. Another six juveniles (6%) gave different responses such as teacher helping them, and juvenile himself was trying. 10 juveniles (10%) did not want to respond.
- **Current Occupation:** Thirty-four juveniles (34%) were working. They were engaged in different jobs such as farm work, labour work, service, driving or were self-employed. They had recently started working (responses ranged from working for the past one month to working for the past one year). They were largely working in their own locality/district (30 juveniles; 88%). A few (4 juveniles; 12%) were working outside their home. The monthly earnings ranged from Rs.4000 to Rs.8000. A few juveniles (8 juveniles; 23%) were earning above Rs.8000. Some juveniles did not respond.

When asked about their spending patterns, majority (26 juveniles; 76%) indicated that they gave all their money at home or to their mother, three juveniles (9%) shared that they gave money at home and kept some for their personal use. Other juveniles (4 juveniles; 12%) gave responses such as spending on domestic expenditure, investing on LIC, spending on education, buying clothes and study expenses. One juvenile did not respond.

- **Fears and Anxieties of Juveniles on Bail:** Seventy-three juveniles (72.3%) stated that they did not have any

**Table 3.5: Fears and Anxieties of Juveniles on Bail**

Fears and Anxieties	Number	Percent (%)
About education	6	5.9
Fear of 'case' outcome and when will the 'case' get closed	8	7.9
Fear to going again to police	5	5.0
About study and future	3	3.0
Other (of getting beaten, not wanting to go back to friends and get trapped, scared that father will beat)	4	4.0
Anxiety about family members	2	2.0
No fear	73	72.3
<b>Total</b>	<b>101</b>	<b>100</b>

number was higher as compared to juveniles admitted in the Observation Home. The remaining juveniles expressed fears related to Final Order in the case (8 juveniles; 7.9%),

education prospects (3 juveniles; 3%), going again to police (5 juveniles; 5%), about study and future (3 juveniles; 3%) and about family members (2 juveniles; 2%). Remaining four juveniles (4%) mentioned different responses such as fear of being beaten, going back to friends, getting ‘trapped’, etc. (see Table 3.5).

### ‘Advice’ to other Children about Offence

This question was asked to both groups of juveniles admitted in Observation Home and on Bail. Out of 211 juveniles, 91 juveniles (43.1%) did not want to respond. The remaining juveniles gave a variety of responses which were emphasizing that children should not get into wrong doing. 54 juveniles (25.6%) stated that they would advise the children to avoid wrong activity/bad work and not get involved in offence. 16 juveniles (7.6%) advised not to get involved in bad company of friends and addiction. Others advised to do good work (10 juveniles; 4.7%), not to get involved in fight (9 juveniles; 4%), to study, work and take care of parents (6 juveniles; 3%), to behave well (10 juveniles; 4.3%) and not to steal (3 juveniles; 1.4%). 12 juveniles (5.7%) responses were clubbed in ‘other’ category. Some of these responses included giving assurance to other children that their parents would release them, some advised that children should not cry while a few said that there was no use of giving any advice (see Table 3.6).

**Table 3.6: ‘Advice’ to other Boys/Girls who may get into Situations of Offence**

‘Advice’ to other Children about Offence	Admitted in Observation Home	Juvenile on Bail	Percent (%)
Should behave ‘good’	3	7	4.7
Don’t do wrong activity/ bad work/ don’t get involved in offence	27	27	25.6
Don’t do fight	1	8	4.3
Don’t do theft	2	1	1.4
Don’t get involved in bad company of friends and addiction	11	5	7.6
Other (can improve in life, do not cry, call parents, no use giving advice)	8	4	5.7
Don’t want to say anything	42	49	43.1
Study, work, and take care of parents	6	0	2.8
Do good work	10	0	4.7
<b>Total</b>	<b>110</b>	<b>101</b>	<b>100</b>

### 3.2.2 Part B: Life Situation of Juveniles: Findings from Interviews with Parents

The Study attempted to understand the profile of the parents, the family background and other aspects of family life to obtain an insight into the family situation of juveniles in conflict with law. These were parents of juveniles whose cases were pending before the Juvenile Justice Board. Data was collected from a total of 95 parents (either father or mother) across the six cities within Maharashtra (55 participants) and Rajasthan (40 participants). 52 participants (54.7%) were fathers and 43 participants (45.3%) were mothers of the juveniles. The largest proportion of the participants comprised the 41-50 years age group (42 parents; 44.2%) and 31 to 40 years age group (38 parents; 40%). There were a few participants who were younger than 30 years and a few above 60 years of age. The parents were asked about different aspects of their family. Given below are the key findings:

#### A) The Family Context in Juvenile Offence

- **Religious and Social Identity:** The participants belonged to different religion such as Hindu (74; 77.9%), Muslim (17; 17.9%), Buddhist (3; 3.2%) and Christian (1; 1.1%). Majority of the participants (41; 43.2%) belonged to general category followed by participants from other backward classes (27; 28.4%). Percentage of participants belonging to Scheduled Caste (22), Scheduled Tribe (3) and Nomadic Tribe (2) was 23.2%, 3.2% and 2.1% respectively.
- **Family Composition and Size:** The study revealed that the highest number of the participants (56 parents; 58.9%) belonged to nuclear family while one-fourth (23 parents) were from joint families. Only three families (3.2%) were found to be from extended family. 13 families (13.7%) were single member family, which indicated that either there was only father or mother in the family. The findings further revealed that majority of the families had a family size ranging between four and six members. This was similar to the findings of both the primary data of juveniles as well as the case studies.



➤ **Earning Members in the Family:** Majority (49 parents; 51.6%) indicated that they had only one earning member in family, one-fourth (25 parents; 26.3 %) shared that they had two earning members. Further 17 parents (17.9%) had three earning members and three parents (3.2%) mentioned that they had four earning members. Only one participant mentioned that there were no earning members in the family.

➤ **Education:** Education level of parents can be considered as a key indicator to the extent of education related support and guidance the parents were able to provide to their child. Majority of parents (77; 81%) had either never been to school or had dropped out. Among them, 30 parents (31.6%) have had no education. 44 parents (46.3%) had dropped out of education at different levels. Only six parents (6.3%), 11 parents (11.5%) and four parents (4.2%) had studied up to secondary school, higher secondary school and graduation respectively. Hence, in many of the families the children were first generation learners. In such families, a child may find school a challenging experience if there is not adequate teaching learning support at school and home. The parent who was interviewed was also asked about the educational level of his/her spouse. It was found that 50.5% of mothers and 32.6% of fathers among the 95 families had not received education.

➤ **Income:** The study indicated that majority (30 families; 31.6%) had a monthly income ranging from Rs.5001 to Rs.10000, whereas only two parents (2.1%) reported a family monthly income of more than Rs.20000. Further it was illustrated that 29 parents (30.5%) were from the income category

**Table 3.7: Monthly Income of the Family**

Income in Rupees	Number	Percent (%)
2500 to 5000	29	30.5
5001 to 10000	30	31.6
10001 to 15000	15	15.8
15001 to 20000	4	4.2
20001 and above	2	2.1
No response	15	15.8
<b>Total</b>	<b>95</b>	<b>100</b>

of Rs.2500 to Rs.5000 rupees. 15 parents (15.8%) reported that their family monthly income ranged between Rs.10001 and Rs.15000. Four parents (4.2%) shared that their monthly income was Rs.15001 to Rs.20000. Out of 95 parents, 59 parents (62.1%) were in the income range of Rs.2500 to Rs.10000 and 15 parents (15.8%) did not respond

about their family monthly income and were not keen to share the information (see Table 3.7).

- **Type of house:** Nearly half the participants (46 parents; 48.4%) had their own house with 1-2 rooms, while one-fourth (25 parents; 26.3%) were staying in rented house with 1-2 rooms. 13 parents (13.7%) were having their own house with 3-4 rooms. Only five parents (5.3%) were staying in their own 'jhuggis' and one participant had a rented house with 5 or more rooms. Three parents (3.2%) did not respond. It

**Table 3.8: Type of House**

Type of house	Number	Percent (%)
Own house with 3-4 rooms	13	13.7
Rented house with 5 or more rooms	1	1.1
Own house with 1-2 rooms	46	48.4
Rented house with 3-4 rooms	2	2.1
Rented house with 1-2 rooms	25	26.3
Own Jhuggi (hut)	5	5.3
No response	3	3.2
<b>Total</b>	<b>95</b>	<b>100.0</b>

was difficult to ascertain the quality of the house or the facilities within the house. Nonetheless it is significant to note that almost all the parents had some kind of housing and were not homeless (see Table 3.8).

- **Living Condition:** Parents gave multiple responses. Majority shared that they had the basic amenities at home such as electricity (82), toilet (60), water (74) and clothes and utensils (60). A smaller number of parents mentioned about books (39). However, a small number of parents shared that they had problems of access to basic amenities like water, electricity and toilet. Four parents did not respond to this question.
- **Daily Diet:** Participants were also asked to share about their daily diet. These diet items included *chapatti*, rice, dal, vegetable and *bhakari*. 38 parents (40%) indicated that in their daily diet they had at least 4 items. Another 26 parents (27%) stated that they had proper meal with sometimes milk and non-vegetarian items in their diet. 12 parents (13%) mentioned that they usually had only 2 items. 16 parents (17%) reported that they had at least 3 items in their daily diet. Three parents did not respond.

➤ **Drug/ Alcohol Addiction within the Family:** Earlier research has shown that alcoholism in the family adversely impacts children in different aspects of their growth. (e.g. Nulwala, 2014). 57 parents (60%) revealed that they did not have any family members who had problems of any drug/alcohol abuse, 38 parents (40%) responded they had such cases of drug/alcohol abuse within the family. Among the latter group, only three parents (7.9%) said they had been in a drug/ alcohol treatment programme. Most (35 parents; 92.1%) had not been to any treatment programme.

A survey of 4024 children using substance in India (NCPCR, 2014), highlights that the family factors associated with substance use in children were:

- Substance use in a family member (57%)
- Single parent/ broken families/ living with relatives/no parents (25%)
- Fights in the family (46.6%)
- History of physical/verbal abuse (45.3%)

Source: <http://www.ncpcr.gov.in>

➤ **Prior Involvement of Family Members with Police:** The study illustrated that majority (91 parents; 95.8%) of the participant's family or household family members were not involved with any police case of court; only four families were involved with the police. These involvements were related to fighting in house or community, and other household related matters.

➤ **Illness within the Family:** Eighty-three parents (87.4%) reported that they did not have any illness in family; whereas 12 parents (12.6%) acknowledged that they had illness in the family.

➤ **Daily Routine of the Family:** The daily routine was largely typical like any other family. Father or both parents went to work. Children, who were in school or at work, would go about their daily routines. No mention was made of the time spent with children. Everyone seemed occupied with either work, home, or school (see Table 3.9). Only one parent mentioned about begging. The important question here is that if everyone is seemingly occupied and with their daily routines, why has their child got an offence

charge? Something probably was amiss which could be better understood through detailed discussion with the juvenile and the family.

**Table 3.9: Daily Routine in the Family**

Daily Routine	Number	Percent (%)
Parents work and children go to school	13	13.7
Father goes to work, children go to school and mother at home	15	15.8
All members go to work and female member used to be at home	11	11.6
Everyone goes to work	14	14.7
Everyone goes to work, children go to school and then meet in the evening and have dinner together	13	13.7
Parents go to work and children were at home	9	9.5
Parents at home and children go to work	1	1.1
Father goes to work and children at home	1	1.1
Parents and children work and children also go to school	10	10.5
Do begging and earn for family	1	1.1
No response	7	7.4
<b>Total</b>	<b>95</b>	<b>100.0</b>

- **Daily Conversation and Interaction among Family Members:** Only one parent (1%) mentioned that they did not have any daily interaction or discussion among family members. The remaining 81 parents (85.3%) indicated that they had daily positive interaction and conversation between family members. Among them five parents mentioned that their child (juvenile) was more comfortable interacting with the mother. 11 parents (11.6%) shared that though there was interaction among family members it was based on need and all family members did not necessarily interact with each other. Two parents (2.1%) did not respond.
  
- **Decision Taking with Family:** Half the participants (48 parents; 50.5%) indicated that the father took the decision in family related matters; mother's involvement in sole decision taking in family related matters was 16.8% (16 parents). 18 parents (18.9%) shared that both mother and father take the decisions together. In the case of seven parents (7.4%) the decision making in family related matters were taken by other

members such as brother in laws, grandfather and grandmother. Only four parents (4.2%) stated that decision in family related matters were taken by all the family members together. Two participants (2.1%) did not give any answer. From these findings, one can surmise that if father is the primary decision taker, and mother the primary care giver then the nature of their involvement in their child's life and decisions too needs to be assessed.

More than half of the participants (53 parents; 55.8%) mentioned that matters were resolved within the family by having interaction and discussion with each other. 18 parents (19%) mentioned that matters were resolved either by the father or both parents. Nine parents (9.5%) stated that nothing much had happened in the family for which they had to resolve something, six parents (6.3%) took help from others which included, brother in law, sister in law, teachers and neighbours, three parents (3.2%) resolved the matter through informal counselling and convincing. Two parents (2.1%) revealed that if matter is related to child then by 'frightening the child' they resolved the matter; while four parents (4.2%) did not give any response.

- **Relationship between Parent and Juvenile:** Approximately three-fourth (34 parents; 35.8%) felt that the behavior of his/her child was good and he/she spoke nicely with everyone. One-fifth (19 parents; 20%) stated that his/her child was good and went to school. Further, 20 parents (21.1%) revealed that his/her child was good but was addicted to substance and was in bad company and four parents (4.2%) said his/her child was good, and had now started to go to school but in the past was in bad company. Nine parents (9.5%) stated that the behaviour of child was good and he/she did not go outside the house. Six parents (6.4%) gave other responses such as earlier behavior of child was good but now had changed for worse, child had left the school because of financial problem and now child did not listen to anyone. Three parents (3.2%) did not give any response.

Fifty-three parents (55.8%) stated that they had good relations and interactions with their child, 12 parents (12.6%) mentioned that their relationship was friendly and loving. 13 parents (13.7%) revealed that the child was more comfortable with the mother and eight parents (8.4%) said they had average relationship with the child and did not talk much or have much interaction. It is also important to note here that two parents (2.1%) mentioned that they did not have good relationship with their child and seven parents (7.4%) did not respond to the question. Their child's case was pending and they were cautious in their responses.

➤ **Awareness about Daily Routine:** Eighty-two parents (86.3%) were aware about the child's daily routine, while 10 parents (10.5%) were not aware about the child's daily routine and three parents (3.2%) did not respond. Out of total 10 participants who stated that they were not aware about the child's daily routine, their reasons ranged from child's lack of eagerness to share, did not know that child's whereabouts outside the house, child went around with friends and did not return home for long hours.

➤ **Juvenile Sharing with Parent about his/her Daily Routine:** Twenty-six parents (27.4%) reported that their child shared daily routine with mother. Another 26 parents (27.4%) stated that their child shared about daily routine with any member of family. Nine parents (9.5%) stated that their child did not share their routine with anyone. Seven parents (7.4%) stated that their child shared daily routine with both parents (father and mother). Seven parents mentioned that they did not know with whom the child shared about daily routine. Further it was found that only six parents (6.3%) stated that their child shared about their routine with father, which is four times lesser than the sharing with the mother. Four parents (4.2%) mentioned that their child shared

**Table 3.10: Juvenile Sharing with Parent his/her Daily Routine**

Sharing Daily Routine with Whom	Number	Percent (%)
No one	9	9.5
Father	6	6.3
Mother	26	27.4
Father and mother	7	7.4
Any Family member(s)	26	27.4
Friends	1	1.1
Don't know	7	7.4
Other	4	4.2
No response	9	9.5
<b>Total</b>	<b>95</b>	<b>100.0</b>

about daily routine with other people such as grandfather, cousin and uncle. Only one participant mentioned that their child shared his/ her routine with friends. For this particular question 9 parents (9.5%) did not respond (see Table 3.10).

- **Child and Schooling:** Fifty parents (52.6%) mentioned that their child was going to school. Within the school going children, 22 parents (44%) mentioned that their child was 'fair' in studies. 11 parents (22%) stated that their child was 'very good' while seven parents (14%) mentioned that their child was 'poor' in studies. Further, another seven parents (14%) stated that their child was good and two parents (4%) stated that their child was 'excellent' in studies. 40 parents (80%) revealed that the father met the expenses for education while six mothers (12%) shared that the mother had the responsibility. Further, two parents (4%) mentioned that both parents took care of the expenses for the child's schooling. One parent mentioned that relatives met the expenses. One remaining parent (2%) did not respond to the question.
  
- **Friends at School:** Among the 50 parents who stated that their child was going to school, 41 parents (82%) mentioned that their child had friends in school whereas eight parents (16%) mentioned that their child did not have friends in school. One parent (2%) did not respond. Out of the eight parents who mentioned that their child did not have friends in school, five parents did not know the reason while three other parents stated various responses such as child has friends in the neighbourhood, and child did not make friends as they were not good.
  
- **Teachers at School:** Twenty-two parents (44%) mentioned that teachers were very supportive. Excepting one parent who found teacher non supportive and one parent who did not respond to the question, all the other remaining parents gave a positive opinion about the teachers.

- **Child ‘Drop out’ of School:** Forty-five parents (47.4%) mentioned that their child did not go to school and there were various reasons cited for dropping out. 19 parents (42.2%) mentioned that their child was not interested in studies while one-fourth (11 parents; 24.4%) stated financial crisis as a reason for drop out. Further, it was revealed that, as per the parents’ views, six parents (13.3%) mentioned that their child did not like to go to school. Four parents (8.9%) shared that their child had failed in school and hence dropped out as, according to parents, he was not ‘good’ in studies. Other reasons given included friends influencing children to leave school (3 parents; 6.7%), offence charge led to the child’s drop out (1 parent; 2.2%). One parent (2.2%) gave other reasons such as house demolition leading the child to drop out (see Table 3.11).

**Table 3.11: Reason for ‘Dropping out’ of School**

Reason for ‘dropping out’	Number	Percent (%)
Not interested in studying	19	42.2
‘Failed’ in school and not good in studies	4	8.9
Does not like to go to school	6	13.3
After offence charge, thought that there is no use of studying	1	2.2
Because of financial condition	11	24.4
Company of friends	3	6.7
Other	1	2.2
<b>Total</b>	<b>45</b>	<b>100.0</b>

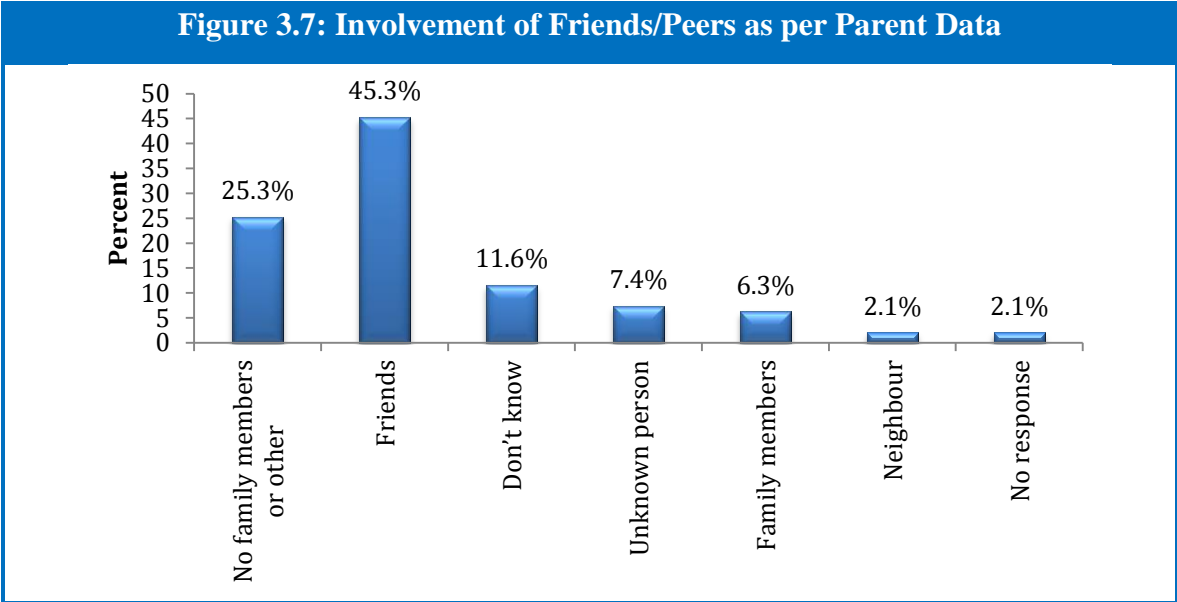


### 3.2.2 Part B: From ‘Child’ to a ‘Juvenile in Conflict with Law’: Understanding of the Parents/Family

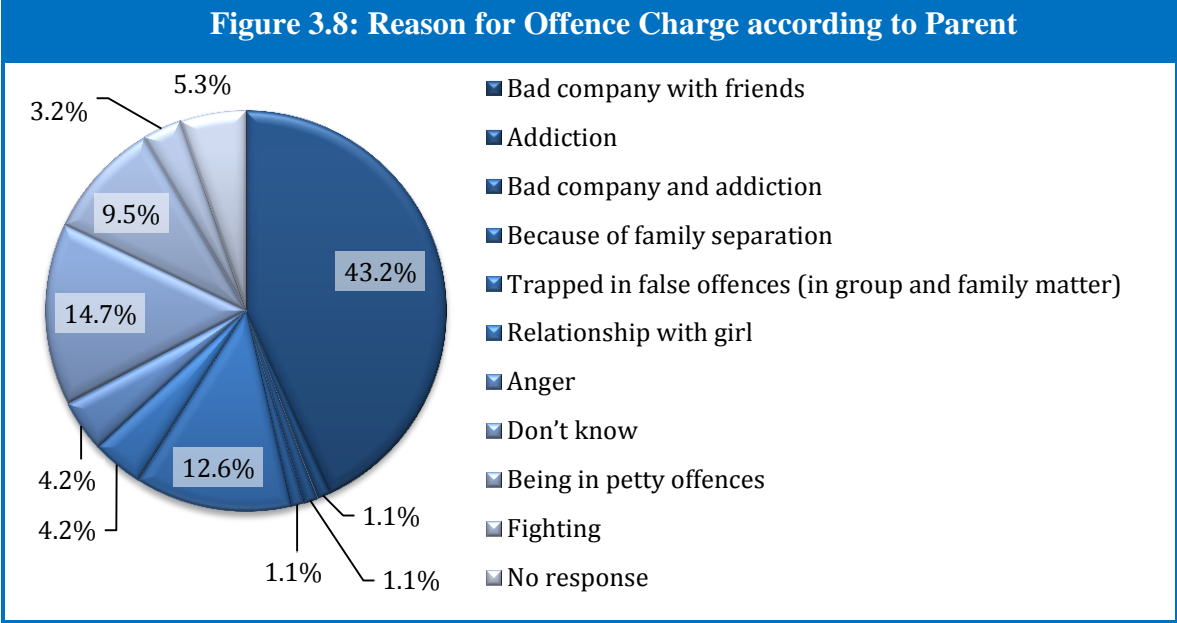
- **Nature of Offence:** Thirty-seven parents (38.9%) mentioned that their child was ‘trapped’ in false charges. 11 parents (11.6%) mentioned that they did not know much about the offence of their child. Further, 14 parents (14.7%) stated that their child had stolen something in the company of friends while 12 parents (12.6%) indicated that their child had been caught in the theft of items like bike, mobile phone, money, rings, etc. 10 parents (10.5%) mentioned that their child got embroiled in a fight. Six parents (6.3%) mentioned that their child had got caught while committing an offence under the influence of alcohol. Remaining five parents (5.3%) did not respond to the question.

Majority (66 parents; 69.5 percent) indicated that their child had not committed offence earlier whereas three parents (3.2%) mentioned that their child had committed offence earlier but did not get caught. Approximately one fourth (26 parents; 27.4 percent) did not respond to the question. According to 88 parents (92.6%), this was the first offence committed by their children. Four parents (4.2%) reported that their children were repeat offenders. When they were asked to elaborate about the previous episode of offence of their children, all four parents shared that their children were caught in petty crimes like theft and fighting, often with peers and friends. Three parents (3.2%) did not respond to the question.

- **Involvement of Friends/Peers as per Parent Data:** One-fourth (24 parents; 25.3%) indicated that there were no family members or anyone else involved in the offence with their child whereas 43 parents (45.3%) revealed that friends were involved along with their child in the offence. 11 parents (11.6%) stated that they don’t know who all were involved while seven parents (7.4%) felt that they were unknown persons. Six parents (6.3%) stated the involvement of family members (brother, father and cousin brother), neighbours (2 parents; 2.1%). Two parents (2.1%) did not respond (see Figure 3.7).



➤ **‘Cause’ of Offence:** The majority (41 parents; 43.2%) participating in the study perceived ‘bad company’ of friends as the prime reason for offence. Others cited false charges (12 parents; 12.6%), petty offences (9 parents; 9.5 %), relationship with girl (14 parents; 14.7%); and anger (4 parents; 4.2%), getting into fights (3 parents; 3.2%), addiction (1 parent; 1.1%), bad company and addiction (1 parent; 1.1%) family separation (1 parent; 1.1%). Five parents (5.3%) did not respond to the question (see Figure 3.8).



- **Communication between Juvenile and Family Post Offence Charges:** Most of the participants (68 parents; 71.6%) stated that there had been no major changes in family interaction after the present episode of alleged offence. Other responses, however, mentioned about positive and negative changes in the ways of family interaction after the alleged offence. For example, some parents reported that their children were improving their behaviours (5 parents; 5.3%), some continued to feel the tension (4 parents; 4.2 %), four parents (4.2%) shared that their children did not go out much or interact with others and another four parents (4.2%) parents could not understand if any changes had happened after the alleged offence. Three parents (3.2%) shared that after the incident neighbours has stopped talking to them while in cases of two parents (2.1%) neighbours had become more supportive. Five parents (5.3%) did not respond to the question.

### 3.2.3 Part C: An Analysis of Case Studies

Case Studies in this research were undertaken of 39 juveniles who were found to have committed an offence and whose cases had been closed<sup>18</sup> as per the Final Order and Section 15 of the Juvenile Justice Act. Section 15 has a broad range of options from which JJB can identify the most suitable option for each individual child. These options include handing over the juvenile to family, with ‘admonition’ or ‘advice’, directing the juvenile to participate in ‘group counselling’ or ‘community service’, directing the family to pay a ‘fine’, or placing the juvenile under the supervision of probation officer. Within section 15, the JJB can also pass an order for admitting a child in a special home<sup>19</sup> for stipulated period of time. The secondary data (JJB case files) indicated that in majority of the cases, the juvenile was handed over to parent/family/guardian. A small percentage of juveniles were admitted in the Special Home. Through the case studies, the study wanted to delve into the lives of these juveniles after their cases were closed and explore their current situation either in the Special Home or in their own homes with their family. The case studies also captured the anxieties and aspirations of the juveniles.

A total of 39 juveniles were identified for case studies; 32 juveniles from Maharashtra and seven juveniles from Rajasthan. 38 were boy juveniles and only one girl juvenile could be identified for the case study. Out of the case studies of 39 juveniles, 21 were admitted in the Special Home and the remaining 18 juveniles (including girl juvenile) were currently staying with their family. Perusal of both the above groups of juveniles either staying in the Special Home or staying with family indicated that the family situations of both the groups were similar. Further, there was not much of a difference between their offence charges or nature of offence. Therefore, both groups have been analyzed together. A few areas distinct to each group has been taken up separately.

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<sup>18</sup> In closed cases, either the juvenile was acquitted of the offence charge or was found to have committed an offence. If found to have committed an offence, the Juvenile Justice Board will pass the Final Order as per Section 15 of the JJ Act

<sup>19</sup> The Special Home is a residential institution where juveniles are admitted for education/ vocational training and other rehabilitative measures. The Special Home is a closed institution and the juvenile is not permitted to leave the Special Home without Orders from the JJB. As per the Juvenile Justice Act, 2000 a juvenile can be admitted in a Special Home for a maximum period of three years

### Profile of the Juveniles

The profile of the juveniles in the case studies was similar to the findings of the different data sets. A large number of the juveniles (19) were between 16 yrs-18 yrs. while 11 juveniles had completed 18 years of age. Out of 39 juveniles, nine juveniles had no education while 17 juveniles had dropped out of school. Remaining 13 juveniles were pursuing education and/or training. In terms of religion, majority were Hindus (24), followed by Muslims (11), and Others (4) (See Table 3.12).

**Table 3.12: Profile of 39 Juveniles in Case Studies**

Details of Juvenile	Number (Out of 39 Juveniles)
Age	12 yrs-16 yrs-9 16-18 yrs-19 Above 18 yrs-11
Education	No Education-9 'Drop out'-17 Education/vocation training-13
Religion	Hindu-24 Muslim-11 Others-4
Social Position	General-17 SC/ST-15 Not Known/NA-7
Living with Whom	Both parents-30 Single parent-8 No parent-1

From the analysis of the case studies and based on the objectives of the Study, following were the key emerging themes:

- A)** The Family Context and Juvenile Offence
- B)** Pathway to Offence and Life Thereafter
- C)** Current Anxieties and Future Aspirations
- D)** Experiencing the Juvenile Justice System (This theme has been presented in chapter 4 or the report)

### **A) The Family Context and Juvenile Offence**

There were several dimensions to understanding the family context. Each dimension had an impact on the overall growth, nurturance, and development of the child. Majority of the juveniles (30 juveniles; 76.9%) were living with both parents and siblings. Eight juveniles (20.5%) had single parent and one juvenile had no family. In each of the six cases of single parent families, the father had expired. In the remaining two situations, the mother of the juvenile had left the family and had remarried.

In terms of house ownership, 32 juveniles (82.1%) reported that they were living in their own house with differing number of rooms and facilities. Three juveniles (7.7%) were living in a rented house. One juvenile (2.6%) had no house and three (7.7%) were unable to answer the question. In terms of the type of housing, 15 juveniles (38.5%) stated that they were living in 'pucca' houses and four (10.2%) in semi-pucca' houses. The others (20 juveniles; 51.3%) were unable to describe their house. In terms of family size, seven juveniles (17.9%) had more than five family members (parents, siblings and/or extended family). The others had a family size of up to five members within which juveniles of single parent families had lesser members. One juvenile did not have a family. It was difficult to ascertain the size of the house, the amenities vis-à-vis the number of family members living within it. Nonetheless they had a home and more than two family members, except one juvenile.

It was found that out of 39 juveniles, fathers of five of the juveniles (12.8%) were engaged in farming or farm related work. Fathers of 11 juveniles (28.2%) were daily wage labour. Fathers of nine juveniles (23.1%) were in occupations such as taxi driver, rickshaw driver, fabrication work, vegetable vendor, plumbing, security guard, and construction site worker. Three fathers (7.7%) had apparently their own small to medium sized businesses. There was no response from 11 juveniles (28.2%) as either they did not know about their father's occupation or the question was not applicable to them. Mothers of 22 juveniles (56.4%) were home makers. Three mothers (7.7%) were domestic workers. Two mothers (5.1%) were having jobs in an office and/or shop. Another three mothers (7.7%) were occupied in farming related work. Occupations of nine mothers (23.1%) were not known. Either the question was not answered or it was not applicable

to the juvenile. It can be seen that almost all the parents were largely engaged in medium to low paying jobs.

Twelve juveniles (30.8%) reported that their family monthly Income was up to Rs.10,000. 17 juveniles (43.6%) shared that their monthly income was between Rs.10,000 and Rs.20,000. One juvenile (2.6%) mentioned that family income was around Rs.25,000/- The remaining (9 juveniles; 23.1%) were unable to answer the question. The occupation of the parents and the monthly income gives a glimpse of the socio economic situation of the family. These findings can be corroborated with the Police Crime in India report (2015), which states that majority of the juveniles come from lower socio economic backgrounds.

Poverty or low socio economic situation cannot be considered the only cause of juvenile offence. It is a combination of factors which includes the family context, relationships, and extent of timely adult supervision and guidance.

Twenty seven juveniles (69.2%) out of 39 expressed that their offence charge had impacted their family in different ways. Almost all the juveniles shared that their families had a take a lot of “trouble” for them. There was anxiety and stress about the case, anger with the juvenile, expenses were involved in travelling to the JJB, engaging a lawyer, neglecting the job, losing income and being present before the JJB on given dates. Two juveniles had to relocate their house after the incident of the offence charge. The remaining juveniles continued to live in the same house and locality.

*“My relationship with my father is completely broken due to the offence”- Krishi, aged 15 years*

*“My mother is very anxious that my younger brother will also get influenced wrongly and get into crime”- Siddhu, aged 17 years*

*“My Family is so upset with me, they have not come to meet me either at the Observation Home or at the Special Home” - Romil, aged 13 years*

*“My sister and mother had to suffer and they were crying because of me” – Sanju aged 17 years*

In terms of relationship with their neighbours especially within the context of offence, only three juveniles mentioned that they did not have a positive relationship with their neighbours. The remaining juveniles expressed a range of positive and mixed feeling about the relationship with their neighbours. Some did not have any concrete opinion on this aspect. Six juveniles shared that the relationship had got impacted after the offence charge. Some neighbours had decreased their interaction. Three juveniles shared that the neighbours perceived them as ‘criminals’.

*“Neighbours see me as a criminal”* – Lokesh aged 16 years

*“The neighbours fear me and my group so nobody interacts with me”*- Mithun aged 17 years.

Many juveniles were ambivalent about their relationship with the neighbours and the impact of the offence. For rehabilitation and social reintegration into the community, it would be important to assess the relationship between the juvenile and his/her family with the neighbourhood.

When asked about their overall relationship with their family, five juveniles did not respond to this question, one juvenile had no family and one juvenile mentioned that he did not share a positive relationship with his family. The remaining juveniles expressed a range of positive emotions about their family and some seemed especially attached to their mothers. In terms of support network, majority of the juveniles (23; 59%) were depending on their families for support. Only one juvenile (2.6%) mentioned depending on family and friend, and another three (7.7%) referred to their teacher and/or NGO member. 11 juveniles (28.2%) were not able to respond and one juvenile (2.6%) stated that he had no support.

The juvenile’s view of the family after getting into a situation of offence may not give an accurate indication of the family situation or relationships at home prior to the offence. Prior to the offence some of the juveniles were often in the company of their friends and some were in addiction as well. At that time, it is not known about the kind of relationships juveniles had with their families. However, after coming within the purview of the juvenile justice system, it was the family which was the primary source of support for the juvenile. The juvenile was now dependent on the family to process the case. The vulnerability was higher in the case of the juvenile who had no parent living with him.



Some of the steadiest relationships in the juveniles' lives, both positive and negative, have been with their family. All other relationships outside their family seems to have been more transient and momentary. None of the juveniles spoke about their friends as being a source of support for them. This was not unusual considering their young age, adolescent stage in life and their dependence on their family. Thus, work with the family becomes critical to assess. It must be analyzed that despite having a family, why did these juveniles get into a situation of offence and yet the same family came to support them in their crisis situation.

Understanding the family situation, relationships, extent of monitoring and supervision of the family over the juvenile, perception of the family about the juvenile and the offence, is required along with exploring ways of involving the family in the rehabilitation process of the juvenile.

The impact on the juvenile in terms of having both parents, single parent and/or rejected by both parents, family size and occupation of parent too needs to be examined. Juveniles who did not have any relations or their family/guardian was upset with them for some reason require a different approach, both for the individual juvenile as well as for strengthening family support programmes.

## **B) Pathway to Offence and Life thereafter**

A majority (23 juveniles; 59%) mentioned that they had been apprehended along with their friends. 12 juveniles (30.8%) were caught alone. Four juveniles (10.2%) were not keen to share this information. The offence charges were mainly related to theft (24 juveniles; 61.5%), followed by cases of fighting, assault, murder, sexual offences, and stealing bike for riding purposes (7 juveniles; 17.9%). Six juveniles (15.4%) emphasized that they had not done anything and were framed in 'false charges'. They had got caught along with the others. Two juveniles (5.1%) insisted that their behaviour was not an act of offence...

*“My father had come home drunk as usual. We started quarrelling and in that I pushed him. He fell to the ground and died. My family went to the police station and reported about it...it was an accident...I had no intention of killing him”- Madan, aged 17 yrs.*

*“I ran away from home along with my girlfriend. When we returned I was arrested by the police. I did not sexually abuse her”- Safal, aged 17 yrs.*

**Repeat Offence:** All juveniles who were repeat offenders were caught in theft cases. Almost all of them were in addiction too. In one instance both brothers were in addiction. It was found that the pathway to offence was similar for all the juveniles who were in addiction. For some of them they met other boys and got involved in stealing. All the juveniles who were into addiction shared that after getting into the habit of addiction; they started stealing to meet expenses. Invariably, these juveniles were in the company of other children who were into addiction and stealing too. The juvenile also got into the habit and soon all were stealing to earn money and fulfill their needs for addiction.

In the survey of 4024 children using substance across 27 States and 2 UTs in India (NCPCR, 2013), three fourths of the children reported having friends they can trust and depend upon. A large majority (82.4%) reported having close contact with friends who use substances.

**Source:** <http://www.ncpcr.gov.in>

For all the juveniles this process started when the juvenile was around 14-16 years of age. They were introduced to theft by their friends and being in the adolescent phase, the boys enjoyed their freedom and the opportunity for independent mobility. The juveniles used the money for themselves; none of them except one reported to have given a part of their theft money (earned through theft) to their families. This juvenile mentioned that he had the responsibility to take care of his family and the income was insufficient. Therefore, he had to steal to manage his own expenses.



### **Pathways to Offence...**

*Satyam was a school going boy and was doing well till he was around 13 years old. After that he started mingling with some of the boys from other communities and began smoking. This happened when both his parents went for a short religious trip for 8 days and left Satyam and his brother with their grandmother. Slowly and gradually he started using other substances and used to remain out of school. Due to addiction he dropped out of school and started spending weeks together with his friends outside the home. He was untraceable for many days and used to come home once in a while. To fulfill his needs for addiction he started stealing from home. However, parents did not take any action against him besides scolding him. Then one day he was charged with the offence of theft. Thereafter the police started visiting his home frequently as eventually he became a repeat offender.*

**Hazard at the Workplace:** Juveniles become juveniles in conflict with the law not only by the influence of friends or peer pressure but also by the jobs/work they do. At a young age, when children start working, they hold menial jobs and are in the company of other adults. For example, one of the juveniles interviewed was working in a liquor shop. Consequently, he started drinking himself. Another juvenile was part of a musical band that played songs and musicals during religious gathering, community programmes, etc. All the other members in the group were adults. He learned to smoke and drink as a part of the group. Gradually, both juveniles got habituated to smoking, alcohol, and tobacco and were involved in theft and addiction. Therefore, it is important to understand the kind of occupation that the juvenile was doing before becoming a juvenile in conflict with law.

### **C) Current Anxieties and Future Aspirations**

There was a distinct difference in the response from the juveniles staying in the Special Home vis-à-vis those staying at home with their own families. 18 juveniles residing in the Special Home (in Mumbai, Maharashtra) were undergoing education or vocational training. Majority stated that they had been admitted in the Special Home so that they could ‘improve’ themselves and learn something. The juveniles usually spoke about tailoring, plumbing, electrician, mobile repairing, carpentry, etc. as courses that they were undertaking during their stay in the Special Home. Although the quality of these programmes is not known, nonetheless, juveniles could link, to some extent, the education/ vocational training that they were receiving with their future goals.

The three juveniles (7.7%) who were in the Special Homes in Rajasthan mentioned about lack of facilities for either education or skill building. Moreover, at the time of data collection, all three of them were adults (around 30 years old). They had been apprehended when they were less than eighteen years but the case had continued over the years. They were married and had families of their own. They had been apprehended together on charges of sexual abuse and murder which they claimed was a false charge. They stated that they were doing “nothing” during their stay in the Special Home.

The facilities in the Observation Homes and/or Special Homes have been designed for younger children and adolescents on the threshold of youth. Bringing adults in the juvenile justice system does not help in their rehabilitation. In fact, it is likely to change the relationship dynamics among the children and the interaction of the staff with these adults.

The overwhelming thought for all juveniles (21; 53.8%) whether admitted in the Special Home in Maharashtra or Rajasthan was to get “released” from the Special Home. This was not only because they did not want to stay in the Special Home but also due to other life situations. The three adults who were admitted in the Special Home at Jodhpur, mentioned above, were eager to return home and take responsibility of their aging parents, wife and child. Two juveniles who were the only earning members in their family were worried about their mother and sisters. One of the mothers was ailing and elderly as well.

*“I am in a big dilemma. My mother wants me to go back to the village. I too need to go...I can't go. My mother says she will die alone and I would not even come to know about it...What to do?” - Sujay, aged 17yrs. (child of a single parent)*

**Admitted in another City:** While the juvenile was in the Special Home, anxieties that the juvenile may have about his family especially if his family lives in another city needs to be worked with. Juveniles who were admitted in a Special Home in a different city have to be given special attention to ensure that they are able to adjust not only to the Special Home but also adapt to the new city and people as well. In the Special Home at Mumbai, four juveniles had been transferred from other Observation Homes of Maharashtra. These juveniles, away from their families, were very keen to meet them. One of the juveniles had no family. His parents had separated and he had no contact with them. He was only thirteen years old at the time of the interview. He shared that he needed to plan for his future. The other two juveniles too had minimal contact with their parents due to the long distance and inability of parents to travel due to ill health and poorer socio economic circumstances.

*“I need a job. The person at the Special Home has promised that he will get me a job” - Kumar, aged 13 yrs.*

*Kumar, aged 13 yrs., was wandering the company of friends. His parents had separated. Kumar left home, got into addiction and stealing. After being apprehended neither his father nor mother came to meet him or have been in contact with him. Kumar was sent from Nagpur Observation Home to the Special Home in Mumbai. Kumar is very clear that he needs to learn tailoring and take a job*

There is anxiety about the future among all children and especially for those children who were from single parent families or if their parent was either ailing or aging.

**Living with own Family:** Juveniles who were living with their families, though relieved that their case was closed and that they were living with their family, nonetheless were unsure about their future if they were not studying or having a regular job. For rehabilitation it was important to understand the juvenile's family closely.

**Reflecting on their Behavior:** When asked to share their thoughts about the incident of the offence and about themselves, out of 39 juveniles, 12 juveniles (30.8%) were unable to respond. The remaining 27 juveniles (69.2%) shared about their regret. They stated they would not 'trouble' their families again, their behavior was 'wrong' and they would not want to 'repeat' the same.

*"I am too much disappointed with life"* - Madan, aged 17 yrs., (apprehended on causing death of his own father. Juvenile emphasizes that death was not intentional. It was an accident)

*"I want to become a good human being"* - Kiran aged 17 yrs.

*"Whatever I did was wrong and will not do it again"* - Sanju aged 17 yrs.

*"I will not repeat the same mistake again"* - Samir aged 17 yrs.

*"I have learnt my lesson and won't choose the path of crime. It was my mistake"* - Babu, aged 17 yrs.

*"I feel shameful; people in the locality see me as a thief"* - Bholu aged 17 yrs.

**Thoughts about the Future:** Twenty-two juveniles (56.4%) stated that they would like to work. 10 juveniles (25.6%) spoke about acquiring training and then take up work. One juvenile (2.6%) stated that he would not commit offence again and six juveniles (15.4%) were unable to give a response.

**Life with Family after Case is ‘Closed’:** Juveniles staying with family were anxious and frightened about being caught again. One juvenile shared that he stayed away from home for few hours every day without any information and occasionally used addictive substances. He however also stated that his mother was satisfied that he had not been apprehended by police for the past three months. Another juvenile had left his locality and was living with his aunt. Almost all the juveniles who were at home with their families mentioned that they have given up the company of their earlier friends.

The juveniles who were studying had a goal of completing their studies. However, juveniles who had dropped out were unsure about their next course of action. Their problems got further compounded if they had to support their families or had no families. Juveniles who were in contact with the NGO workers mentioned about the social worker’s guidance. None of the juveniles, included in the case study, had been placed under supervision of the probation officer. All the working juveniles were in low paying work or were looking for better opportunities. One of the juveniles who had no education or training, stated that he was looking for a “good job”. He was working as a daily labour. Overall, majority of the juveniles were unsure of their future.

*“The money I am earning from the band is not sufficient to manage the house. I have started looking for other jobs...my future plan to “to look for a job and listen to family” - Lokesh aged 17 yrs. (Juvenile is in contact with an NGO for further guidance)*

*“I am working in a slipper shop. I have to support...I took to theft to increase income and manage family. I do not know whether I can progress much working in a slipper shop”*

### **Life situations of Juveniles: A few Illustration:**

- Shaan, aged 14 years, was staying with uncle and was disturbed about his life. He had attempted to commit suicide during deaddiction treatment. He was currently in contact with an organization and he shared that he may be sent again for treatment. He felt unsure of his future.
- Manas, aged 17 years, was restless during the interview. He shared that he did not listen to either father or mother. His friends still called him. He was unsure about his future He recounted many negative experiences of his stay in the Home and wanted to work in a garage.
- Munish, aged 17 years, had no relations with his father after committing offence. He had relocated with aunt and wanted to complete SSC and ITI
- Lalit juvenile had been given a job in the Observation Home itself after his case was closed
- Mustafa, aged 23 yrs., was staying alone in a rented room, working and wanted to take training. He had no contact with his mother over two years

**Life with Peers and Friends:** Two juveniles (5.1%) shared that they did not have any friends. Two (5.1%) did not respond. 20 juveniles (51.3%) mentioned that their friends were either working or studying. Another six juveniles (15.4%) stated that they had some ‘good’ friends and some friends who were into theft or addiction. Nine juveniles (23.1%) shared that their friends were into theft and/or addiction.

Not wanting to ‘trouble the family again’ seemed like deterrence for almost all the juveniles. Thus, family strengthening and enrichment programmes are critical for sustained support for both the juvenile and the family. Juveniles spoke about particular family members (father, mother, brother, sister, etc.) or non-related family members (teacher, friend) as part of their support system. Therefore, during assessment, if these supportive persons (related or non-related) are involved in the process of rehabilitation, the process will become effective.

In terms of advice to other children, majority of the juveniles expressed that they had nothing much to say. A few stated that children should not engage in stealing or addiction.

### **3.2.3.1 Experience of the Girl Juvenile**

Only one girl juvenile could be identified for the case study. Her family situation was similar to that of the boy juveniles and hence, has been included within the above analysis. The girl juvenile shared that a false charge has been levied on her as she had complained of molestation. Since the incident, the neighbours against whom she had complained, harassed her family. According to the girl juvenile, her brother had committed suicide because of the pressure and abuse. She was not able to concentrate on her studies and wanted to join the police and fight for justice. The girl juvenile was studying in eleventh standard.

**3.2.3.2 Experience of Participating in the Case Study:** Some juveniles did not share much. It is not known whether they were anxious of sharing or were bitter about the juvenile justice system. More in-depth work is needed to ascertain their needs. One juvenile seemed angry during the interview. He stated that he did not want to speak about the past. Around 10 juveniles had tears in their eyes while speaking during the discussion. There is remorse that their family members (especially mother as shared by many of the juveniles) had to undergo so much difficulty because of them. Parents of the juveniles in the Case studies could not be interviewed. Hence, the perspective of the parents about their child is not known in these cases. While it was beyond the scope of this study to assess the mental health of the juveniles, in the case studies, one juvenile came across as having some kind of psychological difficulty which could require further assessment and relevant intervention.

The case studies seem to suggest that there is no one single pathway to offence. The findings revealed that while there are programmes in the Observation Home and/or Special Home, there was an overwhelming desire to get “released”. This subsumed most of the thought processes of the child and he was not able to concentrate or focus on anything much. All juveniles were in the age group wherein they were supposed to be either undergoing schooling/college education and/or vocational training. With the exception of the older men (who were in the Special Home) the juveniles above eighteen years too were supposed to have education or opportunities for skill



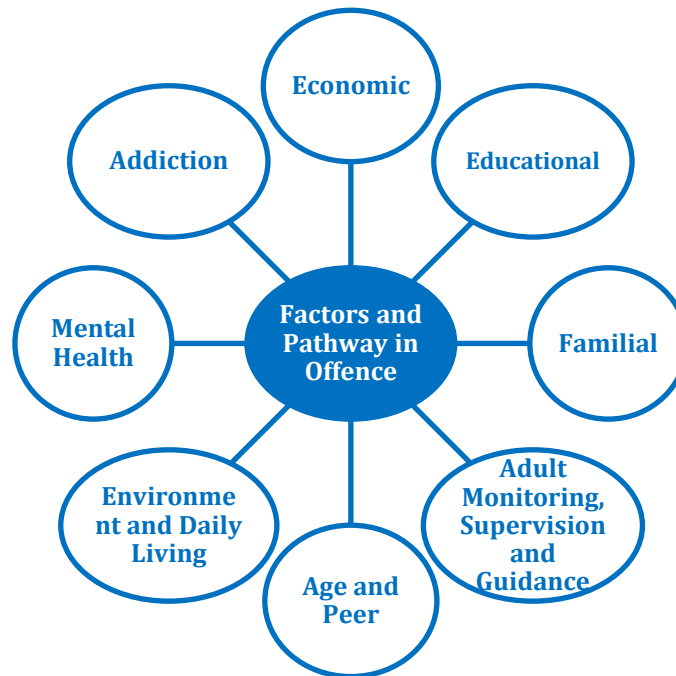
building to enter a constructive work life. However, the case studies revealed that very few juveniles had completed even tenth standard. In most cases, the family situation remained almost similar after the alleged offence and none of the juveniles mentioned about any follow up being done. Juveniles who were at home with their families were struggling to find their goals. Those in the Special Homes were doing different kinds of courses but those with their family were largely unsure of their future. Though there seems to be a strong deterrence to avoid situations of crime due to the experience of being within the juvenile justice system, other circumstances in their lives had not changed much. It was then difficult for the child to plan anything better without substantive adult support and guidance.

### **3.3 Factors or ‘Cause’ of Juvenile Offence: Findings from the Study**

Police data have consistently recorded that the juveniles who come within the system live with their family, have low education and belong to lower socio economic backgrounds. The offence charges indicate that the highest incidence is that of theft charges followed by assault and other forms of harm to the human body. This study too has similar findings. However, the overall profile of juveniles, included in the study and their reasons for juvenile crime, though similar, were not the same or identical. In each child’s life there was a unique series of circumstances. While the juveniles may have identified the precipitating reason as the ‘cause’ of the offence, the findings show that there could be other underlying factors as well.

## Factors and Pathways in Offence

There are several factors or pathways in juvenile offence. Not all factors are equally significant for every child. Different factors directly or indirectly impact the child's thinking, behaviour, or creates a sequence of events. The factors (see Figure 3.9) that have emerged from the study are given below:



*Figure 3.9: Factors and Pathway in Offence*

- 1. Economic Factor:** Theft has always remained as the predominant offence charge. It is not poverty which is the direct cause of offence. Rather it is a combination of poverty related factors such as low jobs of parent/guardian, fewer options for a viable livelihood, income instability, and desire for fulfillment of needs and even addiction. (30.5% parents in the study mentioned that their monthly family income was less than Rs.5000).
- 2. Educational Factor:** Education is largely linked to occupation, income, as well as confidence and respectability of an individual. In the juvenile data, 98 juveniles were in school (46%) and majority (113 juveniles; 54%) had dropped out of the education system. Out of 113 juveniles not attending school, 28 indicated that they had never been

to school. Within the parent data, 45 parents (47.4%) mentioned that their children did not go to school. further, the parents also shared that majority had no education or had dropped out at the middle school level. In the case studies, out of the 39 juveniles, majority were ‘Drop outs’ (26 juveniles; 66.7%). Nine (23.1%) among them had no education.

- 3. Familial Factor:** While the juveniles or the parents do not ascribe or perceive ‘family’ situation as one of the factors or causes for the offence, majority of the functionaries have expressed that the family context is one the reasons for juvenile offence. The study findings indicate that there were a variety of situations at home which could presumably either negatively influence the child or cause neglect and lack of adult supervision. Lack of adequate income, alcoholism, involvement of family members in police cases, conflict within the house, negative relationships between the juvenile and family and other situations, have been mentioned by juveniles and parents in the Study.
  
- 4. The Age and Peer Factor:** Majority of the juveniles with offence charges were in the age group of 16-18 years. (In the secondary data case files, 50.8% of the juveniles were in the age group of 16-18 years. Similarly in the primary data of 211 juveniles, 52% were in this age range and 48.7% in the case studies). This was the period of adolescence wherein children may get influenced by their peers and friends more than their own family members. This was also the phase in life where a child had greater independence to move outside the house for longer periods. However, despite the supposed ‘freedom’ and company of peers, the juvenile may not have the maturity to think and behave appropriately. Out of the 1156 case files perused, 38% juveniles had offence charges indicating that they had allegedly committed the offence along with others. In the case studies 23 out of 39 juveniles mentioned that they had been caught along with friends.

Thus, the company the child keeps and whether parents/guardian were aware of the same was crucial. In the parent data, majority (43.2%) gave ‘bad company’ of friends as the cause of offence. A few juveniles have also mentioned that some of their friends have been in police cases/jail. Almost all the repeat offenders in the case studies were in theft

cases and in addition too. Significantly several juveniles have also emphasized that they were falsely implicated in offence charges along with their friends. In the parent data too, this has emerged as a finding. Further some children, though first time offenders within the juvenile justice system, have been in offences earlier but not got 'caught' by police. Timely adult monitoring and guidance is crucial to prevent or pre-empt some of the likely negative influences of peers. This would depend on the nature of relationships the parents/guardian had developed with their child.

- 5. Adult Monitoring, Supervision, and Guidance:** Adult guidance is required not only to prevent children from getting into trouble but also to steer them towards positive career and life goals. Supervision also includes knowing about the juvenile's friends and activities outside the home. If a child drops out of school and the family too has no education or are themselves struggling in low paying occupations, there are often no teachers or other positive adult role models in the child's life. Without any direction in life and supervision over the daily routine, some of the children start drifting and may become vulnerable to offence.
  
- 6. The 'Environment' and Daily Living:** The environment; school, family, neighbourhood, as well as work place have its own impact on the growing child or young adolescent. Adequate living conditions, facilities and amenities at home and school, human relationships with trusting and caring adults gives children stability and confidence. Familial situations, lack of progress and encouragement in school, neighbourhood violence and fights and anti-social 'gangs', if forms a part of juvenile's life, can have its own influence and repercussion becomes a part of life. Further, it is not only about the jobs the juveniles are holding the environment at the work place also has its own impact.
  
- 7. Mental Health Factor:** While the mental health need of the juveniles has not been examined in the study, a few of the functionaries (18) have suggested the need for counselling and assessment by mental health experts.

**8. Addiction as a Factor:** In the case studies, almost all the repeat offenders mentioned about committing theft to meet addiction related requirements.

This Chapter highlighted critical aspects pertaining to juveniles in conflict with law. The trend, magnitude, incidence and nature of offence was analyzed through police records, secondary data (JJB case files), juvenile and parent data. Within the juvenile data, insights were gained from two groups; juveniles whose ‘cases’ were pending before the JJB and juveniles whose ‘cases’ were closed and they were living either with their own families or had been admitted in the Special Home. Further, different aspects of the juvenile’s life situation were examined. Experiences of parents of juveniles whose ‘cases’ were pending before the JJB too were included. The findings provide clues on some core areas that merit attention. A macro level analysis of the States that have highest incidence of juvenile crimes is required. Dropping out of school as well as addiction are not mere individual problems of juveniles. These are serious social issues and mandate effective redressal. The findings also indicate that there are several factors or ‘causes’ of juvenile offence. As mentioned earlier all of the factors may not be equally relevant in every juvenile’s life. Nonetheless, for any kind of rehabilitation programme a thorough assessment is required of every juvenile’s life situation and the probable presence of any of the above mentioned factors and its influence or impact on the juvenile. The role of the family needs to be understood within the context of each juvenile’s life. A large number of juveniles expressed anxieties about their future. The juvenile justice system must be able to address them and provide viable alternatives.

## Chapter 4: The Juvenile Justice System: Experience and Current Realities

This Chapter includes the experience of the juveniles as shared by the juveniles themselves in the interviews, case studies and the interviews with parents. This Chapter has three parts:

**4.1 Part A** - Experiences and Suggestions of the Juveniles (Juvenile data)

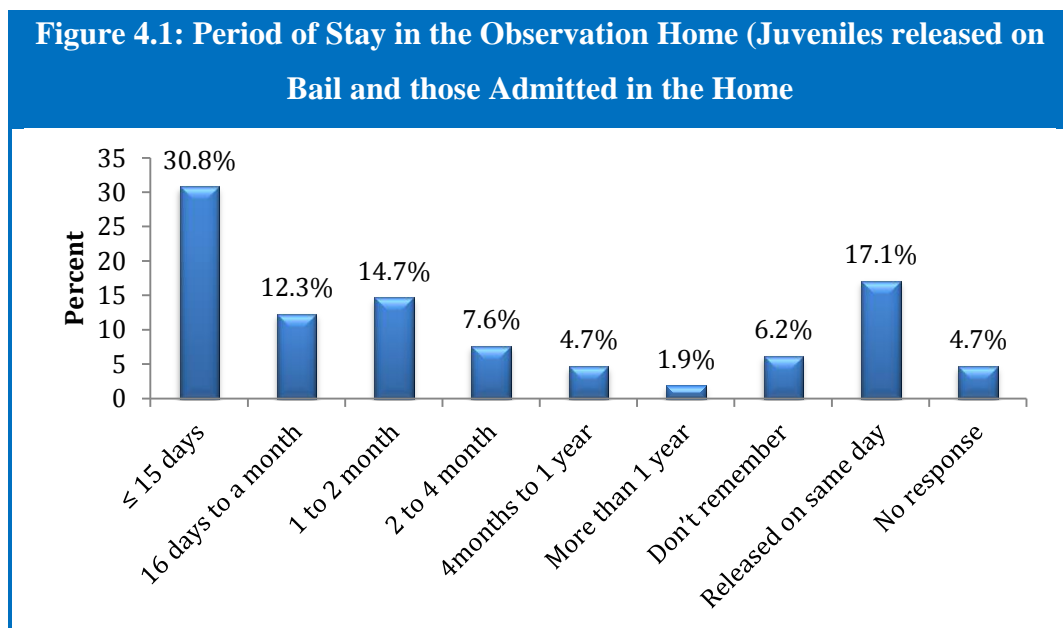
**4.2 Part B** - Experiences and Suggestions of the Juveniles (Case Studies)

**4.3 Part C** - Experiences and Suggestions of the Parents (Parent data)

### 4.1 Part A - Experiences and Suggestions of the Juveniles

The experiences and suggestions of the juveniles have been covered through different facets of the juvenile justice system. After apprehension, juveniles are admitted in the Observation Home if not released on bail. The Observation Home (OH) is a closed residential care Institution. Juveniles have to stay in the OH till the JJB passes an Order for bail or any other Order. Thus, the stay in OH can have an impact on the juveniles, both positive and negative, as juveniles have to stay away from their families and live among a heterogeneous group of children.

**Period of Stay in the Observation Home:** The Figure below (Figure 4.1) presents the data of both the juveniles admitted in the Observation Home and those on bail, to get an overall scenario.



Out of 211 juveniles in the study, 175 juveniles (82.9%) had been admitted in the Observation Home for varying periods of time. The highest number of juveniles (65; 30.8%) indicated that they were staying in the Observation home less than and equal to 15 days. 36 juveniles (17.1%) had got released on the same day itself. Four juveniles (1.9%) were staying in the Observation Home for more than one year.

**Reason for Stay in Observation Home and Not Released Immediately on Bail:** Forty-one juveniles (19.4%) expressed that they did not know the reason for staying in the Observation home and not being released on bail. Other Juveniles ascribed different reasons for not getting released on bail. While some of the juveniles (56; 32%) mentioned about delay in bail process or that bail was not given, they were very not clear about the reasons. 30 juveniles (14.2%) admitted in Observation Home mentioned that either their family did not know that they had been admitted or were not wanting to come to the Observation Home. A few mentioned about family staying in the village so it took them a few days to travel (see Table 4.1).

**Table 4.1: Reason for Stay in Observation Home and not released immediately on Bail**

Reason for Admission in OH	Admitted in OH	On Bail	Percent (%)
Don't know	25	16	19.4
Delay in bail process	19	11	14.2
Bail was not given immediately	17	9	12.3
Because did wrong/ offence	4	11	7.1
Enquiry file/ charge sheet not ready	6	3	4.3
Family not coming to seek bail	18	0	8.5
Family don't know about juvenile's admission	12	0	5.7
Other	9	5	6.6
No response	0	10	4.7
Not Applicable (Released same day)	0	36	17.1
<b>Total</b>	<b>110</b>	<b>101</b>	<b>100.0</b>

**Daily Routine in the Observation Home:** Seven juveniles admitted in the Observation Home mentioned that they “do nothing”. Another nine juveniles (admitted in Observation Home) and two juveniles (on bail) mentioned that they would be “sitting alone”. The remaining juveniles have described their daily routine which is similar in majority of the children’s institution. The

juveniles gave a variety of responses such as normal morning activity with daily food, watching TV, playing indoor/outdoor games, chatting/talking with friends, working/helping in the Observation Home (cleaning, cooking and sweeping work), studying/doing course and reading newspaper. In comparison, only fewer juveniles spoke about education and other classes. While there seemed to be indoor and outdoor games, there did not emerge any kind of structured and ongoing classes (vocation/skill building/education) in any of the Observation Homes as shared by the juveniles.

**Facilities Available in Observation Home:** One hundred and seventy five juveniles out of 211 juveniles in the Study have had an experience of staying in the Observation Home. Out of which 90 juveniles (51.4%) mentioned that they had access to all the facilities they needed within the Observation Home. However, 34 juveniles (19.4%) shared that the facilities available were not good. When asked about the types of facilities available, the juveniles spoke about food, games, recreation, and entertainment but very few juveniles (3 juveniles; 1.7%) mentioned about availability of study materials. While it is understood that the Observation Home is a temporary facility, nonetheless, juveniles stay there for a certain period of time (see Table 4.2). Hence, it is important to plan structured inputs with them while they are staying there.

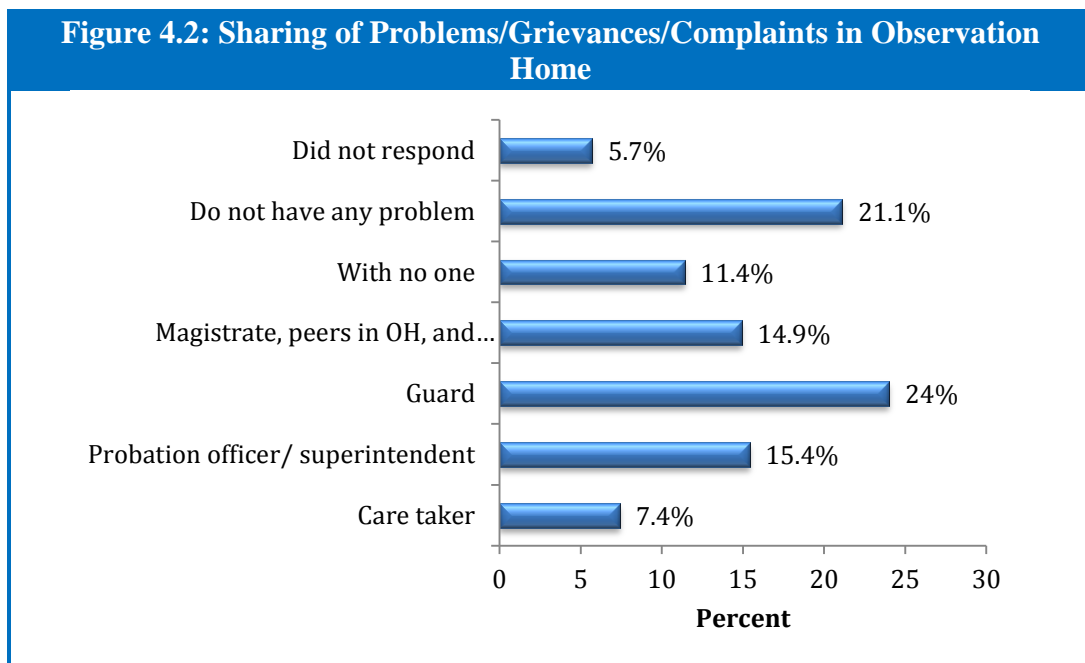
**Table 4.2: Facilities Available in Observation Home**

Facilities within the Home	Admitted in Observation Home*	Juvenile on Bail*	Percent (%)
All facilities	58	32	51.4
Facility of food	2	6	4.6
Bed for sleeping	3	1	2.3
Game, entertainment and recreation facilities	15	4	10.9
Good facilities of food and bed	3	1	2.3
no good facilities	26	8	19.4
Book Reading facilities	1	2	1.7
No response	2	11	7.4
<b>Total</b>	<b>110</b>	<b>65*</b>	<b>100</b>

*\* This table includes data of only 65 juveniles on bail as the remaining 36 juveniles had not stayed in the Observation Home.*



**Sharing of Problems/Grievances/Complaints in Observation Home:** One hundred and sixteen juveniles out of 175 (66.3%) stated that they did not know whether there was any formal system of registering a complaint. Another 34 juveniles (19.4%) mentioned that there was no such system. Nonetheless, 42 juveniles (24%) indicated that for sharing their problems/grievances/complaints they went to the ‘Guard’ while 13 juveniles (7.4%) mentioned about going to the caretakers, 27 juveniles (15.4%) mentioned about it to the Superintendent and others (26 juveniles; 14.8%) discussed with the Magistrate, peers in Observation Home, and Counsellor. 37 juveniles (21.1%) stated that they had no problems while others shared (20 juveniles; 11%) shared that they did not go to any one. The juveniles approached whoever was accessible as well as approachable. Hence, it is very critical that foundational training is provided to staff at all levels so that a uniform approach towards communication and redressing of grievances can be maintained (see Figure 4.2).



**Interaction with Authorities:**

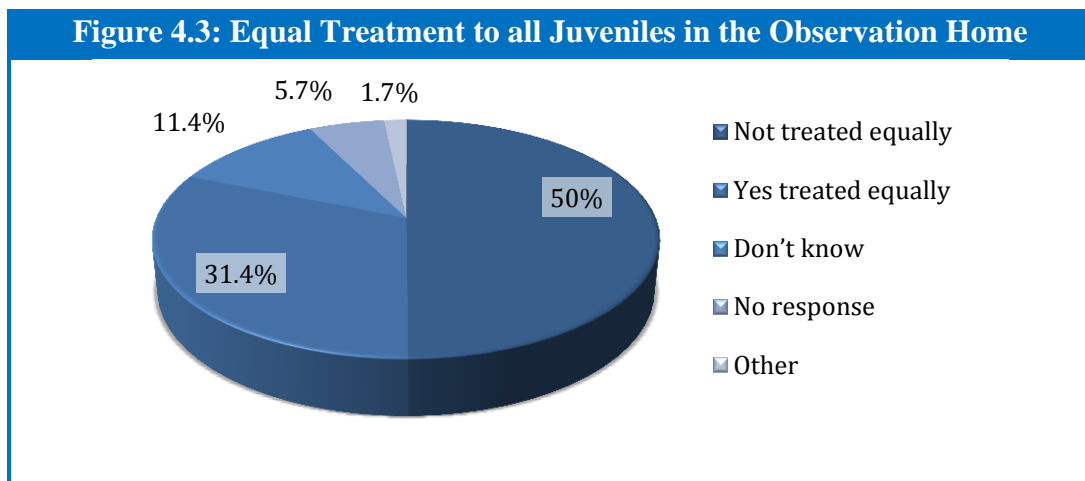
Fifty-three juveniles (30.3%) mentioned that they had not met any authority. It is not clear whether they did not get to meet anybody or the juvenile did not gather much from the meeting. The remaining juveniles met someone or the other based on requirement. Some (41 juveniles; 23.4%) mentioned that they have met all concerned authorities. There needs to be a standardized system of meeting the authorities so that systematic planning towards rehabilitation can begin from the first meeting itself (see Table 4.3).

**Table 4.3: Interaction with Authorities**

Interaction with Authorities	Juvenile in Observation Home	Juvenile on Bail	Percent (%)
Not met anyone	24	29	30.3
Care taker	4	2	3.4
Social worker	5	3	4.6
Probation officer	18	3	12.0
Guard	3	1	2.3
Yes met	8	12	11.4
All authority	37	4	23.4
Magistrate	8	5	7.4
Counselor	3	0	1.7
Other	0	6	3.4
<b>Total</b>	<b>110</b>	<b>65*</b>	<b>100</b>

*\* This table includes data of only 65 juveniles on bail as the remaining 36 juveniles had not stayed in the Observation Home.*

**Equal Treatment to All:** Out of 175 juveniles, 87 (50%) juveniles revealed that all the children were not ‘treated equally’ in the Observation Home whereas 55 juveniles (31%) mentioned about equal treatment. 20 juveniles stated that they did not know. 10 juveniles did not respond. Three juveniles gave other responses such as feeling scared in the Observation Home, did not want to stay, and missed parents and home (see Figure 4.3).



**Experience of Stay in the Observation Home:** Out of 175 juveniles, 83 (47.4%) did not like to stay in the Observation Home. It was not surprising that larger number of juveniles who were currently admitted in the Observation Home shared about not liking anything than those juveniles on bail. 31 juveniles (17.7%) did not respond. 36 juveniles (20.5%) mentioned about liking the facilities and the stay. A few juveniles (25; 14.3%) gave varied reasons of not liking such as boys fought without reason, different kinds of children come into the Observation Home, beating of children by staff, sometimes children were not allowed to talk to each other, 'roti' was not cooked properly, more education facilities required, no space to play, getting into trouble if other boys complained, and/or wanting to go home at the earliest and move 'out of the four walls' (see Table 4.4).

In a Study in Bangalore 70% of the juveniles [out of 2500] have expressed dissatisfaction about Observation Home; with regard to food, segregation according to age, availability of drugs, beedi, cigar and gutkha, and bullying by senior juveniles. (ECHO, 2014)

**Table 4.4: Experience of Stay in the Observation Home**

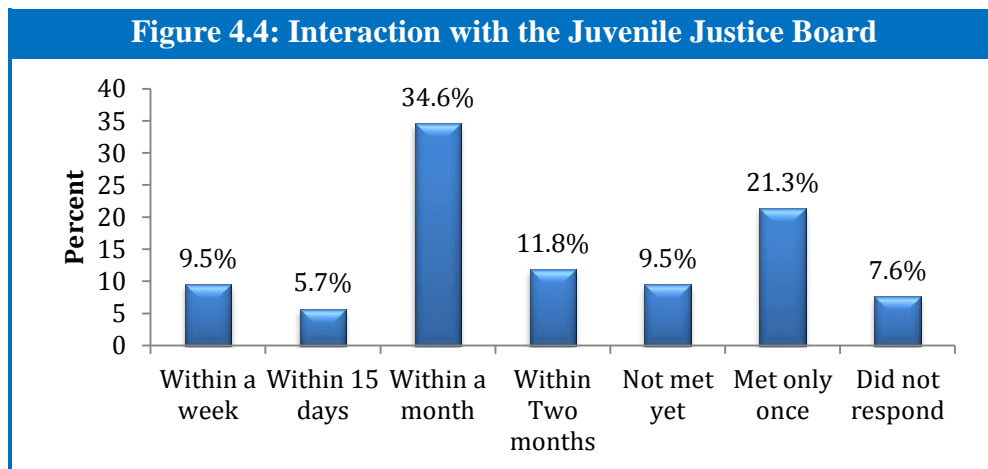
Experience of Stay in the Observation Home	Juvenile Admitted in Observation Home	Juvenile on Bail	Percent (%)
All the facilities are good	22	10	18.3
Don't like to stay in OH/ don't like anything	59	24	47.4
Everyone is good and I like here	4	0	2.3
Other Responses (Food not good, boys were beaten, fights among children, not allowed to talk, no space to play and inadequate educational facilities)	8	17	14.3
No response	17	14	17.7
<b>Total</b>	<b>110</b>	<b>65</b>	<b>100</b>

**Suggestions from the Juveniles for Improvement:** Out of 175 juveniles 80 (45.7%) stated that everything was good and no changes were required. The remaining juveniles gave a range of suggestions which included better food, more educational facilities, children should not be kept locked, fights among boys must be stopped, and no supply of addictive substances within the premises. A few juveniles also mentioned that juveniles could be separated according to their crime, provision for early release and parents/family should be allowed to meet the child for a longer period of time. Repeat offender juveniles must be treated separately as often they know the system better than the children who are newly admitted. Nine juveniles (5.1%) mentioned that they were unable to give suggestions and 15 juveniles (8.6%) did not respond to the question (see Box 4.1).

**Box 4.1: Suggestions from Juveniles for Changes within the Observation Home: Key Findings**

- ✓ Everything is good/No Changes required
- ✓ Need for better facilities (food, education, toilet, book, recreation, sports and study material)
- ✓ Other (No fights, supply of substances should be stopped, should not be kept locked in the room/ should be kept free, OH should be clean)
- ✓ Don't like anything

**Interaction with the Juvenile Justice Board:** The frequency of meetings depended on the status of the case and the juvenile's admission. While 16 juveniles on bail did not respond to the question, the remaining were meeting the JJB at different intervals. Some juveniles who were admitted in the Observation Home were yet to meet the JJB. (see Figure 4.4)



**Nature of Interaction with Juvenile Justice Board:** Juveniles gave a range of responses regarding their nature of interaction with the members of the JJB. 56 juveniles (26.5%) mentioned that they did not discuss anything. The remaining shared about different information the JJB had sought from them or the inputs JJB had given them. Largely (77 juveniles; 36.5%) the discussion was around the juvenile’s ‘case’. Information was provided. A few juveniles (13; 6.2%) mentioned that the JJB spoke about their behaviour or plans for further education. There does not appear to be a standardized set of questions that every juvenile needed to answer (see Table 4.5).

**Table 4.5: Nature of Interaction with the Juvenile Justice Board**

Nature of Interaction with JJB	Number of Juvenile Admitted in Observation Home	Number of Juvenile on Bail	Percent (%)
Discuss about case	48	29	36.5
Discuss the general information	8	6	6.6
Other (Bail, contacting family, about release)	8	11	9.0
Did not discuss anything	23	33	26.5
Do Not remember	0	2	0.9
Discuss about offence behavior and education plan	3	10	6.2
Yet to meet JJB	20	0	9.5
No Response	0	10	4.7
<b>Total</b>	<b>110</b>	<b>101</b>	<b>100.0</b>

**Experience of Attending the Juvenile Justice Board:** Seventy-nine juvenile (41.4%)

mentioned that they did not ‘feel anything’ after attending the Juvenile Justice Board. 23 juveniles (12%) did not respond. All of them were juveniles who were on bail and had pending cases before the Board. The remaining ones (31 juveniles; 16.2%) shared a range of responses ranging from positive communication with Board members feelings of anxiety, fear, and regret. A few juveniles’

**Table 4.6: Experience of Attending the Juvenile Justice Board**

Attending the JJB experience	Juvenile Admitted in Observation Home	Juvenile on Bail	Percent (%)
Do not feel anything	46	33	41.4
Everyone spoke nicely/ felt nice/ everything was good	7	6	6.8
Was scared/ anxiety of when will get release	3	10	6.8
Feeling regretted/ feeling sad/ guilty	2	3	2.6
Feeling good/ relaxed	17	8	13.1
Other	15	18	17.3
No Response	0	23	12.0
<b>Total</b>	<b>90</b>	<b>101</b>	<b>100</b>

(33; 17.3%) expressed that they did not like coming to the JJB, felt bored waiting for such a long time, felt anxious about reaching on time especially if they had to travel long distances. A few juveniles (25; 13.1%) felt encouraged by JJB members to perform better in life (see Table 4.6).

**Experience of Probation Officer:** Juveniles who were currently admitted in the Observation Home had met the Probation Officer much more than those who were on bail. 58 juveniles out of 101 (57%) who were on bail had either not met the Probation Officer or did not know about the Probation Officer. 31 juveniles (28.2%) who were in the Observation Home mentioned that they met the Probation Officer daily. This indicates that as part of the daily schedule, the PO must be meeting the juveniles. This practice is beneficial for the juveniles (see Table 4.7). Even for juveniles who get released on bail immediately or within the first two days, it is critical that they meet the Probation Officer so that assessment and planning for rehabilitation can begin.

**Table 4.7: Experience of Probation Officer**

Number of Meetings with Probation Officer	Juvenile Admitted in Observation Home		Juvenile on Bail	
	Number	Percent (%)	Number	Percent (%)
Daily	31	28.2	0	0.0
1 to 2 times	21	19.1	14	13.9
3 to 5 times	15	13.6	10	9.9
Once in a week	8	7.3	0	0.0
Met PO but did not say how many times	6	5.5	8	7.9
Never met/ Do not know about PO	29	26.4	58	57.4
Did not respond	0	0.0	11	10.9
<b>Total</b>	<b>110</b>	<b>100</b>	<b>101</b>	<b>100</b>

**Nature of Interaction with Probation Officer:** In terms of nature of interaction with probation

Officer, 81 juveniles (out of 110) admitted in the Observation Home and 43 juveniles (out of 101) on bail were able to respond to the question on nature of interaction. It can be seen from Table 4.9 that juveniles who were in the Observation Home discussed about daily activities and other aspects of the Observation Home. Both groups of juveniles were also told not to repeat their offence again, to study well and become a ‘good human being’. Some juveniles also shared that nothing was discussed.

**Table 4.8: Nature of Interaction with Probation Officer**

Nature of Interaction with PO	Juvenile Admitted in Observation Home	Juvenile on Bail	Percent (%)
Be good human being/ behave nicely/ do study	6	7	10.5
Don't do offence again	3	3	4.8
Discuss about case	12	7	15.3
Nothing discussed	19	7	21.0
Discussed about release	2	0	1.6
About daily activities	11	0	8.9
Other	4	6	8.1
About self and background	12	0	9.7
About difficulties face in OH	12	0	9.7
Do not remember	0	3	2.4
No response	0	10	8.1
<b>Total</b>	<b>81</b>	<b>43</b>	<b>100</b>

**About ‘Case’ Status:** Majority (101 juveniles; 47.9%) shared that they did not know about the current status of their case.

**Table 4.9: About ‘Case’ Status**

About Case Status	Juvenile Admitted in Observation Home	Juvenile on Bail	Percent (%)
File is not ready	6	0	2.8
Don’t know	69	32	47.9
Case will be closed soon	3	15	8.5
Other	9	12	10.0
Waiting for bail/ bail got cancelled	23	0	10.9
On Bail	0	27	12.8
Charge sheet is ready	0	6	2.8
No response	0	9	4.3
<b>Total</b>	<b>110</b>	<b>101</b>	<b>100.0</b>

**Source of Information about ‘Case’:** Fifty juveniles (23.7%) stated that they got their information through their lawyer. Another 46 juveniles (21.8%) expressed that they were unable to collect information from anybody. The other juveniles mentioned different sources depending on the person they were in contact with. 21 juveniles (10.0%) who were admitted in the Observation Home also mentioned that they asked the guards about the status of their case (see Table 4.10).

**Table 4.10: Source of Information about ‘Case’**

Source of Information	Juvenile Admitted in Observation Home	Juvenile on Bail	Percent (%)
No response	2	10	5.7
Through advocate	10	40	23.7
Someone from JJB staff	8	18	12.3
Family members	16	8	11.4
Social worker/ counselor	4	12	7.6
No idea	3	2	2.4
Nobody	37	9	21.8
Other	9	2	5.2
Guard	21	0	10.0
<b>Total</b>	<b>110</b>	<b>101</b>	<b>100.0</b>



## 4.2 Part B- Experiences and Suggestions of the Juveniles (Case Studies)

Except one, all the juveniles had either one of the parents or relatives who attended all the proceedings on behalf of the juvenile till the case closed. The experience of the juvenile justice system has been divided into five sub parts. They include experiences within the Observation Home/Special Home, Police, Juvenile Justice Board, Lawyers and NGO staff.

**Stay in the Observation Home:** Out of 39 juveniles in the case studies, seven (17.9%) did not get admitted in the Observation Home. They had got released on bail the same day. 21 juveniles (53.8%) expressed that they had a positive experience whereas 11 juveniles (28.2%) expressed negative emotions. Some of the juveniles mentioned that being kept “closed” within one-two rooms was a difficult experience.

Out of 32 juveniles who had stayed in the Observation Home for varying periods, seven juveniles (21.9%) were not forthcoming in sharing about the nature of interaction with the authorities in the Observation Home. A few of them stated that they have had no interaction with the key authorities (Magistrate, Probation Officer, and Superintendent). 15 juveniles (46.9%) mentioned that they did have some interaction with the staff. The authorities would largely ask them to ‘behave well’ and ‘study’. Different juveniles had interactions with different staff members. Some spoke about the Magistrate, Probation Officer while others spoke about NGO workers. A few reported about their sharing experiences with guards and caretakers. In a juvenile justice system it is very important to not just involve the senior functionaries but also the caretaking staff in planning for the juveniles as the caretakers worked closely with them and could offer valuable insights about the juveniles and their life situations.

*“I was most comfortable with the Caretaker. I could share all the personal things with him” -*

*Nilesh, aged 32, yrs*

*“Teachers are giving good support” - Abhijeet, aged 16 yrs*

In terms of interacting with other juveniles, out of 32 juveniles who had stayed in the Observation Home, only seven juveniles (21.9%) shared that they had positive relations with

other juveniles. The remaining juveniles were vague in their responses. Two juveniles (6.2%) however specifically stated that the older juveniles ill-treated and abused other juveniles.

In programmes for children, specific programmes have to be designed for children to get to know each other and become a support for one another during their stay in the Observation Home/Special Home.

**Experience of Juvenile Justice Board:** The juveniles were not clear about the two social work members placed as members on the Juvenile Justice Board. They were aware of the role of the Magistrate and identified her/him as the ‘Judge’. 20 juveniles (51.3%) stated that they had a positive interaction with the Magistrate who listened to them and provided them useful information. Responses of the other 19 juveniles (48.7%) ranged from ‘low’ interaction to ‘no interaction’. Juveniles reported that they were usually called to the Juvenile Justice Board. They would stand quietly. If there was a lawyer, there was interaction with the lawyer and sometimes with the parent/guardian and then a date would be allotted. A few juveniles were hesitant to answer this question. Some juveniles had lawyers who would process their case and hence these juveniles would receive information from the lawyers. One juvenile mentioned that the Magistrate asked him about his future plans and that whether he would like to pursue higher education.

*“Judge (Magistrate) spoke politely, took me to one side and spoke and asked about my friends”*

*“Judge (Magistrate) was listening to me”*

*“I like to communicate with Judge (Magistrate)”*

**Experience of Police:** Out of 39 juveniles, a large number of juveniles (23; 59%) shared that they had been beaten and ill-treated by the police. All of them emphasized that the police use abusive language and “bad words”. A few mentioned that they were kept in custody. Three juveniles (7.7%) did not want to answer and 13 juveniles (33.3%) stated that police did not beat or ill-treat them. A few juveniles mentioned that the police had specifically asked them not to report to the Juvenile Justice Board about the beating. Some juveniles were handcuffed and kept in the police station.

*‘Police caught me and took me to the police station. They beat me with belt and hit me on my back. While speaking they were using abusive language with me. First day they beat me and left and then another day they called me again and beat me. Police were also saying that they will chop me and throw me on the railway track or in the gutter’*

- Bhim, aged 17 years

The study by ECHO (2014) of 2500 juvenile cases in Bangalore indicates that most of the children have witnessed violence from the police and sometimes the violence was very brutal (pp: 39). The police were commonly reported by all the participants (in the Focussed Group Discussion) to be rude, non-child friendly in their demeanor and many times abusive while dealing with children in conflict with law, especially when they wanted the child to accept the crime. Some children did admit that some of the police are good and kind; if pleaded guilty, they did not beat. (pp: 40)

**Experience of Legal Service:** Majority of the juveniles were vague in their responses. Some were aware that their parents had engaged a private lawyer who would give the information about the case. None of the juveniles in the case studies mentioned about Free Legal Aid Services.

**Experience of NGO:** Few juveniles had the opportunity of interacting with NGO social workers. Nine juveniles (23.1%) had a positive feedback about the NGOs workers who would interact with the juveniles and advise them to study, behave well and discuss future plans.

*“They made us understand nicely”*

*“Social workers come and teach us good lessons which I like”*

From the sharing of the experiences, it seems that each juvenile had interactions with different functionaries. This was dependent on the individual functionary and his/her involvement with the child. No uniform response from the juveniles about certain common norms or protocols of communication that they have all experienced emerges from the case studies. Basic needs were being met though the juveniles gave suggestions about improving the quality of food, bed sheets,

more play material, etc. What seemed to be lacking were in-depth discussion with the juveniles on assessing their current situation and planning for rehabilitation. It was largely limited to giving advice on “behaving well” and not getting into any conflict with law.

**Suggestions from the Juveniles about the Juvenile Justice System:** Majority of the juveniles stated that they did not have any suggestions. One juvenile expressed positively that children did learn something after getting admitted in the Observation Home or Special Home. Some were hesitant to say much. However, few provided suggestions for improvement in certain areas. Their views have brought together and presented in Box 4.2.

Box 4.2: Suggestions from the Juveniles	
Areas for Improvement	The Voice of the Juvenile
Basic Amenities	<p>“The quality of food must improve”</p> <p>“ We need blankets and bed sheets”</p> <p>“We need more material for our classes and for play”</p>
Stay within the Observation/Special Home	<p>“Special facilities must be provided to children with disability”</p> <p>“Older children must not be allowed to beat and abuse younger children”</p>
Role of Police	<p>“Police should not beat us so much and treat us so badly”. <i>Several juveniles</i></p> <p>“Police must not use bad words and abusive words”. <i>Several juveniles</i></p> <p>“The police require training on communicating with juveniles and not beating them and using abusive language”. <i>Two juveniles</i></p>
Juvenile Justice Board	<p>“Children should get opportunity to speak their thought before the Juvenile Justice Board”</p>

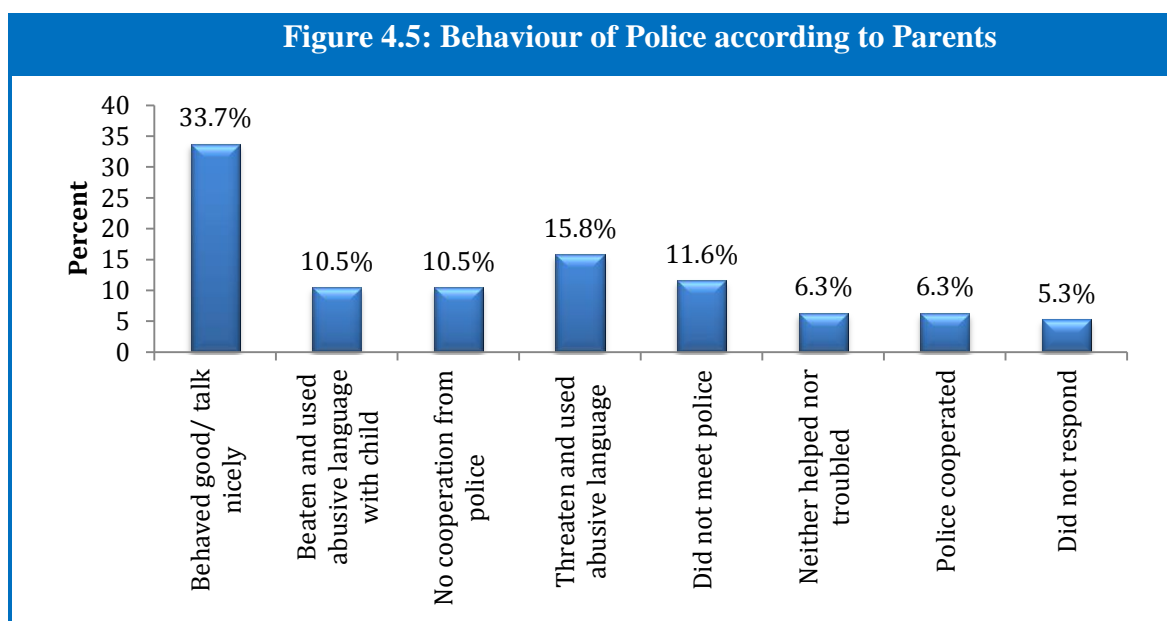
### 4.3 Part C- Experiences and Suggestions of the Parents/Family

**Nature of Apprehension by Police:** Thirty-three parents (34.7%) revealed that the police had caught their child from home whereas 22 parents (23.2%) mentioned that their child was caught from a location nearby their homes. 11 parents (11.6%) mentioned that the child had surrendered himself at the police station on his own or on the request of parents. Nine parents (9.5%) shared that the child was caught from the place of offence. Seven parents (7.4%) stated that the police had called the child to the police station and detained him, followed by someone took him/ her to police station as shared by six parents (6.3%). One parent shared that he/she did not know how their child got caught and six parents (6.3%) did not respond to the question (see Table 4.11). Nature of apprehension has implications on subsequent impact on the juvenile and family. It gives an indication of the probable sequence of events that led to the apprehension.

**Table 4.11: How did Child get caught?**

Child Getting 'Caught'	Number	Percent (%)
Police caught from home	33	34.7
From the place of offence	9	9.5
Caught nearby to home but outside	22	23.2
Child surrender to police station (himself or by parents)	11	11.6
Someone took him/ her to police station	6	6.3
No idea or don't know	1	1.1
Police called to police station and caught	7	7.4
No response	6	6.3
<b>Total</b>	<b>95</b>	<b>100</b>

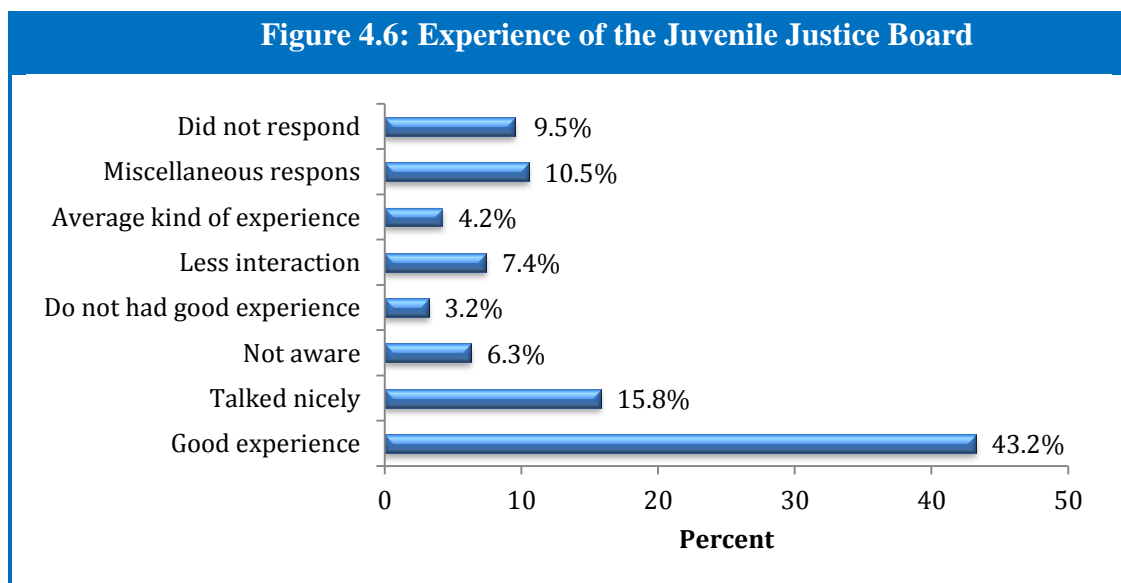
**‘Behaviour’ of the Police:** Thirty-two parents (33.7%) mentioned that police behaved good and talked nicely with them and six parents (6.3%) shared that the police was cooperative. However, 10 parents (10.5%) stated that they their child was beaten and police used abusive language and 15 parents (15.8%) indicated that they did not have any good experience with police who threatened and used abusive language. Another 10 parents (10.5%) shared that they received no cooperation from police. 11 parents (11.6 %) mentioned that they did not meet police. Six parents (6.3%) indicated that police neither helped nor troubled them. Remaining five parents (5.3%) did not respond to the question (see Figure 4.5).



**Status of ‘Case’:** Participants gave multiple responses when asked about the current status of the juvenile’s case. 36 parents (37.9%) mentioned that their children were on bail and the case ‘hearing’ (*inquiry*) was underway while 16 parents (16.8%) did not know about the current status of case. 17 parents (17.9%) respondents shared that their case was nearing closure, 12 parents (12.6%) indicated that they would or had already applied for bail, three parents (3.2%) mentioned that their bail had got cancelled and two parents (2.1%) did not respond. Few other responses were given by nine parents (9.5%) such as ‘charge sheet’ (police Final Report) had been submitted, the child was undergoing counselling, child would be sent to *Borstal* school for a year, would not take the child home unless he had completed the de-addiction treatment, the lawyer had not yet given any information and waiting for ‘witness’ who were supposed to come before JJB and give their testimonial.

**Awareness about the Term-‘Juvenile Justice Board’:** Only four parents (4.2%) correctly used the term ‘juvenile justice board’. 33 parents (34.7%) mentioned that their children were produced before the ‘juvenile court’. 17 parents (17.9%) simply used the word ‘court’, 14 parents (14.7%) named the JJB as the ‘juvenile home’, three parents (3.2%) called it ‘children’s jail’, one parent said ‘juvenile board’ and another (1.1%) mentioned as ‘juvenile justice home’. Eight parents (8.4%) mentioned that they did not know the name of the place where they had produced their child. Another 14 parents (14.7%) gave variety of responses such as judge, lawyer, lower court, magistrate and Yeravada (*address of one JJB*) for the name of the place where parents had to produce their child.

**Experience of the Juvenile Justice Board:** Most of the participants (41 parents; 43.2%) mentioned that they had a good experience with the JJB, 15 parents (15.8%) stated that the JJB responded well and provided information to them, only three parents (3.2%) stated that they had a bad experience and four parents (4.2%) shared about having an average experience. Six parents (6.3%) were unable to share much about the kind of experience they had with the JJB and nine parents (9.5%) did not respond to the question. 10 parents (10.5%) provided miscellaneous responses. For example, the JJB had asked if the participant wanted to take the custody of child, the parent felt scared, some felt bad about having to come to the JJB, one shared that he was asked to send the child to a Special Home while another was asked to send the child to school (see Figure 4.6).

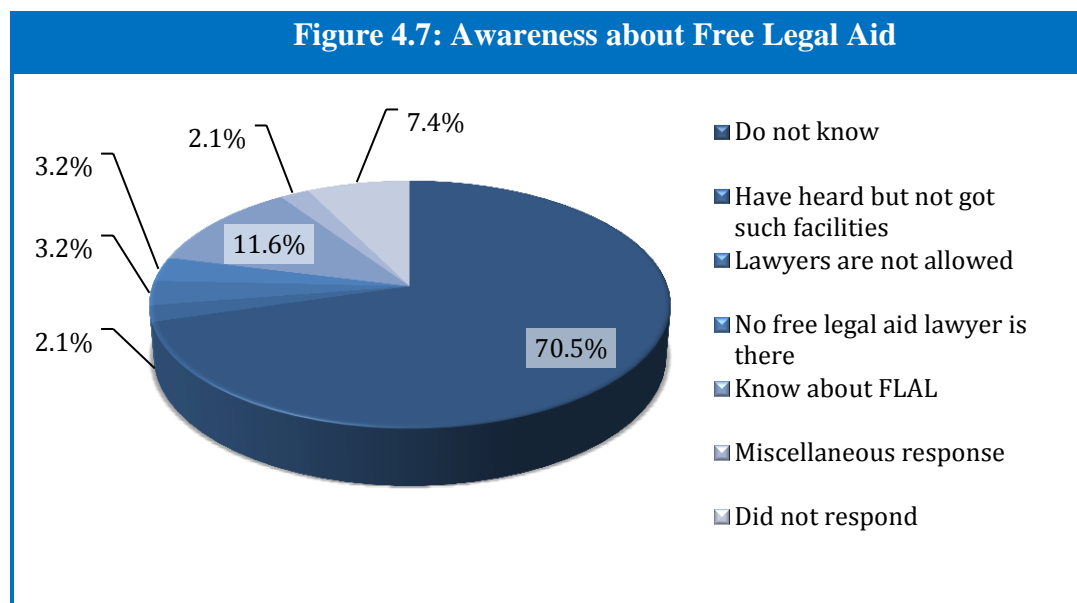


**Quality of Services within the Observation Home/ Special Home:** Majority of the participants (49 parents; 51.6%) were not aware about the services being provided within the Observation Home/ Special Home. 18 parents (18.9%) mentioned that all the services available were of good quality, nine parents (9.5%) stated that they did not know about the services but their child had shared that everything was good, three parents (3.2%) stated that other people had said that everything was good within the Observation Home/ Special Home. Only four parents (4.2%) revealed that children were beaten up and not treated well inside and two parents (2.1%) suggested that older children should be kept separated from the younger ones. Six parents (6.3%) gave variety of responses such as there was no need for such Home, staff were advised to behave well with the children, looked good from outside but did not know what went on inside. Four parents (4.2%) did not respond.

**Suggestions for Improvement in Institutions:** Eighteen parents (38.3%) shared that they did not know what kind of improvement they would like to see, 13 parents (27.7%) felt that no improvement was needed and three parents (6.4%) mentioned that children needed to improve. However, three parents (6.4%) shared that more time should be allotted to meet the children inside the Observation Home and two parents (4.3%) mentioned that children should be provided education. Six parents (12.8%) gave diverse responses such as programmes should be organised with parents and children together, those children who have really committed offences should be kept separated from the innocent ones, children should not be arrested or taken to the police station till they complete 18 years, children should be allowed to go directly to the 'Court' (JJB) as newly admitted children were beaten up inside the Observation Home, and supervision inside the Observation Home should improve. Remaining two parents (4.3%) did not respond to the question.

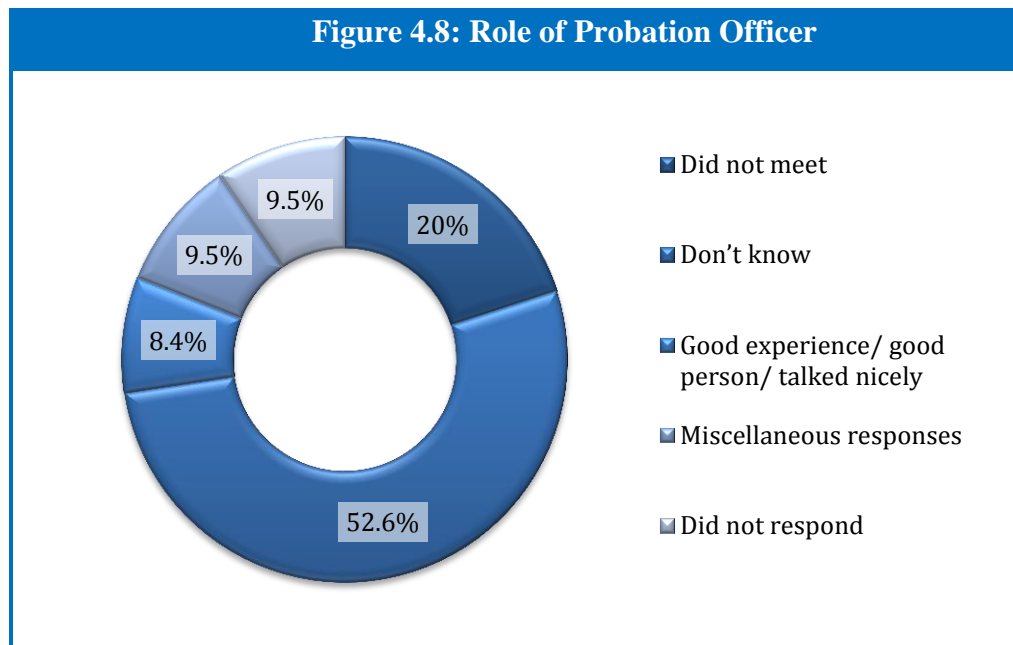


**Awareness about Free Legal Aid:** Majority (67 parents; 70.5%) were not aware about the Free Legal Aid (FLA) facilities, only 11 parents (11.6%) knew about it and were getting help from them. Three parents (3.2%) stated that lawyers were not allowed while another three parents (3.2%) shared that there were no free legal aid lawyers. Two parents (2.1%) mentioned that they had heard about it but did not get any benefits from such facilities. Seven parents (7.4%) did not respond. Remaining two parents (2.1%) gave miscellaneous responses such as the Magistrate had advised them that in case there was any problem they could take help from the FLA services the NGO helped them with the ‘case’ (see Figure 4.7).



**Receiving Information about the ‘Case’:** Thirty-five parents (36.8%) mentioned that they received detailed information about their ‘case’ from the lawyer; however seven parents (7.4%) shared that no one told them anything. Nearly one-fourth (23 parents; 24.2%) participants stated that they came to know about their case after coming to the JJB. Seven parents (7.4%) came to know from the ‘Court’ (JJB)/staff, six parents (6.3%) were informed by the police, five parents (5.3%) were told by the social worker, three parents (3.2%) were helped by the lawyer as well as social worker, one parent (1.1%) was informed by the FLA and one other participant stated that he could read and see the information. One participant mentioned that their relatives helped them gather information about their case. Six parents (6.3%) did not respond.

**Role of Probation Officer:** Here, participants were asked about their experience with the probation officer. More than half the participants (50 parents; 52.6 %) indicated that they did not know any probation officer, 19 parents (20%) shared that they had never met. Only, eight parents (8.4%) stated that they had good experiences with the probation officer. Nine parents (9.5%) gave diverse responses such as POs wrote reports for the child, suggested to appoint a lawyer to facilitate release of the child, had come for home visit and gave advice to take care of the child. Nine parents (9.5%) did not respond at all (see Figure 4.8).



**Other Lawyers:** The participants’ experiences with the lawyers were varied. Thirty-three parents (34.7%) stated that they did not have any lawyer, 16 parents (16.8%) mentioned that they had a lawyer who was helping them in the case. 15 parents (15.8%) shared that their lawyer was polite and behaved well with them. Further, it was revealed that nine parents (9.5%) had paid money/professional fees to the lawyer, four parents (4.2%) did not know anything about lawyer, and three parents (3.2%) stated that the lawyer was needed for quick closure of the case. Remaining, eight parents (8.4%) gave miscellaneous responses such as lawyer helped to apply for bail, was cooperative, gave information about the case, gave legal advice, and received no help. Seven parents (7.4%) did not respond to the question.

**Role of NGO:** Majority (41 parents; 43.2%) were not aware about the role of the NGO and seven parents (7.4%) had never met any NGO staff. However, one-fourth respondents (24 parents; 25.2%) mentioned that the NGOs helped to provide information about case, organized counselling sessions, gave relevant advice, guidance and suggestion, nine parents (9.5%) shared that the NGO staff were cooperative Further, four parents (4.2%) stated that NGOs were truly valuable. One parent stated that he/she not interested in NGOs. Nine parents (9.5%) did not respond to the question.

**Expectation from the Juvenile Justice System:** Participants were asked to describe and express their expectations from the juvenile justice system in the context of their experience. Majority (79 parents; 83.2%) mentioned that they did not want to say anything, three parents (3.2%) gave responses such as, the Observation Home is good and should operate the way it is; police should stop causing trouble; and there must be supervision as their child was sexually harassed inside the Observation Home. 13 parents (13.7%) did not give any response.

When participants were asked about their expectations from the functionaries, 25 parents (26.3%) did not give any response, 33 parents (34.7%) said they did not want to share anything. 13 parents (13.7%) stated that their child should be released soon and eight parents (8.4%) mentioned that their case should be closed as early as possible. Other participants gave varied responses such as the system should take more effort in children's development and rehabilitation; parents should be permitted to meet children more often; corruption should be stopped; enquiry of case should be done without bias; every functionary should behave more sensitively; more concrete information should be provided; NGOs should provide assistance, nothing wrong should happen with the child; and there should be someone to help illiterate people.

This chapter covered the experiences of the juveniles about different aspects of the juvenile justice system; stay in the Observation Home (OH), nature of interaction with different functionaries and authorities (JJB, probation officer, police, knowledge on their 'case', etc.), and most importantly their suggestions for improvement. Parents too shared their views and experiences on similar topics. Juveniles and Parents/Families have given mixed responses in

relation to their experiences related to juvenile justice system. What emerges is while basic procedural aspects are being catered, there are gaps. The juvenile is restless and anxious in the Observation Home. This needs to be factored while designing programmes for juveniles within the Observation Home. Some juveniles have spoken both about lack of adequate facilities within the Home as well as violence within the juvenile justice system itself; beating by police, staff, and even by other juveniles.

There was no standardized system of registering complaints or grievances within the OH. A system which is supposed to provide protection and direction may end up further victimizing and/or make some of the juveniles impervious to positive change. All juveniles do not have adequate information about their 'case'. Many of them have not had an opportunity to meet the Probation Officer. The Probation officer has a significant role in working towards rehabilitation of the juvenile. Free Legal Aid, another important mandate within the judicial system is not available to majority of the juveniles. Important suggestions have been given by the juveniles for improvements. What emerges from the findings are following critical areas for attention and action:

- Improvement of living conditions with the Observation Home
- A 'zero tolerance' approach to any kind of abuse and violence (within the Homes and by functionaries/ stakeholders)
- Structured and constructive schedule for each child within the Observation Home, including education, skill building and recreation
- Systematic and standardized opportunities for communication between juveniles and authorities
- Encouraging, bonding and rapport building among the children themselves within the Observation Home/ Special Home
- Emotional support to the juveniles and designing appropriate programmes to help the juveniles cope with living in a closed Institution
- Uniform information to all juveniles and families about the Juvenile Justice Act and the relevant procedures
- Provision of Free Legal Aid

## Chapter 5: Experience and Perspective of Functionaries

The functionaries within the juvenile justice system play a key role in effective implementation of the Juvenile Justice Act. A wide spectrum of adults with distinct roles and responsibilities work or interface with the juvenile justice system. Hence, getting an insight into the thoughts and experiences of the adults within the juvenile justice system is important. The study interviewed a total of 83 functionaries/allied experts associated with the juvenile justice system across six cities of Maharashtra and Rajasthan. It included Magistrates and Social Work Members of the Juvenile Justice Board (the adjudicating authority within the juvenile justice system), Assistant Public Prosecutor (lawyers representing the cases before the JJB on behalf of the police), Free Legal Aid (FLA) (lawyers representing ‘cases’ before the JJB on behalf of the juvenile), functionaries working at the Observation Homes/Special Homes (Superintendent, Probation Officer, Caretakers, teachers, guard, cook), and NGO representatives (social workers, psychiatrist, psychologist) [see Table 5.1]. Semi structured interviews were conducted to capture the perspective and experiences of the functionaries and other allied experts within the juvenile justice system.

**Table 5.1: Functionaries Included in the Study**

Functionary	Number
Juvenile Justice Board (7): Magistrates	08
JJB Member Social Workers	06
<b>Total JJB</b>	<b>14</b>
Superintendents (7) & Deputy Superintendent (2)	09
Probation Officers	05
<b>Total Institution Officers</b>	<b>14</b>
Counsellor (1), Social Worker (2)	03
Teacher/ Instructors	06
<b>Total Other Professionals</b>	<b>09</b>
Medical Staff	02
Caretaker/ Guard	18
Cook	03
Sweeper	02
<b>Total Auxiliary Staff</b>	<b>25</b>
Assistant Public Prosecutor (APP)	02
Free Legal Aid Lawyers (FLA) [of 3 Districts]	03
<b>Total Legal Functionaries</b>	<b>05</b>
NGOs (Mumbai, Pune, Jaipur)	16
<b>Total Number</b>	<b>83</b>

The findings have been grouped around three parts. They are:

**Part A** - Key findings that have emerged across all the functionaries and allied experts

**Part B** – Role-specific findings that have emerged in the study

**Part C** - Specific findings unique to a particular District/State

## **PART A: KEY FINDINGS ACROSS ALL ROLES**

The key findings have been grouped around the following topics:

1. Juvenile in Conflict with Law: Understanding of the Functionaries
2. Rehabilitation and Social Reintegration: Current Realities and Suggestions for Improvement
3. Self and Work: Personal Growth and Expectations of the Functionaries

### **1. Juvenile in Conflict with Law: Understanding of the Functionaries**

The functionaries discussed different aspects of juveniles in conflict with law.

**Family and Environmental Context:** In the juvenile data and parent data, very few had mentioned about family difficulties as one of the possible factors for juvenile offence. Majority had ascribed it to company of friends. However, the functionaries based on their experience have referred to family situation as one of the key factors in juvenile offence. They stated that a large number of these children were from economically poorer families with heightened situation of child vulnerability within the family. Children committed offences due to lack of adequate parenting and a stable family life. From their experiences, the functionaries shared that these children come from a range of difficult situations such as family strife, orphaned children, faulty and /or no parenting, neglected, no support at home, homelessness, children of parents in addiction and/or uneducated families. The functionaries opined that if children’s needs were taken care of by parents/family in a timely manner, the chances of their engagement in crime would be lesser.

*“Some children are stigmatized and are not accepted by their own parents due to social pressure and they (parents) are ashamed of their children”- Caretaker*

In a small number of cases, parents themselves gave their tacit approval for committing offences as the children monetarily supported the family through their earnings or other family members too were involved in the offence. NGO social workers opined that due to lack of understanding, parents often did not actively support towards rehabilitation. They became frightened, defensive, over protective when need for institutionalization and/or de-addiction was shared with them. Few parents, due to inability to handle children positively and fear of repeat offence were apprehensive to accept their child and never turned up to meet their children.

*“We have to spend a lot of time in convincing parents to support institutionalization (if needed) and keep in touch with NGOs. Parents are frightened, confused and worried to send their children to institution for deaddiction or rehabilitation.”*

*-Social Worker, NGO*

*“Children in the age group of 12 to 16 years committed offences due to ‘uncontrolled emotions’ and children in the age group of 16 to 18 years committed offences in ‘search of identity’” - NGO Social Worker*

Functionaries and allied experts stated that the communities witnessing violence, addiction, local fights, criminal activities had a negative impact on the children. Further, the impact of media, which published/ broadcasted these incidents, were overwhelming. There were also a few cases reported where adult criminal gangs sometimes involved children in illegal activities and placed them in the forefront if caught.

**Educational Background:** Since many of the juveniles were school dropouts, they were not able to avail of formal/ structured education. Due to this gap in learning, functionaries stated that children manifested more interest/abilities for non-formal education/skill building classes than formal schooling within the Observation Home/ Special Home.

*“Children in conflict with the law have more capacities to learn skills though are not very good in formal education. They are always ready for hard work and are very good in sports. These factors can be looked into while working with them” - Teacher, Observation Home*

**Mental Health Aspect:** Eighteen functionaries suggested the need for counselling, mental health assessment, IQ Tests, as well as value education for juveniles in conflict with law especially for those children who were admitted in the Observation Home/Special Home. They informed that mental health assessment would help the juvenile justice system to better understand the strengths and needs of each child and plan activities accordingly.

*“Children commit offences due to ‘Necessity, Emotion, and Personality’”*- Senior Psychiatrist and Former JJB member

**Addiction:** Thirty-four functionaries shared that many children entering the juvenile justice system were addicted to various substances such as ‘Gutkha’, alcohol, local intoxicating drinks, cigarettes, Charas/Ganja (opium) which were easily available in their neighbourhood or with their friends. It was also observed that children committed offences like theft to meet their expenses for addiction and sometimes indulged in offences of fighting, and other forms of ‘hurt’ under the influence of drugs/alcohol. Overall, many children who were involved in theft and addiction showed a common pathway towards offence.

**Offence:** Functionaries stated that girl juveniles were lesser in crime than boys. Girl juveniles were usually involved in offences with families or in groups. Children were also trapped by criminal gangs. When children and adults were involved together, according to the functionaries, though the adults actually committed these offences, they managed to ensure that the main offence charges were on the juveniles and not on the adults. Theft and addiction were often correlated specially in cases of juveniles who were repeat offender. Theft was generally committed by children belonging to lower socio economic class. Cases like fighting and assault often happened unintentionally and among groups. Some functionaries expressed that admission in Special Home was preferable for rehabilitation of a small group of children who required facilities of structured care and close supervision. It made the children realize their mistakes, ensured a disciplined schedule, helped in prevention of crime, encouraged their progress and also worked as deterrence.

*“Crime is also related to season. During school holidays such as summer vacation the cases of house breaking and robbery increase”*-NGO Social Worker

*“Rape is usually committed due to inability to handle sexuality. Children under offence charges of ‘rape’ do not come as repeat offenders”*- Psychiatrist (associated with NGO)



**Interface with the Police:** According to 30 participants, children who were on police records were often repeatedly and falsely arrested. 13 participants shared that children were threatened, beaten up and maltreated by the police. They were kept in custody, abusive language was used against them, and no information was given to their parents and/or were not allowed to meet them. Fifteen participants shared that children were falsely alleged by police. One participant shared that police misguided children and their parents about the offence charges, place of safe custody

and nature of final order. Three participants opined that police needed to handle children with more sensitivity.

23 children (59%) whose cases were 'closed' shared that they had been beaten and ill-treated by the police. All emphasized that the police used abusive language and "bad words". A few mentioned that they were kept in custody. Three juveniles (7.7%) did not want to answer and 13 juveniles (33.3%) stated that police did not beat or ill-treat them. A few juveniles mentioned that the police had specifically asked them not to report to the Juvenile Justice Board about the beating. Some juveniles were handcuffed and kept in the police station.

**Behavior of the Juveniles in the Observation Home/Special Home:** The overall observation was that different juveniles exhibited different kinds of behaviors. This usually depended on the profile of the juvenile, the nature of offence charge and its impact, coping abilities, and the behavior of the staff towards them. Majority of the functionaries were optimistic in their thoughts about the

It also emerged from the Case Studies that while there were programmes in the Observation Home and/or Special Home, there was an overwhelming desire to get "released" from the Institutions. This subsumed most of the thought processes of the child and he was not able to concentrate or focus on anything much.

child's behavior within the Observation Home/Special Home. They observed that children often demonstrated unique characteristics of being hard working, disciplined, smart, clever, active, diverse, creative, tidy, articulate, systematic and almost all the children wanted to 'improve'. They became vulnerable within the juvenile justice system if they fell ill or had no support and opportunities.

***“Every Juvenile in Conflict with Law is vulnerable and similar to a Child in Need of Care and Protection”***- Magistrate JJB

***“Children's improvement is our responsibility”***- Guard

Some functionaries shared that there were also boys who could be ‘troublesome’, ‘threatening’, angry, irritated, disrespectful, bully, restless, arrogant, abusive, pretending to be proud of their offences, undisciplined, naughty, challenging/ difficult, seemingly having no ‘guilt’, and coming into the system as ‘repeaters’. They used abusive words, attempted to ‘run away’ and did not tell the truth. Such children required correction.

***Sometimes children too can become very violent in the Home”***- Superintendent  
(Observation Home)

***Older boys bully and rag new boys or younger boys”***- Superintendent

Another observation made by the participants was that several children felt emotionally vulnerable. These were children who were innocent and were ‘trapped’ in the offence charge. They felt guilty, unsure of their ‘identity’, emotional, helpless, depressed, insecure, fearful, and got restless or ‘hyper’. Some also engaged in self-inflicted pain and injury. Therefore many functionaries believed that every ‘Juvenile in Conflict with Law’ was also a ‘Child in Need of Care and Protection’.

A relevant point raised during the interviews was that specific attention must be given to the emotional needs of these children which was usually neglected by majority of the functionaries. Some of the functionaries expressed that many difficulties related to ‘managing’ the children inside the Observation Homes/Special Homes could be minimized if the emotional quotient of the child was addressed in a consistent and timely manner.

### **Parental Expectations from the System: Key Findings**

- ✓ Child should be released soon
- ✓ Case should be closed soon
- ✓ System should take effort for rehabilitation and development of children
- ✓ Should be permitted to meet children
- ✓ Corruption should be stopped
- ✓ Proper enquiry of case and take the right decision
- ✓ Functionary have to behave sensitively
- ✓ Parents do not know anything in the law so that information should be provided
- ✓ Need help from NGOs
- ✓ Nothing wrong should happen with child
- ✓ Children are small so that parents should keep watch on child
- ✓ There should be someone to help illiterate people

**Communication, Interaction, and Relationship Building within the Homes:** Three aspects were discussed: communication with the juveniles, with the parents/family, and among the staff themselves.

*i. Communication with the Juveniles:* According to a few functionaries the method of discussion included making child comfortable, building rapport, bonding, asking simple questions and make suggestions for better behavior. The first few interactions with the child were only for building trust and developing a positive relationship and helping the child to resolve his/her issues. Then the later interactions may focus on reasons of crime, addiction and other habits, family background, etc. Interactions were conducted usually in groups in children's rooms. Four Probation Officers shared that they interacted with children in privacy of their offices. Free Legal Aid lawyers mentioned that they were able to discuss the 'case' with the child for only for 1-2 minutes before presenting at the JJB since there was no separate room for such discussions. Hence, these discussions were done in the premises of the JJB itself, often in crowded spaces. Some of the functionaries (caretakers, guards, superintendent, probation offic) shared that often they were preoccupied with maintaining the peace and safety in the Homes. Therefore, the interaction with children was primarily around the 'Rules' for institutional stay

and suggestions for 'better behaviour'. Some tried to understand the children, their family background and reasons for alleged offence for further assessment.

Interaction depended on the role of the participants within the juvenile justice system. The focus was on educational needs, relationship between children and families, mental health, and if required helping the child to seek specialized guidance. Some functionaries shared that if the children felt comfortable and trustful they also shared their personal, family related details and requested for support, suggestions, and further discussion.

*"They (juveniles) may not share their feelings in first few meetings. One needs to wait till they are comfortable and listen to them only when they want to talk"* - Guard

What emerged, from the discussion with the participants, was that there seemed to be no concrete or uniform plan of interaction between the functionaries and the children at any level. The interaction topic and pattern highly depended on approach, behaviour and understanding of every functionary.

A protocol on communication at every level is needed so that uniform and standardized messages are conveyed to every child along with having individual child-specific interactions.

*"Children's behaviour in the Institution largely depends on the behaviour of the institutional staff"* - Superintendent

*ii. Communication with the Parents/Family:* The JJB members, Probation Officers, NGOs and allied experts usually interacted with the parents/family. The content of such interactions included discussions on parenting aspects, counselling needs, understanding the background of the children, and prospects for rehabilitation. Auxiliary staffs were not allowed to interact with the parents to prevent conveying of incorrect information and curbing malpractices, if any. Parents of children often requested the staff to look after their children while they were in the Institution.

*Parents of children often requested us and the staff to look after their children while they were in the institution (Observation Home/ Special Home) – Probation Officer*

*“We try to convince parents to accept their children instead of neglecting them further” –  
Probation Officer*

*iii. Communication among Functionaries and Other Staff:* Majority of the interactions among functionaries (Observation Home/ Special Home) were about sharing/reporting to seniors about children’s problems, health issues, food, and rehabilitation status. Functionaries also discussed about areas of improvements in the institution, need for recreational activities for children and scope for better functioning of the system. Functionaries referred children to the NGOs, Counsellor/Psychologist/Psychiatrist attached to their Institutions. They also corresponded with the JJB if needed, requested for police escort in case of hospitalization, invited legal authorities for institutional visits and made referrals to the JJB about cases of child abuse by the police. A FLA lawyer mentioned that he discussed some of his cases with an NGO to ensure rehabilitation. However, most of these meetings were irregular and there were no structured spaces to discuss the children’s requirements.

*“Sometimes children need to be hospitalized but due to legal procedures there is a delay in police reaching the institution to provide escort for the children”- Nurse*

## **2. Rehabilitation and Social Reintegration: Current Realities and Suggestions for Improvement**

The functionaries shared about the present status of rehabilitation of juveniles in conflict with the law and their suggestions for change. The points have been presented below (Suggestions for improvement have been included in Chapter 7 of the report).

**Present Status of Rehabilitative Measures:** The following were the current available facilities and services though not in all Institutions:

- Three Institutions including two Special Homes provided formal education and two provide vocational training to children. Out of these three, an NGO provided vocational training in one Special Home.
- Aftercare options were available primarily for those who were orphaned or had no family.
- Some of the NGOs conducted psychological tests with a few children in Observation Home (Mumbai), Special Home (Mumbai) and Yeravada Observation cum Special Home (Pune) and provided counseling.
- One NGO requested a psychiatrist for visiting Mumbai Institution once a week to provide psychiatric care to some of the juveniles.
- De-addiction related support were provided by two NGOs after the release of the children from Institution by referring children to the relevant organizations.
- Three JJBs passed post release follow up and supervision orders for a few children in all three cities of Maharashtra.

## **3. Self and Work: Personal Growth and Expectations of the Functionaries**

Critical aspects in the entire administration of the juvenile justice system were the adults who implemented the system in different capacities and roles. A humane, well trained and motivated staff can bring positive changes in the system. The Functionaries were asked different questions related to their self and work. Given below is a collation of the same:

**Job Satisfaction:** Interestingly, majority of the functionaries were satisfied with the type of work they were doing. They felt that they were being paid for ‘charity’ and ‘social work’ and making a contribution to society. Those who were not satisfied shared that they were overburdened with tremendous work pressure, did not get time for their own families and a few participants were scared to work with “criminal” children as “they had no idea how to work with them”. A few other participants were somewhat satisfied though they felt that they deserved a much better position than their present job profiles.

**Salary:** Majority of the auxiliary functionaries were not satisfied with their salaries. It was observed that a few graduate and post-graduate persons were working at the positions of caretakers or guards. Some opined that their salary would have been sufficient for a single person but not for a family to survive. A small group of functionaries (working within the homes) chose to remain silent on the issue of salary.

**Training Needs:** Out of 83 functionaries, 70 functionaries shared the need for training and capacity building. According to them, each person engaged with the juvenile justice system needed an orientation as well as periodic trainings in order to ensure better functioning. Majority of the functionaries believed that the children could be handled well if functionaries were trained to deal with the various emotions of the children through one-to-one and group discussions, activities, sessions, and therapies. They also needed to understand all child related laws, amendments in current laws, various government schemes, and available rehabilitation resources, innovative ideas of rehabilitation, social work practices and nature of child related issues even at the global level.

Maharashtra JJ Rules, 2011 and Rajasthan JJ Rules, 2011 have elaborate provisions for periodic orientation, refresher courses for each and every staff and JJB. However majority of the functionaries shared that they did not receive periodic trainings.

*“Newly appointed staff do not receive training at the beginning of their service which may result into facing difficulties while working or having biases or lesser understanding about children”* - Caretaker (newly joined)

*“Training is required on coping skills to handle emotions and feelings of children”* - Superintendent

*"Government should provide us with trainings on therapeutic interventions, new social work practices, new trends to ensure better dealing with the children"*- Social Worker (Child Guidance Clinic)

*“Training for all staff is a must”*- Superintendent

One of the superintendents felt the need to equip himself with the skills of staff management. Only 13 functionaries (15.7%) felt that there was no need of any kind of training. Few among them were also those who are not satisfied with their jobs.

## **PART B: ROLE SPECIFIC KEY FINDINGS**

This part of the findings focus on emerging areas for discussion within the context of specific functionaries and their roles. They have been presented below:

- 1. Superintendent:** Seven superintendents and two Deputy Superintendents were included in the study. Six among them emphasized that due to inadequate staff there were difficulties in working in the Institution. Two superintendents mentioned about lack of space, congested rooms, and lesser number of toilets for the children. One superintendent commented that there was poor maintenance of the physical infrastructure. Two superintendents stated that there must be segregation of JCL and CNCP children. One added that the State (government) must also designate a “place of safety” for some of the juveniles as per provisions of the Juvenile Justice Act. Eight out of nine superintendents stated that there was no follow up of juveniles who were released or whose cases were closed. The juveniles faced difficulties in post release rehabilitation in terms of support and facilities. Two among them mentioned that



supervision was required when the juveniles were on bail. One superintendent reported that it was especially difficult for juveniles who did not have family.

*“Care is needed for all children”*- Superintendent

*“The Probation Officers focus only on release of the child from the Institution and not rehabilitation”*- Deputy Superintendent

The Superintendents suggested for the following improvements within the juvenile justice system:

- ✓ Staff vacancies (including teachers) must be filled (8)
- ✓ Facilities for vocational training (3)
- ✓ Overall increase in budget and resource allocation (2)

**2. The Caretaking Staff within the Observation Home/ Special Home:** The caretaking staff or the ‘caretakers’ were among the most significant functionaries within the juvenile justice system, as they worked among the children both during day time as well as at night. They were substitute guardian for the juveniles and supervised over the juvenile’s stay in the Observation Home/Special Home and daily requirements. Their voices often remain largely unrepresented. Given below are key findings that have emerged while interacting with this group (18 caretakers).

**2.1 Perspectives on Juveniles in Conflict with Law:** Eight caretakers mentioned that juveniles were admitted in the Observation Home/Special Home for different categories of offence charges such as theft, chain snatching, alleged involvement in murder, sexual abuse and involvement in fighting. Some juveniles further illustrated that these juveniles got into situations of offences because they were living in a difficult environment which included family dispute, family not being able to take care of their children, no love and affection from parents, no value education and single parent families. They further added that if the juveniles do not get caught at their very first episode of offence, then there is a likelihood that the juveniles may get emboldened. ‘Bad company of friends’ and addiction too was linked to some of the offence charges according to caretakers. Nine

caretakers indicated that child comes from variety of socio-economic background ('rich', 'poor', 'educated', 'uneducated', 'lower class', and 'higher class').

*“Initially I was biased about the JCLs especially the murderers but after working with children for a while my thoughts changed. I no longer see them as criminals”-*

Caretaker

Caretakers had mixed response about the behavior of juveniles in conflict with law. While a few caretakers (9) used terms such as 'criminals', 'criminal world', 'anti-social' and another five caretakers shared that these children did not listen, retorted and used rude language, other caretakers expressed that sometimes children do not commit offences intentionally and can get 'falsely trapped'. Three caretakers stated that they did not make any differentiation between children (JCL or CNCP). They treated every child equally. One caretaker did not respond.

In terms of improvement of juveniles, except two caretakers who did not answer, the remaining caretakers stated that all juveniles can improve if they are provided with appropriate support, direction, and facilities. Eight among them emphasized that the scope of improvement among those juveniles was very high where the juvenile had unintentionally committed an offence. Three caretakers also mentioned that the juvenile too had to take responsibility for behaviour. Improvement was also dependent on the motivation of juveniles.

Caretakers gave diverse responses about the behavior of the juveniles with the staff. While 10 caretakers stated that the behavior was good, three caretakers mentioned that juveniles 'troubled' and 'bullied' them. Some caretakers noted that the behavior of the juveniles was also dependent on the staff and their attitude and behavior.

*“Children listen to me as I behave good with them, they trust me”-* Caretaker

*“It can become risky for us too. Sometimes children can become quite violent” –*

Caretaker

**2.2 Interaction with JCL:** Nine caretakers mentioned that they interacted with the juveniles on a variety of topics such as:

- ✓ The ‘case’,
- ✓ giving ‘advice’ to them,
- ✓ suggesting that they should not ‘repeat the mistake again’,
- ✓ ‘choosing a good path’,
- ✓ ‘making correction for their future’,
- ✓ not engaging in ‘bad activities’,
- ✓ not having a ‘bad character’,
- ✓ not ‘getting into offence’,
- ✓ ‘working hard’, ‘listening to parents’, and
- ✓ ‘not troubling people or threatening them’.

Six caretakers mentioned about the process of their initial conversation with the juveniles. They mentioned that with every new child they had one-to-one interaction built the confidence of juveniles asked basic question such as their name, address and their after spoke about the future and advised about leaving addiction, making a good ‘name and fame’, giving the juveniles appreciation and positive inputs. Two caretakers stated they had conversations with the juveniles on the general topics rather than any specific area. One caretaker stated that he did not have much scope of interaction with juvenile.

*“I interact politely; make them understand the consequences of repeat offending such as labeling by society” - Caretaker*

**2.3 Experience of Working with Juveniles:** Multiple responses were given by the caretakers on difficulties faced while working with juveniles with conflict with law. While eight caretakers mentioned that juveniles misbehaved, used abusive and bad language and fought with staff, another six caretakers mentioned that they had no difficulties while working with children. Five caretakers expressed that it was difficult to handle situations when the juveniles indulged in fighting with each other, using bad words and attempting to ‘runaway’ from institution. Two caretakers revealed that due to insufficient number of staff member they had ‘too much of workload’.

According to nine caretakers, their experience of working with JCL was positive. These nine caretakers and guards illustrated that children did listen to them, behaved well and stayed with caretakers as a part of family. One caretaker shared that he liked working with the juveniles. Another stated that children needed to be kept involved in activities and one needed to develop a positive relationship with them. A few caretakers observed that children who committed repeat offences were not improving. Another caretaker expressed that older juveniles influenced younger children.

**2.4 Suggestions for Improvement within the Observation Home/Special Home:** Except three caretakers who were unable to give suggestion, the remaining caretakers gave the following suggestions:

- ✓ School and vocational (for e.g., vocational training, mobile repairing, tailoring work, ITI, technical course)
- ✓ Employment opportunities even after juveniles completed 18 years of age
- ✓ Setting up a centre by the government where children could approach for further opportunities
- ✓ Sports (both indoor and outdoor games)
- ✓ Open ground to play (place for physical activities)
- ✓ Nutritious food
- ✓ Proper utilization of budget
- ✓ Segregation of JCL and CNCP children

**2.5 Level of Job Satisfaction:** Out of 18 caretakers, 14 stated that they were satisfied with their work. One among them commented that they deserved a better designation. Three caretakers mentioned that they were not satisfied with their job and one did not respond.

*“No one is listening to us. There is less cleanliness and less staff”* –Caretaker

**2.6 Any other Comment or Suggestion:** The caretakers gave a few suggestions which included the need for segregation of juveniles based on their age and offence charged (2). Two caretakers emphasized the role of parents and their support for working with such children. Three caretakers suggested that additional budget and night time security personnel were required to improve the quality of care. One caretaker opined that there needed to be follow-up especially in cases of repeat offenders.

*“This is a responsible job. Our attitude matters a lot while performing”* -Caretaker

Some other responses included need for training programmes and rehabilitation plan by the government. Two caretakers did not respond to this question.

The caretakers interact very closely with juveniles on variety of topics. They observe the juveniles at close quarters and handle both positive and negative aspects of the juveniles’ behaviour. They also helped the juveniles to cope with feelings of loneliness, anxiety, fears, and hostility. Juveniles too confided in the caretakers, especially those who were approachable. The attitude and the perspective of caretakers is important to understand as it could impact the approach of the caretakers toward juveniles in conflict with law. Hence, it is critical to design appropriate training/ capacity building programmes with caretakers.

**3. The Juvenile Justice Board (JJB):** The Juvenile Justice Board (JJB) is one of the most critical components of the juvenile justice system. The JJB, being the adjudicating body takes the final decision on each juvenile’s ‘case’ thereby determining the course of action to be taken in the juvenile’s life, including rehabilitation and social reintegration. Given below are key findings pertaining to the perspective and practices of the JJB.

**3.1 Composition and Sitzings:** Out of the seven JJBs who participated in the study, four had a full bench of one Magistrate and two Social Work Members. Two JJBs had one Magistrate and one Social Work Members. One JJB had no Social Work Members, (however, after data collection, it was informed that two Social Work Members had been

appointed on the Board). The Magistrates in a few JJBs informed that that some of their social work members were attending the Board irregularly. The JJBs in Pune, Mumbai City, Mumbai Suburban, Jaipur and Kota functioned full time. The Board at Nagpur and Jodhpur functioned twice a week. The Magistrates at both these JJBs had to preside over the JJB as an additional responsibility along with their other Court duties.

**3.2 Child related Training:** Among the JJB participants, five JJB Members shared that they had received some form of training during their tenure; six chose not to respond to the question. One member stated that there was no need for training, another shared that there was a training but he/she was unable to attend, while a third member reported that he/she had never received any training.

**3.3 Perceived Role of JJB Members:** Majority JJB members' perceived that the role of the Magistrate was to look into the legal aspect while Social Work Members were involved in the social aspect. Only three members stated that the Magistrate and the social workers together needed to play a socio-legal role on the JJB. All 13 JJB members emphasized on the need for a Social Work Members on the JJB. (One Superintendent too endorsed the need for a Social Work Member). One member expressed the need for a High Court lawyer on the JJB.

**3.4 Interaction with JJB:** The findings revealed that caretakers working closely with children were not able to interact with JJB. Many JJB members felt that the communication would have helped the PO/JJB to seek additional information about the children. (A senior Probation Officer in Mumbai opined that one-to-one meeting of POs with JJB, in presence of the juvenile, was necessary to ensure participative decisions about the child's rehabilitation. Mere submission of Reports was insufficient).

**3.5 Expediting the 'Case':** One JJB (Pune, Maharashtra) had closed 907 cases due to non-submission of Final Report by the police in the stipulated time. Another JJB had closed one or two cases due to such non submission. Five JJBs had never closed cases due to

non-submission of final report by the police in the stipulated time. They expedited in other ways.

**3.6 Understanding of Important Terms:** A few questions were asked specifically only to the JJB members regarding certain terms and procedures within the Juvenile Justice Act.

**3.6.1 ‘Date of Commencement of Offence’:** Six JJB members mentioned that date of commencement was after submission of Police Final Report (‘Charge sheet’). Three stated that it was calculated from the date of offence. Two JJB members perceived that it was from the date of the registration of the First Information Report (F.I.R) of the police F.I.R. One JJB member each suggested that it was the date of prosecution witness, date of framing ‘plea’ and the date of reading out the Acquisition. There is a need for uniform understanding of this term as it has implications on understanding pendency.

**3.6.2 “Ends of the Justice”:** The term ‘justice’ has been interpreted with considering safety, vulnerability, justice, rehabilitation, justice to society at large. Seven JJB members stated, ‘ends of the justice’ meant justice to the juvenile. One JJB member mentioned that it was justice for the victim. Two suggested that it meant justice to both child and victim. Four Social Work Members did not know the meaning of the term. (This question was asked to the Free Legal Aid Lawyers as well. Two of them mentioned that they did not know the meaning of the term).

**3.6.3 “Child Friendly”:** Twelve JJB members interpreted the term Child Friendly as ‘child friendly approach and behavior’ which included being interactive, ensuring that juveniles did not feel fear, felt free, respectful communication, trustful, non negligent attitude with positive atmosphere, good rapport, dialogue and no force. Five other JJB members suggested that the structural environment of the JJB needed to be child friendly with no formal ‘Court’ proceedings, no uniform for the Magistrates or lawyers and/or elevated dais (an official attire [uniform] and elevated dais or separate sitting area for the judge is part of the criminal justice system and not permitted in the

juvenile justice system as mandated by the Juvenile Justice Act). Five JJB members suggested the need for separate staff members for the orientation of witnesses. Three JJB members emphasized that ‘child friendly’ included both the physical structure of the JJB as well as the approach of the members towards the juvenile.

**3.7 Stakeholders expected to be involved in Rehabilitation:** Seven JJB members expressed that the concerned government department (pertaining to child development) must be involved in rehabilitation. Others mentioned the role of police, educational and vocational Institutions, the juvenile himself/herself, NGOs, JJB, Probation Officer and other functionaries, parents, relatives, neighbours, counsellor, psychiatrist, community persons and elected representatives.

**3.8 Granting Bail:** Seven JJB members shared that bail should be granted immediately in cases of petty offences, however, two JJB members felt while granting bail instantaneously one must take into consideration the social background (safety of child and availability of parents) of the child. Five JJB members reported that bail could be granted immediately on the basis of nature of offence as well as social background of the child.

(All five Probation Officers mentioned that they were unable to interact with the juveniles who were immediately released on bail on the same day that they were produced before the JJB. One Probation Officer felt that such children were at high risk of repeat offence).

*“Sometimes immediate bail is not a good option for child from rehabilitative aspects however there could be a team of lawyers pressurizing JJB for grant of bail to such an extent that the bail is passed immediately”*- Principal Magistrate, JJB

*“In case of immediate bail the child does not get any guidelines on how to conduct himself after release. In one such case the child receiving immediate bail went to the victim’s house to show that there was no impact of charging him with offence. The juvenile got killed by the victim’s relatives in the outburst of emotions”*- Principal

Magistrate, JJB



Five JJB members mentioned that they granted 'conditional bail' for some cases. The 'conditions' included bail with surety, attending JJB regularly, parental responsibility for taking care of child, no association with criminals and/or under the supervision of NGO/JJB. It was stated by all JJB members that the juveniles who were involved in serious cases, addicted to drugs, members of gangs, 'habitual' offenders or whose parents/family were unwilling to accept the juvenile were not granted bail for a longer period of time.

**3.9 Working with the Probation Officer (PO) and the PO Report:** Seven JJBs directed for Report of the Probation Officer while taking decisions for the juveniles. The PO Report provided varied information. Seven JJB members stated that family background of the juvenile was highlighted. Three mentioned about educational background. Another three JJB members stated that the 'criminal background' of the juvenile, if applicable, was mentioned in the Report. One JJB member each mentioned about safety of juvenile, family income, medical information and legal information as expected contents in the PO Report. The source of the information for the Report was the juvenile, parents, home visits, and sometimes the opinion of a psychologist. One JJB member however stated that "PO reports however are of no use. PO report is not called for each case".

*Probation Officers too, required more skills to work with children-* Principal Magistrate,  
JJB

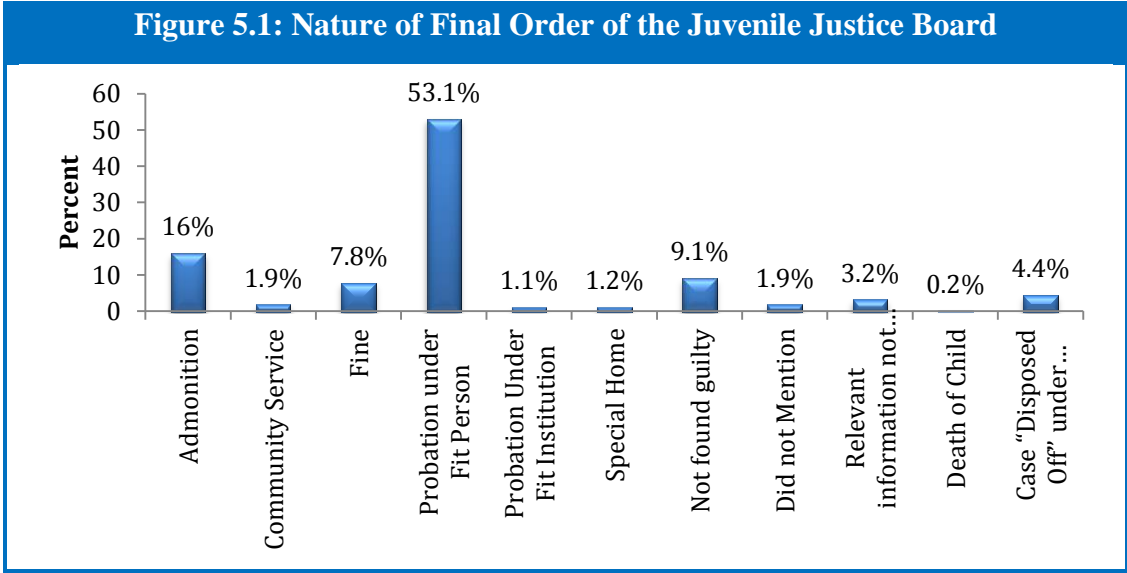
Almost all JJB members stated that they verified details given in the PO report with either the juveniles, police, and/or parents. One JJB member each stated that they verified with NGO, witness, or even asked for a second PO report, if required. Only two members stated that they did not further 'crosscheck' the contents of the Report with others. In situations where the recommendations of the PO were 'rejected' by the JJBs, written rejection was given by three JJBs in Maharashtra. In another JJB, the PO did not give recommendation so written rejection was not applicable. As mentioned above, the findings revealed that the PO rarely interacted with the JJB in person. Such a meeting was possible only if the JJB convened the same.

**3.10 Section 15 of the Juvenile Justice Act: Findings from Secondary Data:** Following are a few findings from the secondary data pertaining to crucial aspects of the Final Order passed by the JJB:

**3.10.1 Nature of Final Order (Section 15 of the Juvenile Justice Act):** Section 15 of the Juvenile Justice Act provides a range of seven options for the JJB. All these options are focused towards an objective of correction, rehabilitation, and social reintegration as the case may be. The age of the juvenile, offence charge, family circumstances were among the several factors that the JJB is supposed to consider while determining the Final Order. The findings in this study too indicated that the Final Order had been presumably based on unique circumstances of each individual juvenile alongside considering the age and the Offence Charge.

In the 1156 case files, it was found that 105 juveniles (9.1%) of the juveniles were “not found guilty” and were “acquitted” of the offence charges. It is also significant to note that 60 juveniles (10.2%) in the age group 16 to 18 years were “not found guilty” vis-a vis 44 juveniles (8.1%) in the age group of 12 to 16 years. For the remaining juveniles, who were found to have committed an offence majority were directed to live with their own home along with their parent/family/guardian under a range of Orders. The highest category was under the section of “probation of good conduct” (614 cases; 53.1%). The other Orders largely given were “Admonition” (185 cases; 16%), “Fine” (90 cases; 7.8%) and “Community Service” (22 cases; 1.9%). Significantly very few juveniles were sent to the Special Home. It was found that only 14 juveniles (1.2%) from among 1156 juveniles were admitted in the Special Home and 13 juveniles (1.1%) were admitted in “Fit Institutions” (see Figure 5.1).

The offence charge and the nature of the Final Order was cross tabulated to analyze whether there is any significant pattern emerging between the offence charge and the nature of Final Order. It was found that there is no significant association between the offence charge and the nature of Final Order.

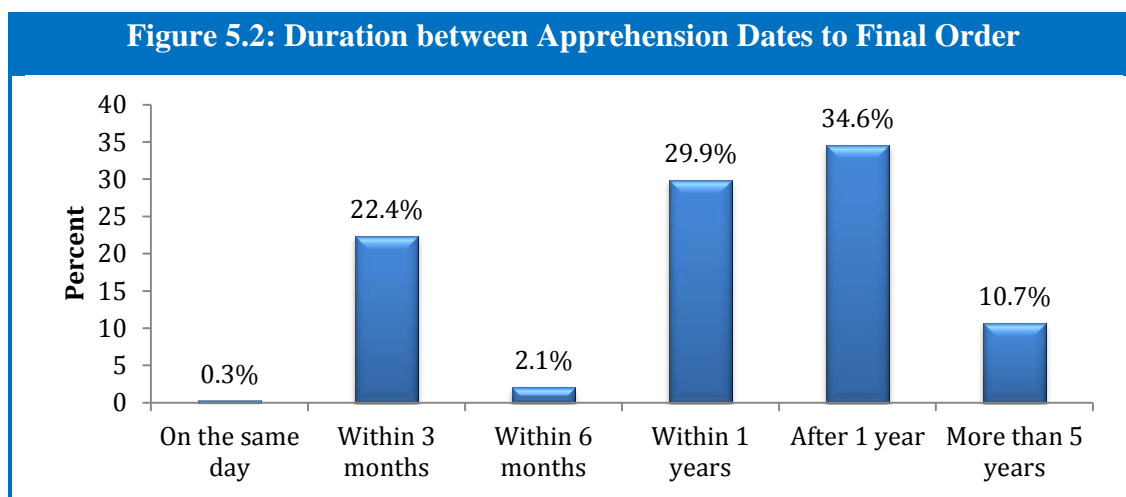


The offence charges of the 14 juveniles who were admitted in the Special Home were examined. It was found that they had been apprehended for a range of offence charges including theft and not only under “serious” offence charges such as sexual abuse and murder.

The principle of juvenile justice is that Institutionalization must be the last resort. Further, Offence Charges must not be the only determining factor while opting for the provisions in Section 15 the Juvenile Justice Act. The findings from Secondary data indicate that the Final Orders of the JJB are in harmony with these core principles.

**3.10.2 Age of the Juvenile and Nature of Final Order:** It was found that juveniles in the younger age group (7-12 years) had been sent to their parent/ family/ guardian primarily on “admonition” and “probation”. Other Orders such as Community service, Fine, admission in the Special Home had not been given. For the other age groups, it was significant to note that eight of juveniles (1.5%) in the age group 12 to 16 years have been admitted in the Special Home vis-à-vis five juveniles (0.9%) in the age group of 16 to 18 years. Therefore, age is not the only factor that needed consideration while passing the Final Order. It depended on other circumstances of the ‘case’ too.

**3.10.3 Time taken for Closing (Disposal) of Case:** The time taken for the closure of the case was one of the crucial aspects of the effectiveness of the juvenile justice system. A needlessly pending case had implications on the juvenile’s wellbeing and future planning prospects. Closure of the case in a rehabilitative manner ensured that the child ceased to be a ‘juvenile in conflict with law’ and could move on. From the case files perused it was found that only around 286 cases (24.8%) had been closed within six months. Another 346 cases (29.9%) had closed within a period of one year. Further, 400 cases (34.6%) had been closed after one year from the date of apprehension. Within these 400 cases many cases (213 cases) had gone beyond two years. 10.7% of cases (124 cases) had gone beyond five years.



**4. Probation Officer (PO):** Five Probation Officers (PO) were interviewed. Three of them exclusively worked with Juvenile in Conflict with Laws and remaining two POs worked with both groups of children; Juvenile in Conflict with Law (JCL) and Child in Need of Care and

**Findings from Interviews with Parents:**

- Majority (50 parents; 52.6%) indicated that they did not know about the probation officer (PO)
- Nineteen (20%) indicated that they did not meet, 8 parents (8.4%) stated that they had good experience with probation officer and PO spoke “nicely”
- Nine (9.5%) gave diverse responses such as POs wrote reports, suggested about appointing lawyer, conducted home visit and told parents to take care their of child

Protection (CNCP). According to the POs the first meeting with the JCL happened within the first two days of admission in the Observation Home and/or the Special Home. However, as mentioned earlier, if the juvenile was released immediately on bail, then it was possible that the PO may not have met the juvenile. The cases were referred by the JJB or by the Superintendent. Sometimes the PO themselves identified the juveniles they needed to work with on a more in-depth basis.

*“We rarely get to meet the juveniles who get released immediately on bail. Such children are at high risk of reoffending if there is no interaction with them”* - Probation Officer

It was noted that no Probation Officer had post release access with the juveniles. Only in a few cases they were engaged in supervision and follow up. According to the POs, they conducted individual meetings with children which could be once or twice for a duration ranging from 10 minutes to 2 hours. Three POs conducted group meetings, if required, to address group issues such as hygiene, maintaining peace in the Observation Home/Special Home, etc. The number of juveniles they interacted ranged from one juvenile to eight juveniles each day depending on availability of time and urgency of need.

- 5. Non-Governmental Organizations (NGO):** There were no NGOs in Nagpur (Maharashtra), Jodhpur (Rajasthan) and Kota (Rajasthan) working with the juveniles. Therefore post release follow up, group sessions with institutionalized children were not happening in these places. Nine NGO representatives shared that caretakers/ guards created obstacles in the work of NGOs. One representative spoke about malpractices of sexual abuse, bribe etc. by caretakers with the children. However, another two participants shared good experiences with the caretakers and staff. There was a mixed response regarding their experience with the PO. Two stated that POs needed to improve their skills in handling children. Five representatives mentioned that POs cooperated with them and allowed them to work in the Observation Home/Special Home. Ten NGO representatives felt that overall the juvenile justice system needed to be improved in the

**Findings from Parents Data:**

- Forty one parents (43.2%) were not aware about any NGO
- Twenty four parents (25.2%) mentioned that NGO persons provided information, did counseling, and gave advice, guidance and suggestion
- Nine parents (9.5%) mentioned that NGO persons were ‘good’
- Seven parents (7.4%) had not met NGO persons
- Four parents (4.2%) were appreciative of NGOs
- One parent juvenile mentioned that they were not interested in NGOs

arena of understanding and functioning better with the Juveniles. Thirteen NGO representatives endorsed that the Observation Home/Special Home were ‘bad’. Seven emphasized that there were insufficient facilities and the other seven expressed that the Institutions were like ‘jail’ in their appearance and functioning.

**6. Assistant Public Prosecutor (APP):** Two Assistant Public Prosecutors (APP) were interviewed (working with JJBs at Mumbai and Nagpur, Maharashtra respectively) Mumbai APP worked with the two JJBs in Mumbai (city and sub-urban JJB). Both the APPs were newly appointed to work with the JJB (their work experience was 20 days and 10 months respectively). Neither had any training to work with the JJB nor did they feel the need for it. Both opined that the police were quite helpful though one commented that police made some mistakes too. Their views of the juvenile justice system were mixed. While One APP expressed that separate juvenile justice system was required only for children below the age of 16 years, the other stated that the said system was “lenient, weak and merciful”. According to them, cases took around six months for finalization and the delay was primarily due to absence of witnesses, transfer of investigating police officer, etc. Both stated that, in their case presentations and closing arguments, they submitted before the JJB for specific Final Orders such as Probation of Good Conduct, and admission in Special Home. This was based on seriousness of crime, nature of involvement, age and whether the juvenile was a repeat offender. While one of the participants were unaware about the role of Social Worker Members on the JJB and other

felt that they were appointed for social understanding of the case and planning rehabilitation.

- 7. Free Legal Aid Lawyers (FLA):** Out of three Free Legal Aid (FLA) lawyers interviewed, two were working within the juvenile justice system for only 4 and 9 months respectively. The third lawyer had an experience of 7 years. Only one lawyer had received honorarium for their services. All of them practised in adult courts too. The senior lawyer also practised as a private lawyer in the JJB. All three asserted that FLA was required for children of poor parents as well as for those children whose parents were never present or unwilling to attend the JJB.

The FLA lawyers got referral of cases from the JJB, Parents, NGOs, Police, JJB staff or on their own. The cases were usually discussed with the child, parent, NGO (whoever referred the case) and with the JJB (according to the senior lawyer). The interaction with the child was about understanding the alleged crime and social background. Both lawyers conducted their discussion outside the JJB for shorter period as there was no provision of separate office for FLA neither were they permitted to visit children inside the Observation Home. They recommended separate office space to enable them to meet juveniles and their parents/guardian in privacy. They preferred immediate bail unless parents were unwilling to do so. One FLA lawyer who was practicing for seven years suggested that juveniles who were in addiction, repeat offenders, or had single parents could be sent to the Special Home for rehabilitation. Out of three FLA lawyers, two were vague in their responses about them having to maintain records of their work and report about it to a specified authority. The third lawyer mentioned about reporting work to the District Legal Services Authority (DLSA).

*“I connect each of my clients to NGO as it is my duty to see to it that my client is not merely released but is necessarily rehabilitated and does not repeat. NGOs support my clients.” - A Free Legal Aid lawyer at Mumbai.*

One FLA lawyer commented that organizing meetings between DLSA, FLA and JJB were very important to ensure optimal benefit to the

*None of the 39 juveniles whose cases are closed mentioned about Free Legal Aid Services. Majority parents (67 parents; 70.5%) of the juveniles were not aware about the FLA facilities whereas only 11 parents (11.6%) of the juveniles indicated that they were aware about the FLA and getting help from them.*

juvenile and for the FLA panel. Further, the findings also revealed that and also shared by the JJBs and FLA that there had never been a full-fledged panel of five lawyers functioning regularly in any of the JJBs (included in the study) of both States as prescribed in the Juvenile Justice Act.

### **C) SPECIFIC FINDINGS UNIQUE TO A PARTICULAR DISTRICT/ STATE**

- Superintendents in two Observation Homes in Jodhpur (Rajasthan) and Kota (Rajasthan) had additional work responsibilities in their State government department related to women and child development. Therefore, they were unable to give much time in the Observation Home. In both these Homes the Probation Officer and the caretaking staff had multiple roles.
- Majority of the auxiliary staff of the three districts of Rajasthan (where the study was conducted) were not much aware of the term 'Rehabilitation' or its meaning and objective.
- No NGOs were working with the Observation Home/Special Home or in collaboration with the JJB, in Jodhpur (Rajasthan), Kota (Rajasthan) and Nagpur (Maharashtra).
- All three JJBs in Rajasthan are functioning as full bench and have appointments of both Social Worker Members along with the Principal Magistrate.
- Juveniles coming under cases of theft do not usually stay in the three Observation Homes in Rajasthan (Jaipur, Jodhpur, Kota) and are released on bail at the earliest.
- One of the functionaries in Rajasthan shared that a Child Welfare Committee (CWC) member is functioning as a lawyer in the JJB of the same district. The functionary strongly recommended that the person doing private practice in the JJB should not be



appointed as CWC member in the same district as there could be conflict of interest and likely misuse of confidential information

During data collection it was observed that across all Observation Homes/Special Homes crucial posts such as Probation Officer, Counsellor and Caretaker are vacant. The unavailability of key functionaries has direct impact on the juvenile's rehabilitation. Due to limited staff, the existing functionaries became over burdened with additional responsibilities. It was also observed that the infrastructure of the majority of the Institutions required repair and/or maintenance. Some functionaries also expressed that the Institutions looked like a 'jail' (few Institutions were original adult prisons. Though they are no longer jails and were converted into Observation Homes/Special Homes, the structure largely remained the same). Inadequate infrastructure, limited availability of basic resources like water, electricity, toilets, etc. were hurdles in the smooth functioning of the Homes and also impacted the behaviour of the staff and children in these Homes.

This chapter dealt with the experiences and perspectives of the functionaries about the juveniles in conflict with law, the nature of offence charges and their family situation. The chapter also included the opinion of the functionaries about the functioning of juvenile justice system especially in the context of their specific roles and responsibilities. The profile of the juveniles in conflict with law, as shared by the functionaries, is largely similar to the police record and the findings of the study. While the functionaries had an overall understanding of the juveniles in conflict with law and different aspects of the juvenile justice system, there did not emerge uniform clarity about important terms and terminologies. Their also does not appears to be standardized system of approach with every juvenile in conflict with law. It is highly dependent on individual stakeholders within the juvenile justice system and their approach to work, resource available in individual Observation Homes/ Special Homes/ JJBs/ number of staff available, etc. Hence, as mentioned in previous chapters juveniles and parents gave mixed responses about their experiences with the juvenile justice system. Further, some of the challenges and constraints within the juvenile justice system expressed by the functionaries are pertinent to note as they impact effective rehabilitation and quality of care. Notably among them is the lack of adequate staff, fewer educational/ vocational training facilities for the juveniles, and urgent need for capacity building of the staff at different levels within the juvenile justice system.

## Chapter 6: Summary of Key Findings and Best Practices

This research study was undertaken to gain an insight into the life situation of the juveniles in conflict with law, both during the process of their inquiry and after closing of the case. The administration of the juvenile justice system was understood through the experience sharing of the juveniles, parents/guardian and the different functionaries working within the juvenile justice system. Case Files of the Juvenile Justice Board (JJB) were perused to understand the implementation of some of the key aspects of the Juvenile Justice Act. Police crime records over several years were analyzed to understand the magnitude and some of the trends in juvenile offence. The key findings from the quantitative and the qualitative components of the study have been integrated and synthesized in the proposed framework on rehabilitation. Some of the ‘Best Practices’ emerging through the findings have been discussed separately.

The chapter includes the following:

- I. Summary of findings within each Objective of the study
- II. ‘Good practices’ or ‘best practices’: study findings

### I. Summary of Findings Within Each Objective of the Study

There were six different data sets. Within primary data the total sample size covered was 428. Within secondary data, the total Case Files covered were 1156 (see Table 6.1). Data was collected from six cities (Mumbai, Nagpur, Pune, Jaipur, Jodhpur, and Kota) across the two States of Maharashtra and Rajasthan.

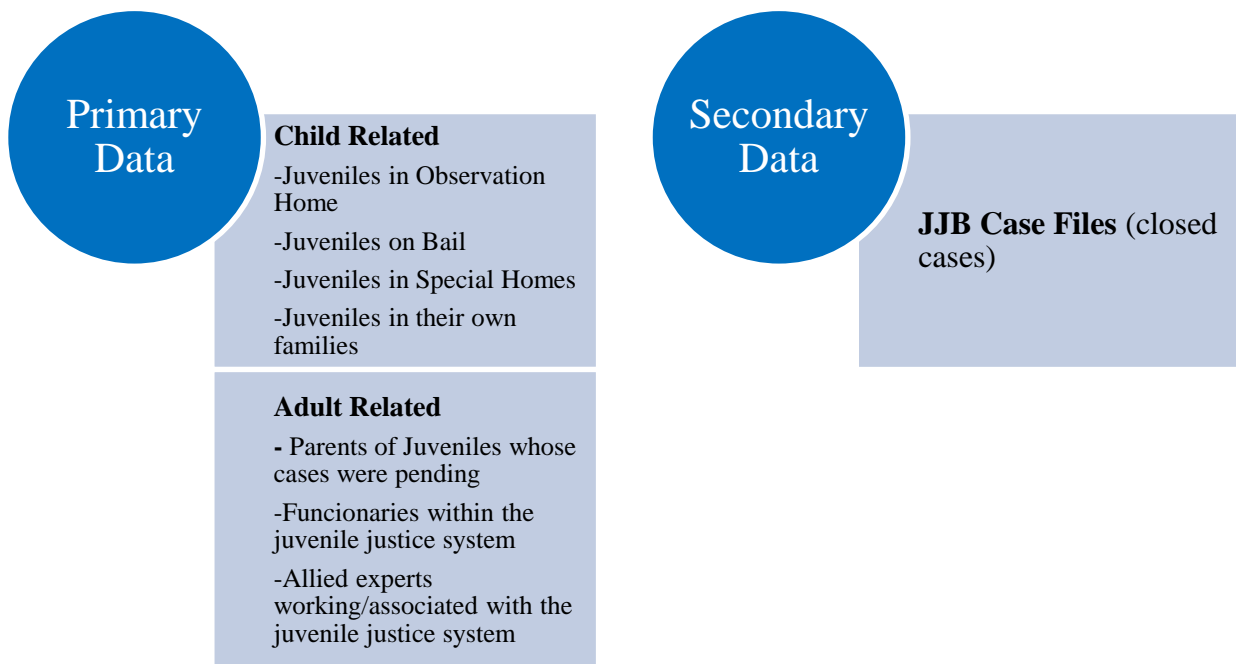
**Table 6.1: Category of Sample and Sample Size**

Type of Data	Category	Total Sample Size covered
Primary Data	Juveniles in Observation Home- <b>110</b> Juveniles on Bail- <b>101</b> Parents- <b>95</b> Functionaries/allied experts- <b>83</b> Case Studies of juveniles- <b>39</b>	<b>428</b>
Secondary Data	Juvenile Justice Board Case Files	<b>1156</b>

The data sets were (see Figure 6.1):

- Juveniles admitted in the Observation Home (Primary Data; pending cases)
- Juveniles on Bail (Primary Data; pending cases)
- Parents of juveniles whose cases were pending (Primary Data)
- Functionaries and allied experts with the juvenile justice system(Primary Data)
- Case Studies of juveniles (Primary Data; closed cases)
- Juvenile Justice Board Case Files (Secondary data; closed cases)

*Figure 6.1: Data Sets in the Study*



The key findings have been summarized below under each Objective of the study. Objectives 1-5 have been presented in this chapter. (Objective 6 is presented separately in Chapter 7 of the report)

## **1. The Magnitude, Nature and Trend of Offences by the Juveniles in the States of Maharashtra, and Rajasthan**

The above objective was fulfilled through perusal of the police crime data records, secondary data (JJB case files) and primary data (interviews and case studies of juveniles).

**1.1 Proportion of Juvenile Crime to Total Crimes:** Till the year 2000, boys upto sixteen years and girls up to eighteen years of age, were under the purview of the Juvenile Justice Act. The proportion of juvenile crimes at that time was less than 1%. With the enactment of the Juvenile Justice Act of 2000, the age of boy juveniles was extended to eighteen years. This increased the number of juveniles in statistical calculation of juvenile crimes as the group of boys between sixteen years and eighteen years got included. Thereafter, although there was an increase in the proportion of juvenile crime (from 0.9% in 2001 to 1.2% in 2014), in 2015, as per Police record, the share of juvenile crimes to total IPC crimes has actually decreased to 1.1%

*The overall proportion of juvenile crimes to total crimes has not changed much. What is critical to note here is that irrespective of the numbers, every juvenile is a valuable member of society and is entitled to adult support and direction to build a constructive life.*

**1.2 Incidence of Juvenile Crime in States:** The first police report to separately include data on juvenile offence (1960) cited Maharashtra as among the States having the highest incidence of juvenile crime. More recently, in 2015, Madhya Pradesh, Maharashtra, Delhi and Rajasthan were among the four States with the highest incidence of cases registered under IPC.

*A critical macro analysis is required to ascertain the factors for some States experiencing higher incidences of juvenile crime. It is imperative that specific programmes are designed, especially in these States, to prevent incidences of juvenile crimes as well as implementing micro rehabilitation measures for those juveniles already within the juvenile justice system.*

**1.3 Nature of Offence Charges:** In the 1156 Case files (secondary data) majority of the juveniles (306 juveniles; 26.5%) had come under theft charges followed by offences against human body (330 juveniles; 28.5%). A small percentage of juveniles (63 juveniles; 5.4%) have been apprehended under offence charges related to sexual abuse along with other persons. The remaining juveniles (457 juveniles; 39.5%) were in miscellaneous charges. Within the juvenile data, out of the 211 juveniles, 59 juveniles (28%) were under theft/robbery charges, 43 juveniles (20%) were under assault related charges. Four juveniles (1.9%), five juveniles (2.4%) and seven juveniles (3.3%) were under charges of rape, kidnapping, and murder respectively. 35 juveniles did not respond (16.6%). The remaining was in miscellaneous charges. In the case studies out of 39 juveniles, 24 (61.5%) were under the offence charges of theft followed by charges of fighting, assault, murder, sexual offences, and stealing bike for riding purposes.

*Theft, and robbery have always accounted for the highest number of crimes followed by hurt and assault in police records. The nature of offence charges indicates the likely circumstances of these children who come within the juvenile justice system and therefore, work with the juvenile has to get planned accordingly.*

**1.4 Involvement of Friends/Peers:** Among the 1156 case files, 443 juveniles (38%) had offence charges along with U/S 34 of IPC which indicated the alleged involvement of more than one person. In the juvenile data, 96 juveniles (45.5%) mentioned that either they, or their friends were involved in planning the offence. Similar findings were revealed in the case studies too wherein 23 juveniles (59%) shared about being apprehended along with friends. In the parent data, 43 parents out of 95 (45.3%) stated that friends were involved in the offence and 41 parents (43.2%) ascribed to 'bad company' of friends as one of the reasons for the offence.

*Though the offence charge is not the sole determining factor for planning rehabilitation or Final Orders of the JJB, nonetheless, the circumstances of the alleged offence is one of the starting points. If the juvenile was allegedly in the company of others, that too needs to be considered to ascertain the extent of involvement or influence of peer group and others.*

*Especially during the adolescent period friends/peers exert influence. These influences need to be identified, understood, and channelized in a positive way.*

**1.5 Influences at the Work Place:** Apart from friends/peers and their influence, for working children, the jobs they were doing and its environment also impacted the child. In the case studies, two juveniles who had started working at a very young age, shared that they got into inappropriate habits under the influence of adults at the work place.

*Among many hazards of child labour, this is a serious hazard which often does not get discussed in discourses around juvenile crime or child labour.*

**1.6 Repeat Offence/Recidivism:** In the juvenile data, out of 211 juveniles, majority (174 juveniles; 82%) indicated that they were the first time offenders. In the parent data, majority (88 juveniles; 92.6%) stated that this was the first offence of their child. In terms of repeat offence, in the case studies, all the juveniles who were repeat offenders were in theft cases and almost all of them were in addiction too.

*Contrary to public perception the incidence of repeat offence is low. Differential work needs to be planned with first time offenders and repeat offenders depending upon the age and other circumstances of the juvenile's life situation. In the cases of repeat offending juveniles, assessment especially needs to include information about probable addiction.*

## **2. The Socio- Economic and Demographic Factors that lead to Juvenile Offences**

The profile of the juvenile was understood and its likely implications on offence.

**2.1 The Age of the Juvenile:** All data sets indicated that the majority of the juveniles were between 16 and 18 years of age (see Table 6.2). The next highest number of juveniles were in the age group of 12-16 years. The functionaries too opined that majority of the juveniles were in the older age group. This age distribution also got reflected in the police Crime in

India report. Further, a small group of juveniles had even completed eighteen years during their period of inquiry.

Table 6.2: Age Distribution			
Area of Study	Case Files (Secondary Data)	Juveniles in OH/Bail (Primary Data)	Case Studies (Primary Data)
Age	7-12 yrs. - 1.8% (21)	7-12 yrs. - 0 (None)	12-16 yrs. - 9
	12-16 yrs. - 46.8% (541)	12-16 yrs. - 39% (84)	16-18 yrs. - 19
	16-18 yrs. - 50.8% (587)	16-18 yrs. - 52% (111)	Above 18 yrs. - 11
	18 yrs.+ - 0.6% (7)	Above 18 yrs. - 8% (16)	

*Rehabilitation programmes must necessarily focus on the specific needs of adolescents and young adults and not perceive the entire group of juveniles as one homogenous category of 'children'. Separate programmes were also needed to be designed for the younger juveniles who though less in number would require a different kind of attention.*

**2.2 Religious and Social Identity:** Among the 211 juveniles interviewed, 142 juveniles (67.2%) belonged to Hindu religion, Islam (51 juveniles; 24.17%), Buddhist (16 juveniles; 7.58%) and Christian (2 juveniles). One hundred and eight juveniles (51%) belonged to general category, 40 juveniles (19%) belonged to Scheduled Caste, and OBC (52 juveniles; 25%). There were a few juveniles who were from Scheduled Tribe (7; 3%) and four juveniles were from Nomadic Tribe. From the parent data, it was similarly found that they belonged to different religion such as Hindu (74; 77.9%), Muslim (17; 17.9%), Buddhist (3; 3.2%) and Christian (1; 1.1%). Majority of the participants (41; 43.2%) belonged to general category followed by participants from other backward classes (27; 28.4%). percentage of participants belonging to Scheduled Caste(22), Scheduled Tribe(3) and Nomadic Tribe(2) was 23.2%, 3.2% and 2.1% respectively.

*While it was beyond the scope of the study to analyze the life situation of the juveniles within the context of their social and religious identity, facilities that are available for certain*

*groups need to be made accessible to juveniles (such as welfare schemes, scholarships, reservations, etc.).*

**2.3 Education of Juvenile:** In the juvenile data, 98 juveniles were in school (46%) whereas (113 juveniles; 54%) had dropped out. Within the parent data, a large number of parents (45; 47.4%) stated that their child did not go to school. In the case studies, majority were school 'drop outs' (26 juveniles; 66.7%).

*Education is a fundamental right for every child. Within the juvenile justice system, there needs to be two different kinds of approaches for education/vocational guidance: ensuring that juveniles who were going to school continue with their studies and a different programme for juveniles who had 'dropped out'*

**2.4 Occupation/Job of Juvenile:** Out of 110 juveniles in the Observation Home, 48 juveniles (43.6%) planned to work. Out of 101 juveniles on bail, 32 (32%) juveniles on bail mentioned that they would continue working/ do job. In the case studies, juveniles who were living in the Special Home were undergoing either education/training. Juveniles who were living with their families were largely unsure of the future, including those juveniles who were working. All working juveniles were in low paying menial jobs as almost all of them had dropped out of education.

*Opportunities to resuming school (formal or open school system), exploring vocational courses or skill up-gradation training for better career prospects needs to be taken up on priority within the juvenile justice system. Juveniles who were neither studying nor working required special attention and planning.*

**2.5 Health of the Juvenile/Illness in the Family:** Majority in the juvenile data (197 juveniles; 93%) indicated that they had not been hospitalized in last 6 months. In the parent data while majority (83 parents; 87.4%) did not mention about any illness, a small percentage of parents (12 parents; 12.6%) shared that they had family members who were unwell.



*Health problems can impact the family in different ways. It takes away attention from the child, increases anxiety, and can also reduce the resources available within the family. Hence, during assessment, it needs to be ascertained whether there is illness in the family and nature of the same.*

**2.6 The Family Context:** The findings from the juvenile data, case studies and interviews with the parents highlight some common factors:

- Majority of the juveniles were living in their own families comprising parent(s) and siblings (205; 97.1% in juvenile data and 38; 97.4% in the case studies). They were largely in nuclear families with a family size of around four and six members.
- All the participants (juvenile data, parent data, and case studies) had a house (ownership/rent). The size, quality, and amenities varied.
- In the parent data, majority of parents (77 parents; 81%) had either never been to school or had dropped out. Among them, 30 parents (31.6%) had no education. The occupation of the family ranged from daily wage labour, farming, self-employed, and miscellaneous service (driving, security guard, plumber, etc.). In the parent data 51.6% had a single earning member.
- In the parent data, majority (92 parents; 96.8%) affirmed that there was daily interaction among family members and with the juvenile. Majority of the parents (48 parents; 50.5%) stated that the father was the decision maker in the house while a small number of parents (18 parents; 18.9%) stated that both parents took the decisions. In the juvenile data majority (137 juveniles; 64.9%) mentioned that father was the ‘head’ of the family whereas 47 juveniles (22%) mentioned their mother was the ‘head’ of the family.
- Thirty-eight parents (40%) stated that there was problem of alcohol/addiction in the house and among them only three parents (7.9%) reported that the family member had undergone treatment. In the juvenile data, majority (110 juveniles; 52%) indicated that there was no addiction in the family whereas 73 juveniles (35%) revealed that there was addiction within the family.
- Only four parents (4.2%) mentioned about involvement of family members in police whereas majority (91 parents; 95.8%) answered that there was no involvement. Similarly

in the juvenile data, 29 juveniles (13.7%) mentioned about police involvement while majority (158; 75%) mentioned that there was no police involvement.

- Thirty juveniles (14%) reported that they had conflicts in their house (strong argument, fights, violence or based on financial problem, lack of trust, respect, communication, expectation etc.) whereas majority (181 juveniles; 86%) about not having any conflict.
- In the case studies majority (27 cases; 69.2%) expressed that their offence charge had impacted their family in different ways. Almost all the juveniles shared that the family had to take a lot of “trouble” for them.
- In the parent data, majority (90.5%) shared that they had positive relations with their child. In the case studies too majority expressed a range of positive emotions about their family.
- Majority parents (82 parents; 86.3%) mentioned that they were aware of their child’s daily routine. In the juvenile data, 90 juveniles (42.7%) stated that their family knew about their friends. A significant high number of juveniles (79 juveniles; 37.4 %) stated that they did not know whether their family knew about their friends.

**2.7 The Neighbourhood Context:** There were mixed responses to the questions about the neighbourhood. In the juvenile data, majority (103 juveniles; 48.8%) mentioned that their community was ‘good’. It was largely a heterogeneous community, with people engaged in a range of labour and self-employed kind of work. 36 parents (37.8%) in the parent data mentioned that the community persons were primarily engaged in labour work, while others were engaged in service, own business or miscellaneous activities. Many children in the community were schooling. In the juvenile data, 119 juveniles (56.4%) shared about participating in community activities, celebrations and festivals. Majority of the juveniles (114 juveniles; 54%) mentioned that they had witnessed strife in the community over various reasons. A few juveniles (19 juveniles; 9%) also revealed that there were gangs or groups operating in the community. Although majority of the juveniles (193 juveniles; 91.5%) stated that they were not involved in any gang/group, three juveniles (1.4%) shared that their family members were involved and 12 juveniles (5.7%) shared about their own involvement. In the functionaries data, it was found that functionaries and allied experts stated that the

communities witnessing violence, addiction, local fights, and criminal activities had a negative impact on the children.

**2.8 Factors in Juvenile Offence:** The factors or ‘causes’ of juvenile offence that has evolved through the findings of the study are:

- Economic Factor
- Educational Factor
- Familial Factor
- The Age and Peer Factor
- Adult Monitoring, Supervision, and Guidance
- The ‘Environment’ and Daily Living
- Mental Health Factor
- Addiction as a Factor

*The study findings indicate that there is no one identical profile of juveniles or uniform family characteristics. However, similar characteristics identified in the study were that almost all the juveniles had a family and their home. Majority of the juveniles were from lower socio economic backgrounds. A large number of them have dropped out of education. The family income was modest and the family size was a minimum of four-six members. The juvenile’s age, educational achievement, family and neighbourhood context influenced the juvenile in myriad ways.*

*Different families had different situations and each was important to understand. For example, even if statistically it has been revealed that majority of the families did not have addiction in the house, involvement with the police, and/or familial conflict, it was nonetheless a serious matter for the families which were experiencing these negative situations. On the positive side, while there were school drop-out children, there were other juveniles who were continuing with their education and had plans for the future. There were children who were performing well in school and some juveniles were insistent that they had not committed any offence but had been falsely implicated.*

*All of the above can provide vital cues within each individual juvenile’s life and the areas of vulnerability therein. Parameters for assessment need to include family occupation, housing, income, overall socio-economic situation, level of education, nature of interaction and*

*relationships within the family, addiction, peers, prior involvement with offence, police, and family knowledge of the juvenile's whereabouts.*

### **3. To Examine the Perspective of the Significant Adults about the Juveniles and their Rehabilitation**

Every aspect of the juvenile's life; life situation, offence charge, impact of apprehension or arrest, processing of the 'case', and life thereafter have a bearing on rehabilitation. This part of the analysis encapsulates the perception of the both the parents about their child and the functionaries who work with the juveniles and their family.

**3.1 Understanding of the Parents/Family about their Child (Juvenile):** Out of 95 parents, majority (66; 69.4%) had a positive opinion of their juvenile. While some parents shared that they knew about their child's involvement in the offence, 37 parents (38.9%) mentioned that their child was falsely implicated. A large number of parents (41; 43.2%) mentioned 'bad company' of friends as one of the reasons for the offence charge. Majority of the parents (68; 71.6%) stated that there had been no major changes in communication and family interaction after the incident of the alleged offence. The other parents mentioned about changes in their families, both positive and negative, after the offence.

*Though the parents spoke about their children positively, it is difficult to fully understand the parents' perspective on their child and rehabilitation. They were keen that the 'case' got closed at the earliest. It was observed that the parents were guarded in their responses as the 'case' of their child was pending before the JJB.*

**3.2 Understanding of the Functionaries about the Juvenile:** While the juveniles/parents interviewed did not necessarily perceive family situation as one of the factors in juvenile crime, majority of the functionaries expressed that the children committed offences due to lack of adequate parenting and/or a stable family life. In terms of the profile of juveniles, majority of the functionaries opined that theft was usually committed by children from the lower socio economic strata. Further there was a linkage between addiction, theft, and instances of repeat offences committed by juveniles. Majority of the

functionaries were positive in their thoughts about the juvenile and expressed that juveniles could improve with the right direction, and parental attention. Majority of the functionaries believed that comfort, trust, and rapport with the juvenile was a must.

*The views and opinion of significant adults about the juvenile has a bearing on their approach towards the child. The positive views of the functionaries towards the juvenile can be channelized towards concrete action within the juvenile justice system for rehabilitation.*

#### **4. To Examine the Rehabilitative Measures undertaken for the Juveniles within the Juvenile Justice System and the Juvenile Justice Board**

The juvenile justice system is not a single entity. It has different components/stakeholders: police, residential care Institutions (Observation Home and Special Home), the Probation Officers, and lawyers, NGOs, voluntary organizations, individual experts, the Juvenile Justice Board and the concerned Government Department, who have distinct roles and responsibilities. The Juvenile Justice Board, being the final authority, is the critical point of convergence as each component/stakeholder has to work in coordination with the JJB. Further, the administration of the juvenile justice system is determined by the extent to which the mandate of the Juvenile Justice Act is being followed, the approach and perspective of the functionaries within the system, and the processing of each juvenile's case. Some of the critical findings from all the different data sets reflecting the overall administration of the juvenile justice system have been presented under the following areas:

**4.1 Experience of Police:** In the case studies out of 39 juveniles, a large number of juveniles (23; 59%) shared that they were beaten and ill-treated by the police. In the parent data, 15 parents (15.8%) indicated that they did not have good experience with the police. Another 10 parents (10.6%) too revealed having a negative experience. Thirty functionaries stated that children who were on 'records' of police were often repeatedly and falsely arrested by the police. Another 13 functionaries stated that police threatened and maltreated juveniles while 15 functionaries shared that children were falsely alleged by police. 32 parents (33.7%) shared a positive experience. Any kind of abuse or ill treatment by police is against the mandate of the juvenile justice act and requires action.

**4.2 Bail:** Majority of the juveniles were being released on bail. This was in consonance with the Juvenile Justice Act wherein all offences were bailable except under certain specific conditions. Out of 211 juveniles in the study, 36 (17.1%) got released on bail the same day that they were produced before the JJB and were not admitted in the Observation Home (OH). The remaining juveniles were in OH for varying periods of time. A small number of juveniles were staying in the OH beyond four months.

**4.3 Experience of the Observation Home:** In the juvenile data, out of 211 juveniles, 175 juveniles (83.2%) had been admitted in the Observation Home (OH) for varying periods of time. Among them, 83 juveniles (47%) did not like to stay in the OH. In terms of facilities, majority (90; 51.4%) mentioned that all facilities were available in the OH while 34 juveniles (19%) stated in the negative. While juveniles largely spoke about food, games, recreation, and entertainment facilities, very few juveniles mentioned about availability of study related material (3; 1.7%). Eighty juveniles out of 175 (46%) stated that everything was ‘good’ and no changes were required. The remaining juveniles gave a range of suggestions which included better food, blankets, study and play material, no abuse, and more educational facilities. One juvenile suggested special facilities for children with disability. Majority (116 juveniles; 66.3%) stated that they did not know whether there was any formal system of registering a complaint within the OH. Juveniles who did want to register a grievance, approached any functionary who was accessible. While 49 juveniles (45%) admitted in the OH and 73 juveniles (72%) on bail indicated that they did not have any fear and anxieties, the remaining juveniles gave a range of responses indicating different fears and anxieties which included whether juvenile would get released on bail, outcome about their ‘case’, education prospects, job, ‘trapped by friends’, and that of “troubling” family. In terms of interacting with other juveniles who were staying in the OH, out of 32 juveniles (case studies) who had stayed in the OH, only seven juveniles (21.9%) shared that they had positive relations with other juveniles. The remaining juveniles were vague in their responses. Two juveniles (6.2%) however specifically stated that the older juveniles ill-treated and abused other juveniles.

**4.4 ‘Self’ and Future Plans:** Fifty-one juveniles (24.2%) indicated that they were not aware of the consequences of breaking the law. 68 juveniles (32.2%) expressed that they would get ‘punished’ and 10 juveniles (4.7%) indicated that they would go to ‘jail’. In the case studies 27 juveniles out of 39 (69.2%) shared their regret about committing the offence. In the juvenile data, when the juveniles were asked about the ‘advice’ they would like to give other children, 91 juveniles (43%) did not respond. The remaining juveniles primarily stated that they would advise the children to avoid wrong activity/ bad work/ addiction and not get involved in offence. Both groups of juveniles, whose cases were pending or ‘closed’, had future plans which included working, studying, completing a vocation course, taking care of family, giving up addiction and not getting into offence again. However, a few juveniles were undecided as well as ambivalent. Out of the 110 juveniles who were in the Observation Home, 76 (70%) were depending on their family to guide them appropriately or help them out. Among the cases of the juvenile already on bail, 85 (84%) mentioned that they were receiving support from their families.

*For many of the juveniles, being apprehended and coming within the juvenile justice system is a challenging experience. Through a process of introspection some of the juveniles themselves want to opt for more constructive opportunities. The juvenile justice system needs to encourage this and facilitate through provision of relevant resources. Juveniles who were on bail and were doing some occupation or schooling seemed more confident. This was observed especially in cases where the JJB or NGO was giving them guidance and supervision. Not wanting to ‘trouble the family again’ by committing offence seems like a predominant thought for almost all the juveniles. Yet in none of the interviews with the functionaries did anyone mention about working with the family and the child together.*

**4.5 Experience of the Probation Officer:** Juveniles who were currently admitted in the Observation Home had met the Probation Officer (PO) much more than the juveniles on bail. Majority of the juveniles on bail (58; 57%) had either not met the PO or did not know about the PO. In the parent data too, majority (50; 52.6%) indicated that they did not know about the PO while 19 parents (20%) indicated that they had not met the PO.

**4.6 Awareness about ‘Case’ Status:** One hundred and one juveniles (48%) in the juvenile data shared that they did not know about the current status of their case. Interviews with the juveniles seem to suggest that many juveniles were largely unaware about the procedures. They had very little information about anything else and depended upon their parents/guardian, lawyer, Institutional staff to inform them. The participants in the parent data mentioned that they got information from their lawyer, and the JJB staff. Few parents stated that they did not receive information from anyone.

**4.7 Experience of the Juvenile Justice Board (JJB):** In the juvenile data, 54 juveniles (25.5%) were not aware of the composition of the JJB. However, 64 juveniles (30.3%) mentioned that there were three members on the JJB. The remaining juveniles gave numbers ranging from one person on the Board to more than five persons. In the parent data, 33 parents (34.7%) mentioned about the children ‘court’ or ‘juvenile court’ where they produce their child. The juveniles were not clear about the role of two Social Work Members. Out of 211 juveniles, 191 had met the JJB. Among them 56 juveniles (29.3%) mentioned that they did not discuss anything. 10 juveniles did not respond to the question. The remaining 125 juveniles (65%) shared that they discussed on different areas (such as ‘case’, education, future, etc.). Most of the participants (41 parents; 43.1 %) mentioned that they had good experience of the JJB. Some of the parents suggested that their child’s case must be expedited as the earliest. One of the suggestions given by juveniles is that they must get an opportunity to speak before the Board.

*There does not appear to be a minimum common set of questions that every juvenile is asked. It is dependent upon every individual JJB Magistrate and Social Work Member.*

**4.7.1 Final Order of the Juvenile Justice Board:** In the secondary data, it was found that procedurally the Final Orders were as per the provisions of the Juvenile Justice Act. It was however found that one of the provisions ‘Group Counselling’ is yet to be given as the Final Order. Few juveniles were sent to the Special Home. Only 14 juveniles (1.2%) from among 1156 case files were admitted in the Special Home and 13 juveniles (1.1%) were admitted in “Fit Institutions”. Further, as per the mandate of the Juvenile Justice Act, the Final Order was not solely linked to the nature of Offence Charge.



*On the positive side, the Final Order is as per the provisions of the Juvenile Justice Act. In the majority of Final Orders, the juvenile was directed to stay with his/her family. However, correspondingly there was not much work being done with the family though functionaries state that juvenile offence was often due to the family situation. Thus, the juvenile is sent to the same milieu where the vulnerability had arisen in the first place.*

**4.7.2 Time taken for Closing (Disposal) of Case:** In the secondary data it was found that only 286 cases (24%) had been closed within six months. Nearly 400 cases (35%) had been closed after one year from the date of apprehension. A small percentage of cases (10%) of cases had gone even beyond five years.

**4.8 Experience of Legal Service:** Majority of the juveniles were vague in their responses. Some were aware that their parents had engaged a private lawyer who would give the information about the case. None of the juveniles in the case studies mentioned about Free Legal Aid (FLA) Services. In the parent data, majority (67 parents; 70.5%) were not aware about the FLA facilities.

**4.9 Experience of NGO:** Only a few juveniles had the opportunity of interacting with NGO social workers. Nine juveniles (23.1%) had a positive feedback about the NGOs workers. In the parent data, majority (41; 43.2%) were not aware about any NGO.

**4.10 Overall Interface of Juvenile/Parent within the Juvenile Justice System:** There was no uniform pattern of interaction. It depended on the availability and the accessibility of the functionary. While juveniles and family were spoken with on a variety of topics, every juvenile did not necessarily receive the basic inputs. The findings indicate that there seems to be no uniform plan of interaction between the functionaries and the children at any level. Procedurally it appears that the juvenile case was being processed as per the mandate of the Juvenile Justice Act, however, the findings do not indicate that sufficient time and communication has been undertaken with every juvenile for working on rehabilitation.

#### **4.11 Need for Training and Capacity Building of staff within the juvenile justice system:**

70 out of 83 functionaries emphasized the need for training and capacity building. According to them each person engaged with the juvenile justice system needs an orientation as well as periodic trainings in order to ensure better functioning.

### **5. To Study the Life Situation of the Juvenile after Rehabilitation and Social Reintegration**

Case Studies in this research were undertaken of 39 juveniles who were found to have committed an offence and whose cases have been closed as per the Final Order and Section 15 of the Juvenile Justice Act. Four key themes have emerged:

- a) The Family Context and Juvenile Offence
- b) Pathway to Offence and Life Thereafter
- c) Experiencing the Juvenile Justice System
- d) Current Anxieties and Future Aspirations

Perusal of different groups of juveniles either staying in the Special Home or staying with family, (juvenile data and case studies) indicated that the family situation of both the groups were similar. Further there was not much of a difference between the profile of juveniles, family context, offence charges or nature of offence. Majority of the juveniles were living with their families, were from lower socio economic backgrounds, and dropped out of school. Some of the key findings emerging from the case studies have been integrated in the earlier sections.

There were a range of circumstances leading to the offence charge. One of the common pathways was offences committed due to addiction. Nine juveniles (23.1%) shared that their friends were into theft and/or addiction. In terms of support network, majority of the juveniles in the case studies (23 juveniles; 59%) were depending on their families for support. Only 10 juveniles (25.6 %) spoke about training and then taking up work. One juvenile (2.6 %) stated that he would not commit offence again and six juveniles (15.4 %) were unable to give a response. Juveniles who were not studying/ working/ ambivalent about family support were unsure about the future.

The overwhelming thought for all juveniles (21; 53.8%) admitted in the Special Home in Maharashtra and Rajasthan was to get “released” from the Special Home. The few juveniles (3; 7.7%) who were in the Special Homes in Jodhpur (Rajasthan) mentioned about lack of facilities for either education or skill building. Juveniles who were in the Special Home in Maharashtra were undergoing different kind of training. They had more scope and opportunities than the juveniles who were staying with their families at home. Among them, juveniles who had family support and were doing something concrete were less unsure about the future. Juveniles who did not have family or family support and low education/skill training were uncertain about their future. None of the juveniles in the case studies were under supervision of the probation officer.

*The impact on the juvenile in terms of having both parents, single parent and/or rejected by both parents, family size and occupation of parent too needed to be examined. Juveniles who did not have any relations or their family/guardian were upset with them required a different approach both for the individual juvenile as well as for strengthening family support programmes. Mere ‘closing’ of the case and going home with family does not ensure success for juveniles unless opportunities are available for enhancement.*

Juveniles gave mixed responses about their experience of the juvenile justice system. There are positive experiences of the juveniles and the functionaries. Procedurally things seem to be moving. The case files too indicate the same. What did not emerge very strongly is systematic collaboration among the staff, regular interaction with the Juvenile Justice Board and adequate discussion on the juvenile’s case and follow up.

## **6. To Suggest a Framework for Rehabilitation of Juvenile in Conflict with Law**

The framework for Rehabilitation and overall recommendations are included in the next chapter.

## II. 'Good' Practices or 'Best' Practices: Emerging Study Findings

While there is no definition within the juvenile justice system on the parameters for a 'good' practice or a 'best' practice, the Study has conceptualized a 'good' or 'best' practice as those measures that are being followed in the best interest of the child, and within the framework of the juvenile justice act and child rights. 'Best Practices' are also those measures that have focused prominently on the juvenile and rehabilitation. Some of the existing 'good practices' or 'best practices' that have emerged from the findings of the study are presented below:

### 1. Procedures within the Juvenile Justice Board

- **Sittings:** The Magistrates at Kota (Rajasthan), Jaipur (Rajasthan), Pune (Maharashtra), and Mumbai (Maharashtra) were appointed as full time Magistrates of their Juvenile Justice Boards. These JJBs functioned all days of the week and had Social Work Members. Thus, more time was given for in-depth work unlike other JJBs where Magistrates had additional Court responsibilities and the JJBs were not functioning full time.
- **Bail:** In JJBs; Pune (Maharashtra) and Mumbai city (Maharashtra) the Magistrates passed Orders for 'Conditional bail' wherein the juvenile and family was directed towards de-addiction, vocational training, and rejoining education as part of 'conditions' to be fulfilled by juvenile and family during bail. Such a practice initiated the process of rehabilitation of the child even while the juvenile was on bail. Such Orders ensured that the family became more attentive towards the immediate needs of the child. The juvenile too began the process of responsible behaviour.
- **Inquiry:** In the JJB at Jaipur (Rajasthan) and Kota (Rajasthan), during the inquiry, it was observed that questioning by the Magistrates to both the witness and the juvenile were clear along with instructions, and the questions were repeated for ease of understanding.

- **Final Orders:** Final Orders such as ‘Community Service’<sup>20</sup> showed a positive path to the juvenile and helped him to gain confidence and dignity while contributing towards community work. The Juvenile Justice Boards at Rajasthan as well as Maharashtra utilize this provision of the Juvenile Justice Act as per need. The Final Order of community service given by JJB (Jaipur) included planting flowers, trees, working in an Institution for the elderly (‘old age home’), and being with traffic police and learning the traffic rules. These Orders helped sensitize the juvenile to social realities and as well as learn something practically. JJB in the cities of Pune (Maharashtra) and Nagpur (Maharashtra) passed child specific orders for rehabilitation wherein the focus was on the potential and talent of the child. For example, a juvenile who was educated and had interest in the subject of ‘history’ was directed to visit the Observation Home for specific days and tell history related stories to the other juveniles. In another instance, juveniles were also directed to write narratives on various topics such as family, life in institution, good and bad habits among children etc. which helped them to reflect and introspect upon their experiences.
- **Follow up:** Monthly follow up meetings with the parents and children encouraged accountability and motivation to participate in the rehabilitation process. The JJB at Pune and Mumbai coordinated with NGOs working with them and organized such meetings regularly.
- **Involvement of NGOs:** JJB, Pune involved various NGOs to focus on groups of 20 children each for group counseling and extending vocational, educational, and financial help to the children. This ensured individual attention for each child.
- **Interaction with the Juvenile:** The Principal Magistrate of the JJB, Mumbai City spent half an hour with every juvenile on the first day of production itself. The Magistrate asked the juvenile about his/her family, friends, economic condition, education, habits such as addiction, reasons of committing crime, result of committing crime; such as in

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<sup>20</sup> Section 15 of the JJ Act has Community service as one of the rehabilitative options wherein juvenile is directed towards some voluntary or social service

case of theft how the money got spent, etc. This conversation helped the juvenile to develop a positive relationship with the JJB, reflect on his actions and the future. The Magistrate spoke with the juvenile, if required in privacy, which helped the child to gain trust in the JJB and the juvenile justice system. It also ensured ‘child friendly’ atmosphere in the JJB and subsequently helped to pass appropriate Orders for the juvenile. In Kota (Rajasthan) the Magistrate interacted frequently with the juveniles. In some of the other JJBs too it was found that, during inquiry, juveniles were given equal opportunity to sit in front of Magistrate and interact with them

- **Interaction with Superintendent:** The Magistrates at Mumbai and Nagpur (Maharashtra) interacted closely with the Superintendent of the Home to monitor quality of care
- **Endorsing Free Legal Aid:** The JJB, Kota, have posted pamphlets and posters on the wall and Notice Board mentioning that private lawyers were not allowed in the premise and free legal aid (FLA) lawyers were available for legal guidance.
- **Police Attire:** In all the JJBs, no police persons were not allowed to come to the JJB in their police uniform. This was in harmony with the provisions of the Juvenile Justice Act.

## 2. Involvement of NGOs

One of the FLA lawyers in Mumbai referred all his clients to the NGOs to ensure rehabilitation after release of the children on bail or after Final Order. In Jaipur, Mumbai, and Pune there were NGOs working with the JJB. This provided an additional support to the JJB and facilitated the process of rehabilitation.

## 3. Referral of Cases to FLA

Some NGOs, police, as well as functionaries at the Observation Home in Mumbai, referred ‘cases’ to the FLA lawyer which is desirable as every juvenile is entitled to free legal aid.

#### **4. Interaction with the Juvenile**

Many functionaries preferred one-to-one interaction with the juveniles in places such as their cabins or separate rooms to ensure confidentiality and trust.

#### **5. Regular meeting with the Juvenile**

POs in the Mumbai Observation Home met juveniles every day at their lunch time. It helped juveniles to ask their queries. The Probation officer, and Social Worker of the Child Guidance Clinic at the Observation Home, Pune had kept a special time slot only for discussion with newly admitted juveniles.

#### **6. Monitoring**

In an Observation Home where a new Superintendent had been appointed, other staff members shared that the corruption level had decreased and there were many positive changes in the Home in terms of behavior of staff, behavior of children, cleanliness, distribution of available resources for children, and infrastructure development. Monitoring and supervision helped in smooth functioning of work. The Superintendent of the Observation Home met and interacted regularly with all children as well as staff so that child did not feel neglected, they could share their experiences and at the same time staff took their roles and responsibility seriously. This could be surmised in Observation Home, Jaipur.

#### **7. Commitment to work**

In all the Observation Homes, Special Homes, JJBs, across the six cities in the two States of Maharashtra and Rajasthan there were a few motivated and committed functionaries and staff at every level within the juvenile justice system. Despite constraint of resources and challenges in work these significant adults worked hard to give their optimal best. Even among the allied experts who were interviewed in the study, there were sincere persons who genuinely wanted to contribute to the juvenile justice system and improve the lives of juveniles in conflict with law.

## **Chapter 7: Recommendations and Framework for Rehabilitation**

The Chapter puts forth recommendations for overall enhancement of the juvenile justice system as well as proposes a framework for rehabilitation. The chapter is divided into three parts:

**Part A:** Suggestions from Functionaries for Effective Rehabilitation

**Part B:** Overall Recommendations for Enhanced Administration of the Juvenile Justice System and Rehabilitation

**Part C:** Framework for Rehabilitation

### **Part A: 7.1 - Suggestions from Functionaries for Effective Rehabilitation**

The functionaries have suggested the following factors, opportunities, and facilities for effective rehabilitation:

#### **7.1.1 Opportunities for Every Juvenile's Growth and Development**

- Encouraging juvenile's own role in terms of self-determination and motivation,
- Monthly meetings with children and/or parents/family,
- Enhancing parenting skills of parents/family,
- Ensuring that the juvenile is being sent to a 'non-criminal' surrounding
- Mental health assessment and appropriate therapy,
- Inculcation of values, and
- Consistent work with parents/family.
- Educational opportunity; formal, non-formal, and vocational as per need,
- Contemporary vocational course within and outside the Institution,
- Personality development courses.



### 7.1.2 Facilities and Other Requirements Within the System

- Recreational activities in Institution keeping children occupied and diverting their energy positively,
- Sustained mentoring of every juvenile,
- De-addiction facility within and outside the Institution,
- Networking with NGOs,
- Provision of Free Legal Aid Lawyers,
- Each functionary engaged with the juvenile justice system require regular training
- Increased interaction among the staff within the juvenile justice system, among themselves and with the Juvenile Justice Board, and
- Involving not only the senior functionaries but also the caretaking staff in planning for the juveniles.

### Part B: 7.2 - Overall Recommendations for Enhanced Administration of the Juvenile Justice System and Rehabilitation

The following recommendations are based on study findings indicating critical areas of intervention

- **The Age Factor:** Majority of the juveniles are the age group of 16-18 years. Thus programmes have to focus on working with youth and young adults with clear plans for completion of education, vocational guidance, career planning and development of stable relationships. At the same time differential programmes are required for the other younger age groups as well
- **The Offence:** Within this context there are three categories of juveniles; juveniles who have committed offences for the first time, juveniles who have committed offences earlier but have been caught now for the first time and juveniles who are coming into the juvenile justice system as repeat offenders. Each group will require specific attention

- **Intervention with the Family:** The family plays a critical role in entire juvenile justice system. At every stage of the proceedings, parents/guardians are required. The Final Orders of the JJBs too are largely linked to the juvenile's family. However, the family of the juvenile too is vulnerable. Almost all the juveniles have a family and other related members. Despite adults in their lives they have got into a situation of vulnerability. At the same time it is the same family which comes to the juvenile justice system hoping for expediting the case. Family relationships need to be strengthened. Parenting skills, adult guidance, nurturance, and monitoring either need to be forged or enhanced
  
- **Communication:** Standardized protocol of communication required at all levels within the juvenile justice system (nature of interaction with the caretaking staff, Probation Officers, among juveniles, and the Juvenile Justice Board)
  
- **Opportunities for Positive Relationships and Trust Building:** Majority of the juveniles being adolescents, friends and peers will be an important part of their lives. Instead of viewing them as 'negative influences', rehabilitation must ensure that the juvenile is able to develop positive relationships with persons of his/her age as well as having adults who will guide as and when required. This is equally important for the juveniles within the Observation Home/Special Home wherein they can live with greater comfort and confidence if they are encouraged to develop trusting relationships among each other
  
- **Strengthening Role of Probation Officer:** Uniform guidelines for probation work, enhancing liaising and report writing skills to ensure standardization of care while recognizing the unique needs of every juvenile
  
- **Information and Awareness:** Juveniles and parents/guardian to be made aware of:
  - a) Orientation about the Observation Home, channel of communication and grievance redressal procedures
  - b) The composition of the Juvenile Justice Board and the scope of rehabilitation
  - c) Free Legal Aid Services
  - d) Status of the 'Case'

- **Working with Police:** Police to be sensitized towards the provision of the law and mechanisms for adherence and accountability to the Juvenile Justice Act.
- **Training and Capacity Building:** While procedurally the ‘cases’ are being addressed within the mandate of the juvenile justice system, the effectiveness of implementation largely seems to depend upon the individual motivation of functionaries. Hence there did not emerge a uniform standard of care. Training and capacity building of staff at all levels of functionary is crucial.
- **Upgrading of facilities and Role of the State:** Critical resources (material and human resources) that are required within Institutional Care are not available in all Institutions across the six cities. (In Rajasthan especially there is inadequate staff in the Homes and very few NGOs or other networks who can work with the juvenile justice system). The available facilities at the Observation Home and Special Home needs to be upgraded with a strong focus on filling of staff vacancies, education, skill building, vocational training, and emotional support.
- **Guidelines to JJB for Rehabilitation and Networking** with NGOs and civil society to increase opportunities/facilities for rehabilitation.
- **Use/Upgrading of Computer Technology** for report writing, record keeping, and documentation within the Observation Home, Special Home, Probation department, and the Juvenile Justice Board.

## Part C: 7.3- Proposed Framework for Rehabilitation

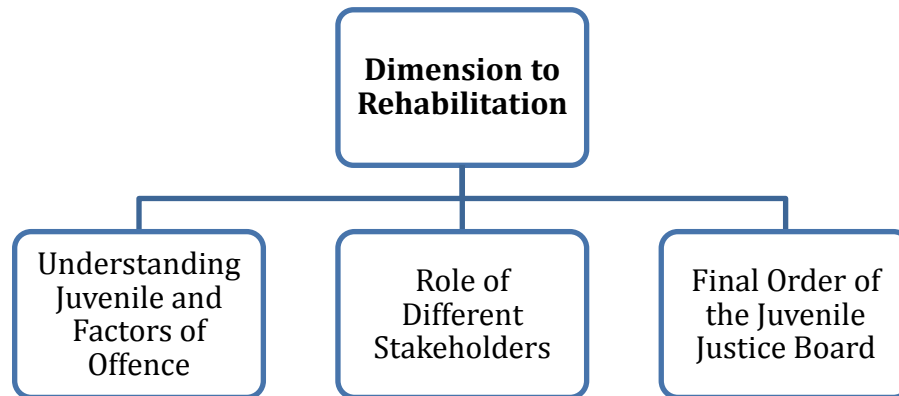
One of the Objectives of the Study was to evolve a framework for rehabilitation and social reintegration of the juveniles.

### 7.3.1 Dimension to Rehabilitative Measures

There are different dimensions to rehabilitative measures (See Figure 7.1):

- Understanding the juvenile and factors that could lead to offence to enable appropriate rehabilitation measures
- The role of the different stakeholders at different stages of the juvenile's case processing within the system
- The Final Order of the Juvenile Justice Board which is inherently socio-legal and rehabilitative in nature

*Figure 7.1- Dimension to Rehabilitative Measures*

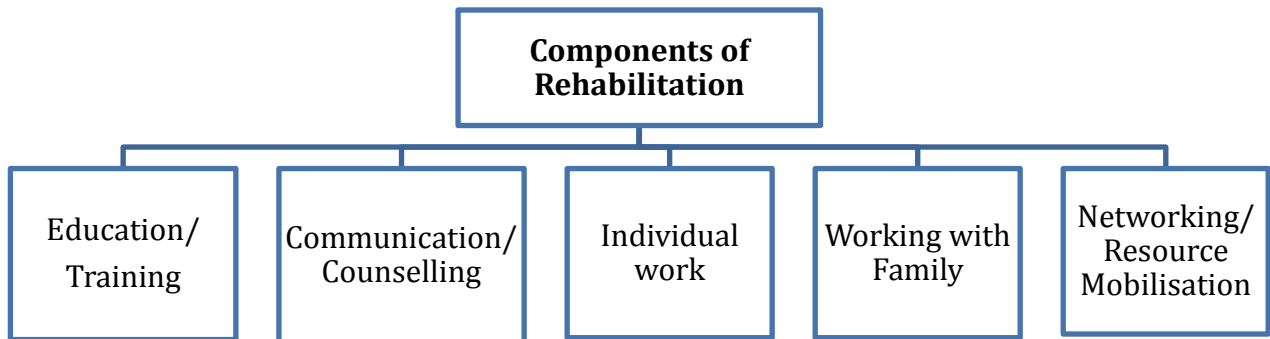


Rehabilitation does not mean mere absence of reoffending. It is holistic and includes that every juvenile is able to live a constructive and happy life with opportunities for future prospects. It means that dignity of the juvenile is restored. Rehabilitation too would have different aspects. It would have the following components based on each individual juvenile's requirements and area of priority (See Figure 7.2):

- Education/Training (social development, Livelihood, Economic stability)
- Interaction/Counselling/ Communication with Juvenile and Family (emotional stability, increase in self-confidence)
- Working with every individual juvenile (motivation to work harder, reflect on behaviour)

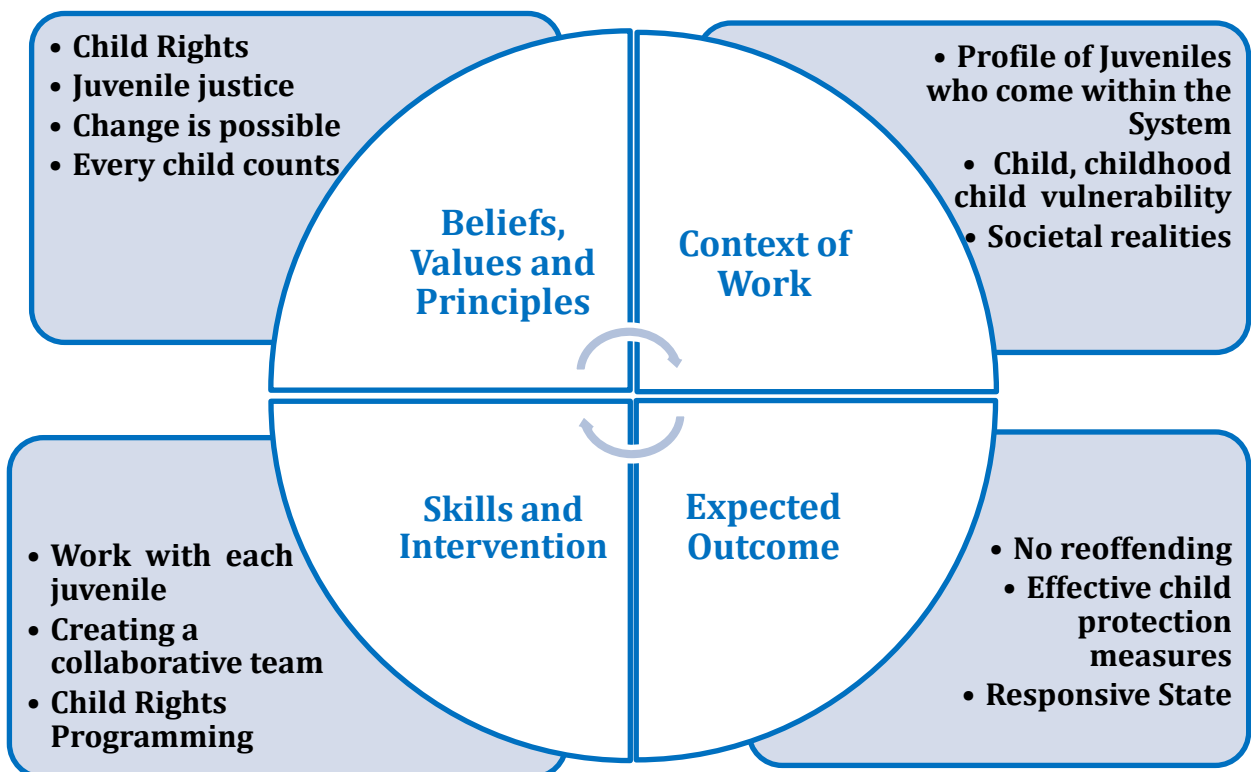
- Working with Family/guardian/non-related persons who support the juvenile
- Networking and Resource mobilisation (every JJB/ PO need to have a resource list of available facilities, services, any information that would be relevant for rehabilitation)

*Figure 7.2- Components in Rehabilitation*



For developing any programme within the juvenile justice system, there needs to be a framework for rehabilitation. The following (See Figure 7.3) has been developed as a suggested framework:

**Figure 7.3: Framework for Rehabilitation and Social Reintegration**



**There are four critical inter linked components to the framework:**

### **1. Beliefs, Values and Principles**

This sets the foundation for any effective work especially with vulnerable children. Developing an understanding of the following is essential:

- Belief that every child/ youth counts and is of value to society
- Belief and conviction that change is possible
- Accepting the child and not the crime
- Best Interest of the Child in all decisions and processes
- Child's Right to Participation
- Child's Right to Self Determination
- Child's Right to Development
- Key principles of Juvenile Justice

### **2. Context of Work**

Contextualising work makes it more relevant and planning of meaningful intervention. The following has to be kept in focus:

- Structural and systemic factors for child vulnerability in the Indian Context
- Factors for juvenile crime- 'root causes'
- Gendered understanding and differential focus on the girl juvenile in conflict with law
- Understanding situation of every juvenile in his/her unique context and social milieu
- Special attention to children with special needs (such as orphaned, destitute, disability, alternate sexual identity, etc.)
- Approach of society toward children and crime
- Approach of society towards marginalization
- Role of the State and State Response
- The legal framework

### **3. Skills and Intervention**

Within the framework of child rights, juvenile justice and child's context, developing skills to:

- Assess the situation of every child and prepare a plan of action accordingly
- Communicate and develop a relationship of mutual trust and respect
- Work with the family
- Networking/training/capacity building with other experts and allied stakeholders
- Facilitate the mobilization of resources
- Optimally implement the legislation
- Preventive work in the arena of schooling, violence, parenting, and drug addiction

### **4. Expected Outcome**

The work must have clear goals and must lead towards:

- Positive youth development and motivation
- Eliminating recidivism
- Optimal utilization of legislation/State Schemes and available resources
- Enrollment of juveniles in schools/skill building
- Increased sensitivity and public awareness on juvenile issues

#### **7.3.2 Coordination and Linkages for Effective Rehabilitation**

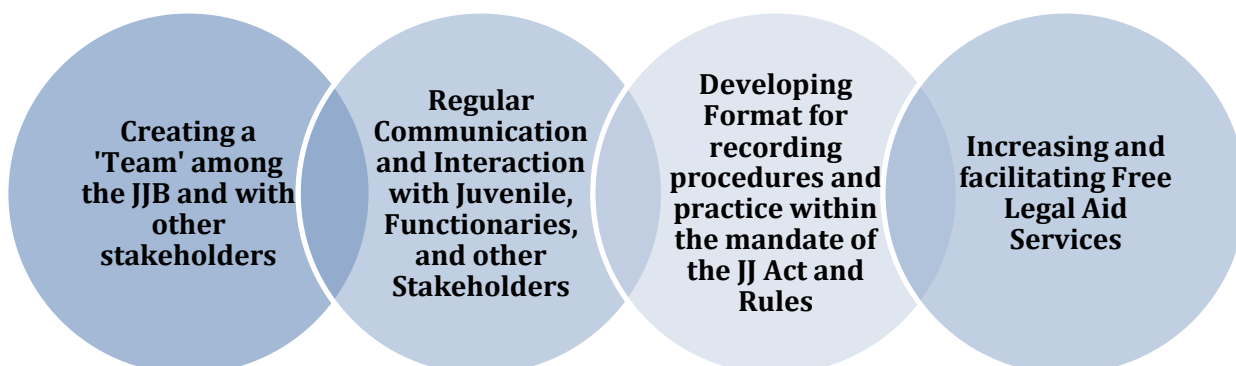
The juvenile justice system has key stakeholders such as:

- Police
- Caretaking staff within the Observation Home/Special Home
- Probation Officers
- Free Legal Aid lawyers
- APP
- Juvenile Justice Board (Principal Magistrate and Social Work Members)
- Department of Women and Child Development

**Developing a Protocol of Practice:** The Juvenile Justice Board is the point of convergence as based on different facts and procedures the Final Order for each juvenile is formulated. For effective administration of the Juvenile Justice System, within the mandate of the Juvenile Justice Act, the Board could develop a protocol of practice (See Figure 7.4) that could involve the following:

1. Creating a ‘Team’ among each other on the Board
2. Regular Communication and Collaboration with the State to direct effective implementation of the Juvenile Justice Act; *primarily* infrastructure, staff training, developing protocols of positive communication and youth skill building opportunities
3. Regular engagement/ interaction/ meeting with:
  - a) Institutional Staff (Superintendent, Probation Officer, Caretaker, Teacher, etc.)
  - b) Probation Officer to discuss rehabilitative options
  - c) Other stakeholders (Govt. officials, NGOs, FLA, APP, mental health experts, etc.)
  - d) Juvenile and Family
  - e) Functionaries working within the Integrated Child Protection Scheme (ICPS) (especially for resource mapping, resource mobilization and other support)
  - f) Police to increase awareness and accountability
4. Develop a format for recording Board proceedings and critical points regarding rehabilitation
5. Increasing Free Legal Aid Services
6. Formulating effective Final Orders which include ‘conditions’ during bail and ‘supervision’ after closing of case wherever required

*Figure 7.4: Developing Protocol of Practice by Juvenile Justice Board*

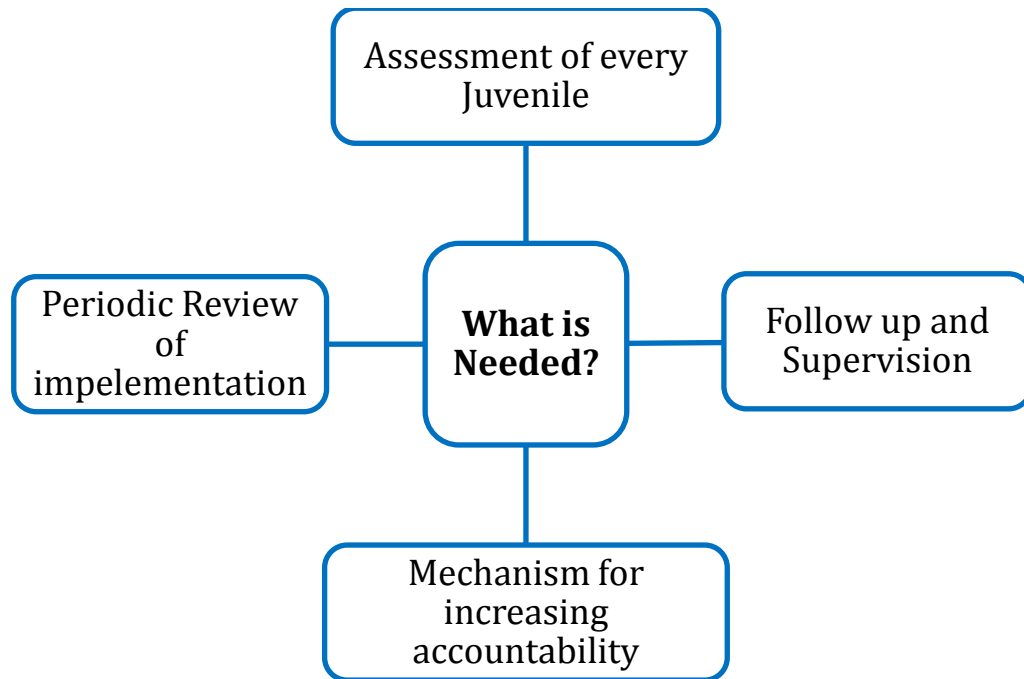




### 7.3.3 Working with Each Individual Child

Each child who comes before the juvenile justice system is vulnerable. Rehabilitation Irrespective of the age and offence charges, every child must have a uniform process of assessment that can determine further action. Other aspects too need to be factored in for long term sustainability and impact (see Figure 7.5)

*Figure 7.5 Core Aspects of Working with each Individual Child*



**Suggested Framework for ‘Assessment’ of Every Individual Juvenile:** Given below (See Table 7.1) is a suggested framework for assessing every juvenile who comes within the juvenile justice system. While this framework has been developed for juveniles in conflict with law, it is equally relevant for child in need of care and protection. Assessment is a two way reciprocal process involving the juvenile and/or family. It is not an ‘interview’ with the juvenile to gather information. Rather it is initiating an ongoing process of dialogue with the juvenile and/or family regarding examining their current situation and planning for the next steps. Assessment is juvenile focussed and to be conducted within an understanding of child rights and use of empowering language with children. This framework for assessment has evolved out of the findings of the Study, literature review and field experience.

The Framework has four aspects:

1. Legal Dimension and mandates for the juvenile justice system
2. Domains of Assessment/Indicators of Care Requirements
3. Processes/Activities with each Individual Juvenile
4. Expected Outcome

**Table 7.1: A Proposed Framework for ‘Assessment’ of Every Juvenile**

Legal Dimension and Mandates	Domains of Assessment/ Indicators of Care Requirements	Processes/Activities	Expected Outcome
<ul style="list-style-type: none"> <li>○ Constitutional Provisions</li> <li>○ National/State Child Policy</li> <li>○ Youth Policy</li> <li>○ Juvenile Justice Act</li> <li>○ Juvenile Justice Rules (Central and State Rules)</li> <li>○ Convention on the Rights of the Child</li> </ul>	<ul style="list-style-type: none"> <li>○ Age related challenges and milestones</li> <li>○ Offence Charge and its circumstances</li> <li>○ Behaviour</li> <li>○ Health and Nutrition (including mental health)</li> <li>○ Formal Education (current status/future plans)</li> <li>○ Vocational/Skill building (current status/future plans)</li> <li>○ Relationships (peers/friends/family/others)</li> <li>○ Any violation of Child Rights</li> <li>○ Self and Aspirations</li> <li>○ Addiction</li> <li>○ ‘Risk’ and ‘Protective’ factors</li> <li>○ Any other</li> </ul>	<ul style="list-style-type: none"> <li>○ Schooling/ vocational Training</li> <li>○ Livelihood options</li> <li>○ Immediate medical need/long term care</li> <li>○ Communication with family/peers/friends/others</li> <li>○ Deaddiction</li> <li>○ Counselling</li> <li>○ Behavioural change</li> <li>○ Building positive relationships</li> <li>○ Developing self confidence and hope</li> <li>○ Ensuring positive parenting and family support</li> <li>○ Networking with all stakeholders and experts</li> </ul>	<ul style="list-style-type: none"> <li>○ A systematic plan of intervention for every juvenile</li> <li>○ Enhanced quality of care for every juvenile</li> <li>○ Positive youth development</li> <li>○ Effective rehabilitation and social reintegration</li> <li>○ No Recidivism</li> <li>○ Juvenile thinks responsibly</li> <li>○ Juvenile is able to plan well for the future</li> </ul>

## Monitoring, Supervision, and Accountability

The Juvenile Justice Board, with regular interaction with all stakeholders can ensure that cases are expedited without compromising on in-depth process oriented work that is required with every juvenile. The mandates of the new Juvenile Justice (Care and Protection of Children), Act, 2015 stipulates different mechanisms for rehabilitation, reintegration of children, and overall monitoring of the juvenile justice system. These provisions must be diligently adhere. The concerned State Department of Women and Child Development too has a critical responsibility to ensure that the infrastructure and other resource requirements are fulfilled and there is regular monitoring of work at all levels.

### 7.3.4 Suggested/Sample Questions for Primary Level interaction with Juvenile

The following template (Box 7.1) has been developed based on the findings of the Study. Questions can be asked around these areas by the Probation Officer/ Juvenile Justice Board Members/ NGOs/ ICPS Functionaries or by any other person who has been given the responsibility of interacting with the juvenile. These questions can be used as preparation toward preparing individual child care plan/ Social Investigation Report, etc. More in-depth work would be required especially for juveniles who may require intervention by mental health professionals. Probation Officers/social workers need to refer such juveniles to appropriate experts.

#### Box 7.1- Suggested Areas for Interacting with Juveniles in Conflict with Law

##### **A. Understanding Family Background of the child:**

##### **Family:**

- Whether juvenile has family. If yes, does juvenile stay with them? If Yes, Since when? Details about family members and their relationship with juvenile. Whether there are economic difficulties, alcoholism, domestic violence, illness or any other crisis situation at home

##### **If juvenile has No Family/ is Orphaned:**

- With whom does juvenile stay and place of stay
- Who can come to the Juvenile Justice Board for case related matters (guardian/ friend/ neighbour/ employer/ any other)?
- Knowledge of other relations, if any

- If staying with friends/ on street, details about juvenile's life with them (facilities, income, support, etc.)

**If Child has family but deserted :**

- Reason for such a situation
- Possibility of reconnecting with family/guardian/relations
- Options of staying in an institution till 18 years of age and After Care

**B. Friends:**

- Details of friends/peers (education, involvement in crime, addiction, having family/ without family/ elder/ younger in age to juvenile)
- If no friends, reason behind not having friends
- Persons with whom juvenile is emotionally close and able to share

**C. Community:**

- Physical structure (buildings/ chawls/ slum/tribal area/ rural area), Occupation, Religion,
- Any kind of violence/ fighting/ addictions/ abuse/ offences/gangs in community. If Yes, details about the same

**D. Educational, Vocational, Work background of the Child:**

- Education; whether going to school
- If, yes, details of schooling, performance at school, experience of school, future plans, if any, regarding education
- If, No, whether dropped out, never went to school, reason for no enrolment in school/ dropping out
- Whether engaged in vocational training, options for the same
- Interest areas, hobbies, talents, aspirations of the juvenile
- Educational/vocational/training needs, aptitude and interest
- Plans for the future

**Work Related:**

- Whether working, details of employment, reasons for working
- Future plans related to work

**E. Emotional/Behavioural Aspect of children:**

- Fear, anxieties, anger, upset, sadness, loneliness, depression if any
- Dealing/coping with disappointment/frustration/tears
- General characteristics; shy, talkative, etc.
- Trust/secure relationships with peers/friends/family

**F. Offence Related:**

- Whether first offence
- Whether there have been offences earlier but not got caught
- Whether repeat offender
- Whether committing offence along with others, motivation to do so
- Nature of offence and details of planning
- If repeat offender, details of previous experience with the juvenile justice system

**G. Any other Special Situations**

- *Juveniles to be encouraged to share any other points that has not been covered in the interaction*

**Conclusion**

The study endeavored to focus on the voices of the juveniles, the parents, and functionaries along with reviewing of the secondary data. A framework for rehabilitation and suggested guidelines for operationalization have been outlined. The Study has reaffirmed that every juvenile's life situation is unique and requires individualized care. The existing 'good practices' highlight that the provisions in the Juvenile Justice Act are effective and can be meaningfully implemented in the best interest of the child. It is hoped that the study findings and the framework for rehabilitation will be useful for increasing greater awareness about the juvenile justice system, enhancing sensitivity towards the vulnerability of juveniles in conflict with law and planning for systematic rehabilitation.

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