

# Juvenile Justice System in India: With Special Reference to Madhya Pradesh

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## **ABSTRACT**

*Juvenile delinquency is one of the serious social problems of present day. The rise in juvenile delinquency is a major concern in India. Extreme poverty along with other factors such as parental ignorance, lack of proper education, bad companionship, migration, cultural conflict, access to social media, frustrations, failure in academic performance etc. are some of the major factors which attribute to the development of criminal behavior among children. Juvenile Justice Act, 2015 has made provision for setting up Juvenile Justice Board to handle cases of juvenile delinquents besides child care institutions / homes have been set up for their rehabilitation. The issue of crime by juvenile is mainly dealt with through the Juvenile Justice (Care and Protection of Children) Act, 2015, which provides corrective care in the case of children in conflict with the law. The Ministry of Women and Child Development, Government of India is implementing a centrally sponsored scheme called Integrated Child Protection Scheme (ICPS) for the rehabilitation and resettlement of children in difficult circumstances including children in conflict with the law. Against this backdrop, present paper attempts to review the system of juvenile justice in India, particularly in Madhya Pradesh.*

## **Introduction**

The word 'juvenile' is derived from the Latin word 'juvenile', meaning young. The word juvenile is very fragile as it refers to the delicate nature of children. The Juvenile Justice Act 1986 in India is considered as a model law to provide uniformly in the country in relation to juvenile offenders. It was amended under the Juvenile Justice (Care and Protection of Children) Act, 2000 in 2000. According to this Act, 'juvenile' means a person (boys and girls) who has not completed the age of eighteen years. That act also refers to some children as neglected teens. According to the new act designated as the Juvenile Justice (Care and Protection of Children) Act 2000, the term 'offender' is named as "juvenile in conflict with the law". The Oxford Dictionary defines a juvenile offender as "a person under legal (criminal) responsibility and above a certain minimum age who is punished for breaking the law" The legal definition of juvenile delinquent differs from country to country is different. Even the basic

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concept of 'child' and misbehavior or queer behavior is quite different. Cyril Burt, (1925) as being in a child "his anti-social tendency begins to appear so severe that he becomes or becomes the subject of official action". Fredlander, (1947:1-9) states, "crime is a juvenile misconduct that can be dealt with under the law". C. B. Mamoriya, (1960:224-229) writes, the phrase 'juvenile delinquency' can be used to cover any type of abusive behavior towards children that is in violation of the rules, understandings or expectations of social order Violates ". In simple words, it can be said that juvenile delinquency is a type of unusual or anti-social behavior, which is less than one age, which is less than the age specified by law (Abdul Latif Wani, 1999:28).

Crimes remained always a major problem for society. Crimes violate sacred customs, laws and values. Crimes interrupt the smooth operation of the social and political orders. The cited factors responsible for juvenile delinquency are broken home, delinquent community environment, bad company of peer/school group, slums with criminal neighbourhood, poverty, and unemployment. The rising trend of big crimes and juvenile delinquency amongst youth leads them to arrest by police (Aoulakh, 1999) . Juvenile reforms such as Child-Saving Movement focused their attentions on urban poor and working-class youths. The experts argued that class background was a significant explanatory variable for delinquent propensities. However, to some resources, delinquency is also quite common among middle-class youth. The land dispute, honour killing, inferiority complex, large family size, income disparity and friend's motivation are the main determinants of the juvenile heinous crime (Mahmood & Cheema, 2004). It has been shown that children exposed to risk factors such as behavioural problems and family dysfunction, follow a well described and documented path beginning with behavioural manifestations and reactions such as defiance of adults, lack of school readiness and aggression towards peers. This leads to negative short-term outcomes including truancy, peer and teacher rejection, low academic achievements, and early involvement in drugs and alcohol. These factors lead to causes school failure and eventual dropout, leading to negative and destructive attitudes such as delinquency, adult criminality and violence. In India, until the passing of Children Act, 1960 there was no uniformity regarding age limitation of a juvenile delinquent. Bombay Children Act 1948 defined "Child" to mean a boy who has not attained the age of sixteen years or girl who has not attained the age of eighteen years. The U.P. Children Act defined "Child" as a person under the age of sixteen years. Juvenile Justice Act, 1986 defined a juvenile or child to be a person who in case of a boy has not completed the age of 16 years and in case of a girl 18 years of age. The JJ Act, 1986 was repealed by 2000 Act and the distinction with regard to age between male and female juveniles has been done away with by the Government of India in the performance of its obligation to the international obligations. Now the age of a juvenile in conflict with law for male and female has been fixed at 18 years under the new JJ Act, 2015.

Gibbons defines Juvenile Delinquency consists of acts or infractions which are prohibited in statutes of individual states. He further says that Juvenile Delinquents are youths who commit one or more of these infractions. The definition is restrictive as it confines to the acts or infractions prohibited by statutes and does not take into account the acts and behaviour which have the potential to become the prohibited acts by statutes (Gibbons, 1976). Trojanovicz (1973) classified juvenile offenders into five categories: (1) Gang Organized and Collective Delinquency, (2) Un-socialized Aggressive Boys, (3) Accidental Offender, (4) Occasional Delinquency, and (5) Professional Delinquency. Schafer (1976) emphasized on psychological typologies and psychological dynamics of personality as the basis of classification of juvenile delinquents. The types of juvenile delinquents have been envisaged by him. Mentally Defective, Situational Offenders, Psychotic Offenders, Cultural Offenders. The problem of Juvenile delinquency has for long been found in all the fast industrial, urbanizing societies in the recent decades for which India is no exception. The early phase of industrialization coupled with urbanization had created socially highly tumultuous conditions leading to people to lose direction of progression of their moves. People who had deprivation of their economic sustenance and also those who were hoping to make a better living they all started migrating industrial-urban places to work in mills, offices, transport organizations either leaving behind their families or neglecting their family members in the process of overdoing of their jobs either voluntarily or under pressure. Sociologists and criminologists have attempted to conceptualize the Juvenile delinquency and its phenomena and explore empirically in different social context at different points of time and different places.

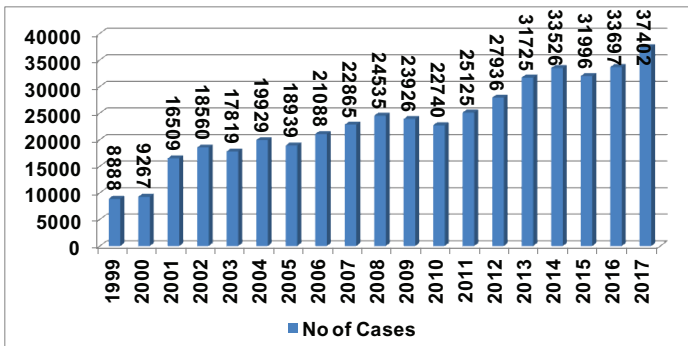
Extreme poverty along with other factors like parental ignorance, lack of proper education, bad neighborhood, peer influence, migration, cultural conflict, excess use of internet, frustration due to less available opportunity etc. (Ferdousi, 2011) act as some of the major attributes which lead to the development of criminal behavior in children. Lack of proper control by parents, guardians and society along with lack of self-controlled to deviancy in children (Karzon, 2008 and Ferdousi, 2011) are some of the important factors responsible for juvenile delinquency. Age is a significant variable for the study of the social issues. A child born in a family and passes through different stages of age such as infant, kid, adolescent, teenager, young, adult, aged. The sociological thinkers such Darwin, Herbert Spencer have given the theory of survival of fittest. The environment affects the living of the human kind. A child living in slums/ backward area may have the higher level of immunity system while a child living in posh colony cannot bear the environment that prevails in the slums/ backward area. It depends upon the adjustment to the immune system. As per NCRB data (2017), about 73 percent apprehended children were from the age group of more than 16 years while more than one fourth children were from the age of 12-16 years. The maximum age of criminal responsibility in India for juveniles is 18 years and minimum age of criminal

responsibility is 7 years. Children below 7 years cannot be convicted as they are believed to be immature. Theft, burglary, hurt, rape and molestation seem to be committed mostly by juveniles in this age group. Hirshi and Gottfredson (1983) have explained the reasons behind this increase. According to Blokland and Hanneke (2012) the curve for violent crime peaks at a late stage than for property crime. Farrington *et al.*, (2012) give ample evidence that development of brain regarding emotional maturity, decision making and risk taking continue well into mid 1920's. There is more influence and importance of peers during the adolescent years (Labile *et al.*, 2000; Warr, 2002) and most adolescents commit crimes in this age groups (McCord and Conway, 2005). Most adolescent's who break the law do so with the help of their peers. It is because of psychosocial capacities which improves decision making and leads to reduced risk taking behavior such as "impulse control, emotional regulation, delay in gratification and resistance to peer influence continue to mature well into young adulthood" (Steinberg, 2007).

### Trends in Juvenile Delinquency

Trend in IPC crimes committed by juveniles in India is shown in Chart: 1. There has been an increasing trend in IPC crimes committed by juveniles in India during the period of 1999 to 2017. There has been an increase of 320.81 per cent in the number of cases reported under IPC in India. During 1999, the number of such cases were reported 8888 which increased to 22740 in 2010 and 37402 in 2017. The incidence of juvenile crimes reported during the corresponding period has increased by more than four times. It isto be noted that there has been higher level of reported cases in the recent past. However, there has been fluctuating trend in the number of reported cases during the period. Juvenile crimes against total crimes constituted less than one per cent during 2017. However, incidence of juvenile crimes has increased significantly over the period of 2006 to 2017. There has been significant decline in the number of incidences of juvenile crimes in 2017 as compared to 2016.

Chart 1 : Trend in IPC Crimes Committed by Juveniles in India



Crimes committed by juveniles are shown in Table 1. The rate of total cognizable crimes committed by juveniles has been reported significantly high in the state of Madhya Pradesh (21.6) while it was reported 7.5 at the national level. State's share in crimes committed by juveniles was reported 19.3 per cent during 2017. However, there has been decline in number of crimes committed by juveniles both at the national level and in the state of Madhya Pradesh.

**Table 1 : Crimes Committed by Juveniles**

Particulars	Madhya Pradesh	India
2014	6512	38455
2015	6583	33433
2016	7369	35849
2017	6491	33606
Percentage State Share (2017)	19.3	100.0
Mid-Year Projected Child Population (In Lakh)	300.8	4458.0
Rate of Total Cognizable Crimes	21.6	7.5

Source: Crime in India, 2017 , NCRB

Number of cases reported against juveniles in Madhya Pradesh is shown in Table 2. There has been significant increase in the number of cases of juvenile apprehended during the period of 2014 to 2017 in the state of Madhya Pradesh however, number of cases reported against juveniles has declined significantly. There are large of juveniles whose cases are pending for disposal.

**Table 2: Number of Cases Reported Against Juveniles in Madhya Pradesh**

Particulars	2014	2015	2016	2017	Growth
Cases Reported Against Juveniles	6512	6583	7369	6491	-0.32
Juveniles Apprehended	8937	10442	12299	11068	23.84
Juveniles Sent Homes	1766	1870	2497	890	-49.6
Juveniles Sent to Special Homes	347	671	741	319	-8.07
Juveniles Dealt With Fine	748	1245	760	1394	86.36
Juveniles Acquitted or Otherwise Disposed Off	717	1374	1686	1016	41.70
Juveniles Whose Cases Pending for Disposal	3309	3835	4255	7008	111.79

Source: Crime in India, 2017 , NCRB

## **Juvenile Justice System**

Even though the juvenile justice system in different countries has taken a similar course, two different arguments have been made for a separate system

for juveniles. The first is to consider all crimes as criminal and the second is to believe that juvenile offenses should not be viewed as criminal activity. The choice of argument determined the nature of juvenile courts and procedures. The move to establish special courts for juveniles using the second principle was first initiated, in 1847, in the United States. The first probation law was enacted in 1878 in Massachusetts, the United States, and in 1887 in England. The first Juvenile Welfare Board was established in Norway by an act adopted in 1896, it was the establishment of the Juvenile Court in Chicago, Illinois. In America, in 1898, that gave momentum to the juvenile court movement. The first Juvenile Welfare Board in Norway was established by an Act adopted in 1896, it was the founding of the Juvenile Court in Chicago, Illinois, USA in 1898, which gave impetus to the juvenile court movement. The concept of juvenile justice at the international level has often been discussed from three perspectives: (i) juvenile justice from the point of view of social justice for all children and young person's; (ii) children in conflict with the law and the need for care and protection; and (iii) convicted child criminals. With the adoption of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, India was the first country to develop its own system in the light of the relevant principles.

With its enforcement on 2 October 1987, the Juvenile Justice Act 1986 has replaced the earlier mechanism of the Children Act implemented by the Central and State Governments to deal with children who are in conflict with laws. The Act envisages the optimal use of the inherent abilities of the family and community to deal with the problem of adolescent girls as far as possible. It attempts to bring them back into the mainstream of social life. It called for a diverse approach to the recovery, re-education and rehabilitation of various categories of socially illiterate adolescents through active participation of the public. For the first time the law mandated the care, protection, treatment, development and rehabilitation of neglected and delinquent juveniles and for the suspension and disposal of juvenile delinquent cases across the country. The Act set up separate Juvenile Courts and Juvenile Welfare Boards to formulate separate procedures for juvenile delinquents and neglected juveniles. Juvenile Courts handled crimes committed by girls under the age of eighteen and sixteen for boys accused of committing crimes. The Juvenile Justice Act, 2000 was reviewed by the Ministry of Women and Child Development, Government of India in the year 2003 to amend the existing law. The enactment of the Juvenile Justice (Care and Protection of Children) Act, 2000 and subsequent amendments in 2006 is certainly an important effort of the legislature towards the recognition of orphan, abandoned and surrendered children irrespective of their religious status. The new law also emphasized the involvement of voluntary organizations and urged for their participation in the juvenile justice process through the running of observation homes, special homes, compiling

social inquiry reports. Following the tragic Delhi gang rape of December 16, 2012, where a teenager was involved in the rape and torture of other criminals that led to the victim's death, the issue debated Juvenile's age in conflict with the law. Later a Committee was set up under the chairmanship of Justice Verma to amend the laws in criminal law to protect the rights of women, but the Committee refused to reduce the age of juvenile and said that a case cannot be the reason for changing the law.

Children who are in conflict with the laws fall into the juvenile justice system. They need care and protection. Various efforts have been made to enact strong legislation defining responsibilities ranging from government to child care institutions. The most recent of these are the Juvenile Justice Act, 2015 and the Juvenile Justice (Care and Protection of Children) Model Rules, 2016. The Juvenile Justice, 2015 and Juvenile Justice (Care and Protection of Children) Model Rules, 2016 were passed to ensure justice, aimed at rehabilitation and resettlement of children in the society. Rules appreciate children's developmental needs and therefore the child's best interest is the primary consideration. Child friendly procedures are included across the board. The Rules, 2016 prescribe detailed child friendly procedures for the Police, Juvenile Justice Board and Children's Court. Some of these procedures include: no children being sent to jail or lock-up. The child should not be handcuffed; Proper medical support will be provided to the child; Parents / guardians to be informed about legal aid etc. The Juvenile Justice Board and the Children's Court are required to encourage the child to state facts and circumstances instinctively and without fear, after understanding the questions asked in the language understood by the child (Government of India, 2018).

The Act ensures the use of the right tone of language in conformity to the high standards of human rights. The term delinquent child was replaced by children in conflict with law. The term arrest was substituted with apprehension. A few notes worthy features of the acts are as follows:

**Juvenile Justice Board:** The government may constitute for every district one or more Juvenile Justice Boards for exercising the powers and discharging the duties conferred or imposed on such Boards in relation to juveniles in conflict with law. The Board shall consist of a metropolitan magistrate or a Judicial Magistrate of the first class, as the case may be and two social workers of whom at least one shall be a woman, forming a Bench (Sections 4(1) and (2). Sub section (3) of section 4 States that no magistrate shall be appointed as a member of the Board unless he or she has special knowledge or training in child psychology or child welfare and no social worker shall be appointed as a member of the Board unless he or she has been actively involved in health, education or welfare activities pertaining to children for at least 7 years.

**Juvenile in conflict with the Law:** “Juvenile in conflict with the law” refers to a juvenile who is alleged to have committed an offence and has not completed 18 years of age as on the date of commission of such offence (section 2 (1)). This sub section is, based on the amendment made in 2006. The date of commission of the offence is the criteria for fixing the age of the person. If a juvenile during the course of such inquiry ceases to be a juvenile, the enquiry shall be continued and the order may be made in respect of such person.

**Apprehension of a Juvenile in conflict with law:** Upon apprehension of the juvenile in conflict with the law, he or she shall be placed under the charge of the designated Police officer. The police officer shall produce the juvenile before the Board without any loss of time, but within a period of 24 hours of the juveniles apprehension excluding the time necessary for the journey, from the place where the juvenile was apprehended. The act provides that under no circumstance shall be placed in a police lock-up or lodged in a jail (section 10(1)).

**Release of a Juvenile on bail:** When a juvenile is accused of a bailable or non-bailable offence and is arrested or detained or appears/brought before a board he or she may be released on bail with or without surety. But he or she shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him or her in to association with any known criminal or expose him or her to moral, physical, or psychological danger or that his or her release would defeat the end of justice. According to sub-section (2) of section 12, when the juvenile having been arrested is not released on bail under sub-section (1) by the officer in charge of the police station, such officer shall cause the juvenile to be kept only in an observation home in the prescribed manner until he or she can be brought before a Board. Further, it is also stated under sub-section (3) of section 12 that when a juvenile is not released on bail by the Board, it shall, instead of committing the juvenile to prison, make an order sending him or her to an observation home or a place of safety for such period during the pendency of the inquiry regarding him or her may be specified in the order.

**Information on the arrest:** As soon as a juvenile is arrested the officer in charge of the police station or the special juvenile police unit to which the juvenile is brought, shall inform to the parent or guardian of the juvenile and the probation officer. Information on the arrest is to be given for the purpose of obtaining information regarding the antecedents and family background of the juvenile. Also, it is expected that the other material circumstances provided by the probation officer may be of assistance to the Board for making the inquiry (section 13).

**Inquiry by the Board:** When a juvenile is produced before a Board, the



Board shall hold the inquiry in accordance with the provisions of this Act and may make such order in relation to the juvenile as it deem fit (sub-section (1) of section 14. The above section also provides that an inquiry shall be completed within a period of 4 months from the date of its commencement, unless the period is extended by the Board due to the circumstances of the case and in special cases after recording the reasons in writing for such extension. The act also provides for review of the cases in the Board after every 6 months by the Chief Judicial Magistrate or the Chief Metropolitan Magistrate. Also, the Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall direct the Juvenile Justice Board to increase the frequency of sittings or may also cause the constitution of additional Boards (Section 14 (2)).

The Child Care Institutions (CCIs) play an important role in holistic development of children and for making provisions of a favorable child-friendly environment for these children. There is a long history of legislations regarding Child Care Institutions (CCIs). The major legislations are i) The Apprentices Act, 1850, ii) The Reformatory Schools Act, 1897, ii) Probation Acts and Borstal Act, 1929, iii) Children Act, 1960 and iv) Orphanages and Charitable Homes Act, 1960. The present legislation JJ Act, 2015 requires all homes to get registered in an effort to streamline the existing ambiguity in concern to the CCIs/Homes in India. Presently, observation homes, special homes and place of safety are main invitational homes which provide shelter and protection to children living in conflict with laws. Over the years, the focus of care of children has been slowly shifted from institutionalized care to community/family based care.

### **Observation Homes**

As per the requirement, during the pendency of investigation in relation to the juveniles during the conflict, the concerned state government may establish Observation Houses in every district or group of districts for temporary reception of adolescents. Under an agreement with voluntary organizations, the state government can also set up Observation Houses (Section 8 (1)). Further, the State Government may certify any institution as an observation home if it deems fit for temporary reception of juveniles in opposition to the law (Section 8 (2)). The rules made under the Act may contain provisions for the management of Observation Homes. It may contain provisions such as standards to be built at observation homes and the type of services provided for rehabilitation and social integration of adolescents and (3)). Adolescent girls who are sent to the Observation Home will be placed in a reception unit of the observation home for initial questioning, care and classification. Classifying adolescent girls according to age (7-12, 12-16 and 16-18 years) should pay attention to the physical and mental status and degree of offenses committed to them (Section 8 (4)).

## Special Homes

For the purpose of reception and rehabilitation of adolescent girls in opposition to the law, the State Government may, under an agreement with itself or voluntary organizations, resemble sub-sections in particular districts or groups of districts in each district (2, 3) And 4 of section 8) there are also provisions under section 9. Those sub-sections (2, 3 and 4 of section 8) belong to “fit institutions”, “Classification and Segregation of juvenile” (Srinivasan (2012:27).

## Place of Safety

Place of protection is an institutional mechanism in the juvenile justice system that provides, as the name suggests, a safe place of stay for special category children, i.e. children who struggle with the law, who are either of a certain category. Crimes are committed and are in a particular age group or that are believed to have any other existing housing arrangement for them or their best interests Switch to be not suitable. As per section 2 (4) of the Juvenile Justice Act, 2015, “place of security” means any place or institution, not a police lockup or jail, separately set up or attached to an observation house or a particular house, As the case may be, the person in charge is allegedly prepared to receive and care for the children, which have been found to be in conflict with the law, by an order of the Board or the Children’s Court, both investigating and After being found guilty during Su’s ongoing rehabilitation. For the period and purpose specified in the order.

Juvenile apprehended in India is shown in Table 3. There has been significant growth in juvenile apprehended in India during the period of 2006 to 2017. Most of the apprehended juveniles were boys while the share of girls was recorded less than one per cent.

**Table 3: Juvenile Apprehended in India**

Year	Total Juveniles Apprehended	Boys	Girls
2006	32145	30375	1770
2007	34527	32671	1856
2008	34507	32795	1712
2009	33642	31550	2092
2010	30303	28763	1540
2011	33887	31909	1978
2012	35123	33205	2058
2013	43506	41639	1867
2014	48230	46638	1592
2015	41385	40468	917

2016	44171	43089	1082
2017	40420	40155	265
<b>Growth %</b>	25.74	32.20	-85.03

Source: Crime in India, NCRB

Disposal of juveniles arrested and sent to courts during 2017 is shown in Table 4. A large number of juveniles apprehended are dealt with fine and acquitted and a negligible number of apprehended juveniles are being sent to special homes. However, children living in institutional homes are mainly under trial.

**Table 4: Disposal of Juveniles Arrested and Sent to Courts During 2017**

Particulars	Madhya Pradesh	India
Number of Juveniles Whose Cases Pending Disposal at the Beginning of the Year	3902	25065
Juveniles Apprehended During the Year	7166	40620
Total Number of Juveniles Apprehended	11068	65485
Number of Juveniles Sent to Home After Advice or Admonition	890	2184
Number of Juveniles Released on Probation and Placed Under Care of Parents/Guardians	890	8042
Number of Juveniles Released on Probation and Placed Under Care of Child Care Institutions	371	7447
Number of Juveniles Sent to Special Home	319	2382
Number of Juveniles Dealt with Fine	1394	422
Number of Juveniles Acquitted	1016	3583
Percentage of Juveniles held Guilty	72.5	83.6
Number of Juveniles Whose Cases Pending for Disposal	7008	41425

Source: Crime in India, 2017, NCRB

Table 5 reflects that amongst all the categories of CCIs/Homes available, 'Children Homes' are the highest in number i.e. 6368. It is also seen that this category also includes the largest number of unregistered CCIs/Homes. Children Homes are followed by 'Any Other Homes' numbering 1,869. The data also draws attention to the fact that in comparison to these two categories above, all the other kinds of CCIs/ Homes namely Shelter Homes (373), SAAs (336), Observation Homes (278), 'Place of Safety' (8) and 'Special Homes' (52) are fewer in number (below 5 percent ) and/or inadequate as per mandate. Tamil Nadu has the largest number of CCIs/Homes with a total of 1,647 CCIs/Homes, followed by Maharashtra with 1,284 Homes and Kerala with 1,242 Homes. These three States together have 4173 Homes, accounting for almost 44% of all CCIs/Homes in India. On the other hand it can be seen that Arunachal Pradesh has the smallest number

with only 8 CCIs/Homes followed by Chandigarh having 16 and Andaman & Nicobar 17 CCI/Homes respectively. In the state of Madhya Pradesh, there were 18 observation homes, 4 special homes, one place of safety, 54 children homes and 23 shelter homes as per information available from Ministry of Women and Child Development, Government of India.

**Table 5: Category-wise Distribution of Child Care Institutions/Homes**

Particulars	Madhya Pradesh	India
Observation Homes	18	278
Special Homes	4	52
Place of Safety	2	8
Children Home	54	6368
Shelter Home	23	373
Swadhar Home	14	185
Ujjawala Home	1	110
SAA	31	336
Combination Homes	0	10
Other	0	1869
<b>Total</b>	<b>146</b>	<b>9589</b>

Source: Ministry of Women and Child Development, Government of India, 2018.

Legal status of child care institutions is shown in Table 6. Out of total child care institutions in Madhya Pradesh, about 60 per cent institutions were not registered under any Act or schemes while about 30 per cent such institutions were found registered under Juvenile Justice Act, 2015. About 1/3<sup>rd</sup> child care institutions in India were found registered under JJ Act, 2015 while about 15 per cent such institutions applied under JJ Act. About 1/3<sup>rd</sup> child care institutions were unregistered under any Act or scheme.

**Table 6: Legal Status of Child Care Institutions/Homes**

Particulars	Madhya Pradesh	India
Registered Under JJ Act	44	3071
	30.14 %	32.03 %
Applied Under JJ Act	14	1487
	9.59 %	15.51 %
Registered Under Other Act/Schemes	0	1585
	0	16.53 %
Not Registered Under Any Act/Schemes	88	3215
	60.27 %	33.53 %

Source: Ministry of Women and Child Development, Government of India, 2018.

Distribution of government and non-government run child care institutions in India is shown in Table 7. Most of child care institutions were found run by non-government organizations while about 9 per cent such institutions are run by government. However, more than 3/4<sup>th</sup> observation homes and special homes are being run by government bodies.

**Table 7: Distribution of Government and Non-Government Run Child Care Institutions/Homes in India**

Homes/Child Care Institutions	Non-Government Homes/Child Care Institutions	Government Homes/Child Care Institutions	Total
Combination Homes	5	5	10
Observation Homes	67	211	278
Special Homes	12	40	52
Place of Safety	5	3	8
Children Homes	5932	436	6368
Shelter Homes	333	40	373
Swadhar Homes	183	2	185
Ujjawala Homes	110	0	110
SAA	268	68	336
Any Other	1829	40	1869
<b>Total</b>	<b>8744</b>	<b>845</b>	<b>9589</b>

Source: Ministry of Women and Child Development, Government of India, 2018.

Gender-wise number of CCL and CNCP category children in CCIs/homes is shown in Table 8. As per information available from Ministry of Women and Child Development, Government of India, 331 children in conflict with laws in the state of Madhya Pradesh and 7422 children in conflict with laws were reported at the national level. About 3.7 lakh children at the national level and 2759 children in the state of Madhya Pradesh were required to provide care and protection.

**Table 8: Gender-wise Number of CCL and CNCP Category Children in CCIs/Homes**

Particulars	Madhya Pradesh	India
Children in Conflict with Law (CCL) :		
Child Care Institution (CCI)	146	9589
Boys	291	5617
Girls	40	1805
Transgender (TG)	0	0
<b>Total</b>	<b>331</b>	<b>7422</b>

Child in Need of Care and Protection (CNCP):		
Boys	1494	199760
Girls	1265	170375
Transgender (TG)	0	92
<b>Total</b>	2759	370227
<b>Total Children</b>	3090	377649
<b>Average Number of Children Per CCI/Home</b>	21	39

Source: Ministry of Women and Child Development, Government of India, 2018.

Number of orphan, abandon and surrendered children are shown in Table 9 About 3/4<sup>th</sup> children living in child care institutions in India were orphan while about 14 per cent children were abandon. Thus, about 12 per cent children were categorized as surrendered. In the state of Madhya Pradesh, more than 60 per cent children were orphan and about 27 per cent children were abandon. About 16 per cent children living in child care institutions were mentally and physically challenged. However, mentally and physically challenged children constituted about 5.5 per cent against total children living in child care institutions in the state of Madhya Pradesh.

**Table 9: Number of Orphan, Abandon and Surrendered Children**

Particulars	Madhya Pradesh	India
<b>Total Number of Child Care Institutions /Homes</b>	146	9589
<b>Orphan:</b>		
Boys	297	22264
Girls	457	19427
Transgender (TG)	0	39
<b>Total</b>	754	41730
<b>Abandoned:</b>		
Boys	131	3498
Girls	209	4178
Transgender (TG)	0	1
<b>Total</b>	340	7677
<b>Surrendered:</b>		
Boys	82	3471
Girls	67	3306
Transgender (TG)	0	14
<b>Total</b>	149	6791
<b>Total Children</b>	<b>1243</b>	56198

Source: Ministry of Women and Child Development, Government of India, 2018.

Facilities in child care institutions are shown in Table 10. As per survey of Ministry of Women and Child Development, Government of India, majority of child care institutions had basic facilities. However, a large number of institutions lack facilities of visitor rooms, separate kitchens, children committees and home management committees.

**Table 10: Facilities in Child Care Institutions/Homes**

Particulars	Madhya Pradesh	India
Dormitories	70.5 %	76.7 %
Sick Rooms	41.8 %	45.4 %
Visitor's Rooms	35.6 %	44.1 %
Dining Hall	48.6 %	67.1 %
Bathrooms	75.3 %	78.4 %
Toilet/Latrines	80.1 %	79.1 %
Kitchens	64.4 %	60.1 %
Home Management Committee	24.0 %	43.7 %
Children's Committee	29.5 %	24.8 %

Source: Ministry of Women and Child Development, Government of India, 2018.

Source of funding of CCIs/Homes is shown in Table 11.. About 2/5<sup>th</sup> child care institutions are getting funding from government at the national level while about 61 per cent institutions in the state of Madhya Pradesh are getting government grant. Less than 1/4<sup>th</sup> institutions at the national level are supported by foreign grant. Thus, a large number of institutions are being financed by individuals and non-government organizations.

**Table 11 : Source of Funding of CCIs/Homes**

Particulars	Madhya Pradesh	India
Individual Donation	41.1 %	56.8 %
Government Grant	61.0 %	42.3 %
Non-Government Grant	10.3 %	14.8 %
Foreign Grant	11.0 %	23.4 %

Source: Ministry of Women and Child Development, Government of India, 2018.

## **Oclusion**

It may be concluded that juvenile crimes has shown fluctuating trend however, juvenile crimes constituted about one per cent against total crimes. State of Madhya Pradesh has recorded highest number of juvenile crimes and number of juveniles apprehended. A large number of juveniles apprehended belong to the age group of 16-18 years, poor families and are living with their parents.

Juvenile justice system has been developed for providing child care and protection to the children in conflict with laws. As per Juvenile Justice Act, 2015, child care institutions have been setup besides constituting Juvenile Justice Board in many states.

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