

## Rehabilitating Children in Conflict with the Law: Opportunities and Challenges

### INTRODUCTION

While addressing the issue or problems faced by children in our country, a category of children that are almost always overlooked are the 'Children in Conflict with the Law'. Many believe that 'these children get what they deserve' and want to do little about the treatment meted out to them. However, it must be realized that a juvenile, given his/her relative immaturity, does not quite understand the consequences of his/her actions and is extremely susceptible to his/her surroundings. The latter has added implications in a developing country like India which is reeling under the problems of poverty and inequalities.

The slowly changing perspectives have led to the emergence of an alternative justice system for juveniles. However, while drawing an alternative system for juveniles, both the interests of the child and the interests of the society must be borne in mind. So while on one hand an alternative system for juveniles must champion minimum intervention by law and minimum institutionalization, on the other it must make sure that the rehabilitation process is strong enough to prevent them from coming into conflict with law again. The idea behind rehabilitation is that people are not born criminals, thus should be given a chance to be restored back into the society. It also prevents them from becoming recidivists. Rather than punishing them as a criminal, rehabilitation seeks, by means of education or therapy, to make the juvenile in conflict with law a healthy citizen of the society.

Recidivism among juveniles however has come down from 11.2% in 2012 to 5.4% in 2014.

Year	Juveniles for repeat offence apprehended	Total apprehended juveniles	Recidivism (in per cent)
2006	2545	32145	7.9
2007	2936	34527	8.5
2008	3574	34507	10.4

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M.A. (Previous) II Semester  
Internship Report 2015-16

2009	3708	33642	11.0
2010	3674	30303	12.1
2011	3897	33887	11.5
2012	4476	39822	11.2
2013	4145	43506	9.5
2014	2609	48230	<b>5.4</b>

*\*Note: Calculations in this table are based on data available from the Crime in India Reports of NCRB.*

However, having being associated with HAQ for a year now has given me the opportunity to observe the functioning of the Juvenile Justice Board closely. As per my observation I have seen that the best that the juvenile justice system can do is to provide counseling to the child and offer vocational courses in the observation homes, which enables the juvenile to develop skills that may help the child to concentrate on something useful and divert his/her mind from harmful and destructive thoughts.

The trainee while placed at HAQ: Centre for Child Rights, undertook a research wherein she searched for organisations providing vocational courses. When we talk about the need for a strong rehabilitation process it is important to know the opportunities available for a child in the society. And I believe education is a tool of empowerment which can lead to one's holistic growth. Also in the past 10 years, HAQ has provided counseling to 901 boys and 9 girls who came in conflict with the law. These counseling sessions have been really beneficial and it was seen that the recidivism rate amongst these children was only 3.8%, which is far less than the national recidivism rate. Thus, in order to make rehabilitation effective one should provide good counseling followed by reintegrating the child into the society through vocational training courses.

**Methodology:**

- Extensive internet search
- Telephonic Conversation
- Visits to organisations, juvenile justice boards and observation homes
  
- The trainee did extensive search on the internet, searched for organisations in Delhi offering vocational courses by typing some keywords like, vocational courses in

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Delhi, typing specific course names e.g. Computer courses offered by NGOs, Language courses, cutting and tailoring etc.

- The trainee made phone calls and spoke to the resource persons who provided the trainee with the information she needed.
- Trainee also made visits to the organisations for information, Juvenile Justice Boards to have a better understanding of the functioning, and observation homes to understand how they operate and facilities they provide to the children.

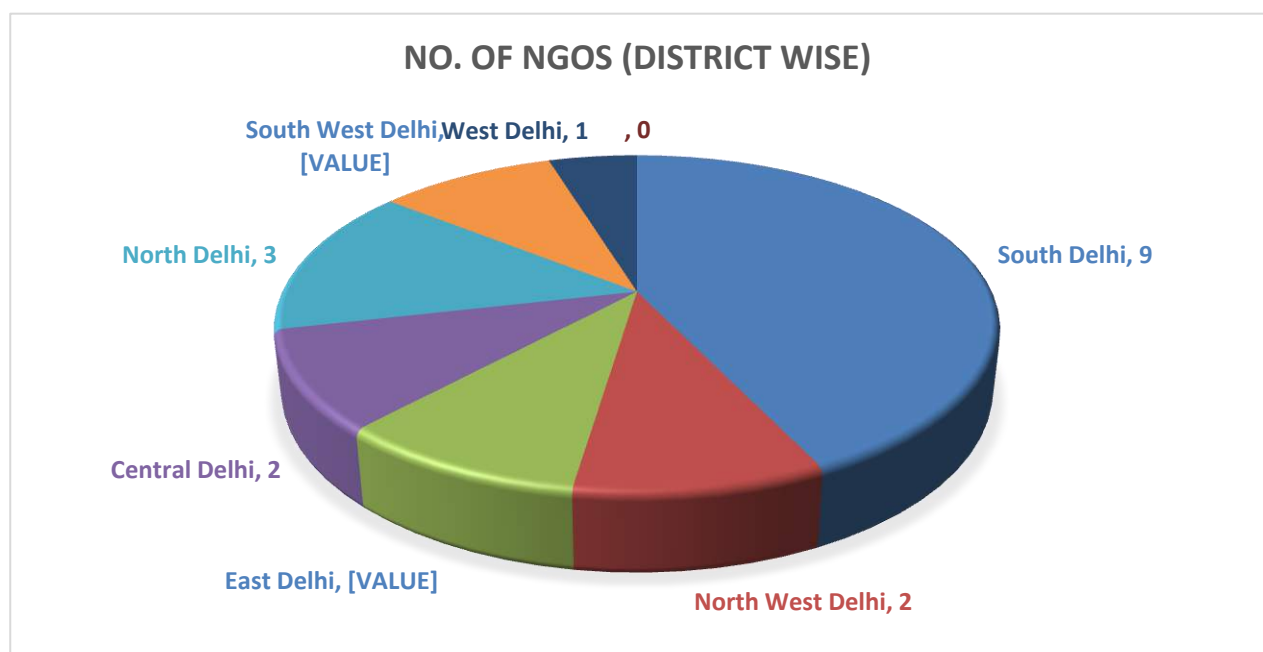
### Purpose:

1. To create a database of vocational courses for children in conflict with law and analyse opportunities and challenges in rehabilitating children in conflict with the law through these courses.

### Classification of data:

The data was collected on the following criteria's

- Name of the organisation
- Address
- Contact details
- Courses offered
- Duration
- Eligibility
- Fees Structure
- Exemption (If any)

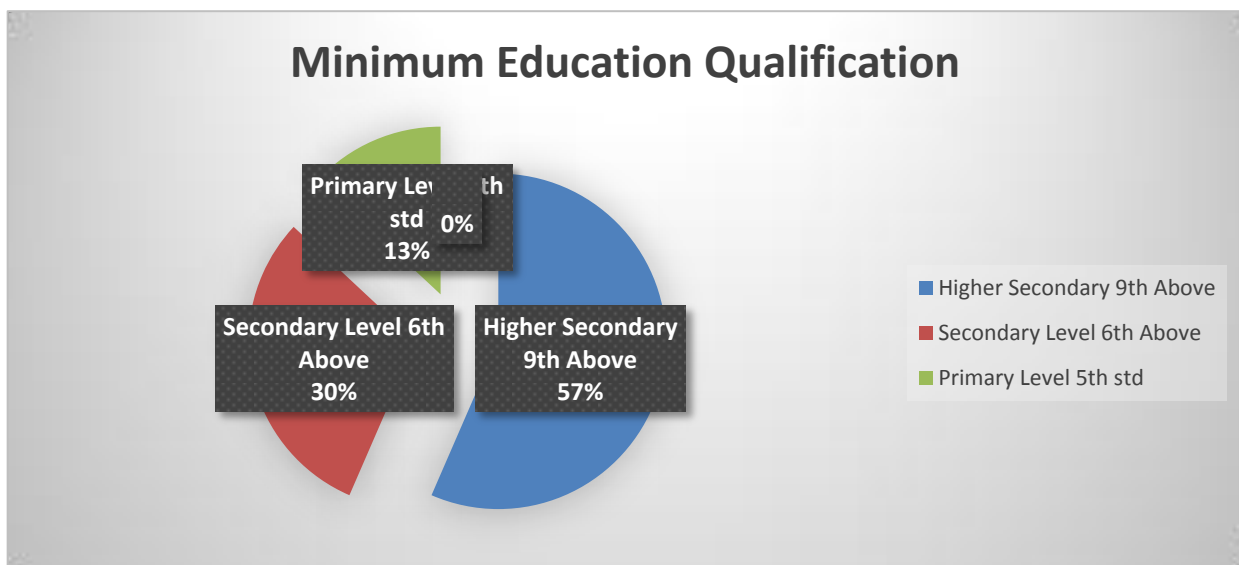


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**Figure 1**

The figure shows that 9 organisations are working in South Delhi out of which 2 are only for girls. These 9 organisations mainly offer computer courses, beauty culture and cutting and tailoring courses. However, one must note that South Delhi District is one of the elite districts with 99.55% of its population residing in the urban part of the district and only 0.45% living in the rural region. According to the 2011 census, female literacy in rural areas of the district was 68.75 % as compared to 80.60% in the urban area. Yet we see that only a handful of organisations are primarily working with girls.



**Figure. 2**

This figure shows that 13 organisations require a minimum qualification of 9<sup>th</sup> pass, 7 organisations require a minimum education qualification of 6<sup>th</sup> pass and 3 organisations require minimum qualification of 5<sup>th</sup> pass. Courses which demand a minimum qualification of 9<sup>th</sup> pass are mainly technical courses dealing with computer education, banking courses, electrical, mechanics etc.

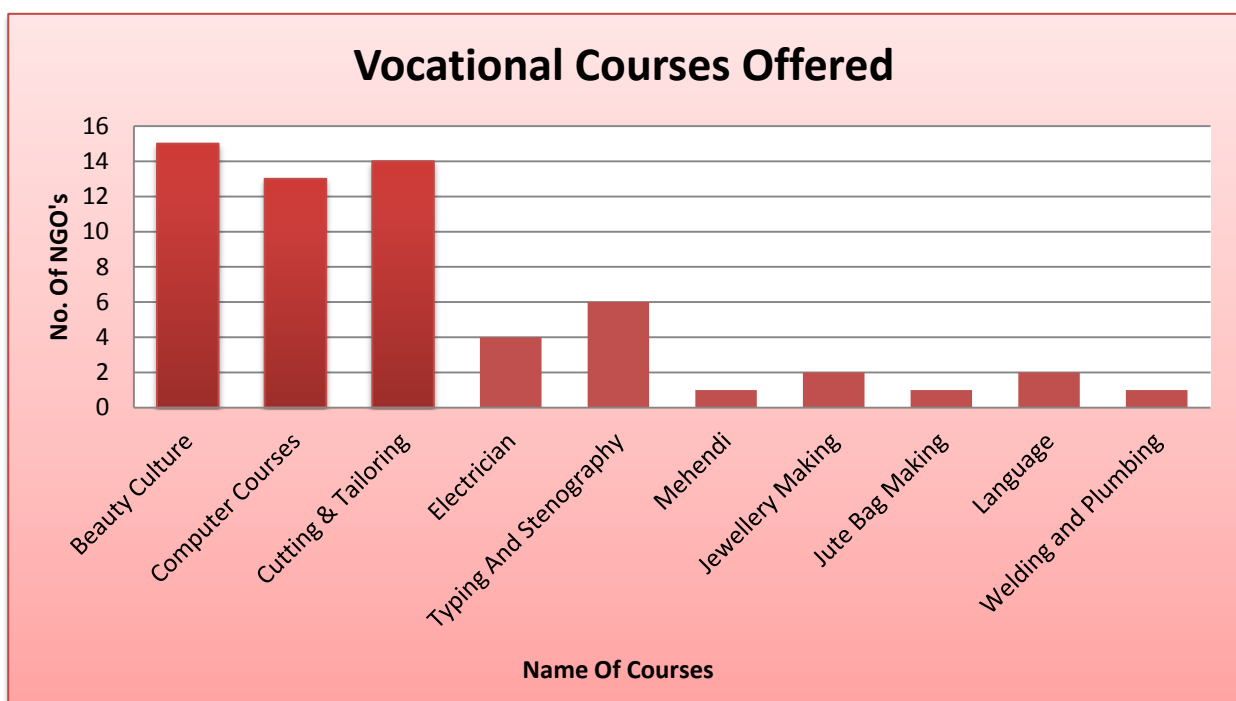
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**Figure 3.**

This figure shows that many organisations mostly offer courses on beauty culture, computer courses which include tally, MS Office, MS Excel, Hardware, desktop publishing, etc, and thirdly cutting and tailoring courses which include dress making, sewing, fashion designing. Typing and stenography is also widely offered.



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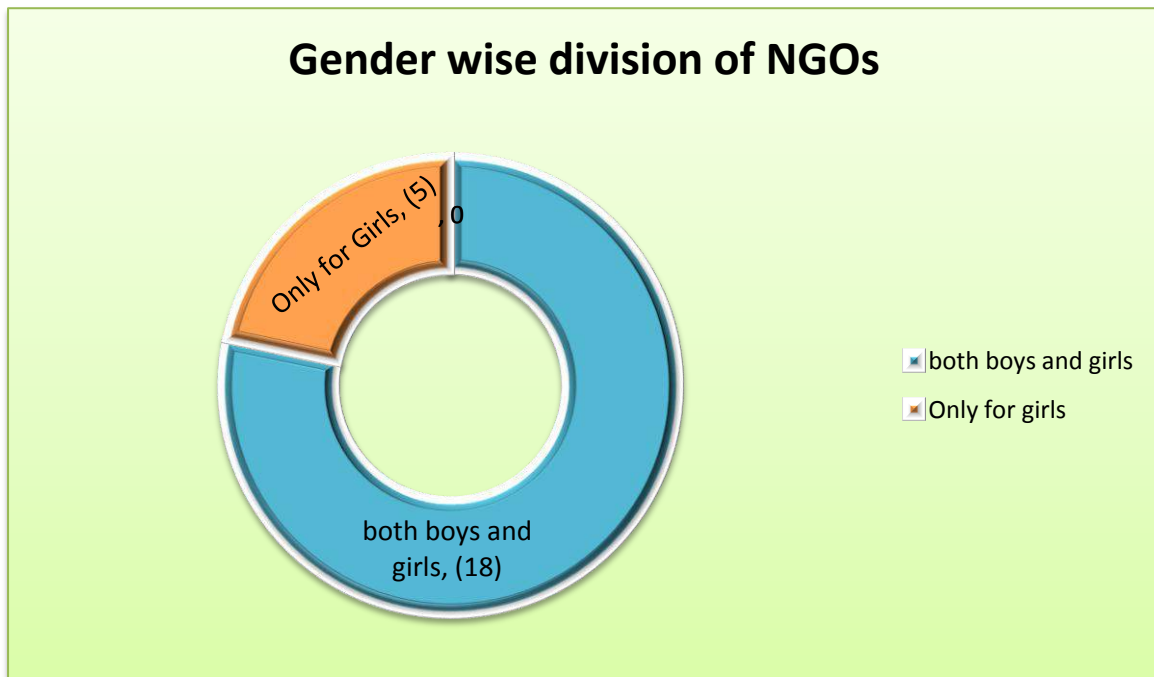
**FEES STRUCTURE**

<b>FEES (INR)</b>	<b>No. of NGOs</b>
<b>No Fee</b>	3
<b>Up to 400</b>	12
<b>401-800</b>	5
<b>801-1200</b>	3
<b>1201-1600</b>	2
<b>1601-2000</b>	1
<b>2001-2400</b>	-
<b>2401-2800</b>	1
<b>2800-3200</b>	1

**Figure 4**

While three organisations charge no fee for the courses they offer, 12 organisations charge a fee that may vary up to INR 400/- per month. On the other hand, there are those organisations which charge high fee for their technical courses, depending on the nature and duration of the course.

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**Figure 5**

This chart shows that out of the 23 organisations only 5 are for girls. 2 in South Delhi, 2 in Central Delhi and 1 in North Delhi.

### **ANALYSIS**

Vocational training is definitely a good way of rehabilitating and reintegrating the child back into the mainstream. The list prepared has covered a wide range of courses, however the trainee observed that children do not wish to pursue studies and rather prefer to work and earn in order to contribute towards family income and meet their needs.

Many children who come in conflict with the law have either studied till primary level or have never gone to school. In such circumstances it is difficult to find them eligible for most courses. Also many organisations say that the child should be 18 years and above but a

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juvenile is below 18 years, which keeps them away from benefits under the existing programmes.

## **CONCLUSION/ OUTCOME**

Trainee believes that there are many hurdles to proper rehabilitation. It is important to not only address the consequence of crime but also to address the cause of it. The cause should be checked and worked upon in order to have positive outcomes. But working at the community level amongst the society and trying to make them aware about the need for education, values, positive influence on child is not an easy task. The country faces acute poverty, thousands of families live on daily wages, there is rampant migration and homelessness, and children are neglected and deprived of their basic rights.

On the other hand, this year's budget has mainly reduced the allocation for children in the education, health, and protection sector, though there is some increase in the development sector. This does put a question mark on the government's seriousness and concern for the growth of our children.

To help children grow to their full potential and educate them we need to look at the facilities provided to the families. The union budget has stated that more jobs and livelihood opportunities will be provided to the rural population which I believe is a good step because people migrate due of lack of livelihood opportunities and work. Once these will be provided in villages and in the nearby areas it can help reduce the unhealthy migration rate, and will also help children continue to live in their cultural environment and continue with their studies rather than feeling alienated and deprived every which way.

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