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## "BEST INTEREST OF THE CHILD" - A CASE STUDY OF DEVELOPMENTAL OPPORTUNITY WITH SPECIAL REFERENCE TO INSTITUTION IN KERALA UNDER JUVENILE JUSTICE (CARE AND PROTECTION) ACT, 2000



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### ABSTRACT:

The Juvenile Justice (Care and Protection of Children) Act, 2000 give guidelines for the proper functioning of children's home, observation home, special home and after care home. These institutions established by Government of Kerala to rehabilitate children, who are in need of care and protection under this Act. It also provides guidelines for Developmental opportunities like physical, emotional, intellectual, social and moral development of the juvenile or child. The investigators attempted on evaluation of the developmental opportunity of the child. For this purpose, random selection of sample was done as to set appropriate representation to each institution.

**KEYWORDS :** *children's home, observation home, special home, care home*

### INTRODUCTION:

Education is a process of development; a development of the inherent capacities of the child to the fullest extent. "The chief task of education is to shape man" says Jacques Maritain. Education sublimates the animal basic instincts in a child to socially useful activities, habits of thinking and behaving. It inculcates in a child higher social ideals together with spiritual values, so that he is able to form a strong character useful to his own self and society, of which he is an integral part.

Education meets the immediate needs of a child and also prepares him for his future life. It culturizes the child by promoting social and refines patterns of his behaviours. Education develops all his intellectual and emotional powers, so that he is able to meet the problems of life squarely and solve them successfully. It also develops the social qualities of service, tolerance, co-operation, fellow feelings etc... Education infuses in the child a spirit of dynamic citizenship which urges him and on, in



the service of his nation. The Department of Social Welfare has been implementing various schemes and programmes for the development of children for improving their overall quality of life.

Social Welfare Department has been giving much importance to child related issues, problems of the adolescents and various categories of children in difficult circumstances such as street children, abandoned, neglected, orphaned and destitute children. The New Juvenile Justice (Care and Protection of Children) Act, 2000 is progressive child related legislation and its preamble invokes the UN convention on the Rights of the child.

Here, an Act to consolidate and amend the law relating to Juveniles in conflict with law and children is need of care and protection by providing for proper care, protection and treatment by catering to their developmental needs and by adopting a child friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment.

#### Significance of the Study

The act provides the following things:

##### 1) Fundamental principles of Juvenile Justice and Protection of Children.

The Juvenile Justice (Care and Protection of Children) Rules, 2007 [G.S.R. 679(E), dt. 26-10-2007].

**Rule 2(C)** "best interest of the child" means a decision taken to ensure the physical emotional, intellectual, social and moral development of the juvenile or child.

##### Rule 3: Fundamental principles to be followed in administration of these rules

(1) The State Government, the Juvenile Justice Board, the Child Welfare Committee or other competent authorities or agencies, as the case may be, while implementing provisions of these rules shall abide and be guided by the principles, specified in sub-rule(2).

(2) The following principles shall, inter alia, be fundamental to the application, interpretation and implementation of the Act and the rules made hereunder.

- a) Principle of presumption of innocence.
- b) Principle of Right to be heard
- c) Principle of best interest
- d) Principle of Safety
- e) Principle of positive measures
- f) Principle of equality and non-discrimination
- g) Principle of dignity and worth:
- h) Principle of family responsibility
- i) Principle of non-stigmatizing semantics, decisions and actions
- j) Principle of non-waiver of rights
- k) Principle of right to privacy and confidentiality
- l) Principle of last resort
- m) Principle of repatriation and restoration
- n) Principle of Fresh Start

##### 11) Institutions like children's Home, Observation Home, Special Homes and After Care Home

Juvenile Justice (Care and Protection of Children) Act, 2000 [56 OF 2000, DT. 20.12.2000] (As amended by Act No. 33 of 2006, dt. 22.8.2006) and

Section 8(1)(2)(3)(4) regarding Observation Homes  
 Section 9(1)(2)(3)(4) regarding Special Homes  
 Section 34(1)(2)(3) regarding Children's Homes  
 Section 44(a)(b)(c)(d)(e) regarding After Care Organizations.

Juvenile Justice Act 2000 and Rules give guidelines for the proper functioning. In this context it is necessary to evaluate the physical emotional, intellectual, social and moral development of the juvenile or child.

#### Objectives of the Study

1. To study the developmental opportunity of the children with respects to the following.

- a) Physical development
- b) Intellectual development
- c) Creative development
- d) Language development and
- e) Moral development

#### Sample Selected for the Study

The present study was conducted in the following institutions:

#### Details of the Sample Selected

S. No.	Name of the Institution	Total No. of	
		Students	Supdt's
<b>a) Childrens Home</b>			
1.	Government Children's Home, Vellimadukunnu, Kozhikode (for boys)	178	6
2.	Government Children's Home, Vellimadukunnu, Kozhikode (for girls)		
3.	Government Children's Home, Ramavarmapuram, Thrissur (for boys)		
4.	Government Children's Home, Ernakulam (for girls)		
5.	Government Children's Home, Vellimadukunnu, Kollam (for boys)		
6.	Government Children's Home, Poojappura (for boys)		
<b>b) Observation Home</b>			
7.	Observation Home (for boys), Vellimadukunnu, Kozhikode	5	6
8.	Observation Home (for Girls), Vellimadukunnu, Kozhikode		
9.	Observation Home, Ramavarmapuram, Thrissur (for boys)		
10.	Observation Home (for boys), Ernakulam.		
11.	Observation Home, Kollam (for boys)		
12.	Observation Home, Poojappura, Trivandrum (for boys)		
<b>c) Special Home</b>			
13.	Government Special Home, Poojappura, Trivandrum (for boys)	5	2
14.	Government Special Home, Vellimadukunnu, Kozhikode (for girls)		
<b>d) After Care Home</b>			
15.	After Care Home, Kozhikode (For Girls)	42	2
16.	After Care Home, Thalassery (For Boys)		

In selecting sample appropriate representation was given to each institution. So as to enable cross checking of the data collected from Juvenile Inmates and Superintendents of the Institutions.

### Tools Used for the Study

To fulfil the above said objective the data was collected using the following tools:

#### i) Interview Schedule on Functioning Fundamental Principles Under Juvenile Justice (Care and Protection of Children) Act, 2000 in Kerala

This interview schedule was intended for the superintendents of the institutions. Superintendents are the persons responsible for the day to day functioning of the institution. The schedule contain a total of 25 items of which 8 are of Yes/No type, 13 are of open-ended type and 4 were for collecting general information.

#### ii) Questionnaire on Functioning Fundamental Principles Under Juvenile Justice (Care and Protection of Children) Act, 2000 in Kerala

The major objective of preparing this tool is to find out the responses of inmates regarding the functioning of Juvenile institutions under the Act. This tool is mainly for checking/collecting the views of the inmates who are the actual-beneficiaries of the act. The Questionnaire consists of 17 questions, which provided an understanding of the functioning regarding the execution of fundamental principles.

### Results and Discussion

The responses regarding various dimensions of the objectives were analyzed. As per the central rule 2(c) "best interest of the child" means the decision taken to ensure the physical, emotional, intellectual, social and moral development of juvenile or child.

A total of five questions were included in the questionnaire to check whether the best interests of the child are being taken care of. Also the investigator wanted to check whether opportunities are there for the all-round development of the children.

Summary of Details Regarding the Developmental opportunity in Different Institutions

Percentage of Positive Responses of Inmates Regarding Developmental Opportunities

Types of Institutions Opportunity for	Percentage of Responses			
	Children's Home (%)	Observation Home (%)	Special Home (%)	After Care Home (%)
Physical development	77.52	N.A	80	85.7
Intellectual Development	88.7	N.A	80	88
Creative development	82.58	N.A	80	88
Language development	84.9	N.A	100	80.9
Moral development	82.6	80	60	83.8

85.7%, 80% and 77.52% of inmates of aftercare home, special home and children's home respectively reported that their respective homes are giving enough importance to motor development programmes.

The analysis revealed that the majority of the inmates of these homes are aware about the various programmes arranged for their intellectual development. 88.7% of children's home inmates,

88% after care home inmates and 80% special home inmates say that there programme for their intellectual development in these institutions.

82.5% children's home inmates and 80 percent special home inmates and 88% of after care home inmates reported to have programmes for creative development in their respective institutions. The observation home inmate says that they are not getting any type of creative development programme.

The analysis revealed that all the inmates of two special homes are satisfied with the efforts of the authorities for their language development and stated that adequate importance is given to various language development programme in their institutions. 84.83% children's home inmates and 80.9% after care home inmates also supported this point. The observation home inmates do not get any type of language development programme.

### Major Findings of the Study

1. Every teacher is a social treasure. Keep this in mind, it is our duty to ensure whether this type of homes follow the fundamental principles of juvenile justice act strictly.
2. The inmates need special care and attention. So the developmental opportunities provided to them should be improved.
3. As per juvenile justice Act, there should be provision for physical, intellectual, emotional, social and moral development of the children. Majority of the inmates get enough opportunities for their physical development. As per rule it is not allowed for inmates of observation home.
4. Except the inmates of observation home, about 90 percent inmates of other juvenile home are provided with opportunities for intellectual development. As per rule, there is no provision for intellectual development in observation home.
5. About 80 percent of juveniles are satisfied with their creative and language development opportunities presented to them. As per rule these are not allowed in observation home.
6. Deinstitutionalized educational practices should be encouraged, because through this the inmates get opportunities for character formation, moral development, interacting with society etc.

### CONCLUSIONS

The major findings of the study lead to the following conclusion

1. The authorities encourage deinstitutionalized educational practices because it produces a positive impact.
2. The inmates are provided with enough opportunities for their overall development.
3. Most of the juvenile homes follow the fundamental principles of juvenile justice act to a greater extent.

### Educational Implications

1. Deinstitutionalized educational practices should be encouraged, because through this the inmates get opportunities for character formation, moral development, interacting with society etc.
2. The inmates need special care and attention. So the developmental opportunities provided to them should be improved, especially in the case of moral development.
3. Every teacher is a social treasure. Keep this in mind, it is our duty to ensure whether this type of homes follow the fundamental principles of juvenile justice act strictly.

#### REFERENCES

1. Byju, P.J. (2006). A study of school adjustment of pupils residing the juvenile human of Kerala. Unpublished M.Ed. Dissertation, University of Calicut.
2. Feinstein, S. (2008). Quality teacher impact on learning in a juvenile correctional facility. Retrieved from ERIC Database (ED 597201).
3. Frayes, W., & Frayer, P. (1992). Educational management within a young offender institution. Retrieved from ERIC Database (ED 468981).
4. Jayadev, L. (1987). The home perception of inmates of Balamandir at Trivandrum and Quilon. Unpublished M.Ed. Dissertation, University of Kerala.
5. The Juvenile Justice (Care and Protection of Children) Act, 2000.
6. The Juvenile Justice (Care and Protection of Children) Rules, 2007.



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