

My God is a Juvenile Delinquent

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My God is a Juvenile Delinquent
(Social Behaviour)
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If children are created
in the image of God,

then...

**My God
is a
Juvenile
Delinquent**

Ruzbeh N. Bharucha

To
Sai Baba of Shirdi,
The Universal Mother
and
all the Perfect Masters

*Meher, my angel,
I began research for this book when you were conceived.
I commenced writing it, when you were born.
Now, it goes to print, on your first birthday.
Happy Birthday darling!*

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Vahishta and Pashaan, remember that your dad always loves you, no matter what you are told.

and

Saina, my wife, for your love, support, guidance and immense faith, that no matter what, each book written for the abandoned and the underprivileged, does make a difference, somewhere and for someone. Darkness however impenetrable and powerful can be vanquished with just a single candle.

Jai Baba. Jai Maa

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Foreword

I PREFER TO WRITE A BOOK, IRRESPECTIVE OF THE TOPIC, IN THE FORM OF A TRAVELOGUE. Whatever the issue being dealt with, I treat it like a journey that my reader and I embark at the same time. Whatever sights, conversations, incidents and observations I experience, I share with my reader. Thus, I write what I see and encounter and try to begin work with no preconceived notion or even research. If I am travelling to a new place, I don't want to read about it but would rather experience it. Most of my research is conducted in the real world, rather than in the library. For some reason, I usually take up subjects of the abandoned and the underdog, topics not dealt with, by Indian authors. Thus, the issue of research doesn't really arise. I would also rather learn first hand and by interacting with those who are directly affected and influenced and also those who spend their time and energy working in this social zone.

I enter the subject as a voyager, out to explore a part of the world, yet unknown to me and assume that my reader too has never journeyed to that part of the world and thus our expedition commences together. Thus, for both, the reader and myself, it is an encounter, which is shared as we move along, moment-to-moment and page-to-page. No conversation and observation, like mountaintop and deep ravines are taken for granted or assumed to have been heard, seen or known about. Nothing is considered too basic or elementary. As the book progresses, the reader as well as the author, explore their new world, get familiarized with it and its varied issues and challenges. Of course,

all this is done through interviews and observations. Most importantly, the book is written with the aim, that at the end of the journey, the reader is inspired enough to want to help and make the life of those residing in that part of the world, a better place to live in.

My style of writing, or the lack of it, may or may not appeal to you. Well, that is the risk you take when you set out on a journey with a stranger. I cannot do much to change the manner or the tone of my communication. My non-fiction books have ranged from topics varying from spirit communication and Goddess Mookambika to mother and child in Indian prisons and slum demolitions, and now this book on the issue of juvenile delinquents, and they all have a similar road map. I have used the same travelogue method for each book and it seems to have worked well.

Of course, like everything in creation, this approach of mine, too has its flip side. My work and my so-called sense of humour or the lack of it, usually leaves experts and scholars, exasperated. They feel that I tend to trivialize the issue. They feel I over simplify the subject and they don't care much for my observations, as they feel, and rightly so, that I am neither qualified nor experienced to pass comments on a subject which they have spent considerable time and effort to research. They have walked the path and talked the talk and are in search of new horizons and they want to do so with reverence as well as solemnity. Humour, conversations, emotional and psychological observations are not part of their travel curriculum. Well, those new horizons may or may not appear. I hope they do. The experts may or may not learn more regarding this issue. I would like them to. It won't be from the lack of effort or conviction on my behalf.

Juvenis in Latin means young. The Juvenile Justice System emerged from the need to have an alternative legal system for dealing with children. The first enactment for juveniles in India was the Juvenile Justice Act, 1986 (53 of 1986). This law has since been amended twice in the years 2000 and 2006, to make it more child-friendly.

The 2000 amendment followed India's ratification of the United Nations Convention on the Rights of the Child (UNCRC) wherein a set of standards have been laid out and are to be adhered to by all signatory State Parties.

The law is based on the minimum standards prescribed in the UNCRC, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (popularly known as the Beijing Rules); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990 (popularly known as the Riyadh Guidelines).

JUVENILE JUSTICE ACT, 2000 (AMENDED IN 2006)

This Act deals with two categories of children

1. Children in Need of Care and Protection
2. Children in Conflict with Law (also referred to as juveniles)

The key to the law is that it:

- provides a separate adjudicating machinery, distinct from that for adults, for handling matters concerning children;
- provides a mechanism for protection of children, keeping in mind their best interest; and
- defines a child or a juvenile as a person who has not completed eighteenth year of age i.e. a person below 18 years of age.
- The law seeks to promote a child-friendly juvenile justice system in India. The first example of this lies in different and child-sensitive terminology used in this legislation.
- A child alleged to have committed an offence is known as “**a child in conflict with law**”... not a criminal/accused, or juvenile delinquent.
- A juvenile can be ‘**apprehended**’... not arrested.
- When a child in conflict with law is apprehended by police, such a child is supposed to be produced before the ‘**Juvenile Justice Board**’... not before any other regular Court or Magistrate.
- An “**inquiry**” is conducted into the situation where a child is in conflict with law and the juvenile is not subjected to a trial.

Competent authority to deal with children or juveniles are:

1. **Child Welfare Committee (CWC)** in the case of children in need of care and protection. (Sec. 29 of JJA)
2. **Juvenile Justice Board (JJB)** in matters concerning juveniles in conflict with law. Even if the child is accused of committing an offence with an adult, the child must be tried separately in the Juvenile Justice Board. (Sec. 4 of JJA)

A CHILD IN NEED OF CARE AND PROTECTION INCLUDES...

Missing children, abandoned and surrendered children, children without parents, street and working children, run away children, child beggars, children with parents or guardians not fit to take care of them due to physical or mental incapacity, disabled children, homeless children, abused/tortured/exploited/trafficked children, children affected by armed conflict, children affected or suffering from terminal diseases with no one to support them, and children living with those who have abused or killed another child(ren) and are therefore in danger of being killed/abused.

A Juvenile in Conflict with Law means:

A child who is alleged to have contravened a provision of a criminal/penal legislation and is below the age of 18 years as on the date on which such offence is committed by him/her.

The *Indian Penal Code* says that a child who is less than 7 years old cannot commit a crime.

It also says that a child who is over 7 years but under 12 years of age, cannot commit a crime if they are immature and cannot understand the act they have done or, the consequences of their actions or, that what they have done is wrong. This notion has been broadened in compliance with the UNCRC standards and children (persons below the age of 18 years) are seen as not having the capacity to form *mens rea* to commit an offence.

HAQ: Centre for Child Rights

LAW THAT IS AND MUST BE

- **Section 160** of the **Criminal Procedure Code** prohibits the detention of males under the age of 15 years or females of any age for the purpose of investigation or questioning by the police.
- The child (who is apprehended) must be brought before a Magistrate within 24 hours of being apprehended (Constitution of India Article 22 and Section 10 of the Juvenile Justice Act).
- Arbitrary detention is illegal under the Code of Criminal Procedure (CrPC) also. **Section 50, 56 and 57** of the **CrPC** mandates that ***no person can be detained in custody without knowing the grounds of arrest*** and that a detainee must be presented before the magistrate within ***twenty four hours*** of his arrest.

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- The first step for every Magistrate is to form an opinion on the age of the person brought before them, such a person appears to be a child or a juvenile as per the Juvenile Justice Act.
- Any court other than the CWC or the JJB should not deal with matters concerning care, protection and rehabilitation of children in need of care and protection or inquiry, release and disposition of children in conflict with law respectively.
- Children in need of care and protection may also be victims of crime. These children appear before a regular court.
 - In such cases, the concerned Magistrates must liaise with the CWC and involve the CWC in ensuring appropriate care, protection and rehabilitation of the child instead of deciding matters on their own.
 - Only in cases of adoption the matter is to be decided by a court and not a CWC, and that too after a CWC has declared a child 'legally free for adoption'.
 - By virtue of the Juvenile Justice Act, it is the jurisdiction of the CWC to decide all other matters of care, protection and rehabilitation of such children.
- Similarly, Juveniles in conflict with law are often produced by the Police before Magistrates other than the Principal Magistrate of the JJB. For example, in some places there is no special Juvenile Justice Board. If this is the case, the concerned Judicial Magistrate must conduct the inquiry in accordance to the child-friendly procedure laid down in the Juvenile Justice Act.
- Any child who, in the opinion of such Magistrate is below 18 years of age, should be forwarded to the JJB (Section 7 of JJA).
- As a matter of principle, only appeals against the orders of the Juvenile Justice Board should be entertained by the Metropolitan Magistrates or the Sessions Judge or any other Magistrate not empowered under the JJ Act.

JUVENILITY AND DETERMINATION OF AGE

- The Magistrates have to determine whether the juvenile produced before them was below the age of 18 years at the time when the alleged conflict with law occurred. As per the amendment to the JJ Act in 2006, juvenility is to be determined on the basis of the date on which the alleged conflict with law occurred.
- The age of child must be based on an age determination inquiry and necessary evidence must be collected in this regard. Accordingly the age and the finding whether a person is juvenile or not should be recorded in writing.

- Emphasis should be on documentary evidence in the form of birth certificate from a municipal body or panchayat, school admission records or school leaving certificate.
- Medical test for age verification should be asked for only where no reliable documentary proof is available.
- The appearance of the person alleged to have come in conflict with law should itself determine the course and nature of proceedings till such time that any documentary proof of age or medical test report is available to determine the age and decide on the nature of proceedings.

HAQ: Centre for Child Rights

RIGHTS OF JUVENILES IN CONFLICT WITH LAW

Children alleged to have come in conflict with law need to be treated differently because of their age and level of understanding. It is important to ensure that:

- they understand what they are accused of
- they have help in defending themselves
- their case is treated with privacy

Right to legal representation

Every citizen accused of committing an offence has a right to legal representation as guaranteed by the Constitution of India in Article 20 (3). So do children as equal citizens of the country.

Bail is a right, not a prerogative

Every juvenile in conflict with law is entitled to be released on bail, irrespective of whether the alleged conflict with law is bailable or non-bailable in the CrPC.

Release should not depend on the nature of alleged penal provision contravened by the juvenile or whether the juvenile pleads guilty for coming in conflict with law.

Bail can only be denied if there is **substantial reason** to believe that after release:

- the juvenile is likely to get associated with a known criminal; or
- there is moral, physical and psychological danger to the juvenile; or
- the ends of justice stand defeated. (Sec 12 (1) of JJA)

Every juvenile has a right to know the precise reason(s) for being denied bail. The order made on a bail application must therefore clearly mention the reason for denial of bail in detail. If there is any danger to the child, the order must not only state so, but also state why and from whom and what has led to this conclusion/opinion. This is a basic principle of fair hearing and justice.

Plead guilty or Claim trial is a procedure followed by courts conducting trials for adults. JJB has a moral responsibility to make the procedures simple, child-friendly and less cumbersome.

All other courts too should follow childlike procedures in matters concerning children.

Releasing juveniles on bail or completing the inquiry after making them plead guilty is against the principle of best interest of the child as enshrined in the UNCRC, ratified by India in 1992.

HAQ: Centre for Child Rights

The journey begins...

WHEN A CHILD IS ACCUSED OF COMMITTING AN OFFENCE, THEN THE CHILD IS KNOWN TO BE 'IN CONFLICT WITH LAW' AND IT IS THE JUVENILE JUSTICE BOARD THAT DEALS WITH ALL MATTERS, CONCERNING A CHILD IN CONFLICT WITH THE LAW. A PRINCIPAL MAGISTRATE USUALLY PRESIDES OVER THE JUVENILE JUSTICE BOARD AND DECIDES ON THE MATTER AND ALSO HAS THE POWER OF GRANTING OR DENYING BAIL TO THE CHILD. IF THE BAIL IS DENIED, THEN THE JUVENILE IS KEPT IN AN OBSERVATION HOME. AN OBSERVATION HOME, IMPLIES, THAT THE CHILD IS KEPT IN 'JUDICIAL CUSTODY'.

The maximum period a child can be kept in judicial custody is fourteen days, thus if the child is not released, then every fourteen days the child is presented in front of the Principal Magistrate, who passes an order to extend the juvenile custody by another fourteen days. If you ask me, the term 'Observation Home' has been coined by some dismal chap in authority, with a rather perverse sense of humor. In reality, an Observation Home is just another prison but this is a prison for kids.

One afternoon in early January, I along with Enakshi Ganguly Thukral and Vipin Bhatt, representing HAQ: Centre For Child Rights, entered the compound that housed the Juvenile Justice Board (JJB). I noticed children along with their parents, surrounded by the police and the ubiquitous lawyers and the setting transported me back to the years I spent writing a book on mother and child in Indian prisons. The book, *Shadows In Cages*, was about my experiences in various Indian prisons, interviewing women prisoners and their children, caged in various prisons in the country. In India, a woman inmate is allowed to keep her child with her in prison till the child reaches the age of six. Every rule applicable to the mother is automatically passed on to the child.

While researching and writing *Shadows In Cages*, I had promised myself never ever to attempt another book on crime (whether proved or otherwise), justice (prevalent or the lack of it) and children (in captivity or caged by circumstances). Two years and a few months later, I found myself embarking on another project: this time about homeless children, abandoned children; children imprisoned due to conflict with the law and society; children caged in Observation Homes, which converted them into hardened criminals. All this happening on the streets and in the by-lanes of Delhi: the capital of India; the largest democracy in the world. So much for my promises, I mused.

Once we passed through the gates, we came into the compound that housed the Juvenile Justice Board with a number of cabins, where advocates had set up their temporary offices. Families crowded the compound and one could see emotions ranging from fear and uncertainty to helplessness, and even boredom.

HAQ is associated with issues that concern and affect children. Thus crime, abuse, homelessness, demolitions, forced detention, child trafficking, parliamentary neglect... any issue affecting children, automatically becomes a concern for HAQ.

Enakshi and Vipin had visited this place a few times earlier. The Magistrate, Ms. Ila Rawat, was keen that social organizations interact with children who were sent to Observation Homes. For the first time, a social organization was invited to interact with these children in the hope that this would result in providing new insights into the psyche of the kids, so that one would know exactly what new steps could be initiated in the Observation Homes to enhance the lives of the children who lived 24x7 in these closed cages. We were not given permission to visit any of the Observation Homes. But we were allowed to meet the boys, who were escorted by the police, in a police van, to the Juvenile Justice Board, to await their turn to meet the Magistrate and most, in all probability, would be given another date, to return yet again and present their case. The boys, once every fortnight, made the journey to the Board and spent the day in a cell, called the 'waiting room'; just sitting there, for hours, awaiting their turn to face the Magistrate. Boys have made this journey, sometimes, for years.

We entered the Juvenile Justice Board, which was nothing more than a large room. The Magistrate sat on an elevated platform. A little below stood various assistants, lawyers, the child and the child's family. There were various benches and chairs and we sat on the last bench. Adjacent to where we were seated, sat a policeman, who wore a black jacket and had the demeanour and aura of a man who was thoroughly bored. He looked at us, scowled at Vipin, because Vipin sat closest to him and mumbled something to us. We couldn't hear him, so each one of us asked him "what?" When three people ask "what" together, in a quiet room, the effect is quite startling. Heads turned. Twenty different ways of telling us to keep our mouths shut were indicated to us. We all nodded diligently.

"Shut the mobile phone." The cop grunted to Vipin.

"Shut your mobile phone." Vipin passed on the message.

"Mine is shut."

“Nobody calls me anyway.”

For some odd reason, we found this funny and once again in unison, we chuckled. This made everybody at the Board once again stare at us. Then, an assistant approached us and told us to keep our mouths shut and our phones switched off and that this was a Juvenile Justice Board and one needed to give it respect. I was dying to go to the loo and wanted to ask him where the toilet was but refrained. The last thing an author wants is to antagonize his potential raw material. I breathed deeply. I looked around and it was obvious that we had come in at a low point in the Board's proceedings. The Magistrate and the two social workers, who sat along with her, looked harrowed and tired. The men who sat on the bench looked bored. I also realized that I would be here a number of times for the next few months or so and this place was all right in mid January, with the weather being just perfect but I shuddered to think how it was going to be in mid May, with the temperature around 45^oc. After five minutes, the Magistrate asked for a particular boy to be called in.

“Call Biju,” she told a man who stood four feet from her.

The man nodded, opened his mouth wide, and yelled his head off. First he did this standing just a few feet away from the Magistrate and then, he walked to the door and once again hollered for Biju.

Biju entered. A dark, thin, tall boy, with oiled hair, wearing jeans and a denim jacket, who resembled the thousands of young boys you see on the streets of Delhi and Mumbai; boys who are influenced by the various heroes of Hindi films that adorn the silver screen. Biju stood in front of the Magistrate. Words were spoken between a few of those that perpetually crowded the front section, just below the Magistrate's seat and then Biju was sent out. He stood outside the room. We could still see him.

“What happened?”

“He was given a date as there is nobody to take responsibility for him.”

“What is his crime?”

“Theft.”

I looked at Biju. He may have committed the crime, or he

may not have. He looked innocent enough but then so did Hitler. Biju was around sixteen. At sixteen we have all done stupid and wrong things to either one's own self or someone else. Men being slow learners, keep doing stupid things way past retirement age, thus to judge and penalize a boy of sixteen, for a crime he may or may not have committed, was a sensitive task. If he had committed the crime, he had spent time in the Observation Home and had paid his due to society at large. To put a boy of 16 in a lock-up for a petty theft for a year and a half, is punishment enough. But what I began to quickly realize was that the main issue wasn't about punishment but more about finding somebody in the outside world willing to take responsibility for the boy who would be released on bail. For some reason, Biju's parents weren't forthcoming and without somebody taking responsibility, the Board did not want to release him on bail. Thus, he remained in the Observation Home, which was as bad as living in a prison and in all probability he would come out a hardened criminal, holding a grudge against his family, the justice system and society at large. I shuddered at the thought of the possibility of Biju being innocent and having to go through such a harrowing imprisonment. What would that do to his psyche? Wouldn't that be tilling fertile ground and sowing the seeds of hate, anger, abuse and all the emotions that differentiate man from beast? What were the possibilities of him becoming a hardened criminal? Was there anything to prevent this? Was there any hope of this boy becoming a sensitive and responsible citizen of society when those in power, behaved in an irresponsible manner and thus forced the boy to be treated like a criminal and eventually forced him into becoming one?

"Vipin, ask the Magistrate if we can begin meeting the boys who have come to the JJB? She can meet Ruzbeh later on", Enakshi mumbled. Vipin looked at her blankly. So I passed on the same message to Vipin, who shot out of his seat and mingled with those present assisting the Magistrate. Vipin was good at making friends and striking conversations with any and everybody. Best of all, people reacted to him in the same positive manner. After a few minutes, he came back beaming. The time to meet some of the boys had finally arrived.

“One thing you must understand and keep in mind, Ruzbeh. While, it is true that many children in Observation Homes are innocent and have been locked up for years, remember that some of them are here because they have committed serious offences, including rape and murder,” Enakshi informed me, while we, along with a Welfare Officer moved towards the cell where the children awaited their turns to meet the Magistrate. I kept silent. Children are associated with innocence, playfulness, and pranks. Not murder and rape.

“Are all the children kept together, irrespective of age and crime committed?”

“Even if they are accused of murder and rape, because they are minors, they are not housed with adult prisoners. All children are housed in the same Observation Home,” said Enakshi.

“How safe is it to keep these children with others who are in for minor crimes?” I inquired.

“That is one of the major challenges while dealing with juvenile crime, detention and justice. Most children are in the Observation Home, due to either immaturity, or a rash decision, or peer pressure or just plain stupidity. Thus, they have landed in trouble and are in conflict with the law. They are innocent children who took one wrong decision and things backfired. They aren't criminals. Just children. But while in the Observation Home you might have children of eight years, spending their days and nights, for months and sometime for years, with boys who are seventeen or eighteen years of age, virtually men, who are now hardened criminals. Can you imagine what it must be for the younger ones who are actually at the whim and mercy of these bigger boys?”

I breathed in deep and tried my best not to let my mind wander into those dark alleys. God help the poor kids.

“This is the cell where the boys are brought in from their Observation Home,” Vipin informed.

I looked around and it was after a while that I noticed a cage like room with heavy grills. I could see boys looking through those grills at us.

On the extreme right of the cell was a window through which I could see another set of boys gathered, also staring at us.

“Where is the new waiting room for these boys?” Enakshi asked.

“There. Let me show you,” saying this the Welfare Officer took us to the new waiting room. “It’s not yet in use but should be ready soon.”

We entered the place and there were a few rooms, painted a garish blue, each with an adjoining toilet. I noticed a few fans. At the moment it was cold inside but once the winter departed it was going to be a furnace here. After having visited a number of prisons, orphanages, Observation Homes and shelter homes, I have come to the conclusion that we Indians put in great thought and a conscious effort to make our institutions dreary, depressing, suffocating and try our best to block and keep out stuff like sunlight, air and cross ventilation. To top it all, we then paint the walls with the most horrid colour mish-mash that would even force an evolved monk deep in meditation, to break his concentration and postpone bliss, in order to shift to another dwelling, just so that during the time of *Samadhi*, the soul would be spared the ghastly colour combination. While passing through one room, we noticed, two grills that separated one cell from the other. In fact, extra precaution was taken to make sure that these two cells were separated.

“Why is this cell so heavily barred and grilled?” Enakshi asked.

“This is the visiting room. The boys enter here and those who want to meet them come from outside. It is for the protection of those who come to meet them and also to prevent blades and weapons from being passed through. Thus the double grilled partition.”

“What kind of trouble?” Vipin inquired.

“A few weeks back, one of the boys somehow managed to smuggle a blade and he slashed one of the officers here. Some of these boys are dangerous. Most of them are not but some are certainly dangerous and violent.”

We all moved out and walked towards the cell where the boys were locked up awaiting their turn to be produced before the Magistrate.

There were a few boys standing by the window and we

gravitated towards them. Seeing us approach, two of the boys turned away and left the window. Three boys stared back.

“Why are you here?” Vipin inquired in Hindi.

“I am here since two and a half years and nobody seems to be bothered about me.”

“Is that so? But why are you here?”

“Murder... though I didn’t commit it.”

“Of course none of you boys inside are guilty of anything,” Vipin had been interacting with street boys for years. He spoke in their tone and dialect. Either that put the boy at ease or it put the boy on guard. Sometimes it worked and sometimes it didn’t.

“How old are you and what is your name?” I inquired.

“My name is Sonu. I am sixteen and a half. I have been here since I was fourteen...”

“Were you charged alone for murder?” Vipin again.

“No. Another man was with me and actually he was the one who murdered. I was just an onlooker.”

“Where is that man?”

“In Tihar jail.”

“Convicted?”

“Yes. Life imprisonment but why am I still holed up here? It’s been two and a half years and nobody seems to be bothered about me.”

What bothered me was that I really did not believe this boy. He looked sixteen, had a gangly beard which had never made contact with a razor, wore clean clothes, looked like the thousands of boys who roam around various markets and cinema halls and the ubiquitous malls that have mushroomed all over the country. For some reason, I didn’t believe he was completely innocent. To doubt a boy of sixteen of committing murder or assisting in committing a murder made me feel wretched. If he had committed the crime, what a burden to carry all through life: what a heavy cross to bear. But if he was really innocent, how was anybody going to be able to recompense lost childhood. That’s a price nobody can afford to pay or lose.

“Let us go in.” To the left of the window, a door opened. One of the Welfare Officers stepped in, spoke to the boys regarding us and then he opened the door, let other Welfare

Officers enter and only then were we allowed. Obviously, nobody wanted to take any chances.

It was a huge room, with cement slabs substituting for chairs not very well lit and not well kept at all. Certain areas away from the grills and window needed a good scrub. I looked around, wondering where to hold personal meetings with these boys. There was no sense talking to them in a group. More than three boys and it became a mob. Only Prophets and politicians could deal with mobs. Fortunately, I was neither. The former either got stabbed or crucified, the latter usually did the stabbing or instigated the crucification.

All the boys were told to gather close to us. A few of them got up, spread a blanket on the slab, and prepared a warm seat for us. Enakshi took charge and began to ask the twenty or more boys their names. It was national integration within this cell. You had Muslims, Hindus, Punjabis, and Sikhs, from various parts of North India. Most of them ideally should have been home, attending school or helping their parents at work. They did not have the coldness in their eyes or the aura of criminals. They had messed up and since life usually did not give second chances, they were spending the best years of their life, in claustrophobic captivity. Of course, there were a few boys who had anger raging within them. It was evident. Their anger and negativity were palpable and real. Restlessness, frustration, captivity and youth, make a fatal and dangerous cocktail. But the most obvious emotion was of helplessness and boredom. Their self esteem must be at its lowest, for not only were they in a Observation Home, a virtual prison for children, but also, many of them who could have been released on bail would be denied that chance, since they had no one willing to take them. The feeling that nobody trusted you, not even your own family must be horrible.

“What are your names?” one of the boys asked.

“My name is Vipin. This is Enakshi. This is Ruzbeh.”

“What is your name?”

“Ruzbeh!”

“We have never heard such a name before...”

“Can you pronounce his name?” asked Vipin.

“Yes, I can.” The boy looked at me and softly said, “Ruzbeh.”

I was very impressed. Most people have massacred my name so badly that usually I introduce my self through my surname. Which is far easier to pronounce and remember. This boy got the name and pronunciation, bang on.

“Where are you from? You don’t seem to be from here.”

“I am from Mumbai...”

“You don’t look like somebody from Mumbai.”

“My grandmother was born in Iran.”

“Oh! You are from Iran...”

“No, I am from India. I am a Parsi Zoroastrian.”

“Parsi?”

“What is that?”

“You know J.R.D. Tata?” Enakshi inquired.

“No!”

“Shiamak Davar?” Vipin offered.

“No!”

“What about Parizad Zorabein?” I suggested.

“Yes, we have seen her act...”

“Good. We belong to the same community.”

“Oh!”

“Why are you all here?” Ahmed, one of the eldest boys, asked Vipin. He had anger in his eyes and skepticism writ large on his face.

“The Magistrate,” informed Enakshi, “wants us to spend time with you all when you are brought here, interact with you, find out about your grievances and problems and needs. And perhaps in this way try and change the Observation Home.”

“Why do we have to be here for years? If the Magistrate is so concerned about making our lives better why doesn’t she hasten the Court (every kid called the Board, a Court) proceedings? As I told you all before I have been here for the past two and a half years without any outcome on my case. All this is just talk, nobody wants to do anything for us!” Sonu spoke softly but most of the boys seemed to agree with him.

“Why do you think we’re here? To pass time.” Vipin retorted.

“I don’t know all this but nothing is going to come about. Just see the place we all are living in. It is so congested and there

is nothing to do there for us.” Sonu spoke aloud, but to no one particular.

“But that is exactly why it is so important that we meet regularly, talk about issues, problems and solutions, and then we can recommend suggestions to the Board and bring about change in the Observation Homes.” I am not fluent in Hindi. A shame, as Hindi is my national language, but like most of my community and in fact like most of my generation, we think in English and breathe it too and thus Hindi for most of us is our third language.

“You mean you will recommend our suggestions.”

“Not stupid suggestions.” Vipin enlightened them.

“Why are you all so closed to the idea of interaction? This is the first time a Magistrate has made an attempt to make your lives better.” Enakshi divulged.

“We saw a street play today,” informed another boy. His companions nodded.

“How was it?” Enakshi queried.

“Not bad. They performed it in front of our cell, in fact half an hour before you all came here.”

“This is also one of the new steps initiated by the Magistrate.” Enakshi then looked around and found a boy, who was trying hard to keep awake and be part of the gathering. “So hero, why are you feeling so down? You’ve not got your stuff today it seems.” A few of the boy’s friends began to chuckle. Embarrassed, the boy looked away.

“He didn’t get his *maal* (drug) today. That is why he is so down.”

This one sentence revealed a great deal of what was happening in the Special Home, a euphemism for the Observation Home. The boy was here since a long time. If today he was having withdrawal symptoms that meant he was still able to procure drugs within the Observation Home. If drugs are available in here, the possibility of other children being sucked into the habit was extremely high, especially since the boys, all day through were idle and had no place to expend their energy or frustration, other than violence, hate, anger and self-destructive outlets.

“My name is Sikander and they put me in Tihar jail though I

am a minor. They insist I am above eighteen although I don't have a birth certificate."

This boy did not look a day over sixteen. There was no way anybody in his right mind could assume this kid was an adult.

"For how long were you in Tihar jail?" Enakshi asked.

"For six months."

"What are you in for?" Vipin asked. Now, whenever Vipin spoke to these boys, he spoke in a manner of a friend who knew it all. This either made the boy very comfortable or extremely vulnerable. Vipin had spent years dealing with street kids and had an uncanny nose to sniff out truth and bullshit.

"Section 376."

"That's rape," Vipin enlightened me. "And of course, you have been framed and weren't involved and were just an onlooker?"

"Yes. How did you know?"

"I have not met a boy who has told me otherwise. You all are just on lookers. Nobody has committed any crime. You all have been framed." Vipin spoke in such a manner that a number of boys began to squirm in their seats and a few of the older boys glared at him. With Vipin there was never a dull moment. The boy looked at me.

"I am really not guilty and I am really sixteen," he pleaded with me.

"It's ok. We believe you. He is just fooling around. Don't worry."

"Because of this confusion they aren't even trying my case and I have been rotting in prison for the past six months. My parents are poor and have no means to prove that I am a minor."

"That is why it must be taking time..."

"I am innocent and I am just sixteen."

"Tell us what are you all planning to do?" inquired Sonu.

"Ruzbeh will be coming here, two days a week to meet who ever is waiting to be called in by the Magistrate. After getting your feedback, we will then recommend your needs and demands and also various courses that you all can take. Computer, candle making..."

"What about judo and karate," Sonu suggested with a wry smile.

“Listen to me carefully,” I heard myself speak. This boy seemed the most frustrated of the lot. It was important not to let his negativity cloud all the effort. “I am going to come here twice a week and interact with you boys. I am going to speak to you individually. One important point of discussion with each boy is going to be what he would like to learn and how he would like to spend his time in the Observation Home. Whether it be learning computers, candle making, English, pottery, whatever, we are open to teach you a craft, something that will help you when you leave this place....”

“Will you teach us judo and karate?”

“If two and a half boys want to learn judo and karate, then the answer is no. Suppose a hundred of you want to learn computers, then we will make sure that we set up a special room for computers and get a teacher to instruct you all, but not for ten boys. We don’t have the money or the resources or the infrastructure to teach whatever catches your fancy.”

“We want you all to learn skills that will help you when you leave this place. That is why we are here,” Enakshi emphasized.

“At the moment what activities are being conducted in the Observation Homes?” I inquired.

“Stitching and cooking.”

“All of you learn stitching and cooking?”

“No. Not all of us. Around thirty or thirty-five boys learn to stitch.”

“What about cooking?”

“Ten to fifteen boys.”

“How many of you live in the Observation Home?”

“Two hundred and twenty.”

“Which means on any given day, not more than fifty boys are occupied. What else do you all do the whole day?” I inquired of Ahmed.

“Nothing. We do nothing whole day. Watch television.”

“On any given day, fifty boys are occupied in stitching and cooking and another fifty boys are occupied in coming here to the court. There is provision for learning how to become a plumber and a mechanic, but these people just come and sleep and then go back home. Nobody teaches us anything and nobody

is bothered about teaching us. We are in prison and whatever society may term it, in the end it is nothing but a prison.”

“That is why we are here. At the moment we don’t have permission to enter the Observation Home. But with your cooperation and your suggestions, we can begin good work in the Observation Home. Are you all interested in this or not?” inquired Enakshi.

Most of the boys nodded. Some of them blushed. Some of them murmured stuff to those who sat close to them. The Welfare Officers began to speak to the boys about the need for them to be honest with us. The boys nodded again. It was obvious that most of them didn’t think much of us, our intervention or the possibility of any good coming out from this meeting or any future meetings either.

“I need to see what’s going on in the Observation Home. Without seeing the situation there, it isn’t going to be possible to really make positive difference in their lives. We need entry.” I spoke to Enakshi and Vipin. They nodded in agreement.

“We are meeting the Magistrate now, let’s try and talk to her about seeing the Observation Home,” saying this, Enakshi turned towards Vipin.

“Is the Magistrate free now?”

“Doubtful but we will make her free for us,” Vipin spoke in his jovial boisterous tone. “So hero what are you in for?” Vipin asked one of the eldest boys. The boy looked rather menacing but remained silent. “What happened, cat got your tongue?”

The boy looked at Vipin and if looks could kill, we would be taking Vipin for a postmortem by now.

I reciprocated with a smile and stood up. I was feeling extremely claustrophobic. I shook hands with a few of the boys, including Ahmed and then stepped out of the cell, into the bright sunlit day. I would have gone insane, if at the age of twelve or sixteen I was forced to be cooped up in an overcrowded home, never ever stepping out, except once every fortnight to be brought in a police van and made to sit from ten to four, in another cell, waiting for another date to be set or justice or even injustice to be delivered. Whoever had initiated and implemented this strange code of conduct, this claustrophobic kind of juvenile detention,

where not reform but captivity was the sole objective, obviously had a very screwed up childhood and didn't care much for his or her own children. I sent out a soft message to Sai Baba of Shirdi, to take care of my children. Keep them far away from crime and criminals and keep them even further away from those who enforce law, order, and justice.

We returned to the Board and watched the Magistrate dispense justice. It was to the point. It was obvious that her heart was in the right place and she really did want the best for the children brought to her. Each kid looked innocent but obviously some had strayed and indulged in crime. It was her responsibility to ascertain each one's mistake and to decide who was to be let off. It was a solemn responsibility and I was glad I wasn't the one who had to make the decision. One slip up and it could haunt you for the rest of your life. The Magistrate also handled the men around her with a mix of firmness and cynical tolerance, as though most men were socially and mentally challenged.

"This session will go on till four. Let me see if I can do something and convince the Magistrate to see us for a while," saying this Vipin moved towards the bench.

"He can sell ice to an Eskimo and even overcharge that man." Enakshi spoke under her breath about Vipin, who had begun to back slap a few of the men and do his networking.

In two minutes, to our utter amazement, we saw the Magistrate look at us and motion us to follow her. She stood up and left the Board and Vipin nodded that we get moving.

"How did you get her to leave the proceedings?" I inquired with a smile.

"She is a good woman and is more than happy to associate herself with good people like us."

"Yeah, sure."

We entered the Magistrate's cabin. She smiled and indicated that we sit. She signed a few documents and then looked at us.

"This is Ruzbeh. He will be coming here twice a week." Informed Enakshi.

"What do you think about the boys?"

"Most of them are very unhappy about being here for years."

“I know. I have just taken over this post. I am trying to do as much as I humanly can. I am doing this job single handedly. Also, everyday there are new cases being brought in and they come in faster than one can dispose off the old cases. That is why I want professionals like you to interact with these boys and get a feedback regarding their needs and also what vocational courses can be commenced and how one should go about it.”

“We need to be in the Observation Home and I need to see it from inside to understand its working and its politics in order to be able to really recommend or bring about change in their life.” I said. “Sitting in that cell is not going to work. We need to work from the Observation Home. Why don’t you just give us permission to sit there and interact with the boys?”

“I wish it was that easy. You have no idea the amount of resistance I faced just to allow you to interact with these boys while they waited in the cell over here. I have sent in my recommendations for bringing about change and making the functioning more efficient as well as to make the life of these boys better but till this office is not made autonomous and till we are not given a free hand in running things, change is never going to be easy and it shall always be challenged and our lives will be made difficult. My hands are tied. I want to release so many boys on bail... they don’t need to be here and till their cases are tried and judgment delivered, which could take a few months or even years, I would rather they be on bail and get on with their lives, but who do I release them to? On whose responsibility do I release these children on bail? The parents don’t want them or the parents are not the right people or sending them back to their old life will further suck them into a world of crime, thus where can I send the child? Get me an organization or get me individuals who are willing to take responsibility for these children and I will immediately release at least twenty-five boys on bail. I will do it now. But who is willing to take responsibility? Nobody. Most times, the parents and family or the social set up where the child lives, is the cause of the problem, and thus I can’t let the child go back to the same circumstances. I am aware that the longer these children live in these Observation Homes, the more they become prone to crime, violence, and

anti-social activities. I am aware of this. For example, there is this boy who is seventeen years of age. He was brought in for theft and then in the Observation Home itself, he got into violence and other activities and now has seven other charges on him. Through counselling the boy has changed and reformed but I can't release him on bail, as now there are too many cases pending against him. I know he is reformed and will be a good member of society. We all know this but now we can't release him. My fear is that he will become bitter, negative and violent and that will be the end of him. We have a cabin, just in front of the Board, where four Probation Officers (PO) sit. They interact with these boys on a regular basis and they too are of the opinion that I should release the child on bail, but it is not that simple. These officers will be able to help you and guide you. They will also be able to throw light on various issues. Meet them and they will help you interact with the boys."

"I want to meet the boys individually or at the most two at a time. Can we use the new cell?"

"Yes, you can. I am not happy with the colours in the cell and thus have told them to paint the cells in more pleasing colours. But till that happens you can use the new cell."

"We also want to visit the Prayas Home where these children are housed."

"Why?"

"I need to get a feel of where they live and how they live and I need to have a look at this place. Just meeting them over here while they wait to be presented in front of you won't give us the entire scenario. We need to see where they live and sleep and eat."

"Won't this meeting suffice?"

"It is important that we get a feel so that we can understand their frustration, anger and their way of life." The boys were either housed at the Observation Home for Boys at Seva Kutir or at the Prayas Home. Younger boys were kept at Prayas while slightly older boys were kept at Seva Kutir.

"Where can we get your recommendations?" Enakshi inquired.

"That is privileged information..."

“Come on madam. What about filing a PIL?” Vipin suggested.

She smiled and shrugged her shoulders. She wanted to tell us more but was aware that we may be working on a report or a book, and thought it wise to remain silent. That was a wise decision as the next day itself I began to jot down my experiences.

We spent sometime with the four Probation Officers; three men and a woman. It was their responsibility to interact with the boys, visit their families, make a complete case file on each of them, which would facilitate the Magistrate to come to various conclusions and thus pass her judgment. Thus, these Probation Officers held great power over the present and future of these boys and as our neighbourhood chap, who goes about in a curious costume and insisting the world call him Spiderman, knows only so well, ‘with power comes great responsibility’ and thus these Probation Officers held the power and responsibility of making or breaking a child.

Vipin all this while was preparing an application, which would be signed by the Magistrate, which would gain us access into the Prayas Home.

“They want to know the reason why we want to enter the home?”

‘To *ascertain the state of the Indian economy*’ would be a good reason, I mused. When will we get beyond these applications and signatures and get on with the real process of reform? Why aren’t these institutions and Observation Home, open to NGOs and the media and concerned citizens? Why should there be so much daft red tape to be crossed, to enter a home where kids are kept behind bars? Open these institutions to those involved with the welfare of children and also to the media, various social agencies monitoring human rights and automatically people running Observation Homes will begin to get their act together and the process of cleansing will take place and these places will operate, as they ought to, keeping the welfare and reform of the children as priority. But the attitude is that of secrecy; shrouded with administrative formalities, all dependent on the whim and fancy of those running the show; where the child’s reform and state of well-being is like a footnote. At the moment, the *modus operandi* is simple: Keep the kids in

cordoned areas; let them rot and morally disintegrate; let justice or the lack of it, take years to be meted; let the boys be bullied, sexually abused, remain idle and thus simmer in frustration, rage, hate, so that once they are released, they hit back and vomit their pent up emotions on innocent people and if caught, re-enter the special home or get upgraded to the main prison; with the process repeating itself.

Also, how can you allow a child who has committed a petty crime to spend months, if not years, closeted with much older boys, who have been brought in or convicted on the charge of rape, murder and abduction and not expect the former to be either influenced, bullied, raped, threatened by the latter?

Vipin got the application passed and signed by the Magistrate. He was in a hurry to move out and (I assumed) to go straight to Prayas. I was impressed.

“Let’s go.”

“How far is Prayas?”

“Forget Prayas, I am hungry, starving, I haven’t eaten all day.”

“Vipin can’t control his hunger. He goes raving mad,” said Enakshi indulgently, who seemed to have witnessed and got accustomed to Vipin’s hunger pangs.

“Let’s eat at this *dhabha* (road side stall), where they serve good stuff. Is that ok with you, Ruzbeh?”

“That question can honestly be answered only a day after this great culinary experience.”

So we drove out of the gate and in half a moment stopped at a roadside stall. All those particular about hygiene would have passed out immediately. The kitchen was shut however, since it was past three in the afternoon. Vipin tried his best to convince the cook-owner-cleaner-financer of the place, but his charms had no effect.

When all this was going on, I saw a huge man, who had cop written all over his six feet and over frame, slapping a twelve year old boy and questioning him. I figured out what had happened and felt sympathy for the boy. It must be hell to be cooped up in a place, 24x7 and any given opportunity to fly the coop, would be attempted.

Meanwhile Vipin returned and inquired if having an omelette

at the adjacent food stall would be fine. "I have got my lunch and I can eat that as I am a pure vegetarian and you both can have an egg omelette," he said.

So we sat on stools and with a massive frame of Sai Baba of Shirdi to keep us company, we waited for our omelette, while Vipin, brought out his tiffin-box and after inviting us to join in, began to enjoy his meal. Meanwhile, the cop with the boy passed us. Vipin loudly told the cop something. The cop told him, he would return and explain. Vipin passed another remark. I prayed hard to Sai Baba that the cop hadn't heard the second comment. The man would have mixed us with the ongoing omelette, eaten us up and wouldn't have even burped.

We were completing our meal, which was served by two boys about eleven years old, when the cop returned and told us that the boy had tried to escape from the Observation Home and now all was well. 'Well for whom' I wanted to inquire but seeing the man's size and not in any frame of mind to commit suicide, especially on that particular day, I lit a cigarette and kept shut.

The boy charged us a pittance for the hearty meal and a cup of sweet tea. He carefully and with difficulty, calculated the exact amount, then with more difficulty managed to subtract it from the hundred-rupee note, and then gave us the exact amount that was due to us. When tipped, an innocent smile lit his face and eyes. It wasn't much of a tip, but his smile was worth his weight in gold.

"We all campaign against child labour but this is another side to it," Enakshi happily reprimanded Vipin.

"I was hungry. These children are happy that we stopped by their place and ate. I could see their happiness." Vipin spoke aloud, as though making a grand speech.

I don't know how successful and rational is this plan that bans children from supporting themselves without providing them a back-up rehabilitation plan? Yes, forced child labour must be banned and made certain that it remains banned, but kids, who willingly work to support themselves, for instance these kids running their egg and tea stall, if not involved in this activity, had not many alternatives provided to them by the State. Being cooped up in claustrophobic special homes for children,

where the kids are treated worse than animals, abused, and emotionally-physically maimed is more like punishment and is not an alternative.

“Our other reason to enter Prayas is to meet up with Narinder. You know Bharti. She and I began HAQ together. Now Narinder’s mom works at Bharti’s mother’s house. This boy is sixteen years of age. One night he was picked up by the police from his home and kept in police custody without informing anybody, including the Court and the Board and when we filed a *habeas corpus* then he was produced and then shoved into this home, on the grounds of carrying a weapon and being a threat to national security. The cops didn’t know that we know this boy and his mother and thus we could create an uproar regarding his absence and imprisonment. They thought he was just another poor kid who they could pick up, lock-up, and show that some case of theirs had been solved. This boy has been in here for the past month and a half and we need to meet him and ascertain in what shape he is in now. Poor boy, no fault of his own and now has to go through all this at this age.”

I sighed. If you are poor in this country then life is a four-letter word.

WE WERE KEPT WAITING AT THE GATE OF THE PRAYAS HOME FOR A WHILE. FIRST THE GUARDS DIDN'T KNOW HOW TO HANDLE VISITORS AND SECOND, THE PERSON IN CHARGE WAS OUT, ATTENDING A MEETING. THE GUARDS KEPT ASKING INANE QUESTIONS WHICH VIPIN, IN HIS USUAL JOVIAL AND YET MOCKING MANNER SEEMED EXTREMELY CAPABLE OF ANSWERING. I NOTICED A VERY POOR COUPLE STANDING WITH US. THEY WAITED SILENTLY. THEY WERE NOT FROM DELHI. THEY LOOKED LIKE VILLAGERS WHO WERE IN ALL PROBABILITY FARMERS OR ARTISANS. THEY APPEARED LOST, HELPLESS AND CONFUSED. IT WAS NEARING DUSK. IN DELHI, DURING THE WINTERS, THE SUN GOES OFF TO SLUMBER EARLY AND IT GETS DARK OFTEN BY FIVE-THIRTY.

I remembered my childhood days, when at this hour, I was actively involved in sports and games and life was good and simple and worth living.

I studied in Billimoria High School, a boarding school in Panchgani. At school, we had restrictions and boundaries too; but life was good and life was simple and every child was safe and secure. There was a time to study, to play, to pray and kick up a storm. We jogged on mountain-tops and played games on plateaus and ran in valleys and climbed trees and got thrashed by school teachers for walking through thick foliage at night to enter the market and eat a decent meal; the most delicious *dal-fry* and *mutton-biryani* at Kaka's or sometime a chicken burger with sausages at either Lucky or Ruso's and custard apple ice-cream at Hill Top Ice-cream centre. That was life and that was fun and I couldn't imagine myself surviving being cooped up in a building or in a barricaded area, not being able to be free and live like a child.

The gate to Prayas Home was finally opened and we were allowed to enter but asked to wait till the document was further verified. I wouldn't be surprised if they took Vipin in and put him through a lie detector test. Knowing Vipin, he would have gotten his way through the lie detector too. I could hear him talk in the background, making it clear to one and all, that he was a lawyer too and he had got the Magistrate's signature and that he would appreciate alacrity in the whole process of verification. Enakshi sighed aloud. She was, I assume, immune to Vipin's actions and *modus operandi*.

I noticed the poor couple, standing on the other side of the gate. They looked at us and then at the guard.

"Please let us see him," I heard the lady softly entreating the security guard.

"I can't let you see him now," replied the guard, who seemed bored by the whole process.

"Please, we have come from very far. We just want to talk to him for two minutes and we will go back."

"I can't."

"Please brother."

“I said I can’t let you see your boy. There are rules and I am bound by those rules.”

“But how would it matter to anybody if we just talk to our boy for two minutes. Don’t open the gate. We will just speak to him from here.”

“Please go...”

“See there he is. I can see him. Just two minutes.”

But the guard remained adamant and I found it hard to look into the eyes of the woman. The man, tapped the woman, and motioned her to follow him. She hesitated for a moment, her eyes pleading with guard who pretended to read the register. Suddenly I could hear Vipin speaking loudly.

“Oh boy, here we go again.” Saying this Enakshi entered the cabin where Vipin and the Prayas members had disappeared for a short while.

“What is the problem, Vipin?” inquired Enakshi.

“This man is saying that you both can’t enter because the letter is addressed only to me.” Then he turned towards the man who was in charge, at the moment. “ Let me tell you, I am a qualified lawyer. I know the laws and rules very well. You can read the letter where it clearly states to let ‘them’ enter. What does ‘them’ mean. It means more than one person...”

“I know but I am following the laws...”

“I am a lawyer and know more about the laws and I didn’t expect this kind of behaviour from you people....”

“I understand sir but...”

“Relax Vipin...”

“I am completely relaxed but this kind of behaviour makes me very angry. Do we look like thugs? We have a signed statement from the Magistrate...’

“Let me do one thing. I know the lady in charge. Let me speak to her. Will that do?” Enakshi inquired from the man. He nodded with resignation.

While Enakshi spoke to the lady in charge who was absent on this particular day, Vipin chastised everybody. Enakshi handed the phone to the man in charge and then tried to calm Vipin down.

“Ok, all of you can enter.”

Seconds later Vipin was laughing and talking to the same man, as though nothing untoward had transpired. It was an amazing transformation. I looked toward the gate. The couple was no longer present.

The entry door in the gate was unlocked. We all had to bend considerably to go through the iron door and a burst of sound greeted us; sound of children playing and running around. The moment the boys saw us, for a while, there was a hush and then seconds later the play resumed. The playground was in the center, with various ground floor cottages and dormitories, on each side of the ground. Boys played cricket and the moment we began to walk through the place, few young boys began to follow us. Vipin was at his talkative best, asking questions to one and all. A young boy approached Enakshi and it was obvious that they knew each other and I concluded that this was Narinder, the boy who was falsely implicated on the charge of carrying a country made pistol and being a threat to society and the country at large. He was a young boy, not more than five feet, thin, and it was obvious to me that this boy was incapable of being a threat to society; even if he wanted to. He spoke to Enakshi and it was obvious that he was really trying hard to keep tears from rolling down his face. He just wanted to go home. He wanted to get away from all this. He kept asking ‘why me, when I have done nothing wrong’. Enakshi assured him that in a few days he would be out of this place.

“Son, if we get you out on bail it means we agree that you have committed the crime. We have to fight this matter and finish it out once and for all and the Board has to set you free. That is why it is taking so much time.”

“I have been in here since a month. I want my mother.”

“I will tell her to meet you. Don’t worry.”

He stopped speaking, as he did not want to cry, for it doesn’t pay to cry in front of boys who are locked up with you 24x7. Some would understand. Most would mock and take advantage of this display of emotion.

Meanwhile I walked around the place. The boys looked healthy and played with gusto. Cricket was being played with a

rubber ball. I spoke to Rehan, the young man, who had received a verbal onslaught from my friend Vipin, who was walking a few paces behind me, bonding with the boys, as he really had his finger on their pulse, and with him around conversation flowed easily. I saw a few rooms used as study rooms and was informed that open classes were conducted for those interested in continuing with their studies. I passed through a sort of a sick bay, where a young lad of nine, slept on bed, but for some odd reason, the bed was at the entrance, as though the boy wanted to be part of the activity around him. He didn't look particularly unwell to me.

We then crossed the cricket ground, and entered a large room. This one was for very young kids. It was a reasonably clean room, that had a few beds and a television flashing a song, where a man with a well formed round protruding stomach and three chins, tried to serenade a girl who was obviously not even half his age. The chap ran round and round some garden trying to tell the girl that he would bring the stars for her. Get the stars, my ass. If he could manage to scratch his back it would be a miracle. Also, the lass in question, (wearing clothes that only somebody in an advanced state of colour-blindness would dare to step out in the world), would have to be short and long-sighted and with a masochistic streak to agree to tie her wagon with this mule of a hero. The boys watched the ongoing tragedy with fascination. They looked at us for a while and then went back to watching the man try to tie himself in a knot.

We entered another dormitory. This one was huge and had two long rows of beds. Each bed was a little distance away from the other. At both ends of the room, were cabinets where the kids could store their clothes and personal belongings. Here too the television blared loudly and a Hindi film was on, where our hero getting a thrashing of his life, while the lass cried out to one and all, to leave her man alone.

“Ruzbeh this is the artist that the Probation Officers were praising.”

Earlier that afternoon, the four officers had shown us a painting by a boy called Sarkar. It was apparent that the boy had talent and with a little grooming he would go places. The

boy, a fifteen-year-old lad, in for kidnapping, showed us various paintings. His friends gathered around him and one could feel their pride, in their friend.

“Do you paint all day or do you do anything else?” questioned Vipin.

“I paint and I can also play.”

Vipin and the boy began to play badminton in the dormitory and Enakshi got busy talking with the boys. I walked out and observed the boys playing cricket. In a few minutes it would get dark and the boys aware of the approaching night, played with an increased gusto.

“So, how long have you been here?” I inquired from Rehan.

“Two years.”

“What is your opinion about the boys because I can’t make out if they are innocent or guilty or just childish? I mean, do you think these kids are criminal-minded?”

“I don’t think so. I don’t think I have met even one child who was at heart a criminal. I think they all are just children gone astray.”

I looked around and saw a few boys playing with each other; running and pushing and wrestling and laughing aloud. The hems of their pants covered with mud as they played on barren soil. They were kids who could be found in any school, any colony, anywhere in the world. They laughed aloud and goaded each other and they had joy in their eyes. I looked further away and saw boys in small groups talking and playing. I was aware that many of these boys were locked in for murder, rape, kidnapping, assault etc. but all I saw were young kids, most of them between the ages of eight to fifteen, who had got into trouble because of ignorance, rashness, greed, peer pressure, or the influence of the trash that is shown in films and television.

“When do they wake up?”

“So many of them hardly sleep. Many of them wake up by five.”

“Why?”

“I don’t know. Many of them wake up very early.”

“What do they do then?”

“Bathe, wash their clothes.”

“Kids have to wash all their clothes?”

“No. We have a *dhobi* (washer man) but many prefer to wash their own clothes. I don’t know why.”

“What about their education?”

“All those kids who want to study are allowed to study through the Open School, which is the correspondence school. Those kids who don’t want to study aren’t forced to.”

Enakshi and Vipin walked out and moved towards me. A few of the boys came along with them. Suddenly one of the boys informed Rehan that he wanted to study and when could he begin.

“Once your parents sign the form, you can begin but till then we aren’t allowed to take any step.”

“Why?” inquired the boy.

“We need your parents permission to allow you to study in the Open School. We have to make sure they have no objection.”

Enakshi and Vipin stood by my side. All of a sudden Vipin recognized one of the boys.

“Hero, what is your name?”

“Naresh.”

“Nothing before and nothing after?”

“Naresh Pratap.”

“That’s it.”

“Naresh Pratap Singh.”

“Wow! So how is it here?”

“Very good. I have been here for the past one month.”

“What are you in for?”

“Stealing,” the boy answered, matter of fact.

“So what did you steal or were you also falsely implicated?”

“No, no. I did steal. I was walking on the road when this man was off loading sacks of copper vessels and I thought I would help him by taking away one sack so that he would have to carry less of the stuff.” He smiled and the boys giggled. This boy couldn’t have been more than twelve years old.

“Where are you from?”

“Bihar. I lived with my grandparents and was in Delhi to meet my parents. I tried to sell the copper stuff to a shopkeeper when the police caught me. In the night they fed me a great

meal. In the morning they told me that they wanted to feed me a better meal and got me here. The rogues.” Once again the boys had a good laugh.

“So you like it here?”

“Ya I do. I will remain here for a while and when I have had my share I will move from here. But for now I like it here.” Our man had his priorities right.

All the while I was at the Home, I had noticed a few security men patrolling the area.

Moving out of the Prayas Home, I looked back one last time at the boys. A few looked back at us, while others got engrossed in their own world. Narinder once again had tears in his eyes and pleaded with Enakshi to get him out of this place as soon as possible. She promised. My heart bled for this innocent boy. It must be hell to be locked up, when just a child, accused of a crime you haven’t committed. We left the Home and then stood by the car.

“You know those two boys who I was speaking to?” Enakshi asked me.

“Ya. I saw you speaking to them at length.”

“They are in on the charge of raping a twenty eight year old woman. One boy is fourteen and the other is sixteen. They have told me that they are innocent and have not raped any woman. They claim that the woman was their friend and had consented to sex.”

I lit a cigarette. I had seen enough for one day and was certain that by the time I completed the book, my perception and my ideology where children and life in general were concerned was going to go through some big time change. I wasn’t looking forward to it. We got in the car and when alone, I shut my eyes and sincerely wished the world would go boil its head.

There were a number of unanswered questions and the next day, I decided to meet the HAQ team, discuss certain issues and then leave for the Juvenile Justice Board.

By the time I reached the office, it was time for lunch. When lunch was being heated, I asked Vipin regarding his experiences with street children. Vipin had worked with an organization called Butterflies. The organization gave temporary shelter to

kids, and maintained a banking system, where the kids could deposit their money and withdraw it when they needed it. In this manner, the street children did not need to carry a lot of money so they were safe from mugging. Too much money could even lead to the child's death. The street is a cruel world. Thus, this kind of banking system, from the sound of it, seemed a practical idea, as long as the child got back the money whenever required and without too many formalities.

"I remember going to the Delhi railway station once, where a number of these children gather. I knew this young boy of ten or twelve years. He came running as soon as he saw me. Along with him was a smaller boy, around seven years old. The older boy looked at me and pointing to the smaller boy said, 'Saab, I am telling him to go and stay at one of these homes run by people like you but he just won't listen to me. In fact, we all are trying to tell him how much better and safer it would be for him, if he stayed in one of these homes but he just doesn't want to leave my side. Saab, you tell him to stay in one of these homes!'"

"Now, I looked at this small boy. He smiled back at me and moved closer to his friend, as though I would take him away by force. Other boys gathered around us, and kept suggesting that he should not live a life on the street but should join some social organization. I found the whole scene very amusing and also very touching. Here were these boys, a few years older than this small child, all homeless kids, but the elder ones wanting to protect the new entrant from the harsh street life. I suggested to the small boy that there were a few good homes I could put him in touch with, but he firmly refused. Then, the older boy once again said, 'Saab, he is new here. He has been on the street since the past few months so he still has a chance to get himself a better life but he is very stubborn. He won't leave my side for a moment. Now, how much can I protect him from others? Also, he used to smoke a lot. I told him very clearly that smoking is no good but he wouldn't listen to me, so I thrashed him. Whenever I saw him smoke, I would go and thrash him. In a few days he gave up smoking. Then he took to chewing tobacco and *gutka* (flavoured tobacco, very addictive). I again bashed him up and

now he is clean. All these things aren't good habits Saab! Isn't it?"

Vipin breathed in deep and continued.

"Suddenly, a train came in, the older boy ran and got into a compartment. The younger boy was taken aback seeing his friend and mentor disappear. He began howling. You could make out that this young boy was petrified at the thought of losing his friend and guide. Then the train began to move and this young boy sprinted and somehow managed to enter the same compartment that his friend had got into. It was only after he had got into the compartment that he turned and with a broad smile waved at me and then disappeared inside. It was a strange experience. How a boy is taken under the wings of an older boy, who is so concerned that he wants the younger one to leave the streets and all addictive habits and live a more secure and safe life in an orphanage or a shelter but for some reason this older boy has no intention or interest in going there himself. "

"There must be a strong bond between these children?" I asked.

"Very strong. I guess they know they have nobody else in the world to call their own but their friends. Also, they have often told me that people, especially the police aren't very kind to them. I must tell you another incident that took place. It was just a few months before I left Butterflies. It was late at night when this nice plump boy, once again not more than twelve or thirteen years old, walked in and asked in a very *bindaas* (fearless) manner, to meet the person in charge. I was in charge and this boy approached me and looked me up and down. He then looked around the room, walked up and down and then stood in front of me, like some big *dada* (gang leader). He was nice and fat and not too tall but he had the confidence and attitude of a person who has done it all and seen it all. He looked me in the eye and said 'I have a friend who I don't want to live on the street. It is not safe for her. But I don't trust anybody and any organization so I am going to test this place and if I approve then I will let her stay here with you all.' I nodded. I was very amused at his attitude but once again very touched by his care and concern for his friend. So, after saying this to me, this boy left the room and

returned with a young girl, around his age. He told her not to worry as he too was going to stay for a few days to check things out and if all were well, she would have to stay here. The girl, poor thing, was scared but having her friend with her, she felt safe. Two days later, this boy once again came up to me and said that he was satisfied with everything around and would leave but his friend would stay here and as though he was threatening me, he said, 'be warned, I shall keep coming here on and off, to check upon my friend'. I nodded once again. The best part is that he really would drop in to meet his friend and check on her. Sometimes, once a month, sometimes twice, and he would talk to her and just check if all was well or not. Amazing boy."

"The street must be hell for young girls?" I mumbled.

"Yes, it is. The street is not safe for boys leave aside girls but often some of these girls are no less. I remember, once this young girl was brought to us. She was around fifteen, very pretty and also very smart. Too smart for her own good, if you know what I mean. One look at her and you knew that she was trouble. She had the habit of getting physically familiar with everybody and she would kind of push herself on to you, whenever she spoke to you. I guess, that must be her survival strategy, using her body to survive on the street. One night, I got a call from one of the attendants that she had managed to get drunk and she was creating hell for everybody around. I told the attendant to tell her that I was on my way and I was really mad at her. This calmed her down. She needed to be handled well. At that time, another girl was brought in. She was very beautiful but completely opposite in nature to the other girl. She was shy, she was polite and she covered herself very decently and never even looked at your face when she spoke to you. If the first girl was the North Pole, this second one was the South. A few days later I left Butterflies. A month or so later, I met a few of my old colleagues and I began inquiring about the various children. It was then that I was told that the first girl, the smart one had run away. I wasn't surprised. When I asked about the other innocent looking girl, I was informed that the first girl had become friendly with the second girl and she had taken that girl away with her too. I can't tell you how miserable I felt and even now I blame

myself. I should have been more careful. I should have warned the staff to keep the notorious girl away from that poor vulnerable girl.”

“You mean the first one took her away and must have forced the other girl into the wrong company and the flesh trade?”

“Of course, she must have realized that the other girl would be a good selling point. God alone knows what must have happened to that poor girl. I shudder and in a way, still blame myself for not being more careful, as she was so soft spoken, so well mannered, so decent that she would be no match for the shrewd one and I have no doubt that she must have sold this girl and gone on about life as though nothing had happened. The street is a very cruel place to live in.”

Moments later we all assembled in the small room to eat lunch.

I realized I had lost my appetite.

THAT DAY, BHARTI AND I, LEFT FOR THE JUVENILE JUSTICE BOARD. THIS WAS BHARTI'S FIRST TRIP AND SHE WAS SHOWN WHERE THE MAGISTRATE WENT ABOUT HER WORK AND ALSO WAS INTRODUCED TO THE PROBATION OFFICERS. THE LADY TURNED OUT TO BE BHARTI'S COLLEGE ACQUAINTANCE. THEY REMINISCED ABOUT THEIR COLLEGE LIFE AND THEN WE WERE TAKEN TO THE NEW CELLS THAT WERE STILL BEING DONE UP. I HAD AN OPPORTUNITY OF HAVING A BETTER LOOK. ON THE WALLS WERE PAINTINGS OF VARIOUS GODS. I REMEMBER A LOVELY PAINTING OF LORD HANUMAN AND OTHER SCENIC PAINTINGS DONE BY SARKAR.

Today, there were only five boys waiting in the cage. Thus, it was decided that we meet up with them in their cell itself, rather than have them brought to us, in pairs, in the new waiting room.

As usual, the Probation Officers entered first, followed by a policeman, followed by Bharti and I. The cell was in a mess today. I didn't remember it this dirty or soiled the last time we had come. There was stench and there was food on the cement seats and the floor. The five boys stood up when we entered and in a strange unplanned unison, they began asking for food.

"We are very hungry, please get some food for us."

"We have been waiting here since morning and now it is two-thirty and we want to eat something..."

"Didn't you get anything to eat?" Bharti inquired.

"They are given food when they come here in the morning," the cop informed us.

"We leave in the morning without eating breakfast and carry with us just four or five *puris* (fried rotis) and little vegetables with it. From morning till four we are made to wait in this cell and are expected to survive on this much food. We ate at 11.30 and by now are very hungry." The eldest boy, who was dressed in jeans and a fancy blue shirt, informed us. He continued, "Also, the toilets are so dirty. Everyday twenty to thirty boys use just these toilets. Most of the toilets gets clogged and all the dirt starts coming out and we have to spend the whole day in such a place and we can't even use the toilet. Why isn't the toilet cleaned and why doesn't the flush work? Why should we suffer and live in dirt?" Saying this he spat on the floor.

"You don't mind spitting on the floor and then you complain of cleanliness. If each one of you make an effort only then cleanliness can be maintained," reprimanded Bharti.

"All that is fine, but why are we made to sit here the whole day, doing nothing, in a cell that is dirty and where the toilets are in such a bad shape? Why can't the Magistrate see us immediately and then send us back? At least there we can do what we want and can eat breakfast and lunch on time."

"Why are you here?" I inquired.

He spoke out a Section, which implied theft. The boys never told you why they were brought into the Observation Home.

They always gave you the legal Section number, which was assigned to each crime.

“What does that Section stand for?” I inquired.

“Theft.”

“What did you steal?”

“I didn’t steal anything but my friends stole a mobile and they vanished and the police came and picked me up as I was last seen with these boys. Is it a sin to roam around with people and how is one to know which friend of yours is a thief?”

“Where are you from?”

“Bihar. We are very hungry please feed us!”

The Probation Officers tried to pacify the boys by assuring them that they would do something about their hunger but it was obvious that the boys would only get to eat once they reached their Observation Homes. Growing boys need food. I remember being perpetually hungry in my boarding school. All this while I was focused on the boy from Bihar, who was around fifteen, and who was quite vociferous about food and hygiene, thus I had not noticed Narinder, the young boy, falsely implicated by the police, on the grounds of possessing a home made gun, standing by Bharti’s side, weeping. On Friday, when I had seen him at the Prayas Home, he had managed to keep control of his emotions, but today the boy wept openly and this made the other boys quiet.

“Come on Narinder, you are a brave boy. You have gone through so much in life bravely. Don’t cry now.” Bharti spoke to him tenderly. For a while he put his head down and wept. Then, all of a sudden he looked at us all and he had a wild look in his eyes; full of anger and hatred and violence.

“I am innocent. Everybody knows that still I have spent more than a month in that home.” He began softly but one could sense the anger growing and his eyes brimming with tears and vengeance. It really saddened me to see so much hate and anger in so young a boy. “Let me come out, just let me come out, I am going to kill those bastards who put this false charge on me...”

“No beta this is no way to speak...”

“Let me get out and then you see what I do to those policemen. I won’t leave those bastards. What was my fault? I have done

nothing wrong. I was with my mother, harming nobody, keeping to my self and now these *%#@ say I was carrying a gun. Let me come out, I will screw their happiness. I am going to kill them. Youngsters don't become terrorists just like that, they are forced to become terrorists because of these *%#@. I am going to kill them. You just wait and watch..."

"And what are you going to achieve?" Bharti gently inquired. "You are going to commit a crime and then be back here. What is going to happen to your mother?"

"I don't care what happens to me or anybody. Why was I falsely accused and beaten up by the police. I don't mind spending my entire life in this cell if I can finish those bastards. Then, they will have every right to put me in this hell hole as I would have committed a crime and I have no problem to live in a prison as long as those bastards are dead."

The boy's rage, pain, and pent up negativity seemed to have enveloped us. It really pained me to see what we as a society were doing to these boys. I shuddered to think of the innumerable young lives ruined. Young boys, who went about their lives happily till falsely accused, and who were then filled with hatred and vengeance and who were vulnerable to move on the path of crime and capable of then committing gruesome acts of violence, as some sort of a justification, for all that they had to undergo by a seemingly uncaring world. Narinder would need a good amount of counselling, to get beyond the rage and revenge that had overwhelmed him.

He kept crying while insisting on inflicting pain to those responsible and I was certain that it would take little for this boy to spray this venom and harm innocent people.

"Where is that brother of mine? I am first going to teach him a hard lesson. Then I will take care of those cops."

Bharti then got firm with him but the boy kept weeping. It was a heart wrenching sight. He was a small, thin boy and he shouldn't have been here. He should have been home with his mother. He kept wiping his tears but the month long pain, humiliation, seclusion, all had merged into tears and like a river the tears streamed down his thin face, incessantly. All this while the boys sat and observed all that which transpired. I then turned

towards the smallest of the group. A twelve-year old boy attired in clean, well ironed clothes. In fact, all the boys present were attired in clean clothes. This group was vastly different from the first lot, I had met last Friday; these boys looked incapable of committing crime. I may be completely wrong but this was my observation.

“What are you in for?”

“Section 377.”

“What’s that?” I inquired of Bharti.

“Sodomy.”

“Sodomy! This chap?” He was barely four feet tall and still very much a child.

“I am in Section 34.”

“Now what’s that?”

“Assisting in the act.”

“What happened exactly?” I inquired.

“First and foremost I have been telling one and all why they don’t get my medical test done, which will prove that I was not part of the act. I have not done anything and I have told everybody to get my medical test done.”

I looked at Bharti. She smiled.

“Medical tests are undertaken during a case of rape. The raped victim goes through a series of tests to determine everything that took place during the act as well as for evidence that can be matched with the offender or those accused.”

“Take my medical test I am telling these people but nobody seems to be listening to me.” The boy again stood up and said this loud and clear as though giving a speech.

“Those results come after many months beta,” one of the Probation Officers informed. “It might take as long as six months before we get the test results.”

“Six bloody months!” I spoke aloud. “So what happens to him for six months? He rots in the Observation Home.”

“He has been charged with assisting the crime. By the way, the rape is of a young boy. So this is a case of sodomy. Now, it all depends upon the Magistrate. She can, depending upon the boy and the whole case, decide to release him on bail or she may not. It all depends on various factors.”

“But do a medical test and you will find that I had nothing to do with this.”

“What the hell were you doing there when this rape was going on?” I inquired.

“Sir, this wasn’t rape. They all knew each other. I was told to bring this boy to a room, which I did and then I don’t know what happened.”

“You didn’t watch anything, right? You just did as you were told and like a good boy went away, right?” Bharti spoke tongue in cheek and this made the boy smile and his eyes twinkled with mischief.

“I... uh... did stand there for a while... but I did nothing wrong... you can take my medical test. “He went on like a stuck gramophone record.

“Sir, please help me. I have been here since ten days and my exams are approaching and I want to study.”

“Which standard are you in?” I inquired.

“Sixth.”

“When are your exams?” Bharti asked.

“In March, *didi* (sister).”

“I am sure we can arrange to get your books. When you are in front of the Magistrate, make sure you tell you want your books and you want to give your exams. They have a system where the boy can give his exams from inside the Observation Home.” This remark sort of stunned the little boy. It was obvious that the boy was trying his best to use his academic pursuits as a means of getting out. I didn’t blame him.

“You miss your studies a lot?” Bharti asked and though we both knew the answer, now there was general banter going on between this boy and us.

“Yes *didi*, I have to study or else I will fail. That is why I am requesting you all to get my medical test done. And sir, will you come with me when the Magistrate calls me. In case, things go wrong I want you to stand up and speak on my behalf,” the boy pleaded with me. It was obvious the boy was overestimating my sense of worth in the eyes of the Principal Magistrate. Misplaced confidence is something children have in abundance. I assured him I would accompany him. That seemed to make him happy.

“What is the greatest mistake you boys have made and will never repeat again?” Bharti inquired.

“My greatest mistake is roaming around with the wrong set of friends.” ‘Master Medical’ divulged.

“I agree. If we hadn’t gone around with older boys who are always getting into trouble, even I wouldn’t be here,” said the boy from Bihar.

“Sir, my family doesn’t even know I am here?” said another boy, who looked older than the others.

“How long have you been here?” I inquired.

“Two months and my parents don’t even know I am here.”

“Do you have their address?”

“Yes, I do.”

“Ok, give it to us, we will try to inform them.”

Two months was long enough for the Board, the Observation Home and the Probation Officers to have found a way of informing his parents. The door opened and ‘Master Medical’ was told to step out as it was his turn to meet the Magistrate.

“You are coming with me, aren’t you?” he pleaded.

“I am with you. Let’s go.” I turned towards the eldest boy. “We will come back to take your address. Ok?”

“You will, sure?”

“Don’t worry, we will be back.”

Bharti and I followed ‘Master Medical’, who was led in by the Police Officer. The boy kept talking to us, regarding medical tests and examinations. He had got two good points and I prayed for him, that it would work. This boy, though a little too smart for his own good, didn’t belong in the cage.

“Where are your parents?” Bharti inquired.

“They have visited me twice.”

“What did they tell you?”

“My mother keeps crying the whole day and my dad is hopping mad. He is really angry at me.” He said this in a tone of surprised wonderment.

The boy entered the Board and kept turning back to make sure that we entered too. Till we weren’t seated, his eyes didn’t leave us. Then, he smiled and looked with wonderment around him.

Today there were more than ten people crowding near the Magistrate. Fortunately, her desk and chair were on an elevated platform, or else there was no way, she would be seen or even heard. One is of the belief that the Courtroom is a place where silence and a certain sense of decorum prevail. Where each one speaks in turn; where there is no shuffling and jostling and where the case can be followed. I have attended proceedings in various Courts and often these are done in a manner that apart from the two lawyers and a completely bored and overworked judge, nobody can make sense of the proceedings. Suddenly, Ms. Ila Rawat raised her voice. All this while, she was patiently handling the numerous issues addressed to her by the numerous men but one could make out that something had, to put in a very lay person term, ticked her off.

“You will listen to me,” she addressed a police officer, who was endowed with so much of flesh and misplaced mass, that if involved in a chase would find it hard to catch even a man on crutches.

“But Madam...”

“Can you read what you have written?”

“But...”

“Answer me! Can you read what you have written?”

“I but...”

“Next time, before submitting anything to me, first make sure that you can read what you have written and only then you will present it to me. I have tried hard to decipher one word and have failed. Is that the kind of respect you have for the Board’s time?” Her voice was now loud and clear. This was more like the innumerable Court scenes in the various ghastly movies we have been subjected to. ‘Master Medical’, who had been viewing the proceedings earlier out of sheer boredom, now was at attention. He turned towards us. I smiled. He smiled back and then froze as the Magistrate announced his name.

For a minute or two, his lawyer mumbled something and the Magistrate mumbled back. Then we heard it loud and clear.

“Why aren’t you all taking a medical test? Take the medical test and you will know that I am innocent.”

The Magistrate smiled and gave him her undivided attention.

“Don’t worry all medical tests will be done. What do you have to say about your offence?”

“I am innocent. You can take my medical test and also my exams are near and I need to study.”

“Don’t worry about that. You will get all your books and if you are still with us you will be allowed to give your exams but there is no need as I am going to hand you back to your parents till I need to see you again here. Telephone your parents to come and see me on Thursday.”

‘Master Medical’ nodded a few hundred times. Then he looked around and seeing us still seated he smiled.

“Do you have their phone number?”

“No, we don’t have a phone...”

“Then how were you going to phone them? Do your neighbour’s have a phone?”

“No!”

“Then how would you phone them? Where do your parents live?”

“I know his parents. They live in my locality,” informed the police officer who had been given a dressing down a few minutes prior.

“Good. It is your responsibility to make sure that his parents are here on Thursday. Write down his name and case number and present him to me on Thursday with his parents.”

“I am telling you if the medical tests are done you will know I am innocent.”

“Sure, sure. Now, see me on Thursday. Next...”

She called out another boy’s name and we stood up. ‘Master Medical’ waited for us to come out.

“Ruzbeh, I need to speak to the Magistrate,” Bharti spoke aloud.

“You do that while I accompany our man to his cell. I need to take the other boy’s address too.”

So, a police constable holding ‘Master Medical’s’ hand and I, began to walk towards the cell.

“You are happy now that you will go home?”

“Yes, very happy...”

“You aren’t going to do something stupid again, I hope?”

“Never. I am not going to spend time with older boys. I will study and stay at home. Big lesson. Never again.”

“Why did you get involved this time?”

“This older friend of mine told me to get this boy to him. He said I could give the boy eight rupees and I could keep two rupees. I did as I was told.”

“But why do you have to associate with such boys?” Inquired the police constable.

“My fault. Won’t happen again.”

“Those two rupees proved very expensive for you,” saying this the police constable laughed heartily.

“You know what, I think you are here because you gave the boy two rupees and kept the eight rupees for yourself and that created all the trouble and because of that, the older boy is in jail and you are in this special home.” I spoke my thoughts aloud.

“Hundred percent Saab,” agreed the police constable. Again, he began to giggle with mirth.

Master Medical looked down but he had a wide grin on his face.

We returned to the cell. Once again the boys began to ask for food. They were really hungry. It was obvious that there was no provision for any. Though today there were only five boys, but often there were beyond thirty boys waiting to be called by the Magistrate. I inquired if I could bring the boys a few packets of biscuits and those in charge, nodded in the affirmative.

“Please get one packet of biscuits for each of us *bhaiya* (brother) as we are very hungry.”

I nodded and went outside and found a tea stall and purchased five large packets of biscuits. Before I could hand it to the boys who waited outside, an application was prepared and I signed it and then it was taken to the Magistrate for her approval.

While we waited the boys began to talk to me about the state of things in the Prayas Home.

“*Bhaiya*, I will be out by Wednesday no?” Inquired Narinder.

“Bharti has told you that they will move the Board to have your case closed. It should happen by Wednesday but it could take a few days more. Don’t get disheartened. You will be out. That much is for sure. You just hold on peacefully till you are

set free and don't get into any trouble inside the Prayas Home."

"We are beaten very badly inside," Narinder divulged.

"Yes, *bhaiya* we are beaten very badly." This was voiced by most of the boys within.

"Who beats you up?"

"Bigger boys inside and there is the boy in..."

"He isn't a boy. *Bhaiya*, he is your age and as big as you and he is not proper in the head but for some reason he is the pet of the main people."

"How old is he?"

"Your age *bhaiya*."

"Can't be my age for God sake. I am about to turn forty."

"Oh! But he looks as old as you. He must be at least twenty-five years old and if any boy does something wrong or something that he doesn't like then he thrashes all of us. He hits us anywhere and everywhere."

"He is really mad." Tears again welled in Narinder's eyes. It was obvious that he for some reason had been singled out and abused more than the other boys, but from the faces of the others, it was apparent that violence was the norm and each one of them had been bashed up, especially by this boy.

"There are such thugs in all these Observation Homes. We know of them but can't do much," informed the police official who sat in front of the cell and documented all those who went in and out. He was the one who had made the application for the biscuits to be sent in.

"Why don't you complain?" I asked of the boys.

"Who should we complain to and if we are found out we will be beaten up very badly."

The application was approved and I handed the biscuits to the boys. One packet for one kid and the way the boys grabbed the packets and tore the cover and began to eat, made it obvious to all that they were really starving. Each one thanked me profusely but my thoughts were far away. I nodded and for a few minutes stood on the steps that lead to the cell and looked beyond. Life was a four-letter word for the poor. Even if some of them had committed crime, by herding them like animals in institutions where reform is non-existent but the rule of the strong

prevailed, we were really damaging the young boys for life. Most of them, guilty or not; convicted or acquitted; would all come out emotionally, mentally and physically scarred. Some of them would withdraw into their shells, while some would lash out at the world. This was no way to handle the youth; especially those who could go further astray and had a history of crime and violence; not to mention those who were put behind bars for no fault of their own.

“*Bhaiya*, my address. Please contact my parents and tell them I am here and tell them to come and meet me.”

So the police official began to take down the address. It was obvious the boy didn't know the exact postal address. They kept giving vague directions like, when you reach this place, ask for this person selling tea, he will then direct you to my home, which is next to a temple, but there are two temples, etc.

“Is this an address or a geography lecture?” inquired the boy from Bihar. All the boys began to chuckle. I took the address and then was called by one of the Probation Officers.

“Ok boys, take care and Narinder be strong and know that you will be out soon and you Master Medical, stay away from trouble and yes, don't worry we will try to trace your parents through this address.”

THE BOYS WATCHED ME LEAVE. I ONLY HOPED THAT WE WOULDN'T HAVE TO MEET UNDER THE SAME CONDITIONS AGAIN. WE COULD MEET IN THE OUTSIDE WORLD WITH LESS PAIN AND HEARTACHE. IT WAS ALREADY FOUR AND THE VAN THAT WOULD DROP THE BOYS TO THE OBSERVATION HOME ARRIVED AND I SAW THE BOYS GETTING READY TO LEAVE; LEAVE FROM ONE CELL ONLY TO BE LOCKED UP IN ANOTHER; ANOTHER PRISON.

Due to public holidays, it was exactly a week later, that Enakshi and I entered the JJ Board. Because the Board was functioning after many days, the place was teeming with lawyers, family members, cops and young boys.

Today, we were filing a bail application for Narinder. The lawyers had advised the HAQ team that it wouldn't be prudent to wait for Narinder's case to be settled. That could take weeks, if not months, and thus it would be advisable to apply for bail and then battle the case and take it to its logical end. The main person in charge of the Prayas Home had been contacted regarding the physical abuse being meted out to boys. This person had promised to look into the matter. All of us were concerned about Narinder's state of well-being and the possible psychological, emotional and physical damage, done not only to him but various boys in the Home.

"Let's submit the bail application and then meet the children." Enakshi spoke while we got out of the car. I nodded.

In the morning, at the HAQ office, Vipin had made it very clear that he wanted Narinder's bail application to come up on the 5th of February and not on Saturday the 3rd, as he was busy that day handling another case. It was also decided that whenever Vipin appeared before the Magistrate for Narinder's bail application, I too would be present. I not only wanted to see how the matter would be handled but also able to talk to Narinder at length regarding the stuff going on in Prayas. I had asked Bharti if they had followed up on the address the boy had given us the other day; the same boy who was locked up in the Observation Home for the past two months without his parents having been intimidated. Vipin would go the next Tuesday in search of the parents, I was told.

"Why don't you come along too? It will be fun." So it was decided that we both would travel to Loni, to look for the boy's parents.

"The address the boy has given us is more like a map, so it's best we both go. Let's go by bus. It will be exciting." If Vipin found some perverse pleasure in subjecting the body to the joys of a bus journey, who was I to refuse?

Enakshi and I entered the room, which today was packed

with lawyers and policemen. Enakshi approached one of the attendants who sat near the Magistrate. Ms. Ila Rawat looked exhausted and washed out. A lawyer was saying something to her. She eyed him with distaste. He mumbled something and seeing her completely disgusted look, he straightened up and spoke louder. Enakshi, meanwhile, left the room while I continued to stand in a corner and observe the various drawings hung on the wall; sunset and other scenic stuff, painted by the children.

“Seema Iyer,” said the Magistrate and the attendant standing by the Magistrate turned and called out the girl’s name, loud and clear. Another attendant standing near the door opened his mouth and yelled his head off, calling for the girl. A young girl who looked about sixteen, entered with her mother and another man, who was clothed in his best. He seemed to be here for the first time. Ms. Rawat looked him up and down.

“And who are you?”

“Madam, her uncle.”

“What is your name?”

“Madam, Ram Lal Bihari.”

“You are a North Indian. You look it. They are South Indians. When and how did you manage to become her uncle?”

“Madam, her mother works at my place...”

“You are not related by blood!” It wasn’t a question.

“No...”

“Then how can you call yourself her uncle? You are an acquaintance. Not a relative.”

“Yes, Madam...”

“Show me all the papers?” Ms. Rawat asked the lawyer, who was standing on one foot, trying to get into the conversation. Then, they all began to mumble amongst themselves and I walked out to see what was keeping Enakshi so long. She was speaking on the phone with Vipin. I was about to re-enter the room along with Enakshi, when I saw the North Indian uncle with the South Indian women come out. The North Indian was not happy. Nor was the mother. The young girl was thoroughly bored.

“We have all the papers and again she has called us after seven days?” The mother spoke aloud.

“What more does she want?” Mr. North Indian looked exasperated.

Suddenly their lawyer approached them and informed them that another document was required and that they had been told to get all the paperwork done and that because of them, the Magistrate had chewed the lawyer’s head off.

I reentered the room and saw Enakshi trying to navigate the bail application to one of the seated attendants. I sat down and blew a bubble of the Happy Dent chewing gum, which promised to make the teeth whiter, fight tooth decay and I am sure, somewhere in fine print, it must have been mentioned that my aura too would be enhanced. One of the attendants stood in front of me and looked at me in a shocked manner. Initially, I thought he stared at me in awe due to my ability to blow such a large chewing gum balloon, but realized that he was staring at me in aghast a manner. With eyes, hand movements and nodding of his round head, he indicated that I immediately stop my amazing bubble gum routine. I nodded and pretended to swallow the gum. He stared at me for seven more seconds and only when convinced that I wouldn’t start some other juvenile act that he moved away. The cop seated next to me shook his head in disbelief. Two minutes later Enakshi’s matter came up. The Magistrate signed something and the attendant said aloud a date.

“13th of February...”

“13th is too late. Please make it earlier. The 5th would be ideal...”

“5th is not possible. I can make it on the 8th.” Saying this the Magistrate settled for the 8th, which was the coming Thursday.

Enakshi and I left the room. We began walking towards the cell in which the boys waited.

“8th is far away. Why didn’t she give the 5th?”

“I tried my best. They wanted to settle for the 13th. Poor Narinder.”

“I don’t think I would like to meet him on the 5th and then inform him that he has to wait for another few days. The boy already seems crushed.”

“I know but what could I do?”

“Let’s ask the Magistrate why she gave such a far off date?”

“First let us meet the boys and then we will meet her too.”

So we walked to the cage where the boys awaited their turn to meet the Magistrate. There were five boys and it was made clear to the policemen that they should bring two boys at a time to the new waiting room where we would interact with them individually.

“We can’t leave you alone with the boys. “

“But we need to talk to them alone,” Enakshi informed the cops.

“No madam, we can’t leave you both alone with them. Anything can happen.”

Enakshi tried to convince them but it was obvious she was fighting a losing battle. We entered one of the cells, which seemed most conducive for interacting with the kids and squatted on the woolen rugs spread on the cement slabs. A policeman bursting with calories, cholesterol and general abundance in body mass slept in the room, oblivious to our presence. We waited for the boys to be brought in.

After a while, two boys, along with four cops entered the cabin. The cop who was fast asleep was shaken up. He woke up, stared at all of us, scratched his head, rammed his feet into his shoes and giving each one of us a stare, walked out of the room; somehow managed to enter another cell, and seconds later was fast asleep.

The two boys sat between Enakshi and me. The cops sat in front of us at a distance. Both the boys looked about fourteen or fifteen. They were dressed neatly.

“We saw you that day when you had come to Prayas.” Spoke the younger of the boys.

“What’s your name?” I inquired.

“Jugal.”

“Since how long have you been in, Jugal?”

“Six months.”

“For what?”

“Mobile.”

“You stole a mobile?”

“Yes. But today I leave from here.”

“That’s great. You have been released on bail?” Enakshi inquired.

“No. My case is over. I was released on bail the last time.”

“You mean you have come here before?” I asked.

“Yes. Last time also I was in for stealing a mobile.”

“What is it with you and the mobile?” I inquired.

He gave a smile and the cops began to chuckle.

“I hope you aren’t planning to come back again, Jugal?”

He gave me another smile that said it all. This boy according to me, was a ‘habitual offender’. He would be back soon. But his honesty was a refreshing change. He didn’t try to take the usual ‘I am innocent and have been framed’ line. The boy was honest and if he could be honest about his crime then there was hope. He wasn’t shameless about stealing. He was matter of fact.

“I have heard that in Prayas there is a lot of violence and physical abuse and a lot of the boys get beaten.”

“No. There is nothing of like that.” But this time he didn’t look into my eyes and both Enakshi and I knew that he was lying to us for the first time.

“What do you do in Prayas the whole day?”

“Nothing. Play and just relax.”

“You don’t study?” Inquired Enakshi.

“No I don’t. I don’t want to.”

“Why?”

“I don’t know. I stopped studying after the fifth standard.”

“Do you like it in Prayas?”

“Yes, it is very good inside...”

“You mean it is so good that you keep wanting to coming back in.”

The boy smiled again. He was a boy of the world. He would fit in anywhere and he knew how to take care of himself but he didn’t have a mean streak in him. He was a thief, not a criminal; just a boy who liked the good life.

“What’s your age?” Enakshi inquired.

“I am seventeen and a half.”

“You know that in six months you will become an adult and if you screw up again you are going to be kept in Tihar,” I warned.

He nodded shrugging his shoulders.

“I don’t think I will come back. I want to get on with life.” Though he said this, not one person in the room believed him. I don’t think even he believed himself.

“Where do you stay?” Enakshi asked. She was making notes.

The boy mentioned a locality and Enakshi knew the place and was aware of its reputation. This quality in the HAQ team never ceased to amaze me. Each one of them, Vipin, Bharti and Enakshi, had their finger on the pulse and were aware of virtually every nook and corner where kids gathered to either beg work or indulge in other activities. They could virtually read a child’s mind by speaking to him for a few moments. It spoke of years of dedicated fieldwork and hands on experience.

“Are you sure boys are not beaten up?” I inquired again.

“Earlier they used to be beaten up a lot but no longer now. Now it is a better place to live in.” But whenever he spoke about Prayas, he looked away. He wasn’t a good liar.

The second boy looked rather subdued. Jugal was a crook. He looked it. This boy looked innocent. Therein lay the problem. Most of the boys looked innocent. Of course many of them weren’t.

“What is your name?”

“Sethu.”

“So what are you in for?”

“Held a meeting.”

“You were picked up by the cops because you held a meeting?”

“Yes.”

“Why would the cops pick you up for holding a meeting?”

“Sir, meeting to rob somebody,” enlightened one of the policemen, with a twinkle in his eyes.

“Oh! I thought this boy was holding a political meeting. So what was the meeting about?”

“Nothing. I have been framed. I was going about my work and one day this policeman just picked up a few of us boys and charged us. I have been at Prayas for some months now.”

“Do you have a lawyer?”

“No.”

“How come? Your parents haven’t appointed anybody for you.”

“No. My parents don’t even know where I am.”

“You mean nobody knows you are over here.”

“No.”

“Where are you from, son?” Enakshi inquired.

“From Jhansi.”

“Where in Jhansi?” I inquired.

“I don’t know.”

“You don’t have any landmark so that we can trace your parents?”

“No.”

“Think son, there must be some way to contact them,” Enakshi had begun to scribble something on the sheet.

“No, I don’t know the address.”

“Nobody’s phone number?”

“No.”

“Do you have anybody here?”

“Yes. My brother but even he doesn’t know I am over here.”

“Where does your brother live?”

“Narela.”

“Which street and house number?”

“Don’t know.”

“I hope you at least know his name.”

“Yes. Harish.”

“Good. Now where does he work?”

“Chemist near the ITO Bridge!”

“I know that chemist,” Enakshi then confirmed the address with the boy.

“Good. We will go and meet him and inform him that you are here. He can then inform your parents. If you don’t have a lawyer we will get you one.”

“What do you do the whole day at Prayas?” I inquired.

“I have begun to study...”

“At the Open School...”

“Yes.”

“What class have you studied up to?”

“Class V.”

I wondered why most kids stopped studying after Class V. I was the same with Jugal.

“What is your schedule in Prayas?” I inquired.

“I get up at seven, bathe, have tea etc. and then at eight go for classes. Have lunch and again classes and then from five till we sleep, just play with the other boys.”

“Show me your teeth!” Enakshi all of a sudden asked the boy to open his mouth. The poor boy didn’t know what had hit him. He opened his mouth and showed Enakshi his teeth.

“How much tobacco and *gutka* (flavoured tobacco, very addictive), do you eat?”

“I don’t eat any of that...”

“Don’t try and lie to me. Your teeth are all brown and dirty from chewing *gutka*.”

The boy looked sheepish. The cops laughed.

“You get it inside the home too?”

“No. No. I haven’t eaten it for a long time.”

“At what time do you all sleep?” I asked him.

“Ten.”

“I sleep at twelve. Sometimes one.” Informed Jugal.

“Ok son, we will contact your brother and also arrange for a lawyer. Go now.”

“Jugal, so you leave today. When are we going to see you again here?”

He smiled at me and nodded.

“I am not coming here again, Saab.”

“Good and next time you need to call somebody use the public telephone and not a mobile.”

Jugal smiled. This kid wasn’t going to change.

“Please get two more boys.” Enakshi requested the policemen. They nodded and left.

“Jugal is sure to be back and I have a strong feeling that he told us that there is no violence in Prayas because he is one of the boys indulging in violence and bullying.” I was certain of this. “He is going to be back that’s for sure. What do you think about the other boy?”

“Can’t make out. Seems innocent but you can never know.”

We waited for five minutes. Then ten minutes.

“How come the boys haven’t come yet?” Enakshi inquired.

“Let me have a look.”

So I walked out towards the outside cage where the boys were kept. The policemen who had brought the kids to us were lounging in the sun. The man in charge sat near the door and looked at me and smiled.

“We are waiting to meet more boys?”

“You want to meet more boys?”

“Yes. That is the whole idea of us coming from far away. To meet the boys and see what is happening.”

“Sorry sir. I thought you only wanted to meet boys that were housed in Prayas.”

“No brother.”

“Okay, sending you more boys.”

I started to walk back to the waiting room and heard him yell to his comrades, to get off their backside, and take two more boys for a talk. Trust me, in Hindi, the man’s yell didn’t sound too poetic.

They brought in two more boys. The boys recognized us immediately. I did have a vague recollection of one of them. His name was Sikander and we had met him during our first meeting a fortnight earlier. He had been sent to Tihar jail and was accused of rape. He was trying to prove he was sixteen but to no avail.

“We had met last time. We both are in Tihar. My name is Sikander.”

“We remember you. Last time we didn’t have much time to talk. What’s going on?”

“I am innocent. I have been framed. First, of all I am sixteen but have been living in Tihar jail for six months. It is horrible in jail. The elders hit us, bully us, make us do their work and don’t allow us to sleep even at night,. We are forced to massage their legs and body and if we don’t we are hit very badly. Please get us out of the jail and into the homes meant for children.”

“Why do you claim to be innocent?”

“Sir, you can ask anybody in my neighbourhood about my character and about me. I am innocent. I used to work with my father. My father drives a rickshaw. One day this police officer

approached my father and asked for money; a bribe to allow my father to do his work. My father refused and then this man asked me and even I refused. He then promised that he would finish me. He told my father 'I will make your son suffer, you just watch'. Then one night, my brother and his friends were returning home late at night and the police caught them on a false charge. I came to know about it and went to release my brother. The moment I entered, this police officer accused me of committing the crime and put me in the lock-up. When he asked me my age and I told him it was sixteen, he wrote nineteen. When I told him I wasn't nineteen and thus wouldn't sign the document, he beat me up really badly and I had no option but to sign. Since that day, till now I have been locked up in Tihar jail and it has been a nightmare. My father has tried his best to get me released but the police officer still says that he is going to finish me off and that I will not be allowed to live a normal life outside. I have told this Magistrate that I am sixteen but she too doesn't listen..."

"But son, you have to prove that you are sixteen. Do you have a birth certificate or a school leaving certificate or any proof that you are sixteen?" Enakshi spoke gently.

The boy gave a vague nod.

"Then how can she transfer you from Tihar to the Special Home for children. Proof must be provided."

"I think we have a school leaving certificate."

"If you have a school leaving certificate then how come your lawyer can't prove it?"

"I don't know *didi*, but please get me out of Tihar. They make us do manual labour and I want to learn new things that will help me later in life. In these schools for children (Special Homes for Children), they at least get to learn new crafts and if they want they can carry on with their education. Something is better than nothing. Here except for getting abused and hit there is no life for us."

"When is your case coming up?"

"My case is coming up on the 12th. My father and my lawyer will be there."

“Ok. We will come over and see for ourselves all the papers and then if your lawyer isn’t competent enough, we will get our own lawyer into the picture.”

“Please *didi*.”

“What do you do the whole day?” I inquired.

“We get up by five. Wash up and have tea and then begin our work.”

“What do you do?”

“We clean the gutter or the surrounding areas. We swab and sweep and basically do manual work. We can’t even refuse or we are badly beaten up. Then around eight we have some breakfast. Then work till eleven. Then there is lunch and then we are locked up till four. From four to six we can stroll around the place but if there is work we are expected to finish that. Around six thirty we have dinner and then by nine we are asleep. But the elders don’t allow us to sleep. We have to massage them and take care of their needs. If we refuse we are badly beaten up.”

“What about your parents. Do they come over to meet you?”

“Yes they do. We are allowed to meet our family on Tuesday and Friday. They are called *Mulaqat* (meeting time). My father gives me 150 rupees. The person in charge of recording all details takes more than half of it away. Everything is recorded. Nothing can be given or taken without an entry being made. Paper currency is not allowed inside the prison. There is a coupon system. Our family members have to buy coupons from the prison authority. Each coupon is worth a certain amount of money. My father gives me 150 rupees worth of coupon.”

“Once a week?” Enakshi inquired.

“No *didi*. We are not rich people. Who can afford 150 rupees every week? I get 150 rupees once every month. Out of this, the person in charge of the *Mulaqat* duty takes more than half the money away.”

“What do you mean he takes away more than half the money?”

“Saab, he just takes it away. When I come out of the *Mulaqat* room, and go to make a record, of all that which has been given to me, he just takes away whatever he wants. Sometimes even

100 rupees. They take it and say, 'when you need anything just ask me I will get it for you'. They pretend to be taking the coupons away so that the thugs don't take it away from us, but the fact is that these people are thugs too. First, I believed them, that they are doing us a favor by safeguarding our coupons. One day, I asked him for the coupons to buy things I needed but instead of giving me my coupons he beat me badly. From that day I realized that nobody is bothered about us. We are on our own."

"Are all the prison staff like this?"

"Most. Some are not so shameless."

"What does 'not so shameless' mean?" I inquired.

"Some of them take just 50 rupees. They aren't very greedy. They will not try to take everything or most of it. They are satisfied with just 50 rupees."

"You know, the Investigating Officer, was taken by my father to all those people who either knew me or I had worked for. They all gave me a clean chit. A rickshaw puller of ours didn't even charge the fare. He just wanted me out of prison. The I.O. got all the information and how I wasn't the type to commit a crime and I had a clean record. But he filed a completely wrong report. I know for sure the I.O. was pressurized to file a wrong report by the police officer who wants to finish my father and me. Please get me out of this prison. Please!"

Enakshi took further details from Sikander.

"This man has also changed my name inside the prison. He has written my name as Sonu. My father, when he came first time to prison, kept asking for me and he kept being told that there is no Sikander inside the prison. The man just felt like changing my name and my name got changed. Everybody thinks my name is Sonu and I have told them all that it isn't my name but nobody seems to understand. Crazy fellows, all of them."

On hearing this, the cops began to chuckle. The boy said it in such a tone and manner that we couldn't help but smile. He smiled back and nodded with resignation.

The other boy was clearly in depression. Through this entire conversation with Sikander, I had observed him and couldn't but notice the sadness in his eyes.

His body language was of a person who has nothing to live

for, nothing to look forward to and for whom all doors have closed.

“You too live in Tihar?” Enakshi inquired.

He nodded in the affirmative.

“How long have you been there?”

“Two months.”

“What is your age?” I asked.

“Seventeen and a half.”

I noticed Enakshi wince. When in doubt of the age of the boy, the benefit of doubt goes in the boy’s favour, or should logically go in the boy’s favour, but when the boy is six months from the official age of being declared an adult and then there is a doubt about the actual age, then the doubt usually works against the boy.

“On what charge are you here?”

“Drugs. Narcotics Act.”

“You are a drug user or a peddler?” Enakshi asked of the boy.

“I am not a peddler or a user.” He spoke very softly.

“You had the stuff on you?”

He nodded a ‘yes’.

“How much?”

“Five kilos.”

I winced. Enakshi put her head down and scribbled something on her sheet.

“Where are you from?”

“Gorakhpur.”

“That is where *charas* (weed) is grown,” a police official informed us.

“What were you doing in Delhi?”

“Came to meet my uncle.”

“How did you land up with so many kilos of *charas*?” I asked.

“Somebody asked me to carry a bag.”

“You mean you were handed a bag to carry and the bag had five kilos of drugs?”

He nodded. I honestly didn’t know whether to believe him or not but one thing was certain, his depression wasn’t faked.

The boy needed immediate help and counselling. His depression was as visible as the fog outside our cell.

“He needs help immediately. He is in a real bad state of depression.” I spoke to Enakshi in English.

“I was just about to tell you the same thing. His depression is getting to me.”

I nodded. I was feeling low already.

“What is your name, son?”

“Harish.”

“Harish, do you have a lawyer?”

“No.”

“Why?”

“My father stays in Chandigarh. He can't keep coming here and we don't know anybody here. Also, we aren't rich. I am the eldest in the family. My mother and my other brothers and sisters stay in Gorakhpur. There is nobody of mine here.”

“Your uncle doesn't visit you?”

“He came once and then never showed up again.”

“You don't have any proof of your age?”

“No.”

“How come it is not mandatory for the State to provide each child with a lawyer?” I asked Enakshi.

“Nobody wants to represent these children. There isn't much money and thus lawyers don't want to take up such matters. Also if his age hasn't been proved, he can't be tried in this Board. What if he is an adult? His case needs to be tried in the main Court. It is rather complicated.”

“The poor boy is in bad shape.”

“I know. Son, when is your father coming to meet you?”

“Next week. On the ninth.”

“Ok then one of us will meet up with him and see what can be done. Don't look so down. We will work something out.”

“You can take these boys back and please get the last boy.”

“He has gone to meet the Magistrate.”

“Ok then we will speak to him in the outside cell when he returns.”

Five minutes later we were alone in the cell. It was obvious that both, Enakshi and I were drained out. It was for this reason that I had wanted to stay away from such a subject. The entire environment, the kids, the cell, the negativity, the depression,

the hate and anger all merged into one, and eventually it eats into your very vibration and enters your very being and sucks you dry. While writing *Shadows In Cages*, a book on mother and child in Indian prisons, I had fallen ill innumerable times. Howsoever hard you may try and however detached you may force yourself to be, in the end the plight of those in captivity always manages to break down your defenses and leave you bruised.

“What do you think about this boy?”

“Narcotics is a very sticky issue and if he has been apprehended with the drug and that too five kilos isn’t a small amount, it’s going to be really hard to help this child. We need to meet his father and find out more.”

We walked out of the cell and into sunlight. Though it was cold and foggy, the sunlight streamed through. It felt really good to be free and out in the open world; however polluted and bugged the world may be, nothing can replace the blessing of being free. Freedom is the most underrated and undervalued gift of God to us all.

We stopped by the cell and saw the boys standing near the grills, staring out at the world. All the four boys we had interviewed were there. The fifth boy still had to return from his visit to the Magistrate.

Jugal, our mobile man and Sethu, the boy who had been taking in for organizing a meeting to indulge in crime were standing together.

“So, Jugal when do we see you again?”

“I will try my best not to come back...”

“Even you don’t believe that! You know you are going to be back, aren’t you?”

Jugal smiled sheepishly.

“Who do you have at home?”

“Mother, father, an elder brother and a younger brother.”

“What impression are you setting for your younger brother?”

Enakshi scolded him

“I know what I am doing is wrong. I am not proud of this. Do you know that I have been caught more than eleven times?”

“What?” I was amazed at this boy. When everybody tried to

pull wool over our eyes regarding their being innocent etc., this Charlie didn't bat an eyelid to give a low-down about his non-Gandhian life style. "Eleven times? On what charges?"

"Stealing!" He said this matter of fact. He wasn't boasting. He wasn't cocky. He wasn't proud of his past record. He was just matter of fact.

"That must be hell for your mother," I said softly to him.

"Yes, but what to do?"

"I pity your mother. You will kill her one day with your stupidity."

Jugal looked down but I could see his eyes water. For a while there was silence. I don't know why I had spoken so harshly to him. I usually am a 'live and let live' sort of a chap.

"I just can't stop myself from this kind of life." He looked up as he spoke but could not meet our eyes. "I just know one thing and that is either I will leave all this and become the most honest person or I will get deeper into this and never be able to get out. I don't know what my future holds but one thing is sure, either I will be completely this side or completely that side; no in between. I know my mother must be going through hell because of me and I am going to try to settle down and improve. If it happens I will be the best person around."

"You are six months away from being an adult. Six months later you will be tried in the adult Court and taken to Tihar. Tihar jail is not going to be like this one. Ask these two boys standing near you, how bad it can get. The men over there will thrash you and abuse you. You don't want to put yourself through all that stuff. That is why, please get out of this mess."

"What I don't understand is why does the Magistrate keep releasing me? Obviously, she must see some good in me. This is the eleventh time I have been released. Even the earlier Magistrate for some reason kept releasing me. They all keep saying, 'we are letting you go because you are an honest person, who accepts his faults and doesn't try to pretend that he is innocent'. I am not like Sethu."

Sethu was the boy who ate *gutka* and was caught organizing a meeting where the main focus of all those present was to relieve citizens of their hard earned possessions. Sethu wasn't with us

any more. He stood by the window, talking to the guard who sat, with an open ledger.

“What do you mean you aren’t like Sethu?” asked Enakshi.

“He has come here more than ten times. I know him very well. He and I have committed theft on and off. I am not like him. He pretends to be innocent. He is not.”

“Why is he in this time?”

“He stole a car and then tried to sell the car to a man who turned out to be a police officer. The idiot. He got caught. I know where his brother works. I will go and tell him that Sethu is in Prayas home. You don’t need to take the trouble.”

“Are you sure?”

“Yes. It is on my way. I will tell him. You don’t worry.”

The Tihar boys all this while were seated on the cement slab, listening to our conversations. Sikander was involved but the other boy, was far away, with a sad look in his eyes.

“Don’t be so sad. We will try our best to get you out,” Enakshi consoled him.

The boy looked down at the floor and after a long time looked at us. It was obvious he was fighting his tears.

“I miss my mother.” Four simple words but it made me feel old and sad. I knew how hard it must be for this boy, to share his innermost emotions. “I am the eldest. I should be working along with my mother and father. I should be their main support. But I am here in prison. My mother is not well. She cries the whole day for me. I am innocent. I was given the bag to carry. I didn’t know what was in the bag. I don’t take drugs. I want to go home.”

“You will. Just give us a few days. Let us talk to your father when he comes and then we will fix a proper lawyer and see what can be done. Sikander, does your friend remain sad and depressed the whole day? Why don’t you spend time with him and get him out of this state of sadness?” Enakshi inquired.

“*Didi*, we aren’t in the same cell. I am in cell 4, while he is in cell 5. Also, he doesn’t talk to anybody.”

The conversation stopped as the fifth boy entered. He was tall, handsome, and dressed in a red tracksuit with a red thug cap.

“You too are in Tihar?”

“Yes,” he answered.

“What did the Magistrate tell you?”

“She has let me go.”

“On bail?”

“No. She has released me.”

“Which section are you in for?”

“On five counts. Kidnapping, stealing, and other stuff...”

“Are we going to see you ever again?”

“Never madam. Never.” Saying this he walked to the other end of the cell, and stood by the window.

“We are hungry. Get us out of here.” Sikander told the in charge.

“In Tihar, will food be waiting for you?”

“Yes. Our friends keep aside our share of the food. So that when we get back to Tihar we can have our food immediately. We get very hungry over here. Full day and we have to survive on four or five small rotis and a little vegetable.”

We spoke for a while and then waved the boys goodbye. We then entered the Magistrate’s cabin. She looked a mess; tired and worn out. She spent six hours everyday handling cases and interacting with the boys and being responsible for their future. Just spending a few hours, once every three days, with these kids was enough to sap us of all our energy, thus I could well imagine her plight.

“So how is everything going on?” she inquired, while she signed a few documents. Then she looked up at her two assistants. Elderly women who didn’t try to hide the fact they were in a hurry to go home. “Wait for ten minutes and then come back as I have to dictate things to both of you.” She then began to scribble on the sheet of paper in front of her. If looks could kill, the two assistants, tough looking women, would have lovingly smothered the living daylight out of Ms. Ila Rawat. They dragged themselves out of the cabin.

“Doesn’t all this work affect you and your personal life?” I asked her.

She looked at me and smiled.

“My relationship with my own children is suffering. By the

time I go home I don't have the energy or the state of mind to interact with my own kids. Even their studies are suffering. What can I do? Dealing, day in and day out, with the cases and trying my best to work them out, but still I am lagging behind. For every one case I close, seven new cases crop up. On top of it all, these public holidays make my life more difficult. Every day I am not here, there are more cases piling up. On Monday I have to attend a meeting, which means the entire day, where I could have dealt with cases, is put to a halt. I will try to accommodate those cases on Tuesday and Wednesday but by then there will be so many new cases too. That is why I couldn't take up your bail application on Monday. I am not here on Monday and till Thursday I am up to my neck in more cases."

"We understand but there is much talk about violence in Prayas, that we are worried about Narinder."

"I know. I am aware of the violence. I am getting a lot of feedback about things not being right at Prayas. That is why, this January 25th, I did not attend the function at the Prayas Home. For the first time in years, a Magistrate has given the Republic Day celebrations a miss. But I didn't want to go there and my absence has sent out a clear message that I am not happy."

"We need to get access to these homes. Without us interacting with the boys in these homes, nothing much is going to happen!" I suggested.

Ms. Rawat nodded and sighed aloud.

"Do you know what happened the other day at the Observation Home? A boy was badly beaten up. Very badly beaten up. His legs were broken. His arm was broken. There were holes made in his feet."

"How?"

"With screwdrivers. I went to see him and the moment he saw me, he began to cry like a baby. I am not saying he was blameless. He is an aggressive boy but he didn't deserve this."

"How is his family?"

"Decent, middle class people."

"That must have made a big difference and could have been a reason for conflict!" Enakshi suggested.

“Could be but seeing him on the stretcher in that condition was horrifying.”

I inhaled deep and wanted to get the hell out of this place.

“Should there not be an investigation?” Enakshi inquired.

“I really think you should. I am certain these places are hell on earth.”

We spoke a lot more. But nothing registered. I wanted to go home, pour myself a large suicidal peg, and pass out.

One of the forlorn looking women entered. She said she wasn't well. She wanted to go home early. I was certain this was the same sentiment felt by all seated in the Magistrate's cabin; including the Magistrate. Enakshi and I got up and left the place. Ms. Ila Rawat would keep working for a while. We entered the car. Enakshi too looked tired.

“I don't know about you Ruzbeh, but I am going to go home, pour myself a stiff drink and get bloody sloshed.”

I nodded. Gave her a 'thumbs up' sign and looked out of the window.

IT WAS TUESDAY. NORMALLY WE VISITED THE JUVENILE JUSTICE BOARD IN THE AFTERNOON, BUT TODAY FOR THE FIRST TIME I REACHED HERE BY 10 A.M. AND WAITED FOR VIPIN. THE BOARD WOULD BEGIN DISPENSING JUSTICE IN HALF AN HOUR. I WALKED AROUND THE PLACE AND SAW INNUMERABLE YOUNG BOYS, ALMOST ALL OF THEM DRESSED IN FADED JEANS, DENIM JACKETS AND SPORT SHOES, BOUGHT USUALLY FROM THE FLEA MARKETS THAT FLOURISHED IN VARIOUS LANES AND BYLANES OF THE CAPITAL OF THE COUNTRY.

I walked towards the cage and realized that the boys had already arrived and would have to sit in the dingy and dirty cell for four hours, or in some cases, for six hours; expected to survive on a few small *rotis* and a little vegetable. I was virtually in front of the cell but halted and turned back. I would meet them later. I didn't want them to feel uncomfortable, me watching them from outside the cell.

While I waited for Vipin I walked amidst the worried and harassed parents, the bored boys, the advocates who were busy making notes or talking to parents, the innumerable police officials who generally lounged around and also various staff that ran the JJB, all moving in and out of the few offices that were adjacent to the Board where justice was very often dispensed.

"Sorry I am late Ruzbeh." Vipin stood in front of me, wearing a black pullover and carrying a brown cloth haversack. "I know it isn't that cold today but I am appearing in front of the Magistrate, representing a boy, thus the black cardigan."

"What's the boy done?"

"He is just nine years old but is quite a chap. He, along with another boy of fourteen, was caught trying to steal the window latches of a senior government official."

"They didn't get anybody else to steal from?"

"Exactly my sentiments. If you have to steal, stay away from cops and government officials. Anyway, the cops who caught them wanted to release them, but the government official created a ruckus and thus the cops had no option but to book the older boy in for theft. They had no intention of arresting my nine-year-old client. But my client, this three and a half foot monster, drove the cop up the wall to such an extent that the cop out of sheer exasperation booked my client too for theft."

"Why? What did the boy do?"

"A cop was assigned to make certain that my client reached his home, safe and sound. The cop asked this boy his whereabouts and address. The boy took the cop for one long expedition. The boy said he lived in Nizamuddin. So the cop drove the boy to Nizamuddin and then the fun began. The boy kept taking the cop down wrong lanes. For an hour the cop must have knocked

on countless doors. When the door would open the boy would say 'no, this isn't my home'. In the end, the cop got so frustrated that he booked the boy. He was kept in Prayas for a few days, but now he is out on bail."

I couldn't help smile when I visualized both the boy and the exasperated cop going from lane to lane, house to house, in search of a non-existent home.

"Where is the older boy?"

"Still in Prayas. He suffers from epileptic fits and the worst part of it all is that his parents don't want to take responsibility for him, thus till now he hasn't been out on bail."

"Why don't his parents want him?"

"He lives with his father and stepmother and I don't think the stepmother wants him. That is why though the Magistrate desperately wants to release him on bail, but with nobody willing to take custody of the child, there is no option but to keep the boy at Prayas."

Welcome to reality. We stood for a while and then one of the Probation Officers, walked towards us.

"The Magistrate wants to see you both."

We entered her cabin, where already an elderly man and a young woman were seated in front of the Magistrate. A few police officials, in charge of the boys, were also present. Vipin and I sat down behind every one and watched the Magistrate sign a few documents.

"This is Ruben."

"Ruzbeh."

"Oh yes. This is Ruzbeh. He interacts with the boys and thus he will be able to throw light on various issues affecting the boys. Ruben, these are social workers from Prayas and they shall be starting some courses, to keep the children occupied while they wait their turn to be brought in front of me." I nodded. By now I was used to my name being spelt and pronounced in a few thousand different ways. I could live with Ruben. The Magistrate looked at the Prayas officials. "The important thing is that the boys should be occupied and thus their time will pass quickly and they will benefit from your experience too."

"Where do we sit?"

“In the new cells.” The Magistrate looked at the various staff, police and administrative officials. “Please get the cells cleaned. I visited the cells yesterday and the cells are really very dirty. There is dust an inch deep. Why aren’t the cells kept clean? I had given a written order that the sweepers have to clean the place at least twice a day. I don’t think the place is being cleaned even once a day.”

“Madam, what to do, the main sweeper, Chandu, disappears after twelve. Even when he is present, he hardly does any work. He gets most of the work done by the part time sweeper.”

“Why should Chandu disappear? Who has given him permission? He should clean the place at least twice. I don’t want to see so much dust and dirt in the cells. I had told you to give my written instructions to them...”

“I did.”

“Then how come Chandu disappears?”

Wherever the august presence of Mr. Chandu was, it was good for his well-being that at the moment he wasn’t present in the Juvenile Justice Board. The Magistrate looked at the police officials.

“Tell me one thing. These people want to start giving the boys vocational training. But the difference is that they want to take the boys outside, to where these courses are run. If, for example, the boys are interested in being trained in the hospitality industry, like how to become waiters, then they will be taken to the center, which specializes in such training. How do we manage this?”

The police officials were obviously out of their depths. They looked at the Magistrate, then scowled at the Prayas officials, looked back at the Magistrate and then nodded, as though the solution to end the problem of world hunger had just flashed past their minds.

“Let me ask the DCP. We can’t spare anybody and for such a matter we will need a few more police people.”

“Don’t ask that DCP (she mentioned his name). Nothing will come about. Would you need a letter from my side? Ok, I will give you a letter from my side, detailing the program and the kind of support we would need from the police.”

“I think you will need a letter of approval from the Ministry, Madam. Because taking these boys out of the Observation Homes and then allowing them to spend the full day outside would mean completely different logistics. I don’t think this can be sanctioned at the DCP level.”

“How many days would the boys be required to attend the course?” Ms. Rawat asked the Prayas officials.

“Sometimes a course could be for six months and sometimes for just fifteen days. They could be full day courses or half day. It would depend a lot on the course.”

Ms. Rawat nodded. She then looked at me.

“Ruben, what do you think should be the approach?”

“Ma’am, till we are not allowed to enter and interact with the boys housed in the various Observation Homes, I don’t think we are going to make any serious headway with the boys.” Vipin and the Prayas officials began to nod in agreement. “We need to enter the home and work with the boys there. We need to understand what they are going through and then prepare a plan of action. Also, with the boys seeing us everyday at the Observation Home, their level of trust would increase and they would be more forthcoming. At the moment they see us once every fortnight, as usually it is once every fortnight that they are brought over here. They aren’t certain whether they can trust us and also they aren’t certain we can be of real assistance to them.”

“But still according to you what is the feedback?”

“First and foremost they don’t have anything to do all day. These are young boys, they need an outlet for their energy, and if they don’t have a full day of activity then frustration, anger and violence are going to be the order of the day. When they come here they are so full of frustration and anger and mistrust that it is difficult to really make an impression or make them trust us. That is why it is so necessary that we operate from the Observation Homes.”

“I agree with what you are saying but do you know how difficult it has been for me to just allow you inside the cell to interact with the boys? I have given various recommendations, which shall be seen on February 14th by the Chief Justice. In one of the recommendations, I have mentioned that these Homes

should be open to various NGOs who wish to interact and work with these children. I have decided that if given the nod of approval then we would start various vocational courses. Each course would be run in a specially assigned room, thus the boys would have various options to choose from. I have submitted all my recommendations, which shall be addressed by the Chief Justice. Let's hope my recommendations are approved. If they are approved you can begin working with these children from Observation Homes, the very next day."

"Don't you have the authority to give us permission to enter these homes and work with the children?"

"I do Ruben, but I am worried about your personal security. I will not be able to provide you with any special security, thus you would enter at your own risk."

"I don't think I am going to be harmed by these boys..."

"Most of the boys won't harm you but there are boys inside who are really dangerous Ruben. Till these boys are not segregated and kept away, and till proper security isn't provided to you, I can't let you inside. I visit the home, once every fortnight and I know how unsafe it is, all due to a few boys."

"Can I accompany you on one of these fortnightly visits?"

"Yes, that you can do. Also, why don't you begin to read to these boys, interesting excerpts from various books, while they wait in the cell over here?"

At first I thought I had misheard the Magistrate.

"You want me to read something to these boys?"

"Yes. Read to them..."

"Do you have any idea how hungry these boys become, waiting the whole day over here in a dingy cell without even a cup of tea? Do you really think they are in a mood to be read to? They are hungry. They get four *rotis* and some vegetable, which is supposed to last them from ten in the morning till four in the afternoon. They are young boys. They need more food."

"I know Ruben. Do you think I don't know all this? I know. But what can I do? My hands are tied and till the Chief Justice doesn't approve of my recommendations, I can't do much over here. I know what you are saying is true but just wait for another

seven days and hope for the best. Vipin, you should be present when the Chief Justice is presiding over the matter.”

“Will be there Ma’am.”

“Just imagine, I should be inside dispensing justice but can’t as I have to ensure that even the waiting rooms are kept clean and the sweeper is made to do his job. Every minute that ticks by, means a minute of justice gone by. I have given my recommendations to the Committee and the Committee have collected all the recommendations and put them in front of the Chief Justice. Hope all goes well. Now I have to attend the Session. Ruben meets the children on Tuesday and Friday. You all can start coming in on Monday and Thursday. That will at least take care of four days in a week. Lets hope the recommendations go through.” She smiled to us all and we left the room.

My phone rang.

“Ruben speaking... I mean Ruzbeh speaking...”

Once outside, the families of the two boys surrounded Vipin. The older boy’s family consisted of an elderly man, who was well into his fifties and a woman who was fifteen to twenty years his junior. The woman held a young seven-year child by her hand.

“This is the older boy’s family; father, step-mom and their child. For some reason they weren’t willing to take responsibility of their epileptic boy. Let’s see what they want?” He spoke to me in English and then turned towards the family. “So, what do you want now?” he inquired of the father.

“We want our son back,” the step-mom replied. From the looks of it, she seemed genuinely worried. “He needs to start his medical treatment as inside I don’t think anybody is taking care of Rajeev.”

“That is good. Do you have any lawyer?”

“No lawyer,” answered the father.

“Ok, then here is what you will tell the Magistrate. Tell her that the boy is very ill and that you need to take him to the doctor’s every day...”

“We have to in reality...”

“Good. So tell the Magistrate that the boy needs daily medical

attention and that he should be released on bail at the earliest. Today, would be ideal itself. Tell her exactly what I have told you to say, and then keep quiet. No way you will argue with her.”

I agreed with Vipin though I didn't open my mouth. Ms. Rawat was in a mood where she could without letting her work suffer, easily crack a few heads while continuing to work and preside over the cases.

“We just want our son back with us,” informed the stepmom.

“You will get your boy, don't worry.... Oh ho! The big boss has arrived too. So how is the champion today?” Vipin spoke to a young boy, not even three feet and a few inches above 'see level'. The boy looked like he would be a handful. He had a mischievous twinkle in his eyes and when he grew up, I was certain that his photograph would grace many a police station. He looked at Vipin and found Vipin amusing for some reason. The father, a thin, stressed out man, wearing clean clothes, polished shoes, gave me the impression of a man who was buckling under the strain of fathering the little monster. He nodded and had the look of a man who had decided to go through life, as quietly and as quickly as possible.

“So champion, you took the Delhi Police for one merry go round. How many wrong homes did you take those poor chaps?” The boy mumbled something and tried his best to suppress his glee. Vipin discussed the matter with both the families. “Their case number is 22. As soon as case number 20 is called, give me a phone call, as we shall be in another cabin. Don't worry; we will try to close the case today. At least this champion's case! If only our champ was a year or two younger then he could have got away with murder without any botheration to his majesty to appear before this Board.”

“Why is that?” I inquired.

“Well, according to the law of our land, till the age of seven a child can even commit murder and yet not be held back, even in an Observation Home, for a day. You can't keep back a child below the age of seven. From seven to twelve, it is the discretion of the Magistrate or Judge to decide what needs to be done with

the child, depending on their judgement about the maturity and understanding of the child with respect to the act of the crime. The Magistrate can release the child on his or her discretion. From twelve years onwards, the child has to go through the legal proceedings and can be sent to the remand or special homes. I am sure our champion didn't know about this strange law two years back, or else he would have made hay while the sun shone." The poor father nodded in complete agreement while the boy looked Vipin up and down.

"Do we have time to meet a few boys, Vipin?" I inquired.

"We do. Call me when number 20 is announced." Vipin told the father.

The father nodded. The boy was already trying to remove a helmet that was locked on to a motorbike, which belonged to one of the Probation Officers.

"Very good champion. Before I get you out of one case, you are making sure you have a second case waiting in line." The father nearly passed out when he saw what his son was trying to do and quickly went and got the boy away from the bike.

Who needs enemies or illness when there is a monster like this right at home?

WE PASSED THE CAGE WHERE THE BOYS WERE AND WALKED INTO THE NEW WING. WE ENTERED THE CELL WHERE WE USUALLY CONDUCTED OUR MEETINGS. TODAY, ALL THE PAINTINGS HAD BEEN REMOVED AND PLACED ON ONE OF THE CEMENT SLABS. THIS MEANT ONCE AGAIN THE WALLS WOULD BE GIVEN A NEW LICK OF PAINT. IT WAS AT THE MOMENT, A DEADLY COMBINATION OF GAUDY BLUE AND PALE BLUE. TWO BOYS WERE BROUGHT IN AND TODAY FOR A CHANGE THERE WERE JUST TWO POLICE OFFICERS ESCORTING THE BOYS.

“Ruzbeh, let’s all sit on the floor. We can spread the woolen cloth on the floor and sit on that.”

I nodded. It was a good suggestion as this new seating arrangement removed the distance between the boys and us. So, we sat down and the cops sat near the door.

“Where are you staying at the moment?” I inquired of the older and taller of the two boys. He sat in front of me, while the younger one sat in front of Vipin.

“Observation Home.”

This meant actually the Poor House or the Observation Home at Seva Kutir.

“Since how long?”

“Eleven months.”

“What have you been accused of doing?”

“Rape.”

The moment he said this, I lost my flow. I didn’t know how to go about communicating with this boy. I didn’t know what to ask him.

“How old are you?”

“Fifteen.”

“How old is the girl?”

“Thirteen.”

Do I ask him did he really rape the girl or were they both caught in the act and the girl panicked and screamed foul play? There were innumerable instances of both, that it was hard at first glance to decipher and also one didn’t expect anybody to confess to their crime.

“Do you have a lawyer?”

“Yes.”

I turned my attention to the younger boy. Usually all the boys were in clean clothes and seemed to come after a bath and taking care of their appearance, but this boy was an exception. He wore simple clothes, not very clean and he wasn’t too particular about his personal hygiene.

“What’s your name?”

“Sumit.”

“What are you in for Sumit?”

“Breaking a car window. I didn’t do it.”

“Oh sure, you didn’t.” Vipin got into the flow, in his usual perceptive way. “Come, come, tell me why did you break the car glass?”

The boy began to blush and smile.

“Come, come, you broke the main window or the side mirror?”

“Side glass.”

“Which car?”

“I don’t know...”

“I am sure it must have been a fancy car, *hun?*”

“They sell the side car mirrors. Sometimes these side car mirrors cost around three thousand rupees and they can get a few hundred rupees from those who deal with such parts of cars.” Ravi, one of the two policemen, who had escorted the boys to this meeting place, informed us.

“Since when are you in?” Vipin inquired.

“Four months.”

“Where do you live?”

“Prayas...”

“Not now boss but before you became an official guest of the State Government.”

“I lived on the streets.”

“You live on the streets. Where?”

“Wherever on the streets.”

“Yes but you must be having a particular place to hang about.”

“No...”

“See son, I have not got white hair by colouring them white. I know more about the street life than you do. Just tell me where do you live on the street.”

The boy looked at me and avoided Vipin’s glare. I nodded at him, to speak.

“Don’t worry. We are here to help you. We aren’t here to harm you.” I spoke to him softly.

“Son, tell them everything honestly. If you don’t tell them the truth how will they be able to help you? They are your friends and not government officials.” Ravi, the police escort, in a big brotherly manner advised Sumit.

“I live near Tilak Bridge...”

“And you must have broken the car mirror near Tilak Bridge too?”

Sumit shyly smiled.

“Where are you from?”

“UP.”

“Uttar Pradesh is a huge place my son, where in UP? Which town? Which village? What is your father’s name?”

The boy hesitatingly gave some kind of an address. Not a postal address but some vague direction.

“When did you run away from home?”

“When I was six years old.”

“Now you are twelve?”

“Yes.”

“Why did you run away from home?”

The boy began to look down at the woollen mat and tried to avoid the question.

“Ok, tell me who lives at home?”

“My father and my three brothers.”

“You are the eldest or the youngest?”

“I am the third.”

“Third and you ran away because your father must have thrashed you because you weren’t studying. Right?”

The boy began to blush once again and smiled.

“You don’t have a mother?”

“No.”

“You ran away because you didn’t want to study right?”

“He kept hitting me very hard. I couldn’t take it. So I ran away.”

“How did you reach Delhi?” Vipin kept probing. He was making headway. I could see the boy begin to look Vipin in the eye.

“I got into a train and it stopped here.”

“*Wah!* You mean you would keep travelling till this train stopped at some place. Whichever place wasn’t important?”

The boy nodded and then smiled. He had a sweet smile. He kept blinking and smiling and dimples dented his cheeks. He reminded me of my son, Pashaan. Both were of the same age. I

shuddered thinking how it must be for a young boy on the streets of the capital of our country. Be it politics or the streets, Delhi wasn't a safe place. Not for women and children. Not for small boys. Not for twelve year olds and certainly not for one who had begun living on the streets when he was just six years old.

"Why do you want to come out? Aren't you better off in this new home?" I asked him.

"I don't like it here. I want to get out."

"I think you are better off here buddy.' Vipin got into his groove again. "You get three meals a day, a clean place to sleep, good hot water bath, friends, television to watch... why on earth would you want to leave from this place? You have the opportunity of learning some craft or gaining some education. I think the Magistrate is doing you a favour by not allowing you to leave the home."

"Does anybody know that you are here?" I asked him softly. When Vipin was in full flow it was best to get more soft and tender, as he could bulldoze through the questioning, often leaving the child and all associated a little breathless.

"Nobody."

"Do you want us to inform your father that you are here?" He looked at me for a while and then nodded in the affirmative.

"Give us your address, we will try to inform your father."

"Give me a proper address, ok. We will either go ourselves or inform another social organization which works in UP to find about your father and tell them that their son has been found and would like to return home." The boy began to smile.

He once again gave Vipin the whereabouts and Vipin began to write down the details. Then he drew the family tree and wrote down details of everybody.

"So when you arrive at the station, there is a bridge, you take a right turn, then another left, and there is my home"

"*Wah* (great) son. So simple *na*? Arrive at the station, there is a bridge and take a right turn, another left and meet up with your entire family, but which station my scientist. UP is not one mile long. It is a big State. There are more than hundred stations I am sure. Which station do we get down? This boy is a genius." Vipin's phone buzzed. "We will be there in five minutes." He

spoke into the phone. “Ok, now we have got your address and we will try our best to locate your parents. Till then use your time well. Study. Learn something. The street is a dangerous place. You know that. There are many big brothers who want you boys to do things that will get you in more and more trouble. Do you understand?”

The boy smiled and nodded. It was obvious he was hooked for life to the call of the streets. More than the streets, the freedom of the wild life as the streets are a jungle too.

The boys left. We stood up and began to walk towards the Magistrate’s HQ. A few boys were being led back to the cell, hand in hand with their police escort. It was only when the boy was presented in front of the Magistrate, that the police escort let go of holding the boy’s hand, or else like estranged lovers, the cops and the boys walked, stood and even sat, hand-in-hand. Though it looked strange, this remarkable sight was better than the boys being handcuffed.

WE ENTERED THE BOARD ROOM. AS USUAL THERE WERE MANY PEOPLE STANDING BELOW THE MAGISTRATE'S PLATFORM. TWO SOCIAL WORKERS WERE BY HER SIDE AND THE MAGISTRATE'S TWO WOMEN ASSISTANTS TOOK DOWN ALL THE PROCEEDINGS AND ALL THAT WHICH THE MAGISTRATE DICTATED TO THEM. VIPIN STOOD ALONG WITH THE OTHER LAWYERS AND AS USUAL BEGAN TO ORGANIZE THINGS FOR HIMSELF, GIVING EVERYONE THE IMPRESSION THAT HE HAD SPENT HIS THIRTY ODD YEARS IN THIS BOARD.

“Call Rajeev,” the Magistrate told one of her orderlies.

The man called out for Rajeev. Another Charlie walked to the door and then screamed his head off for Rajeev.

Vipin looked at me, signalling that his case was on, after the Magistrate handled the older boy’s matter, as even though Rajeev and the small ogre, had tried to relieve a government official of his window hinges, each boy’s matter was tried separately. Rajeev entered and it was the first time I set eyes upon him. It was obvious that the boy was ill. He looked haggard and tired and weak. I wasn’t a stranger to convulsions. My son, Pashaan too suffered from convulsions and it broke my heart to know that when this boy was in the midst of having a convulsion, his parents weren’t by his side. The Magistrate looked at the boy and then looked at the Probation Officer, Bharti’s college acquaintance. The Officer too appeared taken aback.

“This boy looks sick. Who has come for him?” You could make out that Ms. Rawat remembered the boy and she appeared to be experiencing an emotional spasm, seeing the boy in such a run down state.

“I am here Madam,” the stepmother spoke softly.

From the looks of it, the stepmother seemed to appear genuinely concerned about the boy. But the Magistrate glared at the woman.

“Who are you?”

“I am his mother, Madam.”

“Where were you all for the past so many weeks?”

“Madam I couldn’t come here because I wasn’t in the city.”

“You people aren’t concerned about this boy it seems?”

“Madam if we weren’t concerned we wouldn’t be here today.”

“You call this concern. You leave this boy locked up in a home, knowing very well that he is sick and suffers from epileptic fits and needs constant monitoring and you call it concern? I don’t want to keep the boy here. I want him to be home with his parents who will take care of him and make sure he takes his medication properly. But if you people don’t bother showing up here, then to whom do I give the responsibility of this child? I can’t possibly release him to a stranger or let him out on the street can I? Where is this boy’s father?”

The Charlie at the door took in a deep breath and screamed loudly for Rajeev's father. The shout would have woken up the dead. The father walked in. One look at the Magistrate's face and he gulped.

"You are his father? Right?"

"Yes Madam." I could barely hear his voice.

"Where were you all for such a long time. Don't you care for him or his health? I want this matter to close right now. I want to release him today itself. No bail and no future dates. Tell me why I should release this boy?"

"Madam," the wife softly spoke. "We need to take him to the doctor every day. He needs to take his medicines regularly. We will be able to take care of him from home. He will not do this again."

The Magistrate looked at her. Then she looked at the father. She scowled. Then she looked at the boy and the glare in her eyes softened.

"I shall release you after certain formalities are taken care of today itself. Don't do this again. Do you understand?"

The boy nodded. He was visibly sick. Remembering my boy, my eyes got misty. Why couldn't life be simple? Why did children have to bear the brunt of their parent's fault, pettiness and egos?

The Magistrate turned towards the Probation Officer. She began to speak to her. The basic gist was that the Officer would take down all information about the boy and the family and the illness and after this was submitted the boy would be released and the matter would be closed. The family left along with the Probation Officer.

Then it came the turn of our little monster. His name was called out and he entered. Ms. Rawat looked at him from head to toe.

"So this little gentleman was the partner in crime. Who is representing him?"

I heard Vipin affirming his presence. The Magistrate looked at Vipin and spoke to him for a while. I couldn't understand a word. Vipin kept nodding and the Magistrate kept speaking softly. I stood up to leave, as I knew Vipin would follow soon. I heard the Magistrate tell Vipin:

“Decide what you want and come back to me when Rajeev’s matter comes up again today...”

I stood out and made the mistake of standing too near the door. Half a minute later, the Charlie again put his head out and bellowed for a boy named Ashraf. It felt as though somebody had punched me in the ear. The man realized the impact of his voice, maybe from the wince in my eyes. He smiled and must have said a ‘hello’ as I couldn’t hear a blasted word. I nodded back.

Vipin walked out and took me aside.

“I need your advice?”

“I can’t hear you. Speak louder.”

“I need your advice.” He spoke loud enough for all to turn towards us. “The Magistrate wants me to take a decision. Either I agree to a plea of guilty or I agree to fight the case. If I agree to a plea of guilty, then the Magistrate shuts the case, once and for all. If I don’t agree to the plea of guilty, then the case drags on for two to three years, till it’s logical end and by then the boy will be twelve years or more. I don’t know what to do.”

“If you agree that the boy is guilty, what happens?”

“She shuts the case after telling the boy not to repeat the act. She told me that I should write that the boy made a mistake and he is sorry. But the very plea of guilty, has put me on the defensive...”

“For God sake Vipin. Just write that the boy is very young and young people make mistakes and that this experience has taught him a lesson and he will not make the mistake again.”

“That will be better, *na*?”

“I think so but let me tell you that you can write whatever you want but that chap is coming back here for sure and that too soon.” We turned to see the small monster giving his father a rough time.

“You are thousand percent right. I think even the Magistrate is certain this boss is coming back. Trouble with a capital T is written all over this boy’s face. But let us do as the Magistrate wants, as it will save the father a lot of trouble and time. I will inform him and leave the final decision to him.” So Vipin informed the father and the father took about two seconds to

decide, if Vipin could plead guilty and finish the matter once and for all, as he was a working man and each day that he spent at the Juvenile Justice Board, meant not only major inconvenience to him but also he had to skip work and lose a day's salary. So, it was decided and then we waited for the Probation Officer to complete her paper work with Rajeev and his family. After twenty minutes of wait, we learnt that the boys would and could be called an hour later. So we decided to go back to the cell and meet more kids.

We returned to the cell and a little while later two boys were brought in. Both of them looked very much out of place. There are boys, who one can at first glance, make out that they are trouble and are virtually hardened criminals. And, then, there are boys, who should be home, studying, playing, going to school or college and not spending their youth in an Observation Home. Well, these two boys belonged to the second category. You could make out they were completely out of their natural environment, sitting in this cell or locked up outside in a cage.

"What is your name?" I asked of the smaller and younger of the two.

"Harish Giya."

"Your age?"

"Sixteen years."

"Why are you here?"

"Breaking and trying to enter."

"What were you trying to break, Captain?" asked Vipin.

"A shop door. We both were with a group of friends, they decided to have some fun, and we were caught trying to break a shop lock."

"Both of you are in for the same case?" I asked.

"Yes."

"What is your name?"

"Hariappa Swami."

"Your age, Swami?"

"Seventeen years."

"Both of you are at the Observation Home at Seva Kutir?"

Vipin inquired.

"Yes." Giya answered.

“Where are you from Harish?”

“Bihar.”

“Your parents know you are here... sorry... just wait I think my case has come up.... hello, yes, coming.” Vipin stood up. “I will see you in ten minutes.” Saying this he left.

“So, you are from Bihar. Who stays there?” I continued.

“My parents.”

“Do they know you are at the Observation Home?”

“They don’t know anything.”

“Why?”

“I don’t want them to know. They will become very sad. They think I am here working and supporting myself. I don’t want them to know.”

“You both have been in since how long?”

“Three months.”

“And where are your other friends?”

“Tihar but they are out on bail as they have lawyers.”

“You both don’t have lawyers?”

“No.”

“Why?”

“We can’t afford lawyers.”

“The Magistrate hasn’t offered you a lawyer?”

“No.”

“What about your parents, Swami?”

“My parents are aware but they are in Madras and can’t come here and also we are very poor, so they can’t afford lawyers.”

“What do you do all day at the Observation Home?”

“There is nothing much to do, so we learn how to stitch.”

“How is it, in there?”

“Ok, but there is nothing to do. We have nothing to do so we have begun to learn stitching.”

“How are the boys there?”

“That way it is alright. The boys are also fine. We don’t have much of a problem there. The food is also ok. But there is nothing to do.”

“I have heard that there is lot of violence and bullying out there.”

“Nothing like that.” Harish informed and Swami nodded.

“Just a few days back a boy was badly beaten up.”

“That was because the boys had a problem with each other when they were in Tihar. It was old enmity that started in Tihar and ended at the Home.”

“What happened actually?” I was referring to the boy whose legs and hand were broken and holes made in his feet.

“It seems that when these boys were in Tihar this boy who was beaten up at our Observation Home, had beaten up one of the other boys very badly. Before the boy’s friends could do anything, they all were shifted to our Observation Home. A few months later, this boy too was shifted to the Observation Home. He was alone now and these boys beat him up very badly. But this was an old gang war. This violence has nothing to do with us boys. But please get us out of here. Please get us a lawyer. We have made a mistake. We will not make such a mistake again,” Harish implored. Swami nodded earnestly.

“I will do my best. Don’t worry you will have a lawyer, very soon. Trust me ok. Just hold on for a short while and we work something out but please don’t make such a mistake again.”

“Never again. Really, never ever again.” Saying this they left.

These two boys were kids. They shouldn’t be here. Why didn’t they have lawyers representing them? Wasn’t it their Fundamental Right to have a lawyer? If they were here in an Observation Home for the last three months, why hadn’t the Magistrate appointed a State lawyer? Three months without a lawyer didn’t make sense at all.

Two more boys were brought in but they were different from Harish and Swami in one big way. I couldn’t make out if these two new entrants were harmless or not. The first pair, had made a stupid mistake; a childish prank for which they were paying an extremely high price. As children, we all have goofed up one time or another. At least I have. This new pair didn’t seem innocent at all.

“Name?”

“Ranjit.”

“Age?”

“Sixteen years.”

“Since when are you here?”

“Three months.”

“For what?”

“Theft and Dacoity (sic).”

“You have a lawyer?”

“Yes.”

“Is this your first time?”

“No. My third time but this time I am innocent. Yes, the first two times I was guilty but this time I am innocent.”

I looked at him. He didn't need to lie. He had told me honestly that he was an offender before. That itself was a big confession. Usually the boys tried to keep the past bottled up, to be let out, when there was no other way out.

“Why did the police take you in, this time?”

“Saab, if you make a mistake once, you are punished for life. If you have made a mistake in your childhood, all your life as an adult you will have to pay for that childhood mistake. I have made a mistake. I was small and stupid. I no longer want to rob and lead such a life. But the police won't allow boys like us to lead a normal life. If there is a case that they can't solve, they will look up their record books, pick out boys who have committed crimes and then without any question, lock us up, and put the blame on us. I know boys who have made a mistake once but have been picked up more than five times and blamed for crimes that they haven't done. Some boys who were no longer into crime were still being picked up by the police and put into either Observation Homes or Tihar. They feel that if they are going to go to jail, whether innocent or guilty, then might as well commit a crime and go to jail. I am innocent. I have told everybody that this time I have not done anything wrong but since the past three months I am in jail. My parents can barely pay the fees of the lawyers. They can't afford the bail money. Does that mean I am going to rot just because of my past and because I am poor?”

“Were you the only one charged for this robbery?”

“Yes. The police got no one and to show that they are very hard working and clever and also because then they will get

raise in salary and even promotion, if they solve more cases, they put the noose around my neck.”

This conversation took place with a policeman sitting on the cement slab while we sat five feet away on the woolen rug. I looked at him. I wanted a reaction out of him. He nodded.

“It’s not that the police are always innocent but they aren’t always guilty.”

“But there are many kids who are innocent.”

“That I agree. Some of these policemen don’t want to work very hard. If somebody rich or influential enters the police station, the policemen are pressurized to solve the case. When nothing is available, there are instances where they just thump the case on anybody, just to show their superiors, that they are efficient but that doesn’t mean all policemen are like this. There are some rotten apples in every profession.”

I nodded. Whatever the compulsion, the fact remained, that thousands of boys and girls were paying the price of one stupid, childish mistake and would continue to pay for their mistake all through their lives.

“What is your name?” I asked the other boy.

“Abdul.”

Abdul was seventeen years of age and was from a small town in Uttar Pradesh.

“Is this your first time?”

“Yes. I don’t even know how or why they charged me with robbery. Also, they have put me in Tihar. It is a horrible place to be in Saab.”

Vipin entered. He gave me a ‘thumbs up’ sign.

“Both the boys have been released. No bail. Nothing. Just released and the case was closed.”

“Congrats. Good for them and the family.”

“Two boys didn’t have lawyers. I have taken down their details. This boy, is a minor but kept in Tihar Jail.”

“What have you done now boss?” Vipin asked with a smile.

“Nothing Saab.”

“So why are you in Tihar?”

“Saab, one night the police men came and took me and my

two friends and charged us with theft. Those two boys have a record of chain snatching and crime. I was with them, so I too was put in Tihar.”

“What were you doing with those boys?”

“We were working. We work for a man who is into book vending and furniture making. You can ask him too and he will vouch that I am innocent.”

“Were your friends innocent?” I inquired.

“I think so because they have been working with me for days. I would have known through their talks and behaviour if something were going on. The police came in one day and took us all. I don’t know if the other boys were into mischief or not. I don’t think so. But even if they were, why take me in? I have no record. My employer vouched for me but no use. Also I want to study but in Tihar I can’t. Whole day we sweep floors and at night we have to take care of the grown men. They touch us and make us do all wrong things. The food is horrible and minors and adults are all mixed up. We are beaten up if we don’t do what these men want. They want us to be like their slaves. It is like hell, Saab.”

“You don’t have any proof of age?”

“No. There is no proof but I am not above seventeen. Do I look like an adult?”

He had a point. Common sense said that he wasn’t eighteen years old. Almost an adult but there was still some time. Vipin asked him about the boy’s lawyer.

“In these three months I have seen him once. I don’t even know what he is doing.”

I faced Ranjit.

“How are things at the Observation Home? I mean food, the boys, violence?”

“There is no such problem at the Observation Home. Yes, there is nothing much to do. Most of the boys do absolutely nothing the whole day but watch television. That is the main problem...”

“I heard there was a major fight where one boy got his legs and hand broken.”

“That has nothing to do with us. There were some old

accounts to settle and these boys settled them. But by and large Observation Home is not such a bad place.”

“What do you do the whole day?”

“I paint. I like to draw.”

“What about stitching?”

“No. I don’t like stitching. I like to paint.”

We spoke for a while then the boys got up and left.

“So both the boys are free, *hun?*” I asked Vipin.

“Yes, that is a relief. Rajeev is in bad shape. It is obvious that he needs daily medical attention. The Magistrate really came down hard on his parents.”

“What about the little monster?”

“Oh, he isn’t in the least afraid or worried or bothered. The Magistrate told him that next time he wouldn’t be allowed to go. But he just smiled and shrugged his shoulders.”

I could imagine the scene. Ms. Ila Rawat looking at the boy through her spectacles that were at the tip of her nose and trying to put the fear of God into the monster, in the hope that he became an upright citizen. If wishes were horses...

Two more boys were brought in. They sat on the woollen rug while Vipin concluded his call by telling whoever was on the other side that he was in a very important meeting and that he would call up later as this was a high level conference where he didn’t want to be disturbed.

“My chartered account. I get confused with income tax forms etc.” He then looked at the boys in front of us. He looked at me.

“What is your name?” I inquired.

“Mohan Lal.”

“Age?”

“Seventeen years.”

“Where are you now?”

“Tihar.”

“Why Tihar? You don’t have any proof of age?”

“The police have taken away all our papers and now we don’t have any papers to prove that I am seventeen.”

“What are you in for?”

“Theft.”

“What did you steal?” Vipin asked.

“Nothing.”

“So the police just got you here for no reason?”

“This time I have done nothing wrong. Yes, it’s not that I have never done anything wrong in my life. I have two more cases going on against me.”

“At the moment how many cases are there against you?”

“Three, of which two are genuine but in this one I am innocent.”

“You are inside for this last case of theft?”

“Yes. On the other two cases, I am on bail. Now they have put me in Tihar for theft.”

Something was wrong over here.

“Tell me one thing,” I began, “you have three cases against you. Right?”

“Yes.”

“In two cases, you are out on bail?”

“Yes.”

“When did you commit those crimes?”

“First one, four years back and the second one two years ago?”

“So, if you are seventeen now, you committed your first crime at the age of thirteen; then your second crime at the age of fifteen.” I turned towards Vipin, who had an all-knowing smile on his face. “Doesn’t that prove that he is a minor? I mean the Board and his papers will have a record of him being a minor. All you have to do is look at the documents and which year the crime was committed and what his age was during that period and then do simple addition to come to the conclusion that he isn’t an adult, yet.”

“Welcome to the law and order system.” Vipin advised.

“Its more like flaw and disorder system.”

“Exactly.”

“To prove his age shouldn’t be difficult for even a mentally challenged mule.” I looked at Mohan. “You have a lawyer?”

“Yes.”

“Vipin why hasn’t the lawyer been able to convince the Board or the Court that he is a minor?”

“God knows. Most often these lawyers are just interested in making money.”

“You have a proper lawyer?” I asked the boy.

“Yes. My mother just paid him five thousand rupees.”

“And still he hasn’t been able to prove that you are a minor? Since how long have you been in Tihar?”

“A month.”

This functioning of the flaw and disorder and justice or the mockery of justice was beyond me. I guess it was beyond most of us until one was pushed into the abyss. The long and short of it all was that this boy, since a month, was in a hell hole called Tihar, for a crime he hadn’t committed and had to bear the abuse of the hardened criminals, even though his lawyer could easily prove he was a minor.

“Why did the cops put the blame on you?”

“There are so many boys like me who are innocent but because we have committed a crime earlier, now we all are paying the price. It is very convenient for the police to solve a case by falsely putting the blame on a boy who has a past criminal record. That is a fact. Ask most of the boys and they will tell you the same. It’s not that we all have never committed a crime; theft, murder, even rape, and drugs. Yes, but once you commit a crime, then for life you are branded as a criminal and any case in your locality that can’t be solved is put on your head. Also if somebody has personal enmity with you, can easily bribe the police to once again put you behind bars.”

“This means you are now in this Juvenile Justice Board because of your past cases?”

“Yes, today I had to attend the Court for a crime on which I am on bail. I will be shifted back to Tihar in the evening.”

“Have your parents come today?” Vipin asked.

“They don’t even know I have a date today.”

“Didn’t your lawyer inform them?”

“No.”

“Do you want us to inform them?” I asked.

“Yes. Can you tell my father to come tomorrow to Tihar, I will tell him when my next date is here.”

“Is your *mulaqat* (meeting time) tomorrow?” I asked.

“Yes. Monday and Friday.”

“What time?”

“He can come around eight. I am in Jail Number 3.”

“Ok. Give us your address.”

So we took down his address and assured him that we would meet his family the very same day.

The moment we left the JJB, we began our journey towards Kabir Basti in search of Mohan Lal's house and family. The boy had asked us to meet his family, inform them about his forthcoming date and also ascertain whether his lawyer was going about in the right direction.

After a particular point, the roads began to get narrower and the notion that we were the second most populated country in the world began to sink in deeper; so we got out of the car, and began to walk towards our destination. It was going to be a long walk.

We got on to a cycle rickshaw. All my life I had avoided this mode of transport, where instead of a machine, a human being, exerts his damn all to carry passengers from point A to point B. I considered it to be exploitative and demeaning to the person who was forced to take on the role of a beast of burden, just in order to survive. But it was in the spiritual retreat of Haridwar or was it in Rishikesh, where the Ganges mesmerizes one and all, that a man, who made a livelihood from this mode of transport, explained, that “if everybody began to think like me, he and his family would starve to death and that it was better to become a beast of burden than watch his children cry for food”.

So Vipin and I sat on an extremely hard seat and tried our best to keep a cool front when in reality our hearts and other assorted parts of the anatomy were in our mouths, as our man, cycling his guts out, with little regard to life or safety, his, ours and the vast multitude of unsuspecting populace, tried to get us to Kabir Basti, in record time.

By the time we both gingerly got off the cycle, every part of my body, every single bone, many of which I did not know ever existed, creaked and moaned with pain. After my eyeballs settled back into their socket, I saw Vipin, haggle over the price.

“Pay the man what he wants Vipin. He kills himself with this job in order to survive.”

“Yes, yes, I know that but why does he try to kill his passengers too in his quest for survival.”

“Just pay the man and let’s go.”

I cautiously began to walk and after a while my body no longer made strange sounds and normalcy returned.

Kabir Basti, is a maze, of extremely narrow lanes, often not more than four feet wide, both sides of the lane are pigeon holed homes, where though it seems impossible, human beings live. The colony is a cluster of homes, side by side, with a lane so narrow that friends, living opposite each other, don’t need to get down and cross the lane to enter each others homes. They can just lean out of their windows and they will be out of their residence, sitting, having tea with friends, in the home, across the lane. Hundreds of families reside, in countless buildings, all crammed together and yet there is a method in the madness. It is either an architectural disaster or a masterpiece. Narrow lanes, lead to more narrow lanes, which lead to more narrow lanes, and countless families thrive in this area. It is fantastic and yet abhorrent; but still, in spite of it all it is repulsive in an extraordinary way. Once an individual gets into his or her home, there is no scope of a window. The only fresh air that can enter the house is through the main door and thus the main door has to be designed in a manner that allows ventilation; or else there is no scope of any other kind of ventilation, unless you live on the first or the second floor where the window can be kept open. But for those living on the ground floor their only ventilation comes through the main door.

Each side of the lane, a little lower than the path, flows water through a sort of an indigenous sewage disposal system. It was winter now. It was cold. There was no stench. But I wondered what the place would be like in the summer or worse during the monsoons, with the humidity at a suffocating level.

After half an hour of navigating through the lanes and by-lanes and being completely lost, a small boy at last led us to the right home.

The door was opened by a young girl, with her hand in a

sling, and a small baby in the other arm. She looked no more than eighteen but it was obvious that she had seen enough in life, to last her a lifetime. There was hardness, suspicion and defiance in her eyes and in her attitude. After we explained the entire scenario, she relaxed and then welcomed us within the home. There were two small rooms. One was like a sitting room and the other a bedroom. The main door opened to the sitting room, which was about thirty odd feet and the bedroom was big enough to have a bed inside.

The house was spotlessly clean and the sofa on which we sat down was well cared for; there was a TV set, a refrigerator, wall paper in the bedroom, a temple, which housed various Gods and Goddesses; well taken care of. Its amazing, how the poor and the middle-class families, will stay in a one room or a two room house, but will still find it in their hearts and homes to designate a proper place for their Gods, Goddesses and Masters; while rich people, having no dearth of space; where the cumulative space occupied by just bathrooms is far more than the entire house area of the poor; but still for some God-forsaken reason, will have no proper designated spot for the Lords above; it's not that the rich lack faith or are less spiritual; that's not it. It's just about priorities and the greater need, I assume. The sister began to talk.

"My name is Geeta. My brother hasn't done anything wrong. It's the fault of this woman living a few houses away. She is of loose character and sleeps with a number of policemen. It is at her behest that the police have put a false charge against my brother. They manhandled me too and that is why my hand is in plaster. They kept my brother in the lock-up for three days and beat him up badly. They beat him up in front of us, so you can imagine what they must have done to him, when we were not around. They used to hang him upside down and beat him and then to get make him conscious, again they used to pass cold water and petrol through his nose."

"Where is your mother?"

"She has gone to meet her family. She should be coming back tonight."

"The reason we have come is to first of all inform you that

your brother's case is going on now in the JJB and he wants your father to go meet him tomorrow at Tihar."

"Our father is dead long time back. That is his photograph with the flowers."

We turned to see a young man, in a studio, stare at the camera. It was an old photograph. Those old coloured photographs, which made you realize the beauty of black and white photos.

"Our uncle takes care of us. He will be here soon."

"What really happened and why is that woman after your brother?" I inquired and then turned to Vipin. "What is the matter with you? Why are you so restless?"

"I need to go to the loo desperately." He faced the girl. "Where is your bathroom?" He then turned towards me. "Her brother obviously was having an affair with that woman and the affair has soured and she now wants to give him hell. See you soon."

Geeta and I were alone now.

"Why does that woman want your brother in jail?"

"Sir, she is of loose character. She has the police in her pocket. If she doesn't like somebody, she uses the police to get back to that person. She has made our life a living hell."

"All that I understand, but what does she have against your brother and you?"

"She lives with her husband. The husband is a drunkard. A few years back my brother and she got very friendly."

"What was your brother's age then?"

"He is now around seventeen. So he must have been around thirteen or fourteen."

"For how long were they very close?"

"A few years."

By then Vipin had returned. He had that smug look.

"Ok you were right about the affair you smart ass." We faced the girl. "So after a few years, your brother decided to get out of the relationship and this lady now wants to give him grief."

"Yes. She doesn't want to let him go. She is at least thirty years old and she wants to use my brother for various activities. He left her sometime back, and since then she has made our life hell."

“Ok, we understand all this. Now what we require is some proof that your brother is a minor. Where is his birth certificate?”

“We gave all the original papers to the police and now they aren’t giving it back to us.”

“What about any other documents? School leaving certificate or a ration card?”

“I think my mother keeps all that in the cupboard and she has the keys.”

A tall, middle-aged man entered. He was the uncle, who had taken care of his brother’s family, all these years. He gave us the same story. He didn’t try to hide the fact that his nephew had done many blunders earlier, but now the boy was trying to walk the straight path and unfortunately for him the woman and the police were now at his case.

“He was now not in bad company. In fact, he was working with me and keeping off trouble. We thought for the first time that there was a chance of peace and there was a chance for his future. Now the police have placed a false charge on him and worse, they have put him in Tihar. They really beat him up badly. They told me clearly that if I don’t keep quiet I would be taken in too and thrashed.”

Vipin then removed a sheet of paper and took down all the other family details. We sat in this small but clean home, surrounded by various quaint noises and aromas.

I was tired and wanted to get back home.

TODAY NARINDER WAS TO GET BAIL. THAT IS WHAT WE HOPED. VIPIN WAS TO MEET ME AT THE GATE AND WHILE I WAITED FOR HIM, I LOOKED AROUND. IT WAS TWO IN THE AFTERNOON AND THERE WERE LESS PEOPLE. I APPROACHED THE BOARD ON WHICH A DAILY LIST OF BOYS WHO WERE TO APPEAR BEFORE THE MAGISTRATE WAS POSTED. THE LIST WAS DIVIDED INTO VARIOUS SECTIONS. TODAY, THERE WERE SIXTY BOYS WHO WERE TO BE BROUGHT IN FRONT OF THE MAGISTRATE. THAT WOULD NOT INCLUDE NEW CASES. ON AN AVERAGE, I WAS INFORMED THAT AROUND SEVEN NEW CASES CAME IN EACH DAY. TODAY, THE MAGISTRATE WOULD HAVE TO GIVE JUSTICE TO NEARLY SEVENTY KIDS.

I heard my name being called out and saw Vipin approach me. He carried his brown bag, more like a haversack and today he wore a cream coloured cardigan.

“I thought you were going to appear before the Magistrate, so where is your black coat?” I asked with a smile.

“I didn’t want to wear black today. In fact, I even convinced that lawyer to remove his coat.” I looked to where his finger pointed and true to form the lawyer had removed his coat and looked quite cool in his black pant and white shirt. “Where is Narinder’s mother? Have you seen her?”

“I have never seen her Vipin.”

“Oh yes. True. You’ve only met Narinder.”

So we waited. A few minutes later, an elderly woman approached us. She had a dignified face and bearing but it was obvious she had gone through a hard life. Vipin introduced me to her. Vipin never failed to introduce me to who ever he met. He would of course keep changing my work profile and the sole purpose of my presence in the Juvenile Justice Board, as per his mood and also depending upon whom he was introducing me to.

“Ruzbeh is a well-wisher and has met Narinder.” The mother nodded to me and I reciprocated with a nod.

“I have been here since morning. They called out Narinder’s name and I met the Magistrate but seeing that you were Narinder’s lawyer, she asked me to wait till you arrived.”

“That is good of her but I was told that his number would come only after two-thirty. Let me see.” He rushed into the Board, spoke to two men, who assisted the Magistrate and who now waited for her to return from her short break.

“All’s well. His number will come in half an hour. What do you want to do Ruzbeh?”

“Let’s go meet the boys. At least we can talk to a few of them.”

“Will do.” He turned to the mother. “We are going to speak to Narinder now. When the police come to take him to meet the Magistrate, we will come along with him.” She nodded.

My purpose for meeting the boys had now altered. I just wanted to make sure that each and every child had a lawyer

representing him. Whether the boy had committed the crime was secondary. Most importantly, each child had a right to be represented in front of the Magistrate. Each boy had a right to a lawyer. A lawyer had to be provided by the State, if the boy and his family could not afford a lawyer; this was the fundamental right of every citizen of India. Secondly, I wanted to be certain that the Juvenile Justice Board had informed every boy's family of his whereabouts. It was inhuman not to inform the family about the child's location and situation. My agenda was thus to first and foremost focus on children who lacked judicial support and secondly, to make sure families were reunited.

We approached the cage, though it was meant to be a cell. There were around twenty boys today and most of them recognized us. It was virtually the same group of boys who had met us on our first day at the Juvenile Justice Board.

Amongst them was also the boy who Vipin had rubbed the wrong way, by asking him whether a cat had got his tongue. The boy looked at Vipin and I was glad we had grills separating the two of them.

"Remember me?" he asked Vipin.

"How can I forget you, the man who refused to speak that day, right?"

The boy nodded. He was an angry sort.

"What's your name?" Vipin asked. He was oblivious to the boy's anger or stare.

"Chand." Another boy informed. Chand looked at the boy with anger. Obviously the boy wasn't supposed to speak or interfere.

"Where is Narinder?" I inquired.

Narinder approached the grill and I was glad to see that he didn't seem so agitated.

"Most probably today your bail will be granted. So relax." Vipin informed him. He looked at me and smiled. It was good to see the boy smile after so many days of trauma.

"Ok, how many boys don't have lawyers?" I inquired. Two boys approached us.

"We don't have lawyers?"

"Ok. Any body else."

“I don’t have one too.” This boy was obviously a dramatist. He spoke as though he was dying and in a voice that sounded like that of an old man.

“Ok hero that will do.” Vipin subdued the boy with a grin.

“I like your hair,” Chand informed me.

“Thanks... this means we have three boys who don’t have lawyers. Anybody else?”

“What did you do to make them grow so long?” he inquired. I looked at him and realized he was serious. He wasn’t trying to be funny or offensive.

“I just let it grow. I didn’t cut them for a long time.”

“But that must have looked bad initially?”

“Yeah, it did. You wear a cap and walk around for a few months. “

“Which shampoo do you use?”

That stumped me. I had no idea which shampoo I used. Also, I had to think quickly of a shampoo which he could easily obtain and which wasn’t very expensive.

“I think Sun-Silk.” I lied. I wasn’t even sure whether Sun-Silk was for men. Did they make different shampoos for men and women? Why was I thinking about shampoos?

“Wouldn’t Pantene be better?”

“Ya, Pantene will do just fine.”

“Why don’t you wear a cap? It will look very good on you. Here take this cap.” He removed a denim cap from some other boy’s head and tried to give it to me but realized that there was a grill separating us. “Didn’t you wear a cap the last time?”

“No, I didn’t. “

Then Chand looked at Vipin. It was a strange look.

“I like you,” he told Vipin. “I wish you were in this cell with us now.”

“I like you too. It’s sad we aren’t together. Who knows, we might be together once you are out.”

“Sure.”

There was no mistaking what the boy meant. That, he liked Vipin meant he would like to get his hands on Vipin’s throat. There was no mistaking the tone or the voice. I didn’t have time for this drama.

“Is there any boy here, whose parents or family haven’t been informed that you are living at the Observation Home?”

“My family, don’t know I am here?” the boy was around seventeen.

“Do you have an address? If you do, give it to us, we will try to contact them.”

“Sir, they are in Saudi Arabia.”

“It does not matter. Give us their address.”

“I don’t have their address.”

“Since when are you in?”

“Two and a half years.”

“You mean since two and a half years nobody knows you are in the Observation Home?”

“My brother-in-law knows but he has visited me only once and I don’t know whether he has informed my parents. He may have informed them but nobody has come to meet me.”

“Under what Section have you been booked?” inquired Vipin.

“Drugs.”

Vipin grimaced. It was very difficult to get the narcotic cases released. The logic of the Board was that most often drug lords used kids to peddle the drugs and become drug carriers. If these boys were to be released, they would be once again forced to peddle the drugs, thus it was safer for them to be in the Observation Home than on the streets. Thus, unless the boy had a solid family background, his release on bail was the most difficult. It was easier to get bail on murder and rape cases than narcotics.

“I have been given bail since a year and a half but on the condition that either my brother-in-law or my parents take responsibility for me. Nobody wants to come and take me back with them.” He spoke in a matter of fact manner but his eyes revealed his pain. I didn’t know what to tell him or how to comfort him. It must feel like hell to know that he could have been out in the world on bail, but nobody was willing to take the time, effort or the responsibility for him.

“Do you want us to contact your brother-in-law? Ask him if he has contacted your parents?”

“No. No use.”

Vipin must have realized that I didn't have the words to console this boy. He patted me on my shoulder and I moved away. The police officer in charge looked at us.

"First, please bring those who don't have lawyers."

"Also, bring Narinder," said Vipin.

Both of us entered the new waiting room. There were two cops who were stretched horizontal on the cement slabs, knocked out after a good lunch. Vipin made enough noise to wake up the dead. They quietly left our cell and then seconds later were once again oblivious to the world of the living. We put the woollen rugs on the floor and we saw Narinder and another boy approach, with just one policeman in charge escorting both the boys.

Narinder was and sixteen but frail built, however the boy with him was not only younger but smaller too.

"First let us talk to our Narinder. What's this I hear that you want to bash the cops and everybody around you the moment you leave the place? You do?" Vipin began to joke with him.

Narinder did not look up once.

"I don't want to hit anybody," he said this looking at the rug.

"Let us make a list of those you want to hit below the ear." Saying this Vipin brought out his white sheets of paper, which as usual he had folded through the middle, thus forming an invisible line between the page! He scribbled 'chaps who are going to be knocked out' and then pretended to think who should top the list. "Which police officer's name should I head the list with?" The cop sitting above began to smile. "Don't worry about our police man here, he understands that some of his colleagues need a hard knock on the head..."

"I don't want to hit anybody..."

"Not even your brother?" Vipin smiled while holding the pen inches from the paper. Narinder thought for a while.

"Him, I am going to bash up, for sure."

"Yes, him you should bash up, but why do you want to hit him?"

"Because he brought the police home and showed them where I live."

“He shouldn’t have done that... not even if the police threatened to beat him black and blue or have a gun pointed to his head...”

“But he doesn’t get scared of anybody. He is the bravest person I know... how could he get the police home?”

“I agree he may not get scared of anybody but he is a human being too. Maybe that day they frightened him. You know how frightening the police can be. This policeman here looks a kind man but all policemen aren’t. So you want to beat your brother but did you know that what would be the best thing to do with him; make him work and make him realize his mistake. You know Ruzbeh sir, let him have a talk with your brother. He will set him straight.”

“Narinder, I know you are innocent and I know you were innocent earlier too. I understand you must be feeling extremely frustrated and angry, but you must understand that by getting violent with the cops or anybody outside you will be only destroying your life and future.” He looked at me and nodded. He was a good kid. The police had messed him up. I was certain that if all went well, he would be on the right track, but God forbid, if the cops again put up a false case against him, and locked him up again, we would then lose Narinder. He would in all probability become a violent, angry, dangerous citizen.

“Have you seen the case papers that we have prepared?” Vipin once again added, “it is fatter than you.” Everybody in the room began to smile or laugh.

“I want to learn stitching when I come out,” he spoke to nobody in particular.

“Why don’t you look at us?”

“I want to learn stitching. I like it.”

“That is very good. Did you stitch this pant that you are wearing?” Vipin inquired.

“Not yet. But I know how to sew buttons.”

“Oh boss, that even I know! I don’t think Ruzbeh Sir knows how to, he doesn’t look the stitching type but I know how to sew buttons. So good you want to learn stitching. We will take care of that once you are out.”

“Narinder, I understand you are angry and upset at

everything and everyone, but who knows, this incident of your being locked up at Prayas may result in one good thing and that is, you may learn how to stitch and then take it up as a career.”

The boy looked at me for a while and then I could see realization dawn. He nodded. He was actually considering the possibility of a future livelihood through stitching and it appealed to him.

“May be two years down the line, you might look back to these days and actually thank God for being kept in the Prayas Home because it was at the Prayas Home you got the opportunity to learn how to stitch and make it a good career.”

Narinder looked at me intently. I could actually see him look into his future and then he nodded in agreement.

“You come out and we will try and put you in a good stitching course. Don’t worry all will turn out well. You just have patience. Your bail will probably be set today and you will be out today itself hopefully. Your mother is waiting for you outside. Just stay calm and don’t get into any trouble inside ok?”

“They hit us inside.”

“Who hits you? Give me his name.”

“Does that boy come here?” Vipin inquired.

“Nobody in particular. Everybody hits us inside.” For a while I was confused as last time he had mentioned that there was a boy in particular who was violent.

“Last time you mentioned some name.”

“Nobody in particular.”

It was then I realized that he didn’t want to mention names in front of the boy seated next to him.

“I am sorry, that boy is at the Observation Home. Not in Prayas. Another boy had talked about this violent boy. We got confused.” Vipin caught on and agreed with me vociferously. “Now let us get on with your case.” I turned to the boy seated next to Narinder. “What is your name?”

“Dinesh.”

“Dinesh, what is your age?”

“I am fourteen.”

“What have you been accused of?”

“Section 376.”

“What Section is that?”

“Rape.”

For some reason I kept getting stuck when faced with the matter of rape. I didn't know how to handle kids with charges of rape. It was an alien concept.

“How young was that girl?” Vipin inquired.

“10.”

Even Vipin was quiet for a few seconds. I took over.

“Ok, since how long are you here?”

“Six months.”

“At Prayas, right?”

“Yes.”

“You don't have a lawyer?”

“No lawyer.”

“Why?”

“My brother says we can't afford a lawyer.”

“I thought lawyers are provided free of cost to anybody who can't afford a lawyer?” I asked Vipin.

“Yes, in an ideal world that should take place but in reality, as the State pays pittance to these lawyers, no lawyer wants to work for these kids and thus they go without lawyers.”

“That's absurd. It is the fundamental right of this boy to get a lawyer.”

“Ruzbeh you are a man of the world. Where does a Fundamental Right come into all this?” He then turned towards Dinesh. “Where are you from?”

“I am from Nepal.”

“What are you doing here?” I inquired.

“Sir, I am in on the charge of rape...”

“No, no. I meant, what were you doing in Delhi then?”

“Came to earn a livelihood.”

“Do your parents know that you are in the Observation Home?”

“No.”

“You want us to inform your parents?”

He looked at me and then at Vipin. He looked down.

“No. I don't want them to know and also I don't have their address.”

“You don’t have their address?” Vipin looked up from the sheet of paper he was scribbling something on. “You left Nepal to come to Delhi and you came without your parents’ address?”

The boy nodded.

“Ok, give me your brother’s address?” Vipin asked.

“I don’t know.”

“What is it that you know?”

“Listen son, “I intervened. “We are trying our best to help you. We want you to get a lawyer but for that we need to contact with an elder from your family and at the moment the elder is your brother. We need his address so that we can make a case for you and then Vipin, over here can fight your case. Think where you lived and try to help us so that we can help you.”

The boy then began to give out a road map of where he stayed. It took a few minutes but Vipin got the gist of the location.

“What time can we meet him?” I asked.

“He comes home after ten at night and leaves at around 12 in the afternoon.”

After a few minutes we asked the policeman in charge to take Dinesh and get two more boys who didn’t have a lawyer.

“Leave Narinder here.”

So for the first time, we were left alone with Narinder. Usually the policeman in charge never left any boy alone but today for whatever reason, a boy was left alone with us.

“Narinder what’s the name of the boy who hits you?” I asked.

“Anand. He is the favorite there. He has been there for a long time and he can get away with anything. He hits us very badly.”

“Don’t worry you will be out soon. You just keep calm,” Vipin advised him.

By then the cop brought in two more boys. One of them was the dramatist.

“So Hero, you don’t have a lawyer, *hun?*” Vipin inquired. There was a marked difference in this boy. Half an hour prior, in front of twenty odd boys, this boy was gregarious and a dramatist. Now, alone, he sat quietly, subdued. Mob mentality is a strange animal.

“What is your name?” I inquired.

“Abbas.”

“Your age?”

“I am seventeen.”

“Here since?”

“Nearly two years.”

“What charge?”

“Narcotics.”

“Addict or peddling?” Vipin inquired. He had begun to take down notes.

“Neither. I was taken in one day by the police and charged with possessing ten grams of smack.”

“You were innocent, of course.”

“I was. At least this time I was innocent. I have been inside once before on theft but this time I haven’t done anything.”

The fact was that if once you were brought inside for a crime, then for the rest of your life, you were an easy scapegoat for the police to trump up false charges on you. It was sad. It converted boys who had made one mistake into hardened criminals. For, it no longer mattered if they committed another crime or not, they were bound to be picked up and put into the Observation Homes. And so it became a pattern, where the police picked up these easy targets each time they were unable to solve a crime. Is it any wonder that you find young boys willing to kill for a bottle of liquor or a few hundred rupees? It is a vicious circle and it is virtually impossible to break out of it.

“I am innocent this time.”

“You don’t have a lawyer for the last two years?”

“Two years and seven months.”

“You never had a lawyer?” Vipin inquired.

“When I came in, the Magistrate provided me with a lawyer but he just disappeared. He never even spoke to me properly. After that at least for the past two years I have not met anybody.”

“Where are you from?”

“Bihar.”

“Do your parents know you are here?”

“Yes, but they haven’t come to meet me. They are poor. They don’t know anything about this city. They can’t come here.” He said this in a matter of fact way. He had accepted his fate.

“Where are you in now?” I inquired

“Observation Home.”

“How are things there?”

“Good. Not bad.”

“Violence?”

“No.”

“I heard some boy got badly beaten up the other day, is it true?”

“Ya, but that was because of rivalry that began in Tihar. Otherwise things are ok there.”

“What do you do the whole day?” Vipin asked.

“Nothing.”

“You have done nothing for the last couple of years?”

“Yes. What is there to do? I don’t like stitching. I don’t like to cook. Apart from all this there is nothing.”

“What about studying?”

“If I want to study I will come out and study.”

“You have just wasted two and a half years?”

“That is not my fault. I am innocent.”

I turned my attention to the other boy who had a similar story.

“My name is Rakesh.”

“Why are you in?” Vipin began.

“Trying to plan a robbery,” the boy replied matter of fact.

“What were you boys trying to rob?”

“A shop.”

“It fizzled out before your boys even began your job.” Vipin of course!

“Yes. Big mistake. But I have been here since three months. I haven’t got a lawyer. Parents can’t afford one. My friends are all out on bail, except me! Please help me. I won’t do this again. I have learnt my lesson. My friends are out because they could afford lawyers. I want a lawyer too.”

Vipin wrote down all the other details and then we were informed that all the other boys had lawyers and their parents and families knew about their whereabouts.

We left for the Board. The cops had told us that when Narinder’s case number came up, they would inform us but just

to be on the safe side we decided to go back into the Magistrate's arena.

"Don't worry Narinder. Today you will be granted bail. Your mother has also come here. We will be able to take you from Prayas, once you reach there in the evening." I held him by his shoulder while we walked towards the cage. The policeman was unsure what to do with me. His job was to walk hand in hand with each child in conflict with the law. Now, here was I, holding this boy by his shoulder. Should he still try to catch hold of the boy's hand? I think better counsel prevailed. He must have realized that the sight of him walking hand in hand with Narinder and me on the other side holding Narinder's shoulder would look ridiculous. So, he decided to walk behind us. Thus, today, the cops had left us alone with Narinder and two other children and now allowed Narinder to walk without the mandatory lover's grip. Good.

We reached the Board and Vipin looked around for the mother. We spotted her and she came away with a worried expression.

"They called out for Narinder. I searched for you all but I couldn't find you. So I stood in front of her. She told me to wait."

"How could Narinder's number come and Narinder not be made to appear before the Magistrate?" I was surprised.

"That is why I wasn't too comfortable sitting in that cell. Over here you just never know what to expect. Let me see what the situation is."

I stood alone with the mother. She seemed to be far away from all that was going on. She seemed lost.

"He is a good boy. He comes with me to work. I work for Bharti madam's mother. I take care of the house and Narinder comes along with me and helps me to clean the house and take care of it. He is a good boy."

"We were with him now."

"You were with Narinder? How is he? Is he very upset and angry?"

"He is much better now. I have told him you are here. He wants to learn stitching. Once, he is out of here we will make

sure he gets put into a good place where he can learn stitching and who knows God willing he will be able to make a career out of it. Let him come out and we will work something out for him.”

“I am scared that once again the police will take him away. He has been in a lock-up twice; first, on the charge of stealing a mobile and then on the charge of recovering the mobile. The second time they put him in a police lock-up and didn’t even let him appear before the Court or the Board. I was so scared because for a few days nobody knew where he was. He is a good boy. His brother can take care of himself. If somebody comes and tells me that Narinder’s younger brother has done something wrong, I will even believe it, but not Narinder.”

I looked at this woman and sighed. Life could be such dreadful grind for so many people. I saw Vipin approach us like a bull in a china shop.

“I spoke to the Reader. He says that Narinder’s turn had come, but realizing that Narinder was with us, being counselled, the Magistrate pushed back his number. It should come anytime now so let’s stay here for a while.”

So for half an hour or so, I walked about the place and time and again would hear a boy’s name being screamed out. I realized that I needed to eat something. Vipin must be hungry too. But there was nothing we could do about it till Narinder’s case was settled. He would be out on bail today and this would be worth it. He was innocent and no innocent person, especially a child, should be, even for a minute, imprisoned or kept in an Observation Home. Only then could one say democracy existed in one’s country. Only then could one proclaim that our country has truly gained independence. Otherwise it was all a sham.

Soon Narinder’s name was called. But there was no sign of Narinder. It seemed that he wasn’t needed; just his lawyer. I sat on the plastic chair. The administrative staff along with police had begun to recognize me. They would smile or raise their hand in acknowledgment. I would reciprocate in the same way. One of the staff members, who had earlier nearly passed out seeing me blow a bubble, said a whispered hello. I mouthed a hello too and stopped chewing my gum and reminded myself not to blow a bubble.

Vipin was saying something to the Magistrate but it was not clearly audible to me. I could hear something about being innocent, then bail, then personal bond and then something to do with money and security. Then Vipin turned and looked at me and with his eyes told me to follow him out. His eyes were preoccupied and that didn't speak too well for Narinder. Vipin's emotions are visible on his face. He was waiting for me to come out and then we walked away from the crowd.

"Don't tell me he hasn't got bail Vipin?"

"Not today."

"Why the fuck not?"

"She will pass the order today. That means he will be released only tomorrow. I have pleaded that the mother doesn't have to put a security for his bail. It is granted as a personal bond."

"What does that mean?"

"Usually when a child is released on bail, the parent has to pay a security, usually in such cases it is two, three or five thousand rupees. It is called a Personal Bond. Also a Surety Bond is required, which somebody other than the parent has to appear and pledge. Even for that, the same amount of money is required to be put as security. I have pleaded that first of all no money be needed as a Personal Bond and there be no necessity for a Surety Bond..."

"Which means you just need the parents assurance and not somebody else's."

"That's right."

"Why can't we take him home today?"

"That's because she will pass the order only by the evening. Tomorrow the mother can make a fixed deposit of the amount required by the Board and then submit the fixed deposit and sign and then tomorrow, in the evening we will be able to take Narinder home."

"Tomorrow evening?" I spoke out loud.

"Unless there is no need for a fixed deposit. Then we can get him today. Wait, do you have your ration card or proof of identity?" he asked the mother.

The mother nodded.

"Let me see if there is a ration card or some proof that she is

Narinder's mother. Without that even if the Magistrate releases Narinder without a need for bail money, we will be able to get him out tomorrow." Vipin searched through the file but to no avail. So now, whatever the outcome, Narinder would have to spend the night at Prayas.

I didn't have the heart to tell Narinder that he would have to wait for another day to be released. The mother had accepted her lot. She was relieved that if not today, then at least her boy would be released on bail tomorrow.

"Ruzbeh you must meet Mr. Chaudhry. He is the lawyer the boys were talking to you about on Tuesday. And you must see his Mercedes Benz that he travels all through the Capital. He is one of the most dedicated lawyers whose entire life revolves around children."

"For children I can work twenty five hours a day. They deserve all the help that they can get."

I shook hands with Mr. Chaudhry and smiled when Vipin showed me one of the most battered scooters I have ever seen. It was a miracle the scooter did not just fall apart, while standing, leave aside while trying to prove the laws of velocity.

Mr. Chaudhry looked like a typical Punjabi gentleman; big built, stomach out, full face, nice double chin, a man full of life, loud, boisterous, frank and with absolutely not an ounce of diplomacy. I looked at him and smiled. He was the one who did not get along too well with the Magistrate, because he would side track her, appeal to the High Court and then get the boys released on bail.

"The boys speak very highly of you."

"They are poor boys. Some of them have committed crimes but mainly it is because of poverty, wrong company or just out of curiosity. Each boy has to have a lawyer. It is their Fundamental Right. I used to go everyday and find out who doesn't have a lawyer and then represent them free of cost or those who could afford at the most nominal rate. That is why I drive this battered scooter and other lawyers come in fancy cars. Like that fancy car belongs to a lawyer who has bought it from the money of poor parents and boys. That is blood money. They charge thousands for something that can be done for as less as three

hundred rupees. This is a Xerox copy of a bail application.” He removed a sheet from a thick file. There were a few spaces left vacant for the lawyers to fill. “How much should a lawyer get for filling this form? I say not more than hundred. Fine, take three hundred. Why take a few thousand rupees? Lawyers do that and these boys come from poor homes. They or their families can’t afford to first pay the lawyer and then organize bail money for their child. Very often the child languishes in these homes for years just because the family doesn’t have money to pay lawyers or put up the bail bond. Are we in the field of procuring justice or are we business men who will do anything to make a profit?”

“I will not say a word for or against lawyers or any lawyer in particular. I don’t think it is right to speak against somebody from your own profession.” Vipin smiled but meant all that he said. Throughout, I never heard him say an ill word against any lawyer. This was professional and I respected him for it.

“But why are these boys without a lawyer? Shouldn’t the State be providing them with lawyers free of cost?” I inquired.

“But there are no lawyers who want to work free of cost for these children.”

Just like medical students have to compulsorily work a year or more for the poor and in villages, why weren’t lawyers, who passed out of Law School, also made to do mandatory work for the poor and the needy? If lawyers were forced to work for the poor and the State, maybe for a year, there wouldn’t be a poor person who would go without a lawyer. After the mandatory year, the case could be passed on to the next lot of new entrants.

“Do you go to the Observation Home everyday?”

“I can’t go anymore. I used to go everyday and the boys would share their case with me and their problems but for the last one year I have been stopped from going there.”

“Why?”

“Because she refused me permission.”

“Why did the Magistrate do something like that?”

“Ask her why was a lawyer who was working free for these children debarred from meeting the children and not be able to help them be represented in the Juvenile Justice Board.”

“She is useless. She has no concept how to pass orders.” It was obvious that he and Ms. Rawat didn’t share the best of professional relationships. I would pay good money to watch them both in the Juvenile Justice Board. He removed an order and showed it to me. “You will laugh when you read this order. Take it. Read it.” So I did. It was a rape case, about a boy who had carnal intercourse (I assume that meant sodomy) and this was the third time this boy had been taken in and presented to JJB. The bail had been refused, as the Magistrate thought this boy was a threat to society. I honestly didn’t understand where I was supposed to laugh. I passed the order to Vipin. He read it in a few seconds and handed it back to Mr. Chaudhry.

“What’s wrong with it?”

“Don’t you see there has to be a particular clause to reject bail? She hasn’t mentioned any of the clauses. There is no legal reference. Just lay person lingo.”

“But it is obvious that this boy is a threat to other boys. He has raped three boys. He is a moral threat...”

They both began their legal banter. I stood and looked around. We were standing behind a wall where we were away from prying eyes. I thought about the case. Putting a boy who has raped three boys and is capable of raping more boys, along with two hundred and twenty five boys who were all housed in the Observation Home, didn’t seem to make any sense to me. But releasing this boy back into society, where he was capable of raping more boys wasn’t logical either. In such a case what was to be done. Isolation? That was out. Counselling? Yes. But who would do the counselling. We were a hundred years behind where the sensitive handling of juvenile cases and reform and treatment of juvenile offenders were concerned.

I heard Vipin say that he didn’t think there was anything wrong in the order and Mr. Chaudhry, in a polite manner, called Vipin an ass.

“Sir, we are here.” Mohan Lal’s sister had arrived along with her mother. There was a stark difference between Narinder’s mother and Mohan Lal’s. The former had a dignified presence while the latter was the type who could take on a thug or two, bare fisted.

“You have got all the papers?”

“Yes sir,” answered Geeta, the sister. Her hand was still covered under her shawl and with the other hand she handed all the papers to Vipin. Vipin explained the case to Chaudhry. Chaudhry called the lawyer who was handling Mohan Lal’s case a greedy, blood-sucking parasite. Vipin checked through the file and looked at both the women.

“Where is the proof of age?”

“I told you that day itself that the police took away his birth certificate and all the proof that he is a minor.”

“What about the ration card?”

“In the ration card by mistake his age has been increased by two years. We don’t know how to read or write and when this new card was made we didn’t even bother to see anybody’s age.”

“These ration card people are useless,” Chaudhry’s sympathy was with the poor and that was apparent in the way he spoke with them and also the manner in which he sided up with them. “You told me there are two cases going on in the Juvenile Justice Board, then what further proof is his lawyer or the Board waiting for?”

“I haven’t seen his age in those cases also Mr. Chaudhry.” Then Vipin turned towards the sister, “you told me you are going to get me his school leaving certificate which will prove that he is seventeen, where is it?”

“We will be able to get it tomorrow.” The sister said to Vipin and me. Narinder’s mother was there with us too.

“What has your brother done?” Chaudhry inquired.

“Saab, I agree that he has done many childish things but this time he has done nothing wrong. There is this woman, she is of loose character, and she has a problem with us and especially him”

“They were having an affair first?” Chaudhry inquired.

“They were having an affair and then the boy walked out and because the girl has the police by the bollocks she has the power over this family,” I informed him in English. Chaudhry nodded. He was a man of the world. All lawyers need to be.

“The police kept him in the lock-up for three days and beat him very badly. In front of us they hung him naked and would

beat him till he became unconscious and then put petrol and cold water through his nose and again beat him up. For three days they bashed him. My poor son, he was in such a bad condition that on seeing him I fell down unconscious.” The plight of the mother was heart wrenching. Her face was pale with fright. If this could happen to this woman’s son, it could happen to her son too. There was fear in her eyes and I had no words to comfort her.

“Who is the lawyer?”

The mother mentioned the lawyer’s name. Mr. Chaudhry had disgust all written over his face. He looked at me.

“Is it any wonder he can buy that car? That is blood money. How much has he charged?”

“Five thousand...”

“The cheat. This man...”

“Mr. Chaudhry, don’t speak about another lawyer like that. It is not right.”

“And it is right to suck the poor of their hard earned money? Anyway forget all this.” He turned towards the mother again. “We will be able to get your son out, once we have the case papers, but you will have to take care of your son. He works... ok then, make sure he goes to work and only comes late at night and then leaves for work in the morning, as early as possible. Tell him to keep low till the matter dies down.”

“I don’t know what to do, Saab? The police harass us continuously. This woman broke my daughter’s hand in front of us all, they filed a case against my daughter, and we had to plead and bribe them to let my daughter at least go. I don’t know what to do,” she said to me.

“The moment he is out on bail, just keep your son away,” I answered. “Keep him away for as long as you can. If you can, send him to live with some other relative...”

“I think you are right. I will send him back to our village. He can work and feed himself and most importantly he will be away from this hell and away from the hands of the police. Once a boy comes to the attention of the police, the police never forget. For any crime they can’t solve in that area, they put the blame on our children. I am so scared to think, what will happen again

after a few months. The police will once again pick him up on some other charge and I don't even know whether he will survive another torture session. You have no idea the way they beat my boy Saab. They beat him so badly that I thought I would go mad. I still can't sleep at night when I think of it. It is horrible. I wish I had died before I saw all this."

Narinder's mother touched my shoulder. She took me aside, while Chaudhry had taken off, like a rocket about the judicial system, the lawyers, the Magistrates, the police and authority in general. He had a one-track mind. He was every poor child's best friend; a Santa Claus with a run down scooter and a heart that bled for the children in conflict with law.

"Son, I am very worried about Narinder. The police have taken him twice and a false charge has been filed on him. I am very scared that if they take him away again, I will lose my son. He is already so angry and hurt that now if again the police lock him up on a false charge, he might become violent and become a danger to himself and others around him. Please help me take him away from this place. The police know our home now. Please think of somewhere my son will be able to live an honest life, away from the police and lock-up. He will not survive. He is a good boy. I know my younger son is capable of going the wrong way but he can handle himself. He is strong; much stronger than Narinder. He is also clever. Narinder is innocent and a good boy." Then the mother began to weep. Tears rolled down her eyes. I felt useless and I felt my entire endeavor, of writing this book, shallow and artificial. Would something good come about for the poor and the children and their families from this book? I stood in front of two mothers, whose lives were a living hell, because of the police and made worse because of inept and greedy lawyers and a lethargic, as well as an over burdened judicial system. What could be done for them? A book wasn't enough. A few thousand readers, who would tut-tut and do a bugger all about the state of affairs, wasn't good enough. For every Jessica Lal case, that seemed to have been forced to reach its logical and legal end, there were thousands of unknown cases, buried away in dark corridors and under ancient files, in every police station.

“I have lived a hard life. My husband is a drunkard. My younger son is capable of getting into trouble. Narinder is the only one I can depend upon. He is my hope and my future. He is all that I have for my old age. He is a good boy. Please help him get away from here.”

“I will do my best. Let me talk with a few people. Let me talk with Bharti and Enakshi. Let me see what can be done. Let him come out and then we will meet and work things out.”

She joined her hands in acknowledgment. At the moment I had no idea what could be done for the boy; but yes, if he continued to live at home, he would be picked up in a few months for certain and if that happened, it would be the end of Narinder; not death, but the end of any chance of a decent life. He would become a hardened criminal; violent and angry.

I returned to Vipin and Chaudhry who were discussing the case with Geeta. Her mother had disappeared. Five minutes later, she reappeared with a lawyer in tow. The lawyer looked as though a bee had stung him on his arse.

“You are trying to take away my case *ji*.” He looked at Vipin with mistrust and Chaudhry with distaste.

This word *ji* is typical north Indian lingo. It could denote respect, threat, humour, scorn and lot more. When your wife calls you with ‘come here *ji*’ and when a thug says ‘if you don’t do what I say, I will boil your head *ji*’, the nuance decides the emotion and action.

“I am not trying to take your case Sir. In fact I have told this lady very clearly that I am taking on the earlier two cases, which she doesn’t have a lawyer for. This third case is interrelated as there is an issue of age.”

“I am not interested in all this. But I don’t think it is right to influence anybody to change the lawyer...”

“You can ask her if I have asked her to change her lawyer. I haven’t. She is interested in getting her son out of Tihar. He is a minor but still locked up in Tihar. That is why she is trying her best to get the maximum result in the least time.”

The lawyer had an attitude. He looked like a scumbag. Looks most often are deceptive but I had my doubts about this chap. He looked at Vipin and Chaudhry with distaste, couldn’t decide

where I fitted in and then walked away with another lawyer and a poor client. He opened the rear door of his fancy car, sat in it, while his client stood out and did whatever scumbags do.

Vipin looked at the mother and he was controlling an urge to throw a fit. I had never seen him this disturbed.

“Did I tell you to go to him and get your case back? I had told you just to get your son’s birth proof from the school. You want me to be thrashed up by all these lawyers...”

“Who will touch you when I am here?” Mr. Chaudhry inquired aloud.

“You don’t create trouble for me and your son. Is that clear?”

“Saab I thought...”

“Don’t think. That’s my job. Just do what I tell you to do. Is that ok?”

The daughter looked at her mother with anger. The woman was clearly desperate to get her son out of Tihar. I am certain she would do this very thing many times more and Vipin could stand on his head but to no avail. When a mother is desperate, logic and reason have no place. The fancy lawyer got out of his fancy car and then walked away, like a disgruntled movie star.

“This guy has given his visiting card to most of the police men in charge of the boys. These policemen hand his visiting card to all the boys who come in. The boys are poor, scared and are unaware of anything. When the Magistrate asks them if they have a lawyer, they take his name or they tell the Probation Officers that they would like to meet him. They hand the card to their family members and this man charges them five thousand or more just to do what a few hundred rupees can. They don’t have a conscience. They are the scum of the earth.”

I nodded. I was right. He was a scumbag. I needed a tablet. All this talk about lawyers and children being beaten up and seeing naked fear on the face of their mothers was playing havoc with my body.

“Let him do what he wants to. He isn’t fooling anybody. He has a price and if the family is willing to pay the price it’s not his fault...”

“What nonsense Vipin. The families don’t know better. They are scared, and want their child out.” Chaudhry admonished

Vipin. Then he looked at me. “You see that plump man standing there with various lawyers and cops?” He pointed towards the man who had asked me not to chew gum and blow bubbles in front of the Magistrate. “For every boy who is acquitted or released on bail, he takes money from the lawyer who take money from the parents.”

“How much money?”

“Twenty rupees.”

I could live with that. Twenty bucks was significantly different than five thousand bucks.

Vipin then told the sister to make certain that the school leaving certificate was procured and once it was procured she could call him up and meet him here the next day or drop it at his office. The sister wanted to know if I was coming here tomorrow and if I was, she could hand it to me. I gave her my schedule and then they did a *namaste* and left. It was nearly four. This meant the order would be ready for Narinder’s bail. Vipin and I walked towards the Board. Vipin spoke to somebody and came back with his shoulders drooping. I realized that this didn’t speak well for Narinder.

“The order will be ready tomorrow after lunch. He will thus get bail tomorrow. We will only get it in the evening. This means, we will know about it on Friday evening and as every alternate Saturday the JJB is shut, this means we can only release Narinder on bail on Monday evening.”

All this was bullshit. Today was Thursday. Why did a child have to stay on in an Observation Home for nearly four extra days for no fault of his? Everything was explained to the mother. She was worried that Narinder would take the news really bad.

“Why can’t the Magistrate just give the order today? That way we can have him out on bail tomorrow?”

“She has to rush for a meeting. That is why all orders are pending.”

“Why can’t there be more than one Magistrate? There are how many cases going on in the Juvenile Justice Board?”

“More than four thousand...”

“And there is just one Magistrate handling more than four thousand cases...”

“Every day new cases come about too...”

“What is wrong with our legal system and what are the Departments for Social Welfare and Child Welfare and all the others, doing about this?”

“Nothing. Children and juvenile cases are way low down the priority list.”

We walked towards the cage. Mr. Chaudhry was the first one to describe the cell in which the boys were kept in, as the ‘cage’. It really was a cage.

We approached the cage. Narinder approached us. I spoke to him that he would get bail tomorrow, it might take another day or two for his mother to get the bond done, and thus he would be out by Monday. He took the news well. Much of his anger had disappeared. He spoke to us for a while and then a few of the other boys, young boys, not more than ten years of age approached me.

“We are out sir.”

“Out on bail...”

“No. Our case is over. We are free. Today is our last day inside.” There was joy on their faces and their eyes shone with joy and relief. They were really happy and justifiably so.

“Make sure you don’t make the same mistake again.”

“We never will.”

“Why were you in?”

“Stole a bike!”

“Expensive bike, *hun?*” Vipin asked with a smile.

“The bike turned out to be too expensive sir. No more bikes. No more wrong friends. Just studies and a good life.”

I smiled. I was truly happy for them but in my heart. I just prayed that they stayed away from crime and most importantly, the police left them alone and the boys weren’t framed for crimes they weren’t guilty of. That was crucial but knowing the manner in which the police operated I doubted whether these two little boys would be left alone for long. If they were left alone, I would believe that God was just not in Heaven but walked the by lanes, and if HE took time for that, then and only then all would be well with the world.

The sun was about to set. For the first time, we were present

when the boys were made to get out of the cage and walk to their Observation Home, which was very close to the Juvenile Justice Board. All the boys were made to stand in line, in pairs. A tall boy came out last. He looked at me.

“Sir, I am free. Today I go home.”

“Great. I am very happy for you. But try not to come back again.”

“I won’t sir.” He was nearly six feet tall. He beamed me a smile that made him look like a kid that he really was.

The boys began walking and a few turned and waved good bye. I smiled and waved back. Vipin was busy on the phone speaking about Narinder’s case to somebody at HAQ. I could see him from far, raising his hand, speaking loudly, not too happy about the way things were handled today. Though, he didn’t blame the Magistrate, he sincerely felt she was way too overworked and was trying her best but she had to walk the path cautiously. Chaudhry and whomever he spoke to at the moment, didn’t share his opinion. I thought the Magistrate, was doing a good job. Yes, she could do a better job. She could take the bull by the horns and turn things around.

I waited for the Prayas kids to come out of the cage. Narinder came out and smiled at me.

“Give my love to my mother and tell her to get me out soon.”

“I will, but you stay well and calm.”

They were put into the van. I walked towards Vipin and looked around. The place was virtually deserted. Parents, boys, cops, lawyers, most of them had left the JJBoard and even the compound was empty. I heard the police van start and I saw a number of boys wave out to me, from the caged window. I waved back. Whatever their crime, they were just kids. Some had gone wrong while most had gone wild for a while. But due to the cage like Observation Homes and either due to corrupt or incompetent and lazy police officials, they were scarred for life. Caged now, maybe due to a fault of theirs, but eventually they would either be ostracized by society, manipulated by the police or become shameless and hardened because of callous and crude juvenile homes and an unimaginative Juvenile Justice System, which was based on penalizing rather than reform.

I WAS UNWELL THE NEXT DAY. I WOULD HAVE LOVED TO GIVE ALL THAT WAS PLANNED TODAY A PASS OVER BUT A FEW HOURS WITH STREET CHILDREN WAS PLANNED, WITH THOSE REPRESENTING THE SALAAM BALAK TRUST (SALAAM= SALUTATIONS; BALAK=CHILD). VIPIN HAD ARRANGED THIS MEETING AND I DIDN'T HAVE THE HEART TO CANCEL IT. I DRAGGED MYSELF OUT OF BED, CURSED AND CUSSSED, DROVE TO THE HAQ OFFICE, MET BHARTI, CURSED ALL THOSE WHO HAD MADE A HASH OF THE JUVENILE JUSTICE AND REFORM SYSTEM AND THEN LEFT THE OFFICE TO FIRST HALT AT THE JJ BOARD TO CHECK THE ORDER THE MAGISTRATE HAD PASSED REGARDING NARINDER'S BAIL AND THEN MOVE TO THE DELHI RAILWAY STATION TO HAVE A PEEK INTO THE LIFE OF HOMELESS CHILDREN.

Vipin was dressed in jeans, a long *kurta*. His *kurta* reached his shin, showing part of the jeans he wore and over the *kurta* was a windbreaker jacket.

“I am sick today. You look sick too.” Saying this he got into the car and he directed the driver the quickest route to reach the JJ Board. I shut my eyes, as I knew what was to follow. I knew both the men by now; my driver yearned to show us all of Delhi at every given opportunity and Vipin wasn't the man to be taken for a ride. After five minutes of ‘take this road’ or ‘sir, I know a better way’, I opened my eyes, wished either one or all of us were dead, and told the man behind the wheels to follow Vipin's directions, as the latter was more familiar with the route to the JJ Board.

The conversation after a while veered towards Mahatma Gandhi and Avtar Meher Baba and eventually to Sai Baba of Shirdi and the interrelation between all of them. Both Vipin and I are disciples and devotees of Sai Baba of Shirdi. Sai Baba of Shirdi was one of the Five Perfect Masters who was responsible for awakening and empowering God Realization in Avtar Meher Baba. Avtar Meher Baba and Mahatma Gandhi had traveled on the ship, *S. S. Rajputana*, in different compartments to the United Kingdom; the former for the first time to meet his Western followers and the latter, to attend the Round Table Conference discuss and fight for the independence of India.

Mahatma Gandhi had learnt that Avtar Meher Baba was traveling in the same ship. Meher Baba always insisted on traveling only by third class. Mahatma Gandhi would visit Meher Baba at night and both of them discussed spirituality, the political struggle and other esoteric subjects. Mahatma Gandhi when he realized that Meher Baba would fast on just one cup of tea a day, for months and hadn't spoken for years, had sighed and spoken aloud, that when he fasted for a few days and kept silent for one day in the week, the world considered him to be a Great Soul, while Meher Baba fasted for months and did not speak for a few years and went about life as though all this was of no consequence. (Meher Baba wouldn't speak for the next 43 years and took Samadhi in January 31st, 1969). Days before Mahatma Gandhi was assassinated, Meher Baba had sent His disciples to

Mahatma Gandhi, urging Gandhi to spend a few days with Meher Baba at his ashram in Meherabad, as his life was in danger. Gandhiji promised that he would come and stay with Meher Baba, a few days later, but it was never to be, as days later, Mahatma Gandhi was assassinated, with the name of Ram on his lips.

We reached the Juvenile Justice Board and for the first time, since I had begun to frequent it, I saw it virtually deserted. I exhaled in peace. The aura of the place was light. Usually the vibrations were heavy, depressing and negative. Fear, insecurity and uncertainty, clouded and enveloped all those who walked into its fold. But today, I felt I could breathe in deep and breathe in peace. Even the gate was barred and a security man stood next to it. A lawyer was seated there with a few of his cronies and they eyed us with surprise as we entered the Board Room. Inside sat a solitary man writing something in a big register. He had the call sheet, which contained the name and offence and status of the case of each child that was to meet the Magistrate on that particular date. He held today's call sheet and was writing something in a register as big as the man. The man reminded me of the individual who played the role of the inspector in *Instant Kichdi*, one of my favourite comedy sitcoms. In fact, he was the striking resemblance; thin, moustached, cheeks sunk in, hair combed tightly to one side. I couldn't help but smile.

Vipin approached him and began to speak to him as though the man was a long lost brother. This quality of Vipin never seemed to amaze me. He could strike up a conversation with just about anybody and the best part of it all, was that the stranger too would feel comfortable in not only talking to Vipin but even revealing intimate details. Vipin danced to a different tune and often he could exasperate me, by indulging in banter and conversation, but he always had a reason and though often I felt he needed to be more focused and be less scattered and that he had the worst sense of time, this side of the continent, but without a doubt, he was the ideal social worker; honest, dedicated and somebody who could and even would, put his life at stake for a cause he believed in.

Vipin asked to see Narinder's Order. I thought the man would

give some excuse but to my surprise he stood up, left the room, and returned with a file.

“Make it quick.”

“Sir will be gone before you know it.”

The man smiled.

Vipin opened the file and the Order lay in front of us. We both read it and it was not more than twenty lines. It basically said that this was Narinder’s second case, that his mother should make certain that he should be kept away from bad company and that the police from Lajpat Nagar, had kept him in a lock-up and then in Tihar, though well aware that he was a minor, as they had apprehended Narinder in a case of theft before and should have known he was not an adult. The boy was released on three thousand rupees personal bond and that no Surety Bond was required. Vipin wanted to write down the Order but didn’t have a pen, so he approached the Magistrate’s desk and removed a pen from the holder. It didn’t work, so I removed a pencil and then kept it back as it was a coloured pencil. Vipin then asked the Reader who gave him another pen. While Vipin copied the Order, I walked to the door and looked out. It had rained last night and it was cold. I had forgotten to carry a jacket and realized it was going to be a cold night out for me. The lawyer and his cronies had left and now there was nobody inside the JJ Board but the guard and us.

I returned to find Vipin going through the file now. I saw the report filed by the Probation Officer, and a line that struck me, was ‘he is a very sensitive child’. At least they had got that right.

Vipin jotted things down and continued talking with the man. The latter was completely focused on his task and I am sure it was a responsible one, but he humoured Vipin and Vipin just wanted more time with the file.

“You have lot of clout here, Sir.” I heard the man tell Vipin and both the men laughed. It was a strange conversation and there was much more than met the eye. It was a game that lawyers and government officials are adapt at playing. Vipin finished his writing and winked at me. I smiled back.

“Sir, till what time are you here everyday?”

“Till my work is done, Sir.”

“It is already five thirty, Sir..”

“Should be here for another half an hour or one hour *ji*.”

Vipin thanked him. The man shook my hands and told me that I had a very different name.

“Persian name?”

“Yes.”

“Very nice. Very difficult to pronounce and remember but a very nice name.”

“Thank you so much.”

I was embarrassed to ask his name. I am particularly horrible in remembering names and faces. We left the room and only when we were in the car that Vipin began to talk aloud.

“You know why he told us that we had lot of clout?”

“Because you carry this heavy bag?” I ribbed him.

“Because, we didn’t need to pay him any money to see the file. If a lawyer wants to see the file, he has to put in an application and state the purpose. If not, they take it from him and pay him fifty or hundred or whatever.”

I felt sorry for the man. Obviously he must be earning pittance and I didn’t blame him for trying to earn a little extra for the family.

“Now tell me what does this order mean?”

“It is good and not so good. Good, because no Surety Bond is needed. Usually the parent has to give a personal bond and somebody else, apart from the parents have to give a Surety Bond. Last time his uncle had given the bond but then the parents have to shell out money on his behalf too. So they have been saved three thousand rupees. The uncle is another thug. I had last time told him that he would have to come to this Board and he had said that there is no jail or Court or Board in Delhi, he was not aware of. So, this is good. What is not good is that she hasn’t come down harshly on the cops for imprisoning Narinder, not informing the family, not presenting him in Court or Board in twenty four hours and then, knowing he is a minor, yet putting him in Tihar. Also, there was no need to take money as a personal bond from the mother, when she is well aware of the history of the case, the innocence of the boy and the situation of the family. But something is better than nothing.”

“This bail bond of three thousand which the mother provides... will she lose the money?”

“No. Unless the boy jumps bail and disappears. When the case gets over, she is given back the money.”

“In a very perverse way, this fixed deposit becomes like a saving for the mother?”

“Ya. She earns some six percent interest also on the same. So, in a way, the mother who would never have managed to save money lands up saving money.”

“Does she have the money? I mean, we can organize the money for her.”

“I will ask Bharti and if there is a need and Narinder’s mother can’t pay up, then I will get back to you. Also Ruzbeh, the boy should understand that every future action of his, the mother will have to face and bear the consequences. I am worried that Narinder is carrying within him anger and thoughts of vengeance. He needs counselling and nothing works like guilt, in sobering a boy down. But in case the mother just can’t afford it, then your help will be most appreciated.”

I nodded and looked outside. There were young boys walking on the pavement wearing designer clothes with fancy mobiles in hand. Did they realize how fortunate they were, that they had educated parents, who had the money, contacts and everything required to protect them from all perils. The young boys could do as they pleased, walk the streets at whatever hour, sure that no police official would dare take them to the lock-up.

The car halted at the main Delhi Railway Station. The entry point for thousands of children who run away from home, arrive at Delhi, just like they arrive at Railway Stations of various other cities, to live on the streets or with friends, with some false notion in their young heads, and very often land in juvenile homes and prisons; very often for no fault of their own. I am not suggesting that all children are innocent and honest. But many certainly are, till a heartless as well as a senseless law and order and judicial system imprisons them and converts them into full-fledged offenders. Every Saint may have a past but often a juvenile delinquent, innocent or guilty, doesn’t have much of a future on the streets of our gutted cities.

We arrived at dusk at the Delhi Railway Station; destination of millions of people every year, to start life afresh, far away from the struggle and strife of survival. This station represented, like the Mumbai Railway Station, the cumulative dreams of individuals, families, villages and towns. Most don't leave family and roots, for making a quick buck. Migration to cities, in India, is not a matter of choice; it is often, a matter of survival, of life and death.

The famous international film director, Deepa Mehta's mother initiated the Salaam Balak Trust. The name, Salaam Balak, came about from Deepa's acclaimed movie, *Salaam Mumbai* (Hail Mumbai). The movie was about street kids on the cruel and yet all-embracing streets, of the most wonderful city in the world, my Mumbai or Bombay.

"You see that Police Station?" Vipin pointed out the spot.

"Ya."

"The Salaam Balak Trust has been given a small place, on the terrace, which acts as a meeting point for the kids who roam and work about in and near the Railway Station."

The organization, I was told, has permanent homes for children of various ages and sex, but this small veranda like place, above the police station, in the compound of the Delhi Railway Police Station, was a very important meeting point and melting pot, where kids of all ages, caste and creed, gravitated; either just to bum around or study informally or understand how the organization functioned so as to take the leap, from living life on the street to living life at a 'home' or often, just to hang out and interact with the social workers, who were mentors, guides and most important of all, trusted friends. I am well aware that each organization has its strengths and weaknesses; has its good points and weak spots; is loved, hated or tolerated. You ask ten different professionals about their opinion of a social organization and usually you are bound to get diverse reactions and views; ranging from admiration to slander.

Somebody waved to Vipin and he waved back. It was a cold day and the night was only going to get colder. We were introduced to a young man called Avinash and an extremely young girl, Anshi, who for a moment looked as though she was

still in school. Two boys, not more than fourteen years of age, but who looked younger, were present too. Vipin recognized one of the small boys, called Ajay, but the boy couldn't place Vipin. Suddenly the boy gasped out in recognition. Yes, he now recollected Vipin. They had done a night out and met various kids and Vipin had a camera and he had clicked a number of photographs.

"Where are you from?" Ajay inquired.

"He is an author and a documentary film maker and if you behave yourself and answer his questions, he will write about you too."

Ajay blushed and though he shrugged away the suggestion that he was interested in being written about, it was obvious that the thought intrigued him.

"But where is he from?" Ajay asked Vipin.

"I am from Mumbai."

"I am from Bihar. My name is Ajay. What is yours?"

"Ruzbeh."

"Can you pronounce it? What is his name?" Vipin challenged the boy. Ajay smiled and looked at me.

"Roooz...beh."

"You are right." I smiled. It astonished me that most of these boys could pronounce my name, bang on, at their first attempt but my friends and acquaintances who had known me for years, professionally bugged my name and got some perverse satisfaction in doing so.

"What do you want to see and do today?" Avinash inquired in Hindi.

"I would like to meet children who spend their life on the streets."

"But there are various groups of children who live and work on different platforms of this station. It is a big station so we will have to start off somewhere."

"I am not clear as to what you mean?"

"For example, there are children who spend their entire day earning money by picking up rags and paper and discarded things. They make one community. Then there are kids who are pickpockets and indulge in petty crime. Like, when commuters

get down from the train, they can spot those who are sort of lost. So they approach them and strike up a conversation. While one boy engrosses the man with information and how to reach his or her destination, the other one is busy at work. By the time the person comes to know that one of his possessions is missing, the boys are gone. Then there are boys who make money out of water bottles. Like our friend Ajay.”

We had begun to walk on the bridge and now we stood near staircases, which would take us to various platforms. It was cold and both the boys wore nice windbreaker coats.

“Where do kids sleep at night, especially winter nights?”

“The kids are fortunate as there are various social organizations providing them with blankets and cardigans etc. But still Delhi nights get very cold so those who don’t want to sleep in shelters provided by various social organizations, find innovative ways of avoiding the cold, thugs and cops.” Avinash informed. “Climb up the rail and have a look.” He pointed out to small-boxed shape opening, a gap that separated the roof of the station from the platform. Vipin first climbed on the railing of the platform and hitched himself up.

“You must have a look at this.” He got down and spoke to me.

I climbed up and looked at the place where kids were supposed to spend the night, in order to avoid the cold and from being mugged or disturbed. It was a dump. Thick wires passed through and there were countless papers and plastic bags. It looked like a garbage disposal place, impossible to believe that even animals would find this place habitable, leave aside human beings.

“How can they sleep here?”

“They do. It serves various purposes. They are safe, warm and can sleep without worrying about cops. Nobody disturbs them at night or in the morning.” Avinash and Anshi both took turns informing us.

“Also it keeps the boys warm,” added Ajay.

Suddenly a boy of maybe fifteen years, carrying a bag filled with trash greeted Avinash and Anshi. The boy’s upper lip, up to his nose, was all white in colour, as though he had forgotten to wipe his nose from some sort of powder.

“He sniffs glue,” Ajay informed me.

“Glue?” I was aware of this sort of addiction but wanted him to tell me his version.

“There is this glue... glue to stick paper and all that... well there is this particular kind of glue which the boys sniff and it gives them a high. It is addictive, like a drug. Most of the boys are addicted to that because it is cheap and also because it is available in many shops. It is legal. Nothing wrong with glue but these boys have found an addiction in that.”

“You don’t sniff glue?” I asked Ajay.

“No way. I don’t want to get into all that stuff. It finishes you off. These boys only work to buy the glue and sniff it and then they find such spots and sleep.”

“Ruzbeh guess how much does our hero make everyday?” Vipin asked, pointing towards Ajay.

“How much?”

“Four hundred.”

“Four hundred bucks! Every day. That’s more than a few million graduates in our messed up country dare to make.”

“Ask him how he does it?”

So I held Ajay by his shoulder and we began to walk down the stairs.

“Ajay what work do you do?”

“I work with a mechanic.”

“Ajay tell him the truth. He is one of us,” Anshi prompted him with a smile.

“I... uh... I collect water bottles and then sell them to various people.”

“I don’t understand?” I inquired of him. But we had to break our conversation as now we were off the platform and we had begun to walk adjacent to the tracks. It was already dark but there was sufficient light around us. To our left was a big temple.

“Over here drug addicts gather and indulge in smoking and drugs as they aren’t stopped by anybody.” Vipin informed.

I could see statues and paintings of various Gods and Goddesses.

“This is a Shiv temple. Lord Shiv was known to indulge in bhang and thus these people in this temple are considered to be

followers of Shiv and are left unrestricted. *Jai Bhole Nath*. (Praise Lord Shiv, The Innocent One.)” Vipin screamed out loud and a number of beggars and sadhus who were preparing or consuming their pipe of illusions, looked up and stared at our assorted group, walking by the tracks, while Vipin continued to hail Lord Shiv and inquired if we could join them. The young boys kept laughing aloud.

“Ok, now give me the secret of earning four hundred bucks?” I asked of him and held him close. He was a good child. He reminded me of my son Pashaan. The only difference being my son had curly hair and a deep husky voice, the memory of which brought tears to my eyes, while Ajay had a thin, girl like voice and hearing him giggle brought a smile to my face.

“I collect bottles from the trains. A number of trains supply mineral water free of cost to every passenger. Very often, passengers don’t drink this water and it is left in the compartment. We collect these bottles and then they are sold to various people.”

“But every day you make four hundred rupees?”

“Sort of.”

“He is a *chapter* (over smart character), this boy. He is not telling you everything. Ask him where he stays?” Vipin prompted.

“Where do you stay?”

“I have rented a room at Pahar Gunj.”

“You have rented a room, all by yourself?” I found this a little hard to believe. He was barely four feet tall and was just a kid.

“Yes. I live all by my self,” he said, matter of fact.

I looked at Avinash and Anshi, to determine whether this boy was yanking my chain. They smiled and confirmed the truth of what he had said.

This was quite a revelation for me. In India you don’t expect young boys who lived off the street to rent rooms and live in them.

“He is quite an entrepreneur. They aren’t interested in studying or even living in good institutions and homes. Remember there are around three hundred boys living in and around the station. There are more than fifty social organizations operating in this station itself, to take care of these children. But most often, they

stay in the Homes for a while and then disappear. Most of them just run away, come, and live back on the street. They are addicted to the street life and most often, would prefer to undergo hardship on the street but remain free than be completely looked after by social organizations.” Avinash informed.

“What do you mean completely looked after?”

“They are provided with education, shelter, food, medicines, clothes... you name it but they prefer to rough it out on the streets.”

“Why?” I asked Ajay.

“Freedom. I hate having rules and regulations. Wake up early, then study, then do this and then do that. We want our freedom. We are kings of our own time and world.”

This in a way makes sense. If these children wanted education, clothes, good food, and creature comforts, they wouldn't run away from their homes and leave their parents and their families and their friends and security. Most kids are runaways. At least most kids I had met.

“Ajay take us to your home, na?” Vipin winked at Ajay.

Ajay blushed.

“Some other time.”

“Where are your parents Ajay?” I inquired.

“Bihar.”

“You don't miss them?”

“Only when I am sick. Otherwise I don't.”

“When did you run away from home?”

“Six or seven years ago.”

“Now what is your age?”

“I think twelve or fourteen.”

“You have never met them?”

“No.”

“Do you know where they live?”

“No.”

“You have no idea?”

“I only know that there is a bridge and then left to the bridge is a lane and then there is my father's home.”

“Wow... that explanation surely will help us all.” Vipin chuckled.

“Which town or city? Any idea?”

“No.”

“How did you get here?”

“I just sat in a train and Delhi was the last stop,” saying this he smiled.

We were now walking between the rail tracks. We saw a man with two small boys. Avinash halted and turned towards us.

“Over here, there is a system. You see that man. He has two small boys working for him and under him. He trains them. He provides them food and water and whatever they need but no money. He is their protector cum boss. Now let us talk to him,” saying this Avinash resumed his walk towards the man and his two trainees.

“You have new recruits.” Avinash inquired of the man. He was in his late teens or early twenties. It was hard to tell the age of these boys. Hard life, malnutrition, drugs, unkempt clothes and hair, made it difficult to really ascertain their age. “Where are the boys you had with you earlier?”

“I bought their tickets and sent them home.”

“They are gone for good or are they coming back?”

“No. They are gone. They couldn’t manage this life. They were missing their homes. So I paid for their tickets, gave them money for the train journey and something for their home and sent them back.”

“Where did you send them?” I inquired.

“One boy was from Madras, while the other was from Bihar.” He and his two smaller wards were crouched with a hundred odd mineral water bottles scattered near them. They were sorting things out. The man got out two mineral bottles and handed them to Avinash.

“Drink water. You all must be thirsty.”

For a while none of us really knew how to react. It was a known fact that one could never really vouch for the authenticity of a sealed mineral water bottle. It was not a very wise move to purchase and consume mineral water from just anywhere. Often the water bottled by illegal sources was more dangerous than the water consumed from a tap. So we all smiled and sort of tried to hand him back his bottles.

“These are proper bottles. Don’t worry. They are served in trains like the Rajdhani and August Kranti and other Express trains. Don’t worry.”

Avinash took the bottles and I noticed that one was a ‘Kingfisher’ brand of mineral water and the other was some ‘Train Neer’ bottled water.

“Where did you get these bottles from?” Avinash inquired. I am certain he knew the answer but he asked for our benefit.

“From the trains.”

“Tell me,” I intervened, “what will you do with these bottles?”

“Sell them to all these stalls and vendors that work on the station.”

“For how much?”

“For these Train Neer bottle, we get a higher price than other bottles.”

“Why?”

“Because the trains only stock this brand. So, if I sell this bottle, I will get three or even four rupees, while if I sell this Kingfisher, I will get with difficulty two rupees.”

“I thought you would get more for the Kingfisher ones.” Vipin added.

“Yes, if we sell it outside the railways station but in the railway station only this brand is accepted. So if I sell both these bottles, I will be able to have my tea and a packet of biscuits, which is good enough for me.” He said this with a smile.

“But you should sell it for a higher price, as the price on the bottle is ten rupees.” Vipin informed.

“Arey, saab,” spoke aloud Ajay. “If we sell them at a higher price, then what profit will the store man make. Even he has to make a profit or not. One shouldn’t be greedy.”

I couldn’t help smile. First of all they work hard to get these bottles. Then they offer two bottles to us. Then they consider the ethics of greed and contentment. The world and mankind at large never failed to amaze me. You found the most beautiful roses in graveyards and often the most debased souls in charge of temples and schools.

“That is true Vipin, stop being greedy. “I laughed.

The deal, as I understood went something like this. The trains

could only provide a particular brand, and this brand fetched a better price. In many trains, the cost of the ticket included a meal or meals and mineral water. Often passengers didn't drink the mineral water and didn't bother carrying it with them, what with their other luggage that had to be taken care of. Thus, this mineral water was left behind. The boys entered the train when it lugged into the station and they carried all the bottles, capped or uncapped. The capped bottles were sold to the stalls that operated on the platform and which were also allowed to sell only this brand. The storeowner bought these bottles for less than half the price and made more than sixty percent profit, which he would never be able to make, if he bought the bottle from the company. I assume on each bottle bought from the company he would be able to make a buck or two while here he made six bucks or more and that too without anybody being the wiser. I am also certain the chain of transaction must go right back, so that very often these very bottles picked up by these kids, landed once again back in the train, being handed over to passengers by the train staff. All benefited. From the kids to who knows, the Charlie in charge of the Food & Beverage!

Trains passed us by and night in her black robe had descended. We had to walk the path with eyes on the ground and fortunately for us, there was some light trickling through in patches as repair work was in progress and on and off we passed labourers busy at the chores.

“Avinash, how much money does he make?”

“Much more than four hundred a day for sure.”

“And he doesn't give his assistants anything?”

“They are being trained by him. He has allowed them an opportunity to learn the trade under him. The cops and other boys won't harass them because he is present. Also, he takes care of their personal needs and when they want to leave he gives them enough to make do. Like he paid for the train fare of both the boys and sent them home.”

“Where does he keep all the money? I mean it must be unsafe to move around with so much money?”

“Oh that they have no problem. They spend it all away on gambling. They love to gamble, and then of course, drugs, liquor

and women. Money disappears. They never have much on them by the end of the night.”

We kept walking. I saw a huge pile of trash. Kids were seated and hard at work segregating the trash.

“This is another profession. Trash is collected from the trains and platforms and the station and segregated here. This is big business that is all controlled by a woman. She isn’t here now. She has everybody on her payroll and she is quite a thug.” Avinash spotted a boy who he was familiar with and said something to Anshi.

“That boy was with us. He lived at one of our homes for a few months and then just disappeared.” He called out to the boy. The boy waved back. Avinash asked him why he no longer came over.

The boy replied that he would meet him tomorrow for sure. “They can’t live under a roof any more. Though, the life here is hard; very hard. Thugs, cops, gang fights, constant danger from everywhere, but they are sort of addicted to this life. Of course, then they can’t tolerate any sort of discipline. They need their gambling and drugs or just freedom.”

I turned towards Ajay.

“I hope you don’t take any drugs.”

“Not a chance. I stay away from all that nonsense. I have seen my friends completely finished because of all that stuff. Even he doesn’t do all this.” Ajay pointed to his other friend, who till now was as silent as a tomb.

“What’s your name?”

“Ram Prasad.”

“And Ram where are you from?”

“Bihar.”

“Since how long are you in Delhi?”

“Four or five years.”

“And where do you live?”

“I live at the Salaam Balak home.”

“That’s good. And what do you do?”

“I work there. I keep it clean and study there and am also paid a little money.”

“You don’t want to go back home?”

“I went a few months back. I met my parents and then I came back. They know I stay in a proper home so they are ok with it.”

“Why don’t you want to stay at your home?”

“My father is very hot tempered. He scolds and hits a lot. So I am better here.”

“What about your mother?”

“She died and that is when I left. I have two brothers and two sisters. They are with my father.” I sighed and for a while kept quiet, observing a train that had halted on the other track. Various passengers sat within looking out at us.

“So now when will you go back to meet your father, brothers and sisters?”

“After I save some money.”

“You must meet this boy.” Avinash spoke aloud to Vipin and me. Vipin was all of a sudden very quiet. He looked tired. He too wasn’t keeping well. Welcome to the juvenile delinquent affected club. Amongst the labourers, on the edge of a track, sat a small boy. He looked even smaller than Ajay. He had the look of a boy who had seen it all and done it all. I had met a boy just like him, while working on the book and film *Yamuna Gently Weeps* on slum demolitions. Everyone called him Bihari though I am not too sure his parents had anything to do with this name. He had brown silky hair, was barely four and a half feet tall, had a group of boys and girls, for whom his every word was like a command. He had had his brush with the law and his escapades with the men in khaki bordered on the ludicrous. But thanks to the intervention of Dr. Bedi’s organization, Navjyoti, he had given up ‘breaking and entering’ and had even begun to attend informal school. But that was till his entire township of 40,000 homes were demolished in a matter of weeks. I lost track of him after that. He was a good boy. I wondered often whether society would let him remain on the straight path for long.

Anyway, here we were on the railway track, and stood in front of this boy, named Ali. He sat on one of the tracks and very calmly answered all the questions put to him by Avinash and Anshi.

“Where were you all these months?” asked Avinash.

“Here and there.”

“Why did you run away from our home?”

“Run away? I didn’t run away *didi* (sister), I told the person in charge that I was leaving the place and left the place.”

“Why did you leave the place?” I inquired.

“Sir, I needed to be out. “

“Why?”

“I thought I would try out different homes and see if any suited me. Unfortunately none did, so I am back here at the station. But I didn’t run away. You run away when you do something wrong or bad. I haven’t done anything wrong so I told the person in charge that I was leaving and left the place.”

“How old are you?”

“Must be fourteen.”

“Where are your parents?”

“Bihar.”

“Why did you leave your home?”

“I didn’t like it there and didn’t want to study. My parents were forcing me, so one day I packed my bag and ran away. I ran away from home and that was a wrong thing to do.”

“How many years ago?”

“Five or six years.”

“You don’t miss them?”

“No... sometimes... especially when I am sick.”

“But son, where were you all these months?” inquired Avinash.

“This Muharram (a very important day for Muslims), I went home.”

“Oh that is very good. Your parents must have been very happy?”

“Yes, but my mother cried and cried and cried. She cried a lot.”

For a few moments, none of us spoke. I could only imagine the scene and understand how overwhelming it must have been for the mother.

“You went back to them after nearly five years, so your mother wept out of joy and relief.”

“Yes. All parents love their children. All parents want the best for their children.”

“Tell me Ali, why did you go to meet your parents after so many years?” Anshi inquired.

“Because I had collected money. How could I have gone to meet my parents and brothers and sisters empty handed?” said this small boy, who looked not more than ten but insisted he was fourteen. “So I collected money and then went to them and gave them the money.”

“If you don’t mind my asking, how much money had you collected?” I inquired.

“Around seventeen hundred rupees.”

“Your parents must have asked you how you got this money?” Avinash asked the boy.

“Of course. No parent would want a child to earn money through some wrong business or act. I told them not to worry, as I had earned the money through honest work. Only then did my parents touch the money.”

“Why did you come back?” I asked. I couldn’t understand it. I hated myself for thinking that his parents had given him permission to come and live all alone in this city, so that he earn more. I honestly hated myself but I had seen enough in life to expect the very best but also accept the worst. “Why did you come back?”

“I didn’t like it there. I had lost all contact with my friends. None of them knew me. They remembered me but we had lost all things that were common amongst us. My mother kept crying. My father was silent. My brothers and sisters were very happy but even with them I didn’t have anything in common. So I came back.”

“Your parents let you come back?” Avinash and Vipin asked this virtually at the same time. I heaved a sigh of relief. I was certain they too were on the same gravy train.

“Saab, no parent would allow a small child to come and live and work in an unknown city. No parent would allow their child to go away and live on the street. I ran away again. I had to. One night, while everybody slept, I quietly got out of the house and caught a train to Delhi.”

“Your parents will be shattered.” I mused out aloud.

“I called them up and told them I was alright and that I would

visit them again after a few months. That call made them feel better.”

“So Ali, how do you earn your money? By selling water bottles?”

“Yes.”

“Where do you stay?”

“Here, on the station as I have no time or energy to do anything else.”

“Tell me how does this whole business work. I mean, there are so many boys who are all trying to get filled and empty mineral water bottles. There must be lot of fighting?”

“Actually now things are more in order. You see, when the train enters the station, we are all waiting at the edge of the station. As soon as the train slows down a little, not much, but just a little, the person who first catches the rail of the compartment, has a right over the compartment. Now if I were to jump on to the running train and hold the compartment door first, then nobody will jump on that same compartment. That compartment and all the bottles and whatever litter is thrown in that compartment belongs to my friends and me. It is a rule now amongst everybody involved in this mineral water business. The trains come through all day and night. For a few hours at night, maximum three to four hours, no train comes into this station. That is the time I sleep. Like yesterday because of the late schedule, I slept for just two and a half hours. From twelve thirty to around three. Then it was back to work. But it gives us good money.”

“What about the police?”

“Some of them are good and some of them are dogs. But sir, that is true of everybody and in every profession. You will not get a profession where everybody is good.”

“Have you got caught by them and taken into the juvenile homes?”

“Yes, once they caught me and put me in a van, but mid way I jumped out and came back here. Now, there is an understanding, so things are peaceful. In another two years I will get a proper working card from the station and work properly at this station. They give cards that allow you to work

and help at the station. I will do that. Then life will get better.”

Avinash and Anshi then began to lovingly prod him to come and stay at their institution, where, education, shelter, food, medical facilities all were offered free of cost.

“I know, but I don’t like it there; too many rules. Get up at one time. Have tea at one time. Study. Then have lunch. All this I can’t take anymore. Also, I am not too fond of this new person in charge of the home now (he mentioned a name and a particular home... Salaam Balak Trust has around three homes all over Delhi). He doesn’t know how to handle children. He is a good man but he has no knowledge of handling boys. That is not good.”

Avinash attentively listened to all his suggestions as to how to run a home for kids. To me his suggestions made valid sense.

“Ali, promise me you will come and meet us tomorrow at the station centre.” Avinash requested the boy.

Ali looked around. I could see a struggle going on within his soul. He wasn’t keen but didn’t want to lie. After a while he looked at both Avinash and Anshi.

“Not tomorrow but I promise I will come in a day or two.”

He then shook hands with us all. It was a surreal moment. I had not met a small boy, as cool, controlled, honest and up front as this boy who lived his life on the Delhi Railway Station.

I looked around and saw Vipin chatting with the labourers. They were from West Bengal, and Vipin chatted loudly and they seemed to find his conversation and even him, rather humorous. All through this time, there was an older boy who had heard our entire conversation with Ali. He walked side by side with us and then began to talk to me.

“So where are you from?”

“Lucknow.”

“How long have you been here?”

“Since, I was eight. I am sixteen now.”

“You like it here?”

“This is where our life is and we don’t know anything else apart from this.”

“You too jump on trains and collect mineral water and other stuff?”

“Oh, I used to do all that before but now I hold a card and work here properly. I take home a decent amount but most importantly I don’t have to worry about the cops or the gangs or anything. I am part of this system now. In fact, most of my friends, who were into many dangerous things when young now all work with the Railways. But I worry for these young boys now. Boys like him and him.” He pointed towards Ali and then Ajay. “What will happen when this station shuts down? It will shut down in another few years. Three years at the most. Then what will they do. In the new station they will not be able to continue with this kind of a life.”

“Have you ever been home?”

“I always kept in touch with my family. I went to meet them a few months back and they, to make me remain with them, got me married to a young girl from Kathmandu. They thought I would settle down with my parents and family but there is nothing over there that holds my interest. All the friends are into their life. We don’t have much in common. I don’t like it there after living in Delhi for so long. All my friends are here. Work is here. So I came over to Delhi again. They were very upset but I was adamant.”

“Where is your wife?”

“I made the mistake of getting her along with me.”

“What is her age?”

“Must be fourteen or fifteen years old. I don’t know. But now she is a very big responsibility on my head. Do I work or take care of her? How do I leave her alone in my room?”

“Where do you stay?”

“Pushp Vihar. She doesn’t know anything or anybody here. The moment I set ready to leave for work she begins to cry. She is alone in a new city and I am tensed all day about her. I made a big mistake getting her over here.”

“So what do you plan to do?”

“I will have to take her back to my parents or she can live with her parents who also live in Lucknow. I have no choice. I like her but I can’t take this tension of her all alone.” He then turned to Avinash. “Last when I stayed at that place (he named a home), my CD player got stolen. New CD player that cost a

lot was stolen in a short time. That is why I left from that place.”

They spoke about many homes and the boy praised a home run by Christian missionaries. But the home had shut down due to lack of funds and also lack of children wanting to stay and obey all the rules that were mandatory if one lived there. It was a strange situation. The only place that could really work would need to have a strange blend of freedom and discipline; easier said than done.

The boy wished us well and left for his night shift. Ajay walked next to me. We again were passing the temple where more sadhus and beggars had collected to get a high. Smell of hash floated in the air. Vipin again screamed “Jai *Bhole Nath*” (Hail be to Lord Shiv, the Innocent), I couldn’t help but smile. A cop, with a colossal belly approached us. He looked at me and then at Ajay and gave us both a broad smile. Our man was plastered and was on a higher plane than all the weed smokers in the temple. Ajay sighed loudly.

“If you all weren’t here, he would have taken money from me. He isn’t a bad man but always drunk.”

A few minutes later we had reached our car.

“Ajay take us home?” Vipin joked with the small boy.

“Next time I will take you home. Unless you all want to come now.” That stumped Vipin, who I knew had two further engagements to catch up.

“Next time we will come over. Tonight we have work to do.”

“Work or going to meet somebody.” Ajay spoke aloud but blushed while speaking.

We shook hands and I ruffled his hair. God keep these children safe. When the car sped away, I saw Ajay and his friend wave at us. Two kids, who had taken a crash course in growing up on the mean streets of life.

IT WAS MONDAY. TODAY, NARINDER WAS SUPPOSED TO BE RELEASED ON BAIL. THUS, THOUGH IT WASN'T OUR USUAL DAY, TO INTERVIEW AND MINGLE WITH THE CHILDREN AT THE JUVENILE JUSTICE BOARD, VIPIN AND I HAD DECIDED TO MEET HERE, WORK WITH THE CHILDREN, THEN MOVE TO THE PRAYAS OBSERVATION HOME FOR JUVENILE CHILDREN AND BE PRESENT WHEN NARINDER WAS RELEASED, AFTER THEY HAD RECEIVED THE INTIMATION FROM THE JJ BOARD.

I arrived at two and Vipin called to say that he was caught up in traffic and would take another half an hour. I was undecided whether to begin meeting the boys alone or wait for Vipin. I was unsure of myself being able to communicate well with the boys. My Hindi wasn't particularly good and the boys often spoke in different dialects as most of them were from Uttar Pradesh and Madhya Pradesh.

I looked around for Mr. Chaudhry but he too wasn't around. The usual group of parents with their boys, police hand-in-hand with the juveniles under their charge, lawyers and administrative staff were present. I walked through the smaller gate that led to the cage where the boys were holed in. It was only a few days back that I was informed by Chaudhry that there was a Home for the Blind as well as a Court where only cases involving beggars were tried.

I saw a blind boy making his way to his accommodation. There was concentration writ large on his face and his entire body was alert to every step he took. Walking hundred meters from the street to the Home where he lived must take him, the same determination and focus as what was needed in a professional rifle competition; a lapse of focus, even for a brief moment and he would either lose his way or hurt himself. We, with all senses operating and living in our own homes, still find life hard and the day-to-day grind unbearable. This was the third day I had seen this particular boy making his way to his temporary shelter and it took him more than seven minutes to walk the lane, that led to his destination, which usually took most of us less than forty seconds.

I walked towards the cage. Today, there were around twelve cops seated on and around the parapet, which was directly opposite the cage. A few of them sat on chairs, some on the parapet and some stood. All were clothed in jackets and I once again cursed myself for leaving home without a coat. Having lived in Mumbai for most of my life walking out with cardigans and coats wasn't an inbuilt characteristic. It had been raining for a few days and there was a cold nip in the wind.

Directly in front of the cage, a woman, in her mid-thirties, stood and spoke to some boy inside the cage. I halted and waited

for her to finish her conversation. She then began to weep and tears rolled down her face. She wiped them off in such a manner that indicated that she had become habituated to tears rolling down and her fingers must on reflex wipe them off. She spoke for a while and again tears rolled down. This was the first time I had seen anybody, apart from the cops or us, near the cage. She then lifted her hand, very timidly and with bowed head walked towards me. She was so lost in grief that she wasn't aware of anyone. She wiped her tears and walked to the small gate that separated this compound from the JJ Board.

I saw the woman go sit on the ground, back to the wall, where other parents waited. Another woman got up. She was around the same age as the other woman; mid-to-late thirties. Young mothers who had aged before their time. Women who had been married off way too young and by the time they were forty, had aged dramatically; thanks either to drunkard husbands, wayward children or a very demanding destiny.

The other woman approached the cage, stood a few feet away from it, and began to speak to some one inside. She must have spoken for half a minute, when one of the cops came out from the cage and seeing her asked her to leave.

“You, go back.”

“Please, just five minutes...”

“You have had your chance...”

“Just two minutes...”

“No.”

Suddenly another policeman who was seated on the parapet looked towards the two. He then told his colleague to let the woman talk for a while.

“She spoke to her boy for half an hour.”

“Let it be...”

“She will make it a habit...”

“No. It won't happen. He has been convicted and won't be brought here and she might not get a chance to speak to him for sometime. Let her speak.”

The cop shrugged and walked away.

“Hi Sir.”

I turned around to see one of the boys who by now I

recognized. He usually wore a fancy jacket. Today, he was in a white leather jacket with black and red stripes on the shoulder.

“How are you friend?”

“Fine Sir. Good you have come. I need to speak to you. These people have gone mad. Come in here with us.”

I nodded and passed the front of the cage, walked the few steps, on the platform where a cop usually sat with an entry and exit ledger. Today the boys seemed to recognize me. I had met a number of them during the past month, though I was bad with faces and absolutely terrible remembering and pronouncing their names. The boy went in and out through the window.

“Find out how many boys don’t have lawyers,” I said to him, while smiling at the other boys. Our man nodded and screamed out my query. I could hear a number of boys shout out that they didn’t have a lawyer.

Six or seven boys came to the window and began to speak to me, in varying voices and dialects and volumes.

The cop with orangish-red hair, appeared from nowhere and gave me a big smile, a smile that didn’t reach his eyes. I said that I would like to meet the boys in the new waiting room in pairs or even three at a time. He nodded and said he would and seconds later I realized he had disappeared. For the first time I had carried sheets of paper and a pen, that actually worked, and decided to begin work from outside the window till Mr. Orange appeared.

“Let’s take one at a time... ok you boys who are all in one case. What is it about?”

“Sir, first you must take, Raju Kalu,” implored a boy. He nearly had his hands folded. Either he was very emotional about his friend or he would one day bag the Oscar.

“Who is Raju Kalu?” I asked the boy.

“Sir, he is my best friend and he has nobody at home to take care of his mother. Please take him.”

“Ok. Call him.”

The cop seated behind called out to me.

“Saab, you be careful of Raju Kalu. He has thirteen cases against him. He is one professional crook. He is in under Section 302.”

That meant murder. Just my luck, I mused. For the first time

I was alone with these boys and I land up with a guy who has spent his entire youth either committing crime or in an Observation Home. Great!

“Sir, Raju is here.”

I looked around. Our man Raju, was about five feet tall but looked like a well-built horse. His friend was around the same height but didn't have the bearing of Raju.

“I don't have a lawyer.”

“How many cases are pending against you?”

“Twelve. ”

Wow! It only got better.

“What charges?”

“Pickpocket, chain snatching, even NDPS... but for that I was framed. They shoved smack in my pocket and put the charge on me.”

“What about murder?”

“Sir, I am a thief. Not a drug peddler or a murderer. Also, I have got bail on all the other charges except for murder.”

“How long have you been here?”

“Since the eighth month of the fifth year.”

“You mean since August 2005?”

“Yes...”

“If you have been here since 2005, then how come your wife is pregnant?” I turned and saw the policeman ask Raju. He may have sat seven feet away from us but there was little doubt that his entire attention was with us.

“You can check the records. I have been here since 2005, except, recently I was out for two days.”

“You are married?” I inquired.

“Yes sir. My wife is pregnant as I was out for two days a few months back.”

“And in those two days you committed a crime and came right back here?”

“No Sir, I ran away for two days. Did my work and then allowed myself to be caught.”

“What is your age?”

“They took my bone test which said I was between ten to thirteen years old.”

I looked at him properly. He had a nice beard under his chin. He had a wife. She was pregnant. He took the time and trouble to run away from the Observation Home to become a father. Yet his bone test determined that he was between the age of ten to thirteen. I was at a loss for words.

“Your bone age gave your age as just thirteen?”

“Yes sir.”

“When was this bone age test done?”

“Four years back.”

“Aaaah! Four years back and so that makes you at least seventeen.”

“Should be sir.”

“Sir, please get him out of here. He is a very good soul. His entire family depends upon him. He lost his father recently and thus all the pressure is on him.” If ever I wanted a friend or a well-wisher, I would want one like this boy.

“Who are you to him?”

“Brother sir.”

“Real brother?”

“No sir. I am his friend. Childhood friend.”

“Are you both in the same case?”

“No. But I know him since childhood. The police have planted most of the cases on him.”

I looked at Raju Kalu. I realized I couldn't decide whether he was capable of killing, but for other crimes, the balance tilted against him. But he had a right to a lawyer that was certain.

“Where is your lawyer?”

“Sir, Chaudhry is my lawyer and he is very good in getting bail and he got my bail for all the cases but for some reason he doesn't seem to be able to get me bail for murder. My case is going on in the MM Court, under Judge Manoj Kumar, Room No. 108 and my FIR number is 403... or something like that. I have also spent two months in Tihar. My name is Raju Kalu, son of Shiv Prakash.”

“Ok listen, I am going to talk to Chaudhry. I will ask him about your case. Have you got your date?”

“Not yet...”

“I will come back later. Give it to me and I will talk to Chaudhry. You are happy with him, right?”

“He is a good lawyer but he doesn't seem to be giving me any proper answer about this case.”

“Ok. I will talk to him.”

I looked around and then told the seated cop to let me in with the boys. The gate was opened and I was allowed in. No cop followed me inside today. Either they trusted the boys within or they couldn't care less what happened to me. That was more than ok with me. I was comfortable being alone with the boys. It made them less insecure.

I was about to sit on the cement parapet but the boys made sure that I sat on the cleanest part of the woollen rug. This I had noticed earlier too. They made sure that we were given the cleanest placed to sit, be it a rug, cement slab, or an old chair. Then I looked at the group of boys who were all booked under one crime.

“Ok, let me get this clear. All you boys are booked in one case?”

“Yes sir.”

None of them looked beyond fifteen years of age. They were dressed in simple but clean clothes. A few of them were scared and desperate.

“Tell me what happened?”

They all began to speak at once but the tallest, who also looked the most desperate, made it clear that he would happily knock out the teeth of any boy who spoke before he presented his case to me. Silence prevailed.

“Sir, we all come from very decent families. Most of us go to very good schools. My parents are so respectable that they have no idea about Juvenile Justice Board, bail, etc. None of us have a lawyer. Seven of us were picked up by the police on the charge of stealing jewellery and money.”

“From where and how much?”

“From a home. About two and a half lakhs.”

“You are all innocent?”

They again began in unison. A few hard knocks on the head made silence prevail once again.

“We are innocent sir. A few boys, who used to play cricket with us and who owed us lot of money, have framed us for this crime. They have been released on bail, as their parents are influential people. We are innocent sir. We come from very respectable families.”

“What is your name?”

“Mukesh Sharma. Sir, we were badly beaten up by the police. They hit us all on the sole of our feet. They hit us on the stomach...”

“See my elbow.” One of the youngest of the boys rolled up his sleeve and showed me a fresh wound.

“This looks as though you fell.”

“It was a small wound which became worse after the beating sir. We are good students. Our exams start within a month. Please get us out from here. Even our parents don’t know exactly where we are.”

“Ok. One by one give me all your names, phone number, address, age, and if you don’t have a telephone number give me a number that I can contact.”

I began to write down all the details. Each one remembered their phone numbers, which would help Vipin in tracing their families and begin legal proceedings. While I was writing down all the information, the cop with the orange hair, called out to me.

“Sir, your turn to meet the boys isn’t on Monday.”

“Yes, I know but because we have work here, we decided to meet the boys. You can speak to the Magistrate about it. I don’t think there should be a problem.”

“Ok sir.”

He left and I continued jotting down information. After five minutes he returned.

“Sir, my superior wants to meet you.”

“Now?”

“Yes Sir.”

I was aware of what was happening. It was simple. Our presence meant free legal services to the boys. That meant those cops who made a commission on introducing boys to certain lawyers felt threatened. They would lose their commission. I

was expecting this problem but certainly not so early in the game.

I walked into the broad sunlight and saw a number of cops awaiting my arrival. The superior sat on his chair, with his legs out and nodded at me. I sat down in front of him.

“You shouldn’t be in with those boys.”

“I know, and I told your man that I wanted to meet them in the new waiting room but he disappeared.”

“Why would you meet them in the new waiting room?”

“That’s because I meet them there every time I come here. I am here to meet the boys.”

“Why don’t you talk to them from outside?”

“They have enough people talking to them through grilled doors and windows. I am more than willing to sit in the new waiting room.”

He nodded. I stood up. The orange haired cop followed me.

“But your day is not Monday.”

“Listen,” I lost it then. “If you want, you can go and complain to the Magistrate. If you didn’t want me to enter here, or you thought the day not appropriate, then you should have told me in advance when I asked you to bring the boys to me in the waiting room. Don’t try to threaten me or scare me by taking me to your superior. Trust me, I know a few superiors myself. You know that very well. I am here for the kids. Now either open the door and let me get on with work or lets go and thrash out this thing once and for all.” He opened the door.

“You see I am saying this for your security.”

“Don’t you worry about my security. I don’t face any threat from these boys. Yes, I might have major issues and problems because of the police.”

I didn’t realize it but the boys had got to know about the issue and they had heard every word I had spoken to the cop. When I was left alone with the boys, they once again offered me the cleanest seat. I sat down and began taking down notes. I was certain that it wasn’t beyond a few of the policemen who were on the payroll or gained commissions from lawyers, to instigate a few boys to get violent with either me or Vipin, just to prove that this exercise was not only unsafe but futile and I couldn’t help but smile. Poor Vipin. First the lawyers and now the cops

would give him heat. I finished the list from the boys. While I was working on their data, the parents of one of the boys came over and the boy happily told me that all was well now and he would be out on bail, as his parents had brought a lawyer who had assured them of the boy's release on bail.

While all this was going on in the cage, one boy had sat down beside me, quietly observing everything. The group of boys left and I turned to the boy.

"You have a lawyer, I hope?"

"No," he answered me softly. He was subdued, as though he wasn't very clear of what was happening around him. He spoke in a daze and he wasn't on drugs. That was obvious. He seemed to be withering away.

"What is your name?"

"Manoj."

"How long have you been in Manoj?"

"A year and a half."

"And since then you don't have any lawyer?"

"In the beginning I had met a lawyer but it's more than a year since I have seen him."

"Where are your parents?"

"I only have a father. He is somewhere in Mumbai."

"Give me his address?"

"I don't have his address."

"Does he know you are here?"

"I think so."

"Who informed him, if you don't have his address?"

"My uncle lives here. He came once to see me and he must have informed my father but I am not sure."

"Where does your uncle live?"

"I am not sure."

"Any idea?"

"I think he lives some where near Jalebi Chawk, Block-13."

"Where is that?"

"Somewhere in Delhi but I am not sure."

"What is your age?"

"I am seventeen and a half years old."

"Why are you in here?"

“Theft.”

“What did you steal?”

“Nothing. I was out late at night. I was picked up by the police and then I was sent here.”

I had heard this so many times that now it had begun to frustrate me. I am certain that there are many boys who must have indulged in petty crimes as well as major ones but I am equally certain that there are innumerable boys who are languishing in Observation Homes and correction centers and even in prison, for no fault of their own, but that of being poor migrants who had nobody to rely on or call.

The boy in the fancy jacket and a broad smile, who had met me outside this cage, came and crouched in front of me.

“So brother, you have a lawyer or not?”

“I have but he is useless. I think the Court has appointed the lawyer but I might as well not have a lawyer. He doesn’t say anything. Madam doesn’t ask me anything. I go in, she gives a further date and I come back.”

“Since how long have you been in?”

“Two and a half years. This has been going on for two and a half years. Our youth has passed by in this cage.”

“Jesus!” I sighed. “What are you in for?”

“This is the second time I have been brought in. Both times I have been framed; once under Section 392 and once under Section 324. In one they accused me of being a dacoit and in the other for injury and causing grievous harm. This whole thing is a joke. A farce. The police, these lawyers, this Court, everybody is involved. Nobody wants us out. It serves their purpose I guess.”

“What is your name?”

“Babu.”

While Babu was speaking to me, another boy approached us. He wore a cap and had an intelligent look about him.

“Nothing is going to happen Sir. They aren’t interested in helping us. I have been in this prison for the past three and a half years. I am just seventeen and I was brought in when I was thirteen.”

“What is your name and what are you in for?”

“My name is Ajay. I am in for 302. Murder. Forget whether

I am innocent or not. Everybody knows that a child cannot be kept in custody for more than three years. But my case is still going on. Today they might again take my statement and I am sure Madam will take another seven months to give the verdict. I told Madam, please pass the verdict that I am guilty. If the verdict is passed then at least they will have to release me. But Madam says that she is scared that the CBI will take me in for questioning. I tell you, what has the CBI got to do with my matter and even if they take me in, where will they keep me. I will have to be sent back here, as I am still a minor. But nobody wants to listen to poor boys like us. I have already spent three and a half years without my case being decided and the law says that no child can be kept in an Observation Home or be convicted for any crime, for more than three years. I am not a lawyer but there is something called common sense. We are ignorant people but are Madam and the whole system ignorant and illiterate? Can't they understand the laws that they have passed? My mother travels 700 kilometres every time I have a date, so that she can spend a few minutes with her son. Is that fair? We aren't rich people. Why are there two laws; one for the rich and the other for the poor?"

I really had no answer. Reality often has no explanation.

"You are yet to go in?"

"Yes."

"I will see you later. I really hope and pray your case is closed today."

"I keep pleading with her to pass the judgment and finish this matter once and for all."

There was silence for a while.

"I am hoping I am let out on bail today," Babu said with a resigned look and then zipped his fancy jacket. I realized it was cold. I had fever. Not for the first time, I wished I was in another profession, where everything made sense and one didn't feel sick to the stomach watching young lives wither away in closeted cages in a world that was insensitive, heartless and all wrong.

I noticed, one of the Probation Officers, seated in the cage talking to a few of the boys. He stood up and brought another young boy to me. I had met the boy before but couldn't place him.

“This is Atmaram. Atmaram the artist.”

“Yes. Yes. Atmaram, your paintings are really beautiful.”

Atmaram smiled. He looked less of a boy and more of a man. He had a far away look about him. One thing was certain, if he remained longer in custody, he was going to lose his grip on reality. It was apparent in his eyes and body language.

“You are busy now but I want you to speak to him and then I will speak about him to you later, whenever you have the time.” Saying this he left the cage.

Atmaram sat beside me. Babu and Ajay stood by our side.

“Atmaram since how long have you been in custody?”

“Six years.”

“Six years!”

“Yes. I was kept for four years and some months in Tihar jail. Then they realized I was a minor. One year and a fourteen months at Majnu ka Tila, the earlier home and now at Prayas since seven months.”

For a while I didn't have words to speak. Six years meant two maximum sentences.

“On what charge?”

“Murder.”

“What is your age now?”

“I am above twenty-two years.”

“That means you were brought in when you were around fifteen.”

“I think so.”

From the age of fifteen till nineteen he was kept in Tihar jail, meant for adults. Then from nineteen till twenty and a half he was kept at Majnu Ka Tila, that was meant for boys above the age of fourteen and then since the last seven months he had been lodged in Prayas Observation Home for Boys, which was meant for kids under the age of fourteen. It was all in reverse.

“Do you have a lawyer?”

“I don't know.”

“Did you have a lawyer at the beginning?”

“In the beginning somebody used to come. But for a long time now nobody has come to me.”

“Where is your family? “

“U.P.”

“They don’t come to see you?”

“No. They are very poor. They can’t afford to come here.”

“But why isn’t the Magistrate releasing you? You don’t even need bail now. You have spent two maximum sentences. You are an adult. Why are you still at Prayas?”

“Madam says she wants to find me a job and then she will let me go...”

“You tell her to keep her job. By the time you get a job you will be eighty years old and still at Prayas,” Ajay added matter of factly.

We all remained silent. Then I saw somebody waving out to me frantically. I focused through the grills and saw Vipin.

“I am coming in...”

“No, don’t. I am coming out.”

While leaving, all those boys who had spoken to me, got up and began pleading that something be done. I introduced Vipin as the lawyer who would be really doing their legal work. I promised to see them again before the end of the day.

We both walked out of the compound. Vipin had spoken to a few of the lawyers and had networked with the Probation Officers. He was hungry. I needed a smoke. I handed him the sheet of paper and explained the case of the six boys caught all together.

“It is in the papers today; in *Navbharat Times*. It says fourteen boys were caught. They used to play cricket and then decided to form teams to help out in burglary. It happened yesterday.”

“But these boys have been in since the past seven days. You better talk to them. They all seem innocent but then my mind doesn’t register any kid as a criminal. They seem to be from good homes and are in school.”

We sat at the roadside stall and Vipin managed to get a copy of the paper. I read it slowly as it was in Hindi. The paper made it sound as though it was a gang that operated in groups; each group was assigned particular job functions; keep vigil, keep track of families; break in and rob. There was a talk of mobile phones and a good criminal network. I shut my eyes. It was possible that a few of the boys were involved and a few innocent

were thrown in for good measure. I spoke to Vipin about my spat with the cops.

“Be careful Ruzbeh, it is not beyond them to instigate the boys against you. We are hurting their commissions. One of these days you and I are going to be really thrashed; of course I will get a pounding from the lawyers and the boys too,” saying this he ate his food heartily.

We reached the JJ Board fifteen minutes later and I saw the group of boys accused of stealing jewellery and cash worth 2.5 lacs, enter the Board. Two of the boys saw me and beckoned me to come with them. I followed them in and sat on the last seat with the cops. There were at least twelve cops seated on the last row. For the first time I had seen so many men in khaki present in the room. Near the Magistrate too, there were a number of cops, standing in the corner, just behind the lawyers.

“These are the boys accused of such a big theft?” She asked.

One of the lawyers murmured something. I saw the Reader write something down and when the Magistrate turned towards him, he handed her a file, which she quickly perused and handed it back to him.

“These boys couldn’t have planned the robbery themselves. There has to be an adult hand in this.”

“We don’t have any adult in the gang...”

“I refuse to believe that these boys could mastermind such a daring robbery. Do they have a past record?”

“No Madam,” said another lawyer. He was as thin as a rake and had been trying his best to be heard. She turned to him.

“You are representing all of them?”

“No. Just Singh.”

“These are his parents?”

“Yes.”

“What do you have to say regarding the allegation against your boy?”

“Madamji, we are working class people. We don’t know anything about crime. He has never been accused of any such thing before.”

“Do they have any criminal record? I am still waiting.” She taunted the prosecuting lawyer and the cops.

“No criminal record.”

“So they have no past record and they didn’t have an adult to mastermind the robbery; highly unlikely. Do any of them have a case history of drug addiction? Check their arms.”

It was a cold day, and all of them had worn sweaters and their sleeves had been rolled down and buttoned. The cops began to roll up the shirtsleeves of the boys. I saw the boy who had been hit badly on the elbow show his injury to cops and lawyers.

“Madam, I have filed for a bail application and have given my justification for the same,” said the boy’s defending lawyer, a man so frail and thin, that the file he held, seemed heavier than him. He handed the file to one of the staff members, who in turn, handed it to the Magistrate, who took the file, kept it aside, and scribbled something.

“The next hearing is on 23rd of February. Next.”

23rd February was exactly eleven days away. The boys looked shocked. The defending lawyer didn’t particularly know what had hit him. He was new here. I had never seen him before in this JJ Board. He wanted to say something to the Magistrate, but seeing the scowl on her face, prudently refrained.

Vipin who was seated in one of the front rows, reserved for lawyers, smiled and shrugged his shoulders. The boys looked at me helplessly. I sighed. Was it that easy for the Magistrate to send six boys to an Observation Home for eleven days, without as much as hearing what the defending lawyer even had to say or read his bail application and the justification for a bail grant? Would she have so casually thrown the file away, if her son had been standing before her? It was another matter whether the boys were guilty or innocent but they had every right to present their case and it was the duty of the Magistrate to have at least given them or the defending lawyer a chance to speak on their behalf. Eleven days could alter their lives and psychologically damage them forever. All the more dangerous if even one out of the six boys was innocent.

I came out and saw Narinder’s mother seated quietly on one of the benches. She looked at me and nodded. There was a certain dignity about her, which I had not found in most. I smiled and approached her.

“Is everything done?”

“Yes. Vipinji has asked me to wait and after the Court is adjourned, I have to meet somebody inside to show my ration card and get something signed.”

“Ok. Have you eaten anything?”

“Yes, I have.”

“Ok.” I could hear Vipinji scream his head off, calling my name. I walked towards him. The boy’s family who had come with their lawyer, requesting for bail for Rahul Singh, surrounded Vipin.

Vipin took the lawyer and the family into the next compound behind a wall, so as not to attract too much attention and began to ask the lawyer further details.

“I am not from here. I practice in the Sessions Court.” He hesitatingly replied. I could understand his situation. A stranger who wanted to know all the legal details about the case was grilling him. He was justifiably not comfortable. Vipin realized this and introduced himself, and then described my role in this matter and said that he was representing some other boys and wanted to know what was really going on. The lawyer briefly answered a few questions but he was still uncomfortable.

“Listen, I don’t charge anything for my services ok. I am not trying to take away your client. If you want you can take all my clients of this case. No need to be so suspicious ok?”

“But why are you getting angry at me? What have I done that you think I am suspicious of you?” asked the lawyer, whose name was Rashid Sheikh.

“Ok. So what is happening? What is the FIR number of this case?”

Rashid Sheikh removed a sheet and read out the number.

“FIR so and so, Malviya Nagar, Pushp Vihar Police Chowki. They are booked under Section 311, 380, 454. This Magistrate is strange. I gave her the bail application and had prepared a two-sheet justification about why the boy should be granted bail, especially since his examinations are a month away, but she didn’t even bother to see my file and application. If that is how things are handled, the conditions of the boys must be pathetic.”

After a while the family and the lawyer walked away. While all this was going on, I had noticed a few blind boys walk past us. All the boys were neatly clothed. They had their hair combed flat. Their shirts were neatly tucked inside their pants but often I noticed that the pants barely reached their ankles. Either they had outgrown their pants or the clothes provided to them by various NGOs were being distributed randomly, without proper attention to detail. Here were these boys, imprisoned in a world of darkness, for no fault of their own. Meters away, sat in a cage, twenty-five boys, many of them imprisoned for no fault of their own. The former imprisoned in a world of darkness. The latter, imprisoned because the law and order as well as the judiciary were very often so bloody blind.

Vipin and I moved towards the cage. Vipin saw the orange haired cop.

“Very sad, their attitude. But be careful of them Ruzbeh. They are capable of doing anything.”

“I know.”

We stood in front of the cage and the boys gathered around. Babu, the boy in the jacket, sighed.

“Next date is 26th of February.”

“What about your case Ajay?” I inquired of the boy with the cap, who wanted to be convicted as he had already spent three years and a half in custody. “Did your case get closed today?”

“No. Got another date, this is on the 17th of this month. I told you.”

“You will talk to Chaudhry?” Prakash Gora asked. His friend stood beside him.

“I will, don’t worry. Tomorrow or day after itself.”

“Sir, give me your phone number, just in case I need to contact you.”

I wondered the wisdom behind slipping a phone number to this boy? Already a few of the cops were hopping mad with me. What the hell! I wrote down my number and when the cage was opened for the boys to be taken out, I slipped him the paper.

“Ok boys. See you soon. Take care and God Bless.”

“Don’t forget us Sir.” Spoke Babu aloud.

I smiled and walked away with Vipin. We returned to the

cabin where the four Probation Officers worked. Narinder's mother still sat on the same seat, virtually in the same position. Her eyes were cast down and she was lost in her own world; a husband who drank and didn't contribute to the family; a younger son who was volatile and could get into trouble of all sorts; and her eldest boy, who was taken into custody twice for no fault of his own; the past had been volatile, the present uncertain and the future seemed devoid of any peace and security.

I entered the cabin and the lady officer, whom Bharti knew, was getting a few paintings put on the walls of the cabin. There were paintings by various boys but Atmaram's paintings were a class apart. With a little coaching and guidance, Atmaram could become a very accomplished artist.

A photographer was present too. It was for the benefit of a few photographs that so much hard work was going on. One of the Probation Officers entered.

"You wanted to talk about Atmaram?"

"Yes. What do you think about his case?"

"He has been in custody for six years. Four years in Tihar. Now two years in various homes for juvenile delinquents. Why are we keeping him in still?"

"You will have to ask the Magistrate regarding why is he still in custody?"

"I sure will..."

"I was wondering if you could think of allowing him to teach children for a social organization. He could be with the children all day through and at night come back and stay at Prayas."

"Why can't he live at his own home in UP?"

"His family is very poor. He will not survive UP. The Magistrate thinks we shouldn't hurry his process of entering back into society. We shouldn't hurry the process or it might backfire on him. What do you think?"

"I will try to find some place where the boy... I mean where Atmaram fits in. I am sure something can be worked out for him in Navjyoti India Foundation. Tell me, how many Juvenile Delinquent cases are pending?"

"Difficult to give the exact figure."

"I think around 4,500 cases at least," said Vipin.

The Probation Officer nodded.

“Around 4,500 cases?”

“About that,” the Officer consented.

“And how many Probation Officers are around to monitor each case and submit a report on each child and the case study and socio-economic-psychology report.”

“We are four over here at JJ Court and may be another six.”

“Ten of you.” Ten professionals to handle 4500 cases and each day new cases coming in and each case needed in-depth analysis, research and insight, as the study helped the Magistrate decide whether the child should be released on bail, and if yes, then to whom should the child be released to or not to; the study also indicated why the child was better off in the Observation Home and often the report helped decide either conviction or acquittal. Also, most often, the child was not from the same city. Like here in Delhi, at least fifty percent of those kids taken into custody are from other neighboring States. That is hell of a responsibility. The entire Juvenile Justice Board needed an overhaul. I wondered why we as a nation had allowed sixty years to elapse and still done nothing seriously to improve the situation of juvenile delinquents or adopt an attitude of reform rather than to lock them up and throw their case file in some dingy rat infested room. The plight of children warranted a serious introspection of all those authorities supposedly involved in child welfare and the pathetic attitude adopted by these authorities. There was something intrinsically wrong with us as a nation. Most of us who held power; howsoever insignificant, misused it or made a hash out of it. Apart from the great sages and yogis, a few individuals and fewer organizations, who try to make the country a better place and work for those in real need; we are a land of losers. Two years in a row, a popular film star has been chosen as The Indian of The Year! Two years in a sodding row. How more pathetic can we get as a nation?

“What is this report called?” I inquired.

“Special Investigation Report or the SIR.” Informed the Probation Officer and Vipin together. “Also,” continued the Officer, “there are cases that need following up and even that is included in the responsibility of Probation Officers.”

“How many cases would be that be?”

“At least 100 cases.”

“That makes it 4600 cases between the ten of you. Wow!”

I guess the administration is convinced that these ten folks and the Principal Magistrate are enough to handle nearly five thousand cases. For Superman, who for some unusual reason wore his underwear outside his pant, this would seem a reasonably easy task but I wasn't so certain about the powers of the ten officers and a Magistrate. I prayed and hoped that these eleven majestic beasts of burden were overtly efficient, highly perceptive, immensely talented and worked through the night and day or God help those boys rotting in the Observation Homes and those whose cases kept dragging on and on and on. No system is perfect but in countries like ours, we have perfected a system, of making simple things very complicated and difficult problems virtually impossible to solve. Hell is packed. That is why the Devil has shifted to planet earth. The bastard loves India.

I got out of the cabin and saw Narinder's mother still sitting on the bench. I approached her and she smiled, indicating that the formalities were done with. We got into the car and along with Narinder's mother left for the Prayas Home.

“It's too early Ruzbeh. They will release him only after the JJ Board notifies the Observation Home and then Prayas. The chap will take his own sweet time to get here. We will be waiting till six thirty.”

We reached Prayas and if Vipin was right, we had another hour to wait. Two families waited. Vipin and Narinder's mother walked to the entry point, while I waited near the car. After ten minutes, Vipin approached me.

“These guys are useless. They have no consideration for the time, energy and money of poor people.”

“Now what's happened?”

“You see that family? Three men and that old lady?”

“Ya.”

“They are family members of a boy from the group that have been booked for stealing jewellery and cash.”

“Those six boys?”

“Yes. You remember the oldest boy, who was the spokesperson for the group?”

“Ya, I remember him.”

“Well these are his family members and that is his mother. Now, the mother asked for the boy. The guard rudely told her that there is no one by that name. I remember you telling me clearly that except one boy, all the other boys were housed in Prayas.”

“Ya. Only one boy was in the Observation Home at Seva Kutir. His name is... .” I referred to my list, “Pramod.”

“Exactly. So I told the guard that their child was in their care and custody. So this Probation Officer walks up to me and says that if the guard has told us that this child wasn’t in Prayas that was that. So I gave him a mouthful and now all of a sudden they have realized that the child is with them. Can you imagine? The family members were convinced that their boy wasn’t here and they were just about to go to Seva Kutir to search for him. If we were five minutes late, these poor people would have had to go to the other end of the city and trust me, travelling in a bus to that place takes time, effort and money. I gave both the guard and that officer a mouthful.”

“That’s my boy. You want me to go and give them an additional mouthful. I am more than ready and keen.”

“Later on. You have done your share for the day.”

We both smiled and he got busy on the phone while I stood by the car and lit a smoke.

The boy’s family approached us. Vipin disconnected the phone.

“Your son spoke to this gentleman in detail.”

The family eyed Vipin and me with some distrust. It was very unusual. The moment Vipin would announce that he was a lawyer and that he would offer his services for free, people would mistrust him. It didn’t speak very highly of lawyers. The mistrust was understandable. Most lawyers were out for the kill. For most, the case was nothing but a means to an end; a way to survive and a way to prosper. Justice, injustice, law, freedom, were all fancy words that had nearly lost their meaning by the time the family reached the board room; and by the time justice

was delivered the family was willing to lynch the Judge, the judicial system and both the lawyers representing their case. Of course there were innumerable honest and dedicated lawyers working hard for justice and for their poor clients but they were an exception to the rule. The rule was when you saw a bunch of lawyers, and you threw a stone at them, 99 percent, you would knock down a black-coated thug and be doing society a damn large favour. Thus, every time Vipin announced that he was a lawyer and he was going to work on the case free of cost, the family actually mistrusted him and naturally me too.

“Listen, you can hire whoever you want but we represent a social organization. He is an author but is helping us out and I am a social worker and a lawyer. If you want we can represent your son free of cost.”

“How much will it cost?” The eldest male representative of Amit’s family inquired.

“Nothing. Free of cost.”

“But still how much will it cost?”

“Arey! Which word did you not understand? ‘Nothing’ or ‘free of cost’.” I could see Vipin getting red behind the ears. “Anyway this is my card and if you want you can get in touch with me or hire your own lawyer.”

“Don’t get upset *ji*. We just want to know how much your charges will be?”

I nearly choked on my cigarette and I walked away, leaving Vipin to handle the family.

After five minutes, Amit’s family went and sat down on the bench. Another family stood by the entry gate. Vipin stood talking to two young men. I stood by Narinder’s mother.

“You will take care that he learns stitching.”

“Don’t worry.”

“I am very scared for him. I should be happy that he is coming out but I am more scared now. The police might pick him up again. If they do I don’t know what will happen.” Tears rolled down her cheeks again.

Ten minutes later I saw Vipin walk towards me. Something was bothering him again. I could make out from his walk.

“Now what happened?”

“You saw those two boys I was talking to?”

“Ya.”

“Well they are Probation Officers in Prayas. The thin guy, who I was talking to, had told me that the child wasn’t inside and I had blown my fuse. Well, he came to make peace with me. Guess what, he is the same chap who did the Special Investigation Report on Narinder. In the report he wrote that Narinder is a drug addict and was going through withdrawal symptoms. I asked him, on what grounds did he deduce that Narinder was a drug addict and he said from Narinder’s body language. The freaking idiot doesn’t have an iota of common sense and he deduced that Narinder is a drug addict. We have been working in this field for more than ten years and we know Narinder very well and we know that he doesn’t take drugs but our man in a few days, deduced that Narinder is a drug addict. You know that is why I don’t feel like coming to these places. First, they say a boy is not in, they would have sent the family on a long goose chase, and now I learn that idiot thinks Narinder is a drug addict. This bugger’s Report influenced the Magistrate and that is why she wrote in the Order that Narinder shouldn’t roam about in bad company.”

I sighed and walked towards the entry gate. Narinder’s mother had been allowed to enter. Narinder was with her. They were seated at a distance and the mother was trying to soothe her son. I could see that she was trying her best to calm the boy down.

“Why don’t you get that child out to meet his family?” I asked the guard.

“We have to find him first. There are more than hundred and twenty boys, Saab.”

I nodded. Our country would sink because of the ineffective, unsystematic, illogical administrative crap that prevailed.

“Why did you tell his family that he wasn’t here?”

“I got confused.”

“Be careful friend. Most families that come here are poor people. You should be more sympathetic and try to help them out. Already they are going through hell because of their child being in custody.”

“I am poor too, Saab. I understand.”

I nodded and went out again. It was dark now. Already an hour had elapsed since we had arrived here. Vipin spoke about his experiences travelling to various towns and cities, surveying social organizations, giving his opinion, ranking them and also judging whether they were fit to be given sanctions to continue operating. Various times, there was no work being done for the poor and the underprivileged.

The NGO existed just in name and maybe a small dingy office existed, not operated, just existed, to enable the smart ass to collect money as donations and sanctions from various sources. Though there is little doubt that the country and the poor were taken care of, by dedicated social workers and organizations; but for every honest and dedicated organization, there existed a hundred con artists who had opened their own NGOs and were making hay at the cost of the poor and the needy.

Then at last the boy's name was called out and one of the staff opened the iron-gate and went to call the boy. The mother eagerly waited near the entry gate while the men sat outside.

At the same time, the gate opened and Narinder got out with his mother. The mother told him to touch our feet. The poor boy did so, much to our embarrassment. For the first time there was a twinkle in the mother's eyes. She looked happy. She looked younger. I really felt sorry for her.

“Touch only your mother's feet. You are out because of her.” Vipin was in full flow and I insisted that he speak to him inside the car, while we moved homeward. The car started and we were on our way.

“I heard the other day you screamed at your mother! You told her you were going to cut her and your brother into small pieces. Are you mad or something? She is the only one who cares about you in this whole world and you want to cut her into small pieces.”

“I was very angry then,” he said softly.

“Let it be. He was very frustrated with the police,” the mother tried to defend her son.

“You don't take his side. Because of you he is out and he wants to hurt you. Do you still want to thrash your brother?”

Narinder looked at nobody in particular. He looked better today. I guess he knew he would be out and thus his temper had cooled off.

“Why did he bring the police to our home and why did he take my name?”

“He had no option. You would have done the same. Now your brother is not staying at home. He is at Bharti’s place, and she has found him some work at another garage and he is working and comes to meet your mother every Sunday, so that there is no more trouble with the police.”

“That is very good. Let him stay there. I don’t want him to get into any trouble with the police. He is very hot tempered.”

All the way, until Vipin got down to catch the Metro, he counselled Narinder. It was obvious that Vipin was still worried about Narinder’s state of mind. He kept insisting that violence would get Narinder into more trouble and that would finish his mother forever. Narinder listened intently. He nodded. He was a good boy. He was a sensitive boy. I was worried about him.

When Vipin got down, he murmured in English to me, to continue working on Narinder. He wasn’t convinced that Narinder had cooled off.

“You are going to come to the office and I need to chat with you about your future. Ok?” Narinder nodded. “Ruzbeh, fax me the list. I will call up the families of those six boys and see if they need a lawyer.”

“Will do so first thing tomorrow morning.”

When we were alone in the car, I began to speak to Narinder about his new passion for stitching. His eyes lit up and seeing this, his mother couldn’t help but smile. It was obvious this boy meant the world to her.

“I didn’t know I was going to be released today, or else I would have my book with all my notes and designs.”

“You really like stitching?”

“Yes. My teacher in Prayas was very good. He really thought I was very quick and good at stitching.”

“How is it inside?”

“Staying is ok, but the food is very bad and they give us very little. We are supposed to get 400 grams of rice but the big boys

hardly give us anything and the *dal* is like water. If you are a big boy or somebody who knows those who are in the kitchen then you can eat as much you want but for boys like me, we are hungry the whole day. We are given a little rice and watery *dal*, or a few *rotis* and *dal* again and when we are given good food, the elders come and take away more than half of our food. Once in a while, we are given sweet things to eat. *Jalebi* or some other sweet dish but there also, the older boys take most it." When he spoke, I could see the mother's eyes get wet and there was such sadness in her eyes that I cannot put into words. "But I enjoyed stitching. I could have learnt everything in another few months."

"If the food was good and nobody hit him, I would have preferred he stayed inside, learnt stitching and then come out. I am very scared of the police."

"Don't worry. I will take care of them."

"No, you aren't going to take care of anybody Narinder." I spoke to him, for the first time, firmly. "You might as well kill your mother now."

The mother nodded and Narinder looked down.

"Why did the police take me away? I had done nothing wrong. Second time they took me away. I was sleeping and they came home at four at night and banged the door hard. My brother had brought them to our place. If my elder sister wasn't around I would have fought them. But she and my mother were present and you know how the police can be. They can do anything to the women. Also, my dad wasn't there. If he was there he wouldn't have let them take me away."

"Yes. His father wasn't around that night. Thank God. There would have been a major fight. Also, they told me that they wanted Narinder to show them a boy's home and that they would send him back immediately. I would have resisted but my young daughter was with me so I couldn't do anything to help Narinder. If his father had been there, he would for sure have gone with Narinder."

"Yes, if papa was present things would have been different. That day he came to Court and he went away without meeting me. He should have met me. Why did he go without meeting me?"

“Forget all that Narinder. Now you get some rest and then we will work something out for you. Ok? Who is that boy who keeps bullying everyone?”

“His name is Manju. He is the Magistrate’s pet. The Magistrate knows that he beats all of us for no fault of our own. I told the Magistrate the other day, that her Manju was beating us all, but she didn’t say anything.”

“You mean that boy is the Magistrate’s favorite?”

“Yes. He is like an adopted son. He had tried to rob her house. She likes him a lot that is why nobody says anything to him. He is short and smaller than me but I couldn’t do anything because everyone was on his side. He beats us all badly. Nobody this small has ever hit me but I had to keep quiet. If I were in there for a little longer, I would have thrashed him good. I know where he stays, Sarojini Nagar. Let him come out.”

“You are going to do nothing of that sort ok?”

“But why were we hit and why doesn’t the Magistrate do anything about this?”

“Relax now, ok. Tell me which book were you learning stitching from?”

“It is called *Learn Tailoring*.”

“Where will you get this book?”

“Any good bookstore.”

“Good. We will try to get it for you.” He smiled broadly.

The mother then again reminded me to take care of Narinder. I assured her that I would speak to Bharti and work out something for him.

“Is there any stitching course that you can take up in your locality?”

“Yes. But they are costly.”

“Don’t worry. We will take care of the cost. You find out the class you want to go and then we will work something out.”

He beamed with the thought of learning stitching and tailoring. It was obvious that at long last he had found his calling. The car halted. We got out. They lived close by.

I took out some money and thrust it in Narinder’s hand. He tried his best not to take it.

“Go buy that stitching book. It is for that ok?”

He smiled and nodded. I got into the car, shut the door, and closed my eyes.

I promised myself, that the next book I would write would be about the 'page three crowd'. Beautiful people, whose main worry in life was to decide which Gucci purse would look scintillating with their new designer blouse.

I could live with that.

AS DAYS PASSED AND RESEARCH CONTINUED, IT BECAME APPARENT THAT THE MOST IMPORTANT NEED FOR THE BOYS WAS FREE LEGAL REPRESENTATION. INNUMERABLE BOYS WERE ROTTING INSIDE THE OBSERVATION HOME, ONLY BECAUSE A DEDICATED LAWYER DIDN'T REPRESENT THEM. WE NEEDED A LAWYER WHO WOULD STATION HIMSELF AT THE JJB AND THEN HANDLE THE CASES OF THE BOYS FREE OF COST. I HAD SPOKEN TO ENAKSHI AND BHARTI AND THEY WERE WILLING TO EMPLOY A LAWYER, WHO WOULD ONLY LOOK AFTER JJB CASES, FREE OF COST AND TAKE HIS REMUNERATION FROM HAQ.

We had begun to network with various legal and social bodies, putting forward our need for a lawyer. We also passed the word to lawyers working in various Courts. Put up a notice in law colleges. Put up a notice even in the Courts.

A fortnight later no lawyer had bothered to contact us, despite the fact that we were willing to pay a decent remuneration.

A month passed. Vipin and I entered the JJB and then walked into the waiting room. I was feeling abysmal for various reasons, the only one, you need to be concerned about is the fact that we still didn't have a blasted lawyer. Nobody seemed interested in working for these children. It seemed that the justice for Juvenile Justice Board was at the bottom of the legal rung. Even after willing to pay a monthly remuneration, we still went to the JJ Board without a lawyer accompanying us and according to me, entering the premises without a lawyer, did a fat lot of good for the kids. The kids needed a lawyer. They needed legal aid. They didn't need two odd looking men, asking the same questions, recording answers, and doing bugger all. Vipin, though a lawyer, was involved in various social activities for HAQ and he couldn't be kept aside only for JJB work.

A young boy immaculately dressed in a well-ironed and clean black pant and shirt walked in. His hair was combed back and it was obvious he was familiar with the latest trends. He had the aura of a boy who had seen and done pretty much all. His face was without expression but his eyes were intelligent and took in everything.

"What is your name?" I asked.

"Sunit."

"So what are you in for?" Vipin inquired.

"Rape."

"How old are you?" I asked.

"Sixteen."

"Since how long have you been in?"

"Nine months."

"You have a lawyer?"

"Yes, I do but there are so many boys inside who don't have lawyers. Many boys don't have parents or the parents aren't interested in them. Nobody is really interested in these boys.

There are some who have been in Observation Homes for years for petty crime. I was fortunate that my parents stood by me and also that the girl took back her case.”

“Oh, the girl took back her case? How come?”

“I hadn’t raped her. We had an understanding. Things didn’t work out as planned.” He shrugged his shoulders.

“Oh, there was a ‘setting’ between you all and it backfired. You both got caught and out of fear she accused you of rape.”

The boy nodded. Imagine having to spend one’s entire life with the tag of a ‘rapist’.

“How is it inside the Observation Home?”

“Prayas hands out really bad uniforms and bad food; too little food and not at all edible. The Observation Home has a major issue with drugs. You can get whatever you want inside Seva Kutir. Prayas is better in this respect. But the food is really bad.”

“So you have been released today?”

“Yes.”

“What do you want to do in the future?” “I asked.

He looked at me and then shrugged his shoulders.

“Who knows I might be dead in a few weeks or months, so I don’t know anything about the future.”

“Oh, we all might be dead tomorrow. That doesn’t mean you stop living and planning,” Vipin answered back.

“I have many enemies; just too many enemies. For years I have been involved with the wrong kind of people. I have had fights and there are many who would love to see me dead. That is why there is no guarantee about my life or my future. Yes, I am done with that kind of life but I don’t know if that kind of life is done with me. I want to walk the straight path but maybe it’s too late.”

As he spoke a strange sense of sadness enveloped me. He was a young lad. He had made mistakes. He wanted to live a decent life. If he went back to the same locality and the same street and the same environment, he would either be sucked in again or as he feared, get killed. But often, life doesn’t offer too many alternatives. Especially, when you are poor, young and emotionally messed up.

The next boy who came in was a complete contrast to the earlier one. He wore simple clothes that were one size too large for him and not very clean. One could see that he wasn't too concerned about his personal hygiene.

"What's your name, son?" I asked.

"Anil." It was obvious the boy was depressed. He answered very softly. I could barely hear him.

"How old are you Anil?"

"15 years," he replied but he didn't look fifteen. He barely looked twelve.

"Where do you live?" Vipin inquired.

"On the street."

Now I understood the reason why he looked so small. Malnutrition. Many of the boys who lived on the street looked far smaller and thus younger than their age. Street life, constant movement, no access to proper nourishing food, addiction to drugs, glue-solution, tobacco and cigarettes, stunted their growth. Vipin hadn't heard the boy. He asked him again where he lived.

"On the street."

"I thought so. I am certain I have seen you on the streets. On which street do you operate?"

"C.P.," he mumbled. Vipin spoke the answer aloud for my benefit. "I have seen you many times. I don't forget faces."

"You are fifteen years old but you look barely twelve. Tell me, since when have you been living on the street, Anil?"

"Six years."

"That means, you began to live on the street since you were eight?"

He shrugged. It was obvious that he wasn't too clear about the years he had spent on the street.

"Where are you from?" I asked.

"Bihar."

"Who lives there?"

"My father died. Now my mother, five brothers and a sister live there."

"Why did you run away? You didn't want to study or somebody beat you up?" Vipin asked.

"My sister."

“Are you the youngest?”

“Yes.”

“Why are you here?” I asked.

“For stealing.”

“What did you steal?”

“A.C. pipes.”

“Do you have a lawyer?”

“No.”

“Does anybody from your family know that you are here?”

“No.”

“Do you want them to know you are here? Will you stay with your family once you are with them?”

He nodded.

“You are from Bihar but where in Bihar?”

The boy had no answer. He gave some vague address, which made little sense. It was obvious that the boy didn't know where he really came from but was certain that he didn't want to stay in captivity, the usual withdrawal symptom of those who lived on the streets. For all the hardships, dangers, injustice and vagaries of nature, there was a certain allure and addictiveness that street life provided which overshadowed all that which most social organizations or even one's own home could provide.

“I want to get back on the street,” he said softly.

“Are you in Prayas?” Vipin inquired. The boy nodded in the affirmative.

“You don't like it in there?”

“I do.”

“The food is ok?”

“Yes.”

“The boys?”

“They are ok too.”

“You have a roof above your head and a warm bed to sleep in. You get food and you have friends and safety. Why do you want to leave all this and go?”

“I don't like it here... I like it but I want to go back to the street.”

“You don't get drugs in Prayas and that is why you want to go back to the streets? Right?”

“I used to take drugs...”

“What kind of drugs?”

“Smack.”

“And you don’t get it in Prayas and you want to get your fix.”

“No. I am out of it.”

“Apart from stealing what did you do on the street?”

“I used to pick up rags. I used to steal. Do drugs. Play. Enjoy life.”

“Isn’t life in Prayas better?”

“I like it but...”

“But here you have to follow a routine; and you don’t like that and they make you study too?”

“I like to study.”

“You know what.... It is best you stay in Prayas for a few months. Your drug habit will break for good. You have begun studying and you will continue to study and make something of your life. Also, you will eat better food and live in a proper shelter. I am not going to try to find your family or recommend a lawyer for you, for I know, the moment you are out, you are going to be back on the street.”

The boy heard Vipin out and nodded. It was obvious that his head said that Vipin was absolutely right but I feared his heart wasn’t in it. The first chance this boy got, he would be back on the street. This was the first time I was happy that a boy had no lawyer. It was best for him to be in Prayas, away from drugs and the street life. Who knew, just maybe, something good would come about this whole sad business.

The third boy who entered was either on drugs or in the grip of major depression. For a while, neither Vipin nor I could be certain what ailed this lad. The moment he sat down, he began to weep. Tears rolled down his sunken cheeks. He wept like a little child. He was filled with dread and helplessness. It was obvious he was miserable.

“What is your name son?” I asked.

“Iqbal.”

“How old are you?”

“Fourteen years. I was promised that I would be let out today.

But she has again given me a date. I was promised. I don't like it here. The boys hit me."

"Where are you staying now?"

"Prayas."

"Who hits you?"

"There are some boys who hit us. A lot of boys are beaten up. I don't like it there. I was promised I would be released on bail today."

"What have you done that got you here?" Vipin asked.

The boy informed a Section. That came under the 'unnatural act'. Homosexuality was a crime in India. Often, boys and even adults were taken into custody on the charge of homosexuality.

"I wasn't even involved in anything. I was sleeping in my room when the police came and took me away, saying that I was part of a group who had done this wrong act. My friends must have done it but they were nowhere around so the policemen got me and put me in. Please get me out of here." He began to cry again. Vipin and I assured him that as he had a lawyer and a family that took his guarantee and as the Magistrate had assured him that he was going to get bail, he should have a little more patience and within a few days he would be out. He wept a little more, then composed himself, and then left with the cops.

This was easier said than done. Would I have given the same advice if my own son was put in on a false charge?

I was tired and I felt I wasn't doing anybody any good. Vipin had work with the Magistrate regarding Narinder's charge sheet. We left the room and began to walk towards the Board.

"Sir." I heard a boy shout out. I walked back towards the cage and saw Sunit, wanting to talk to me. "Sir, I am out today. Hope to see you sometime on the street."

I smiled.

"You stay out of trouble. You understand."

"I will sir. I promise."

I really wanted to believe him. I really did. I knew we were fooling ourselves about the boy; him, about walking the straight path and us, about accepting his promise.

THE FOLLOWING WEEK VIPIN COULDN'T MAKE IT TO THE JJB AND I REACHED THE HAQ OFFICE SO THAT BHARTI AND I COULD MEET THE BOYS TOGETHER. I WAS NOT TOO KEEN ON GOING THIS PARTICULAR DAY. SIMPLY MEETING THE BOYS AND NOT BEING ABLE TO DO THEM ANY GOOD, EMOTIONALLY, MENTALLY OR PHYSICALLY, WASN'T MY IDEA OF EITHER BEING A GOOD CITIZEN OR EVEN A GOOD AUTHOR. WHAT WAS THE POINT OF US GOING AND CONVERSING WITH THE BOYS AND NOT BEING ABLE TO HELP THEM IN ANY WAY? IF I COULDN'T PROVIDE THEM WITH EITHER LEGAL HELP OR BETTER THEIR LOT IN ANY OTHER MANNER, WHAT WAS THE USE OF GOING THEIR AND PRETENDING TO BE OF ANY USE? IT FELT LIKE A FARCE.

“Any news about getting the boys a lawyer, Bharti?”

“Vipin seems to have identified a lawyer but nothing concrete has materialized.”

“It doesn’t make sense going there without a lawyer. What is the sense of doing research and then being able to do zilch all for the boys?”

“I know but no lawyer seems to be keen on working for the boys. You know we have a decent budget for this, but nothing seems to be working.”

“What about Chaudhry?”

“The issue with Chaudhry is that he is really great where getting bail for the boys is concerned but he doesn’t operate beyond the procedure of bail.”

“Is that why Ms. Ila Rawat is hopping mad with him?”

“Ya. She feels that all he is interested in is getting the boys out on bail but that is not the solution as very often the boys return within months.”

An hour later we reached the JJ Board and after exchanging pleasantries with the policemen in charge, we entered the waiting room. Today, for the first time, since we had been frequenting the cells and meeting the boys, somebody had decided to clean up the place with water. It was nice, cool, and clean. The policeman with whom I had a spat, insisted that we sit on a clean rug and after making us comfortable, he left to bring the boys.

Moments later two boys entered, followed by two cops. One boy looked familiar, while the other was either from the North East or from Nepal.

“Both you boys don’t have lawyers?” I inquired.

“So many people like you have come here asked us questions and then disappeared. This is a waste of time.” The moment he spoke, it was obvious this boy was from Nepal. It was also as clear as daylight that this boy was frustrated and had lost all hope in mankind.

“What is your name, son?” Bharti questioned the boy.

“Sonu.”

“Since how long have you been here Sonu?”

“Two years and for two years I have met people like you,

who come, ask questions, promise us big things and then disappear. This is nothing but a waste of time.” He spoke without malice. He spoke without raising his voice. He spoke in a matter of fact way.

“Do you have a lawyer?” “I asked.

“No.”

“You have been here for two years without a lawyer?”

“Lawyers come, meet me, take down information, just like you all, and then I never see them again.”

This is what I had feared all along; not being able to provide real assistance, and thus being clubbed along with the rest as good for nothing.

“Listen, I am sure you have met number of people who have done nothing constructive.” I laboured with my Hindi. “But we are not here to pass our time. I am sorry that you have had nobody to represent you. But, we are trying our best to get you boys a lawyer who will not disappear after meeting you once. We are willing to pay the lawyer money every month, so that he or she can represent you boys, but the problem is nobody wants to come here and work.”

“They would rather work in the High Court or the Supreme Court,” added Bharti.

“We are willing to pay a good amount to a lawyer and God willing, the next time we meet we will have a full time lawyer with us, but till then you will have to either trust us or just humour us.”

The boy looked down. It was obvious he was frustrated.

“For two years nobody has bothered to listen to me. For two years no social organization has done anything constructive for me or for the other boys. They come, ask questions, take notes and then disappear.”

“Listen, we are here to help you get a lawyer. As I have told you before, we are willing to pay a good amount to a lawyer to work for you boys, full time, but till then, you will have to wait and trust us. You have waited for two years you can surely give us ten days. When is your next date?”

“March 13th.”

“I promise you that the next time we meet, a lawyer will be

with us. But tell me, why don't you tell the Magistrate that you don't have a lawyer?"

"She is not interested in solving matters. All she is interested in is giving us dates."

"What happens when she meets you,?" I inquired.

"I have been here for two years. For one entire year, I didn't even see her. My name used to be called and she would give a another date. I wasn't even taken in the room where she sits."

"For one year?" Bharti inquired.

"Yes. From January last year till January this year, I wasn't allowed to even speak to her or see her. I used to be taken back from outside itself back into the cell where we have to wait the whole day. The earlier Magistrate used to talk to me."

"What good did her talking to you do?" I inquired.

"She used to ask me whether I was well and if I was being harassed by anybody."

"Why didn't you tell her that you didn't have a lawyer?"

"Nobody is interested whether we have lawyers or not."

"Why are you inside?"

"Theft."

"What did you steal?"

"Cash and jewellery."

"You pleaded with both the Magistrates to leave you on bail?"

"Yes, I did but because I am not Indian but a Nepali, the earlier Magistrate insisted that I should go back to Nepal. My family is very poor and so I refused to ask my father to take me home. My father lost a leg after I came to India and my mother can't come here to take me and my sister is too young."

"But do your parents know that you are here?"

"Yes, they know I am here. A social organization informed them and we communicated. But they are so poor they can't come here. Also, we stay in the interiors of Nepal. It is difficult and expensive to come here."

"But son, your father's travel expense would have been taken care of?" Bharti informed.

"My father has lost his leg. I didn't want him to go through all this trouble for me. He is not well." He spoke softly and with great dignity. It was obvious that he came from a good family.

He had a quiet dignity about him that most boys did not possess.

“You don’t have any brothers?” Bharti asked.

“I have a brother who is in Delhi but I don’t know where he is.”

“Doesn’t he know that you are at the Observation Home?” I asked.

“I don’t know.”

“But you have been here for two years. I am sure your brother must have been told by your parents.”

“I don’t know but he has never come here.”

“If we make the arrangements will you go home?” Bharti questioned softly.

“I don’t want to go home. My family is very poor. I want to work here in Delhi, and send them money every month. I want to take care of my family but I can only do that if I am here in Delhi. I can’t do that in Nepal.”

“But son, you will be sent back to Nepal. No Magistrate can release you and let you stay back in India.”

“Why? I need to work for my family. What will I do in Nepal? Also the borders are open. We are like one country...”

“But son, that is the rule.”

“Listen, let them send you back to Nepal and then you quietly come back to India. What is the problem?” I added. Most rules need to be ignored, broken, or manipulated. That’s rule number one of survival.

“What work were you doing before you were brought here?” Bharti asked.

“I used to work in a General Store. I also have learnt screen printing and candle making.”

“Where are you put up now?”

“Prayas.”

“Are you learning anything now?”

“Computers but I am not very good at it. It takes me a long time to understand it.”

“How is it in Prayas?” I asked.

“Not bad.”

“How’s the food?”

“For me, it is very good.” This one statement said it all to

me. I sighed. I knew what he meant by saying '*for me, it is very good*'. Obviously, he came from such poverty that any food served would be relished. I felt for this boy and it only made me feel worse regarding not being able to do anything constructive for him and the other boys.

"You have good friends in Prayas?"

"I have no friends."

"Why?"

"It's because of wrong friends that I am here today in this prison. If I had good friends, my life would have been different. I want to get out of here."

"But son, you can only get out, if somebody from your family comes here and takes you back to Nepal..."

"Why? My landlord agreed to get me out on bail but the earlier Magistrate refused."

"Why?"

"Because of my past. I had gone out of line when I had initially come to Delhi. I was into petty theft and I used to roam around with the wrong company. I then shifted to a new place and locality and changed my ways and realized that my family needed my help and thus I really changed. But my past record wasn't good and that is why though my new landlord wanted to get me out on bail, my past record convinced the Magistrate that I was still on the wrong path. I didn't steal this jewellery. Those boys who I shared the room with did it but they ran away. When the police came to our room. Since I was alone, they caught me and put the blame on to me. That is why I have no friends now."

"How old are you, Sonu?" I inquired. He looked anywhere between fifteen and twenty-one.

"I am nineteen."

"You have your birth certificate?" Bharti inquired.

"No."

"Then how did you prove your age? Through bone testing?" I inquired.

"Yes. In 2003, when they did a bone test, they said I was 14 years old. This would mean I am seventeen. But actually I am nineteen."

This meant he had been here earlier too. Then, due to the

company he kept, he had indulged in some petty crime. Then, his past caught up on him and now, even though he was innocent, he had been in the lock-up, for the past two years.

“Sonu, you don’t have any idea where your brother is?”

“He used to work in a *dhabha* (road side food eatery), in Vasant Kunj. The *dhabha* was broken down but next to it was a phone booth and a garage, run by the same *dhabha* owner.”

We took down the address. It would help if we could connect with his brother.

“The Prayas people have promised me that they will make inquiries and try to locate my brother. I am sure they will. They had connected me to my parents and with a social organization that worked in Nepal.”

“Son, what about you?” Bharti.

“I have been here for three months. I am in Prayas. My friends and I tried to rob a showroom. We got caught.”

“Where are your friends?”

“They are out on bail.”

“How come you are not out on bail?”

“I don’t have any lawyer. My parents can’t afford a lawyer. The other boys had lawyers and also their parents had the bail money. Three thousand rupees per boy.”

“Listen, next time we meet, we shall have a lawyer. That much I promise you.”

“My date is also on the thirteenth. I have a feeling I will be released that day.”

“Next time, you both come here together. Okay?”

They both nodded. I could make out that they sincerely wanted to trust us. They really did. Hope against hope they wanted to trust, maybe again, two strangers who promised them freedom. I knew, I would never be able to face them, or any other kid, if within a few days, a lawyer wasn’t found. In a country where unemployment is rampant and thousands of lawyers are out in search of jobs and where thousands of new lawyers hit the streets each year, it was amazing that we still could not find one lawyer willing to work for these boys. Sixty years of independence and if the state of juvenile delinquents was pathetic in the capital of the country, I shuddered what

conditions prevailed in other States; say like Bihar, Orissa, North East and Kashmir.

Two cops brought in one small boy. He was well dressed. His oiled hair was well combed, with a deep parting, in between, which for some reason reminded me of Holy Moses and the way he parted the sea.

“What’s your name son?” Bharti asked softly.

“Manju alias Manjeev.”

Bharti and I turned towards each other. Alias?

“What?”

“Manju alias Manjeev.”

“What does ‘alias’ mean?”

“Don’t know. They always call out to me like this when I have to meet the Magistrate.”

He smiled and so did we. He was a smart cookie this boy.

“Where are you from Manju alias Manjeev?” That’s me the Smart-ass.

“Meerut.”

“Son, Meerut is a very big place. Where in Meerut?” Bharti asked.

“Kharkhoda.”

“Oh, I have visited Kharkhoda. Who stays there?”

“My aunt and uncle.”

“Your parents?”

“My mother died when I was six. My father lives in Delhi, in Sarojini Nagar.”

“What’s your age?”

“I am fourteen years.”

He didn’t look fourteen. He looked maybe twelve.

“You don’t have a lawyer?” I asked.

“No.”

“Since when are you in here?”

“More than two years.”

“How come you don’t have any lawyer?”

“Earlier, I had a lawyer but then he just disappeared.”

“You are in Prayas?” I asked.

“Yes.”

“How’s it in?”

“Very good.”

“What about bullying?”

“There is no bullying. It is very good. Much better than Poor House.”

Though the Poor House was the same as the Observation Home at Seva Kutir, the boys always pronounced it as Power House.

“You have been to Poor House too?”

“Yes. This is the third time I have been locked up. First time in 2002, then in 2004 and then in 2005.”

“You’ve kept busy haven’t you?” I inquired and he smiled. A smile of someone who has seen it all and done it all and is pleased as punch about it.

“How long were you in for in 2002?”

“One and a half year.”

“Then in 2004?”

“One year and fifteen days.”

“If you were in for a year and fifteen days starting from 2004, that means you were released in 2005 and then immediately you did something that got you back inside. Which means you didn’t waste a moment outside. You came out and were hell bent on getting in really fast? And now you have been in for nearly two years and more. You must really like it in?”

“Prayas is good. There is an open ground, better surroundings and now there is no violence. First, there was lot of violence. The older boys used to beat us up like stray dogs. Like animals we used to be beaten up but ever since there was a complaint filed by a boy, things have got better. Now, there is no bullying. But in Poor House the drug scene is very bad and also there is no place for us to play. Prayas is very good. No bullying and everything is fine there.”

Suddenly it struck me like lightning.

“Wait a minute, I know who you are; you are that notorious Manju.”

It was as though somebody had switched a bulb in my head. This was the boy who Narinder had complained about; Manju; the small boy who used to hit all the other boys and take away their food and who was the Magistrate’s favourite.

“You love it in Prayas because you are the one who thrashes everybody.”

“No! I don’t hit anybody. I am so small.”

“Is that so? Tell me how many boys are there who are called Manju?”

“Just me.”

“Why is that more than five boys have complained about you hitting them badly and taking away their food...”

“I don’t hit anybody.” But he said it in a manner that convinced us all that he was lying through his teeth.

“You are lying. You are the Magistrate’s favourite and you are taking full advantage of it and no wonder you love it in there.”

“The food is very bad in Prayas.” He tried to defend his case by now pointing fault at the goings on in his own domain.

“Is it?”

“For breakfast we get milk and *chana* (cooked grams). The milk is so thin and so diluted with water, that if you were to pour the milk on the floor it would look as though somebody has poured water on the floor. And who eats *chana* for breakfast every single day? Then lunch is rice, *dal* and some vegetable. Evening we get tea, which is nothing but boiled water and a few biscuits and at night we get five *rotis*, watery *dal* and little vegetable. Who would like it in such a place?” He looked at me, with mournful eyes. The boy could have walked away with any film award. I could understand why the Magistrate liked him. The boy had charm; no two doubts about this. He could turn the tap of innocence at will and he was a charming rogue.

“So why are you in for?” I inquired.

“Robbery.”

“Each time?”

“Yes.”

“Who did you rob?”

“First time I was caught, trying to rob the P.A. of the Home Minister.”

“Sweet Jesus!”

The cops began to laugh aloud along with us.

“P.A. of the Home Minister...”

“Yes. The same man who holds files and who walks behind the Minister.”

“Wow. Then?”

“Then I tried to rob somebody very big in the Police Department.”

“You don’t bother robbing mere mortals. So, now when you are released, the Prime Minister and the President must be on your list?”

“No Sir. Now I am going to walk the straight path.”

“Yeah sure! Straight path directly to somebody else’s house.”

He smiled.

“How come you targeted such luminaries? The home of the common man doesn’t appeal to you, hun?”

“I was on drugs then. Now I am not.”

“What were you on?”

“Fluid.”

“You mean glue?”

“Yes. And hash. Also I used to smoke cigarettes and *beedis* (tobacco rolled in leaf... small, thin and cheap cigarillos).”

“You have given that up now?” Bharti inquired.

“Of course. We don’t get it in Prayas.”

“So how did you leave the habit?”

“They gave me some tablets for four or five days. I left the habit.”

“Tablets?” Bharti seemed to be puzzled.

“Bharti their philosophy must be to starve the kids of the drug and let the withdrawal symptoms take care of the rest. Old fashioned and often the most practical way.”

“I guess so.” She faced the boy. “What do you do, all day in Prayas?”

“Nothing.”

“You don’t study?”

“No.”

“Why?”

“Don’t feel like. Half my childhood has already gone behind locked doors. The Magistrate has made it very clear that I am going to remain inside till I turn eighteen. So what is the sense of studying?”

“You don’t ever want to study?”

“No.”

“Did you study earlier?”

“Yes, when my mother was alive I used to study. She died and I stopped studying.” There had been an attempt to educate the boy even when he was at Prayas but to no avail. “I was once caught bringing in tobacco to a school that I attended, while still in Prayas. From that day, they began to frisk me and search my entire body to see if I was smuggling anything. They used to search me in a very bad manner.”

“Why does the Magistrate not release you on bail to your father?” Bharti inquired.

“Because they feel my father is a bad influence on me. But that is wrong. My father is not a drunk. My father is a good man. He is not a bad man. I know if I stay with my father, now I will not go astray. But nobody wants to listen to me. They feel that it is best that I stay here till I turn eighteen but I am just fourteen years old now. Please get me a lawyer who will be able to get me out.”

This was the only time he spoke earnestly. As he left though the gleam in his eyes was back.

The problem was one never really could be sure whether the boy was putting on an act or sincere. I am certain the Magistrate must be facing this dilemma virtually for every case.

After he had left, we sat waiting for more boys who weren’t represented to enter.

“This boy is in for keeps. He is going to keep coming back even if released.” That was my take.

“That’s for sure. He has the look in his eyes. I don’t think he is capable of serious crime but petty theft is now part of his being.”

“This is the boy who used to thrash Narinder badly. Narinder kept telling me that this boy lived in Sarojini Nagar and that he was going to wait for him to be released and then give him the thrashing of his life. I need to speak to the Magistrate and get her take on Manju.”

Atmaram the artist walked in. He entered and one look at him and I knew that something was really bothering him.

“Please get me out of here,” he spoke to me, clutching my hands.

“I am trying Atmaram. I have spoken to your Probation Officer, to speak to the Magistrate about you. Navjyoti India Foundation, has agreed to employ you as an Art Teacher to teach the kids living in Bawana (a slum where thousands of families were thrown on a barren piece of land in the name of resettlement in 2004 and on which *Yamuna Gently Weeps*, the book and film, are based.) They run street schools (*gali* schools) and they have agreed that you go everyday and teach art and they will give you a salary for the same. But my problem is where will you stay? That is my issue.”

“I can’t stay here. They don’t let me work. They keep shifting me from one room to another and I don’t feel like getting any new painting material. Please get me out. I am more than 22 years old. Why aren’t they releasing me? Also, my sister is going to get married next year. My father came to visit me in torn clothes to plead that I be released. Please help me, brother.”

“Listen, give me ten days. I will speak to the Magistrate. I am trying my best Atmaram. I want you out of here.”

I could make out he was trying his best not to cry. He bent and touched my feet.

“Out of the nineteen boys inside the cage today, we don’t have any more boys who don’t have lawyers.” One of the cops informed us. I nodded. We collected our stuff. We were both keen to meet the Magistrate.

We moved out of the waiting room. As I signed the register and we were walking away, I heard somebody call out to me. I turned and walked to the cell. I saw this man and it was his anger that struck me. I wouldn’t have liked to meet him on a dark night on a lonely lane.

“What about me?” It wasn’t a query but a demand. I let go of Atmaram from my mind and looked at him straight. I looked at him and then felt anger slowly rise within me.

“Chaudhry has no phone. We have tried to connect with him more than ten times.”

“What about me?” He realized that I was meeting his aggression with aggression. He relaxed.

“Listen, we are getting a lawyer. If Chaudhry can’t do anything about you, then we will transfer your case to this new lawyer. Do you understand?”

He nodded.

“When is your next date?”

“I don’t know.”

“Ok then, let the cop sitting outside know about your date. I am coming on Friday, I will get to know and then we will meet with our lawyer.”

“I will inform somebody from the Observation Home to give you the message.”

“Ok. See you then.”

We began to walk away.

“Sir *ji*, thank you and please do something.” His voice and tone had changed.

While walking away, a young boy, hand in hand with a police in charge approached us. He looked at me and I smiled.

“Sir, I have been released today.”

“Very happy for you but stay away from here, ok?”

“I will never come back here, Sir.”

“He seems to know you very well,” Bharti added.

“I guess they know we mean well and even though we haven’t done much, the very fact that we are present here must mean something to them.”

We reached the cabin where the Probation Officers sat. I needed to talk to one of the Probation Officers about Atmaram. Fortunately, he was present.

“How are you *Ruzben*?”

Ruben and now Ruzben.

“What’s happening about Atmaram?”

“I spoke to the Magistrate about your offer and she likes it but where does he live?”

“That is the issue. Bawana is really far away from here. I can’t let him travel from one part of the city to another in a bus and then expect him to teach art to kids. “

“I will speak to her again...”

“We need to work on this because he seemed desperate today...”

“But he has been desperate to leave since a year...”

“I am sure but since I have known him, today he seemed really desperate. He told the cops that he needed to meet us and for him to do something like that means he is really desperate.” Atmaram by nature was withdrawn and quiet. Today, he had insisted on meeting us, as while he was being taken away, after our meeting, I had heard a cop tell him tenderly, “Hope now you are happy, at least”.

“What is happening about Prakash Gora?” I inquired.

“You see there was a case where he along with a few others were tried, in the M.M. Court. Now, all of them were convicted, so automatically he was convicted too.”

“But that Court is not supposed to handle his case, as he was still a minor at that time.”

“Sure. But the Court wasn’t aware that he was a minor as nobody had informed the Court that there were a number of other cases against him, being tried out in the Juvenile Justice Board.”

“Why didn’t his lawyer notify the Court?”

“I don’t know.”

“Why doesn’t the Magistrate inform the Court?”

“You ask her...”

“But she can’t...”

A discussion broke out amongst all the seated regarding whether the Magistrate could inform the M.M. Court or not.

“If she knows that a wrong judgment or a judgment that is not valid is pronounced, I am sure she can inform the Court.”

The Probation Officer too agreed with my logic. I still couldn’t understand, how the lawyer fighting the boy’s case, failed to inform the Court. It didn’t make sense. How many similar cases must exist all over the country? If Delhi had the reputation of being the best in dealing with juvenile delinquency, God help our children, all over the country.

Today Vipin and myself decided to do a few home visits. We had to visit the brother of the Nepalese boy; then Rajeev’s home, the boy who suffered from convulsions; as well as the little chap who took the cops around in circles in the guise of finding his home. The last stop would be this new case that the Magistrate had asked Vipin to look into.

The case of the Nepali boy, Sonu, was simple. In fact, it was very fresh in our minds. We had met him a few days earlier. He had come to Delhi to work, accused of theft, which he insisted he hadn't committed but due to a bad track record was pinned on to him. He was in the Observation Home for two and a half years, as he didn't want to trouble his old parents, to come and take his guarantee. He had a brother in Delhi, who needed to be contacted, as without a member of the family, taking guarantee for the boy, this lad would keep languishing in the Observation Home. He and his brother had worked in a garage, which was near a roadside restaurant, and our first agenda was to somehow trace the brother, to either take guarantee or at least help in contacting the parents. We thus traveled towards the *dhabha* and the once dismantled garage... or was it the other way around.

Surprisingly we found the *dhabha* and the garage. It was a cool afternoon and we got out of the car and walked towards a group of men, crowding around a car that had seen better days.

"We are looking for Mr. Singh, who runs the garage."

"What do you want with him?" A man with little regard to cholesterol and calories asked of us. It was obvious this chap was Mr. Singh.

"We represent a boy called Sonu. His brother used to work for you. We need to find him, so that he can help his brother get out of the children's home."

"I don't know where the brother is but even if he was here, he wouldn't take any responsibility of Sonu. He is a thief. He deserves what he got."

"Do you know where his brother stays or works?"

"We haven't seen him for the past two years."

So that was that. Either Sonu decided to contact his parents and through them convince the brother to give guarantee for him and thus help get himself released or this matter would go on and on.

"Now what?" I inquired.

"Till we don't get somebody willing to give guarantee for the boy, there is nothing we can do. Legally, they can't release him without somebody giving surety for the boy."

"You mean if a boy is a fourteen-year-old orphan, he will rot

inside the Observation Home, because there is nobody to give a guarantee?"

"The boy has to be released on somebody's guarantee. Or else the boy is shifted from the juvenile home and sent to the Home for Children in need of care and protection."

"That means the boy remains in somebody's custody?"

"Yes. Narinder was released on bail because his mother took charge of him. If Narinder was an orphan, he would remain inside for years, till his matter was resolved completely. He would never be released on bail."

"However trivial his crime or case?" I inquired.

"I guess so."

"The law is an ass."

"Are you going to be writing all this in your book?" Vipin asked.

"I guess so."

"Then I am an ass."

"Now where to?"

"We have to go and see Rajeev and that little boy. It seems the police have begun harassing their families. There was some theft near their locality and as they both live in that locality, the cops, to simplify their work, have tried to pin the charge on both these boys. Luckily, the boys were with their families and thus for now they are safe but we need to find out more of what's going on."

We reached the locality, next to Khan Market and our first stop was the little boy. The boy's mother and father worked as domestic help in the home of some high-ranking government official. Behind the home, was a two-storey building, where the domestic help and their family were housed! We reached the first floor and the door was locked with a rather huge lock. But strangely we could hear muffled voices coming from within the room. Obviously, somebody had forgotten to switch off the television.

"The father told me he would be present today. Let's try the neighbours."

The door opened and a young girl, carrying an infant in her arms, looked at us inquiringly. Vipin explained the situation.

“The boy and his brother are sleeping inside. The parents had to leave for some important work.”

“You mean they locked the children inside the home and left?”

“Yes.”

“Isn’t that dangerous? What happens when the kids wake up?” I inquired.

“I have the key. Let me see if they are awake as the television seems to be on.”

So she went inside her home, returned with the key and then opened the door for us. I don’t think I will ever forget the sight. Two small children, fast asleep on the floor, with the television switched on, and the window slightly ajar for fresh air. It was a clean home but the sight of both these kids, the youngest just five years old and the older one, our boy, a few years elder, sleeping, oblivious to the world, locked inside their home, while some programme aired on television, was surreal. You sort of accept all this in fiction, not in reality. In reality, you don’t accept two kids locked inside their home without an elder to take care of them.

“Should I wake him up?”

Both of us immediately dissuaded her. She went inside and turned off the television. The boys slept the blissful sleep of the innocent.

We thanked the lady and I with a heavy heart, saw her once again lock and bolt the door. Within seconds she disappeared and bolted her door too. God forbid if something were to happen to the kids, how on earth would she ever know?

Our next stop was Rajeev’s home. We reached his place and fortunately we saw him from the ground floor, playing cricket on the veranda of his home. We climbed up and Rajeev greeted us with a smile. He called out to somebody and his sister came out. She looked a little older to Rajeev. Vipin immediately approached the sister and I was impressed with the way Vipin wanted to get on with work, without wasting anytime.

“Where is your bathroom?” He inquired.

Oh bugger. He returned after a few minutes and as we were alone, still on the veranda, he whispered to me.

“I don’t think this is his sister.”

“Why?”

“She doesn’t seem to be his sister and also the old man never mentioned having three children. Two from an earlier marriage and one from his new marriage.”

“He must have forgotten.”

“No.”

Rajeev showed us his home. After entering from the main door, to the immediate left was a room, with a window and a large bed. The bed occupied around eighty percent space of the room.

“My sister and I sleep in this room.”

I knew Vipin was trying to communicate something to me but I didn’t look at him. Either I would have got upset or would have laughed. Then we crossed over to what seemed to be the main home. There were two rooms, a bathroom, and a kitchen.

“This is where my father stays.”

“With his wife and your brother?”

“Yes.”

Suddenly a small boy approached us. He was around five years old. He wore clean, well-stitched clothes and had fancy shoes on. The contrast between the younger boy and Rajeev and his sister were obvious. The young boy, belonging to the new mother, was all spruced up, while these two, wore what seemed like hand-me-down clothes.

The contrast was so apparent that it sort of made me feel sick in the stomach. But one thing, which was apparent, was that all three of them were happy to be with each other. There was no discontent brewing between the siblings.

Suddenly the father walked in. He apologized profusely for being late.

“Why are the cops bothering you all now?”

“Ever since he has come out of the Observation Home, once in a while, some police man or the other, keeps bothering us. Anything goes wrong in or around this area, and they come here to question about his whereabouts. Luckily, he has not gone anywhere and he is always present here and is seen by neighbours, so they can’t do anything but I fear that one of these days, they are going to succeed in pinning a false charge on him. He is now

better, as we are taking care of him. My wife makes sure he has his medicines on time and tries her best to take care of everything. But it is difficult. Now by this year-end we will get our daughter married and also we will lease the inside room and from the rent we will be much better off. I only wish the police would stop harassing us.”

After speaking to him for a little while longer we left the place. He came down to see us go and was visibly disheartened that we had left his home without having tea and snacks.

“So Sherlock Holmes, your deduction that the girl was not his sister but his wife seems to be proved wrong.”

“I know but why had he not spoken or written about her in the docket?” Vipin was still in doubt.

“The docket must have been made by a half-assed lawyer, that’s why.”

“That is true. The world is filled with half-assed lawyers.”

The phone rang. I answered.

“Hi. Am still at work. I am with Vipin. Yeah, my social worker friend though he would rather be known as a lawyer. Why does he insist on being known as a lawyer? I don’t know why. May be he is plainly masochist.”

VIPIN WAS AS USUAL LATE. I FELT LIKE WRINGING HIS NECK. I COULDN'T HELP BUT SMILE, AS I WAS CERTAIN I WOULDN'T BE ABLE TO KEEP A STRAIGHT ANGRY FACE WHEN HE ARRIVED. TODAY, BHARTI ALSO DECIDED TO COME ALONG WITH VIPIN, TAKING OUR TALLY TO THREE. I ONLY HOPED THERE WERE SUFFICIENT NUMBER OF KIDS IN THE CAGE OR ELSE IT WOULD LOOK MIGHTY FUNNY, ALL OF US TROOPING IN, THE COPS AND OUR BRIGADE, FOR A HANDFUL OF BOYS. WE NEEDED TO CHANGE OUR TIMINGS TO THE MORNING SESSION. BY TWO-THIRTY, AT LEAST SIXTY PERCENT OF THE BOYS WERE PACKED OFF TO THEIR OBSERVATION HOME.

We still hadn't found a lawyer who wanted to work for these children, despite innumerable phone calls to various friends and colleagues, as well as posting a notice in the High Court. We were willing to pay a decent monthly remuneration to the lawyer, even for a lawyer with no work experience or absolutely wet behind the ears, but we got none.

Today, Vipin and Bharti were keen on conducting a 'balloon exercise' with the kids.

Waiting for them to arrive, I lit a cigarette and waited at the gate. Summer was on the threshold and one could feel its warm presence. It was going to be hell in another month. Two kids and an elderly man approached me.

"You are with Vipin, sir?" The smaller and younger of the two boys inquired.

"Vipin Bhatt?" I inquired.

"Lawyer."

"Yes, I am with him."

"He told us he would be here at one thirty."

"Yes. I am sure he told you that. He should be here in another ten minutes making him exactly an hour late."

"He told us you would be here."

"You have seen me with him?"

"No. He said to locate a man with long hair, a stud in the ear, a red Goddesses mark on the forehead and with a few days beard. He also said you would arrive before him."

"He said that too, did he?" I ground my teeth but managed to smile.

"Tell me how can I help you?"

"My brother Rakesh is in this Court. This is his friend. They both were put inside two years ago."

I looked at the friend. He was around seventeen or eighteen years of age.

"What were you accused of?"

"Murder."

"Who were you all accused of murdering?"

"There was this man. We had an older friend who got into a fight with this man. Our friend pressed his throat and killed

him. As we both were present along with this friend of ours, we too were taken into custody.”

“This happened two years ago?”

“Yes.”

“How come you are out and Rakesh, this boy’s brother is still inside?”

“I don’t know. I too spent twenty months in custody. His brother didn’t have any lawyer till now. That is why we are waiting for Vipin, sir.”

I dialled Vipin’s phone number.

“Yes sir, we are just round the corner.”

“You will be round that corner for how long?”

I heard him laugh.

“Just five minutes. This is the last time I am late. I am a transformed man. If only there wasn’t so much traffic.”

If only my aunt had balls, she would have been my uncle. I further told him a few things, best left unpublished.

“You all wait here. Vipin will be here in another fifteen minutes.”

“He will come here for sure?”

“Dead or alive, Mr. Vipin Bhatt will be here.”

I entered the courtyard of the Juvenile Justice Board. There were relatively fewer people present. I went towards the cabin where the Probation Officers sat down, hoping to find the one handling Atmaram’s case. Fortunately he was present. He was surrounded by people, dictating something, while eating home made food, from a Tiffin. He smiled.

“Any news or progress regarding Atmaram?” I inquired.

“No.”

I sat down and he continued to dictate. I waited for a while and then left to check the notice board. I now knew how to read it better and wanted to see how many cases were up on the board and since how many years had they been going on. There were forty-five cases. Of which, one case was eight years old (1999), one case seven years in the making and two each were six and five years in progress and the list went on. How could an issue involving a child be dragged on for eight years? There

was no counseling taking place and the children were in real need for counseling and therapy. They were cooped up like animals without any vision regarding their education or equipping them with proper skills to secure their life. Instead of nurturing them and helping them to rise above their circumstances, the system was so self defeating that it fostered frustration, vice, degeneration, hatred, rebelliousness... everything but the real reason for bringing children to these Observation Homes; which is to reform them. Instead of reform, most of them became more entwined into a world of violence and crime. They weren't taught how to become respectable citizens of the world but were made to feel like animals, all herded together, where might ruled and young children were made to become menial labourers or sex objects, to satisfy various desires of the strong, big or the powerful.

I stepped out of the gate and phoned Vipin. They were a few minutes away. A taxi van halted near me and Vipin and Bharti got out.

"I know you are very angry, I am sorry." He laughed and so did I.

"I don't know why there was so much traffic today." Bharti informed.

"Maybe because I wasn't there with you two."

"That's what I told Bharti. Next time, we travel only with you."

"Very funny. Now meet these two boys and then lets get going and blow balloons."

"Oh yes. You will really love this balloon therapy."

The two boys with a middle-aged man came up and began to speak to Vipin. They all wanted Rakesh to be represented by a lawyer and out on bail. The older man with the two boys was Rakesh's uncle. Rakesh's younger brother spoke to Vipin and Bharti while I spoke with the other boy, who had put in twenty months in the Observation Home and was out on bail.

"Why did it take you twenty months to get out on bail?"

"I didn't have a lawyer."

"Your parents didn't hire one?"

"They are very poor and we didn't know how to go about all

this legal stuff. Nobody informed us regarding the procedure of hiring a lawyer and then applying for bail. In the end when I got a lawyer, it took months for the lawyer to contact my parents, as my parents stay at the other end of Delhi and have no phone. The lawyer didn't want to spend time to go there and contact them, thus it took months just waiting for the lawyer to go and contact my parents. I managed to send a message through one of the boys, who contacted my parents, they then contacted the lawyer, and then I got bail." Rakesh's brother and uncle now were with us.

"What about your brother? Why didn't you apply for bail?"

"Sir, I was very small when all this happened and I didn't know anything. We didn't even know how to hire a lawyer or if there was anything like bail. We don't have parents. Finally, we contacted my uncle who came over and now that lady (magistrate) has given my brother a lawyer and so hopefully we will get him out on bail."

I turned towards the uncle.

"How come you didn't hire a lawyer to get this boy out?"

"Sir, we didn't know anything. Nobody told us how to go about doing that. In the end, this brother of Rakesh, with this friend, came and convinced us that it was possible to get him out on bail and so we are here now."

"Isn't it the responsibility of the Probation Officers to connect with families and also inform and educate them regarding what is possible and how to go about it?" I inquired of Vipin and Bharti. Their expressions were enough to convey the reality. Everything was perfect on paper. In fact on paper things were more than perfect. The laws, regulations, acts, and vision were all taken into consideration. Reality was another ball game. Vipin told the younger brother that since the Board had given Rakesh a lawyer, it was best to go through the appointed lawyer. In case that man didn't perform, get in touch with him; he would do the needful.

"We don't want a fight with lawyers now." Bharti explained the situation.

"Anyway, there is a long line of people waiting to get their hands on Vipin, as it is." I willingly butted in.

We moved towards the cage where the boys were kept, while waiting to be presented to the Principal Magistrate. The cops saw us and smiled.

“Sir, you will have to go to the Probation Officers and speak with them. There is a new rule now. You can only meet the children in the presence of one of them.”

So I went to connect with any one of the Probation Officers. One of them was inside.

“There is a new rule now regarding our entry.”

“Yes. That is what the Magistrate had told us.”

“Fine. Then let’s go.”

“But you will have to fill in this form first.”

“Why didn’t you tell me that before, when I entered nearly an hour back?”

“I wanted to but you left soon afterwards.”

So, I phoned Vipin and told him to come over with Bharti to the cabin. They both trooped in. Vipin was given the form. He began to fill it up. It was stifling hot inside. Another month and it was going to be hell out here. Vipin was wearing a nice looking coat. His brow was wet though.

“Why are you wearing this coat Vipin?” I asked.

“You see,” he began, after putting the pen down, “in the office I feel very cold.”

“In the office you may feel cold but you aren’t in your office anymore.”

“That is true. I was wondering why I am feeling so hot.” We both began to laugh while Bharti tried to keep a straight face.

“Tell me, how does one enter these Observation Homes?” I inquired of the Probation Officer.

“The Magistrate has all the powers.”

“Then why isn’t she allowing us to enter the Observation Home and begin real work with these boys. She keeps saying her hands are tied.”

“You can approach the Ministry of Social Welfare also. I think she feels that you all are only entering and meeting the children to provide them legal aid but very often these boys are very smart. They have lawyers but don’t want to admit that.”

“But one of the main reasons why we were called here,”

informed Bharti, “was to assess the situation and try to provide legal aid.”

“The fact that children are inside for five and six years, when the maximum number of years a child can be kept in an Observation Home is three years, itself proves that many of the children don’t have lawyers or they aren’t represented well.”

Vipin all this while was filling in the form. Then he looked up.

“I have to explain in this form what we plan to do with the kids?”

“Write about this balloon stuff.”

“I have written that. But another question that I need to answer in this form is ‘what do you plan to achieve?’”

“Say you plan to motivate the children and help them explore their own potential.” I helped out.

“Ah, that’s good.”

He began to write. Then he looked up again.

“Now the next question is ‘what do you intend to do the next time?’”

“Write we intend to *further* motivate them and *further* help them, explore their potential.”

“That is great. We can just keep adding the word ‘further’ for all the remaining queries.”

Two minutes later he had filled in the form and had taken all our signatures. He handed the form to Ali and we all stood up.

“You will have to wait. I will have to get the form approved by the Magistrate.”

He returned after a few minutes.

“She says you will have to explain the balloon theory and how it works.”

So Vipin rolled up his sleeve and began to write at the back of the page. Vipin was amazing where hands-on work with children was concerned. He was really dedicated as a lawyer and a social worker too. But punctuality, putting thoughts down on paper and speaking on the phone weren’t his strong points. He began to explain at length the balloon workshop.

“Vipin are you writing your memoir or something?” I inquired.

“Now I want her to understand everything.”

“You better make a few copies of this form as you will have to fill it up every time you come here.” I lovingly informed him.

He wrote his stuff. I took the sheet, edited it, and gave it back to him. He handed it to the Probation Officer.

“Saab,” Vipin spoke aloud, “in case even this is not approved, please just phone from inside itself so that we can go back to our office.”

But two minutes later the Probation Officer entered and asked us to follow him.

“The Magistrate has asked me to be present during this exercise.”

This sudden change in the Magistrate was disturbing.

“Remove the damn coat Vipin. Seeing you in it is making both me and Bharti perspire.”

We reached the cage and then along with us the Probation Officer entered. There were around sixteen boys inside, of all ages and sizes. A few recognized us immediately and a number of those present didn't look like boys anymore but were grown men.

“Ok everybody, lets play a game. Let's form a circle.” Saying this Vipin gathered all the boys. Two boys refused. They were the oldest boys; one was injured on the foot and one could gather from their stance and bearing that they considered us a waste of time and in all probability, even fools. Vipin tried his best to convince them to join the group but to no avail. It didn't bother either Bharti or me but for some reason it mattered to Vipin that all the boys present in the cage should be involved in the balloon exercise. After five minutes of persuasion, Vipin realized he was getting nowhere with the two boys and thus joined our group, which had gathered in front of the window, away from the main gate and the wide grill of the cage. Vipin and Bharti sat down with the boys who had gathered in a circle, while I sat on one of the cement slabs, which were used as a sort of a bench, where I could see most of the boys and also notice their involvement and expressions. The Probation Officer also found himself a seat.

“Ok, we are now all going to shut our eyes.” Vipin began in

a soft voice, as though trying to bring them to a state of relaxation. "Ok, so now all our eyes are shut. Shut your eyes. Not tightly but very softly and calmly... just close your eyes." It was strange but most of the boys couldn't manage to calmly shut their eyes. They shut their eyes tight and the shut lids would quiver for a while and then they would open their eyes again. It was as though they mistrusted everybody around them for so long, that now, even though aware that they were safe with us and the cops who looked on from the window, their eyes refused to let go of the natural state of defense. "Shut your eyes. Good." My attention was drawn to a big boy or man, wearing an orange cap and a very small boy, not more than ten years of age, who sat by the orange-capped boy. The small boy sat calmly with eyes shut as though in a state of meditation, while the orange-capped lad, had to cover his eyes by shielding them with his palm. But slowly the group, which had formed a circle, sat with eyes shut. "So we are all sitting in this room, with eyes shut, with three brothers and a sister and lots of friends. My name is Vipin, then you all must know Ali, and then there is Ruzbeh, whose name I am sure you all can't remember or pronounce, just like me." The boys remained with eyes shut but a few of them agreed and few chuckled. "Then there is Bharti and of course you all know your friends who are seated with you. Now lets start by going over what we did in the morning. We woke up, had a bath, had breakfast and some of us came here in a van (Prayas) and some of us came here walking (the Observation Home). Now, with eyes shut tell me how are you all feeling at the moment."

"Hungry."

"Thirsty."

"Hot."

"Very good. I am sure some of you have fought with each other, while some of you have met your friends and some of you have got bored." Heads shook in agreement. "I know most of you are hungry and thirsty, as you all have had your lunch by eleven or eleven thirty and now it is three-thirty." All of them shook their heads. "Now, you all are wondering what is Vipin going to do or show? And what is Bharti *didi* going to do?"

“Ok, now imagine that all of us in this room are balloons,” added Bharti in her normal tone, while Vipin spoke softly, like one of those yoga gurus who want to enchant and hypnotize his audience by lulling them to a state of relaxation. “We all are balloons and balloons either go up, or due to various reasons, fall flat on the ground after rising up for a while and then there are balloons who never rise above the ground.”

“But you will agree that a balloon looks best when it is in the air. Now imagine you are all balloons, individual balloons, and you have begun to rise in the air. Now we are rising up and up and up and now we are just above JJ Board. We are different types of balloons. One balloon is wearing an orange cap,” the boys began to laugh, “while next to the orange cap is a small balloon wearing a striped shirt; some are big balloons, while some are small; some are old balloons, while some are young.” Two rats ran past me. One was a big rat, while the other one was still a baby, finding it hard to keep up with either mom or dad. They scurried to a corner, picked up food that was dropped, got a good hold of the grub in their mouths, and quickly returned to the dark bathroom that was at the end of the room. “Now all we want to do is travel, laugh and play. Now slowly open your eyes.”

All the boys sat with eyes open. Some embarrassed, while some now rather enchanted and keen to know what Vipin and Bharti had up their sleeves.

“Ok, tell me how did you feel?”

A few boys softly confessed that they did feel very good. Most of the boys simply nodded.

“Ok, tell me what you liked?”

For a while all kept quiet but then, the small boy, who sat upright, looked at Vipin and raised his hand.

“I liked your voice and the way you explained.”

The orange-capped boy nodded vigorously. Vipin began to ask each boy what they thought and liked about this visualization exercise and each boy, simply repeated what the first boy had mentioned. They were just following and copying one and another. I could sense that each boy was in dire need of professional and loving counseling. Most of the boys who had

gathered in a circle were just kids who had got into trouble and conflict with the law out of curiosity or out of just stupidity. But I could sense that the longer they stayed in the Observation Homes and were put through this process of being in a cage, once every fortnight, they were being pulled into a world of violence and crime. Their self-respect was so badly tarnished that most of them weren't left with much options to choose from.

“Ok, now tell me who really became a balloon and flew up?”

There was no way in high heaven any boy was going to agree to that in front of the other boys. They would be mocked and may be even nicknamed 'balloon' for the rest of their life. Another small boy, whose back was to me, raised his hand.

“I flew up but only a few feet up. Not very high.”

“Great. Now tell me out of you all, who all know how to write and draw?”

Four hands went up, including the big boy wearing the orange cap. He had an honest, kind face, a smile in his eyes, and he looked mature

“Ok. So we have four boys who know how to read and write and draw out of fourteen. Not bad.”

“Tell me how many types of balloons exist?”

The small lad, who sat next to the orange-capped boy, raised his hand. He was like a breath of fresh air. I had never seen him before and thus it was obvious he was a new entrant, still innocent; still a child.

“There is the small balloon, in which you fill water and play with your friends during Holi time. Then there is the balloon that can be filled with gas and which flies in the air. Then there is the balloon which we have to fill by blowing air into it ourselves.”

“Very good.” Bharti congratulated the lad. “But there is another balloon also which is a very big balloon which carries people in it and flies through the air, carrying people in a big basket.”

“Yes.” A number of boys shook their head vigorously.

“Where did you see such a balloon?” Bharti asked.

“In films.”

“Yes, in films.”

Vipin spread two big chart papers in front of the boys. He gave one chart pink paper to the orange-capped boy and a yellow chart paper to another boy. He formed two groups. Vipin drew a balloon and below it a basket which was supposed to carry people in it. The orange-capped boy began to artistically draw his balloon carriage. It was obvious that he was good at his work. It was apparent that he had drawn before. The other lad was like me. He couldn't draw a straight line, even if his life depended on it.

"Ok. This is a balloon, filled with gas and air and this is like our life." Bharti spoke softly. "This is our life's balloon. Should it go up or down? Of course, it should go up. That is what all good balloons should do. Go up in the air and fly high. Now tell me how can we go up?"

"If somebody fills us with gas?" Inquired another boy. It was a serious query and most of the boys awaited an answer.

"Do you want to be filled up with gas? No! Now what each group is going to do is think and write down, what are things that allow our balloon of life, to fly high and what are things that bind us to the ground? What will make our life move upwards and what will keep our life stuck to the ground. What name will we give the balloon?"

"Our Life?" The small, smart lad inquired.

"Very good."

So two groups were formed. Bharti headed one group while Vipin headed the other group. Bharti's group consisted of both the smart small lad and the orange-capped boy. Both groups sat separately.

Bharti's group began to slowly give out reasons that kept the balloon of life either flying high or stuck to the ground.

"If we listen to our parents we won't be stuck to the ground but will fly high."

"Very good."

"If you do wrong then you are stuck to the ground."

"Excellent."

"We shouldn't go so high that we burst and then fall to the ground." This observation came from the smart lad.

I looked at the Probation Officer.

“What is this boy in for? He doesn’t belong here?”

“I agree.”

“What is your name child?” He inquired.

“Haseeb.”

“Since when are you inside Haseeb?” I asked.

“A month.”

“What did you do, child?” Bharti.

“I didn’t do anything. I was got here by my uncle’s eldest child and then left in Delhi.”

“You mean he got you, left you alone on purpose?”

“Yes. He brought me here, took me to this street, told me to wait and never came back.”

“Where are your parents?” I asked.

“They died. That is why I am in this place. If my parents were here I would be safe. If parents are around, then the balloon is safe.”

“What did you do for three months in Delhi before you were brought here?”

“What could I do? I had to survive, so I helped others to make toys to sell in shops and streets. Then one day the police came and picked me up and now I am here since a month.” He didn’t say it with regret but with mature acceptance.

“Can’t you do something about this boy?” I asked the Probation Officer.

“I am going to do something about him. Let me go through his investigation report. This boy doesn’t belong here. He belongs in a proper home, surrounded by his family or with a proper social organization. Also, who will take responsibility of this boy? Why don’t you take responsibility for him Ruzben and get him out on bail?”

“I don’t mind taking responsibility and getting him out on bail, but where is he going to live.” I looked at Haseeb. “Can you read and write?”

“No.”

“Damn!” I softly muttered to myself.

“If he could read and write, I could have got him out of here and through India Vision Foundation, I could have got this child put into one of the schools that take care of children affected by

crime. But they only accept children who can read and write.”

“Why don’t you start an organization for such children?” Ali inquired.

“I guess in the end I might just have to, for kids like Haseeb. What about Prayas? Don’t they also have a home for children?”

“Yes they do. I had put thirty-two kids in Prayas. 27 of them ran away in the first week itself.”

“Wow! Why?”

“I don’t know why but obviously either the children don’t like to live in homes or something forced them to run away. I don’t know the reasons though!”

He was lying, our man Ali. He knew everything but just wanted to play safe. I moved towards Vipin’s group, which was the noisiest group, no thanks to Vipin.

“Ok, so we have a few reasons for going up and a few for going down. Drugs and stealing don’t allow us to fly. Very good! Then you said one shouldn’t go to the wrong places. That is very good too. You said, one should avoid bad company. True. Now what is bad company? Bad company includes any and everybody that doesn’t allow you to fly high and achieve your potential. Thieves and drug peddlers and drug users are bad company too.”

“Sir, carbon dioxide will not allow us to fly up.”

“That is true. Avoid carbon dioxide.”

“Sir, we should listen to our parents.”

“Yes but then there are many parents who make children do wrong things too. You see children begging on the roads. They are being forced to beg by their parents...”

“No sir. No real parents will force their children to beg. These are fake parents. These children are sold to them and then they pretend to love and care for these children and make them beg.”

“Yes. Good. I wanted to hear something like this. What else?”

“Sir, by eating good food also we can move up. We ate at eleven and now its three-thirty and we are hungry and thirsty. How can we grow and how can we rise in life if we are hungry all the time?”

Nobody had an answer to that question. No reform or observation can take place on an empty stomach. To keep

growing children hungry means stunting their over all growth; physical, emotional and mental. Also, it is hard to think about spiritual stuff and keep on the spiritual path when one's stomach is empty and growling. I moved towards Bharti's group.

"Nobody, has mentioned education being one of the reasons how one can fly high in life?" Bharti inquired.

"It is not through studying but through leaving drugs and cigarettes that one can fly high in life."

Bharti began to counsel them about drugs and liquor and moved on to disobedience and the ill effects of not listening to one's parents and elders. I noticed a boy who looked like a drug addict. His teeth were all tarred with tobacco. By now a number of boys had dispersed and only a few boys sat with both Bharti and Vipin. I looked at this boy. The Probation Officer too sat down next to him.

"What drugs do you take inside the Observation Home?" I asked. There was no sense asking if he took drugs. He would deny it. It was best to get to the point.

"I don't take drugs anymore."

"But you look as though you have just taken drugs or are suffering from a withdrawal."

"No, I don't take it any more."

"You used to take it first?" The Probation Officer inquired.

"Yes. I began taking drugs when I was twelve. I am sixteen now. I now only chew tobacco and smoke."

"But you get everything inside the Observation Home. From tobacco to liquor to drugs, so how come you don't take drugs?" I asked him, pretending not to believe him.

"Yes, everything is available there. But I don't take drugs anymore."

"Where does all this come from?" The Probation Officer asked.

"I don't know. I get my tobacco and *bhang* from this boy called Punjabi. I wash his clothes and do his work and he provides me all this."

"What is his name?"

"We all call him Punjabi. He looks like a hero."

"How come you don't take drugs?"

“I don’t now. I just want tobacco and occasionally my cigarettes.”

“How do you all consume *bhang*?”

“I don’t but usually the boys mix the *bhang* powder with sugar and eat it up.”

The fact that drugs were easily available in the Observation Home was no longer a point to be disputed. Everybody was aware of this fact but nobody seemed to be really taking any step towards making these homes a drug free zone. This meant even boys who entered clean (drug free) would in all probability go out as addicts. Once they had tasted blood, there was no looking back; so much for Observation Homes that were meant to reform boys but landed up forcing them into drug addiction and crime.

(While writing this, one of the morning papers reported a break out in the Juvenile Observation Home. Three juveniles had run away from Sewa Kutir by scaling the wall. What was interesting is that the driver with the Social Welfare Department had filed a written complaint about free and illegal movement of certain children, who moved in and out of the Observation Home without proper authorization. The driver, called Mohan, further divulged that two children had come over at night to Mohan’s home and told him of the escape of three of their friends and had persuaded Mohan to search for the absconding boys. Nowhere in the articles had the reporter used the words ‘children’ but referred to them as ‘inmates’; and once had even referred to the Observation Home as a ‘jail’. Thus, there is a bias created and a prejudice set amongst the readers, the society, and worse amongst the boys themselves.)

Anyway back to the cage. The boy wearing the red cap was different from other ‘grown up’ boys in the cage. He smiled, was polite, had a gift at art, and wore clean clothes. I asked him his name.

“Abbas.”

“Since how long are you in custody?”

“Four years.”

“What did you do?”

“I am accused of stealing.”

“You have been kept in custody for four years for stealing?”

“Yes. Three years I was in the Central Jail. Tihar. I was shifted to the Observation Home a year back.”

“What is your age now?”

“Twenty or twenty one.”

“Which means when you were taken in, you were either sixteen or seventeen.”

“Yes.”

“Why were you in Tihar, then?”

“Three of us were sent to Tihar. A friend of mine got bail in the first two months itself.”

“But why were you in Tihar? Didn’t you tell the Court that you were a minor?”

“My mother and father had hired a lawyer who turned out to be useless. He kept taking money and doing nothing. We weren’t aware of all these rules...”

“If you don’t prove you are a minor or if your lawyer forgets to tell the Court the client is a minor, the Court will let the boy remain amongst adults.” The Probation Officer informed us.

“Then, what happened after your parents changed the lawyer?” I asked.

“In two months, I was shifted here.”

“But why did your friend get bail and you haven’t?”

“He ran away after getting bail and now the Magistrate keeps telling me that ‘you stay here till your case gets finished’. So I am here. But my parents come to meet me every time I am brought here. They always come to meet me.” He said it out of sheer love. He said it, as though, the love of his parents was his only bridge to remain sane.

“You have continued to study?”

“I was in the ninth when I was taken in. I did my tenth, CBSE, while I was in Tihar. But in the Observation Home there is no proper teaching or Open School Course (correspondence) taking place. Let me get out of here and I will get back to studies.”

“What do you want to do once you have finished studying?”

“I want to draw. I like to draw. Once I am out I shall take up a course in art and then make that my profession.”

“Ok, then do one thing. Take down our phone number or ask the Probation Officer about us. You know our names.”

“So once you are out, give us a call and we will work something out for you; but only if you are serious.” Bharti by then had written down our names and numbers on a sheet of paper and handed it to Abbas. “Who ever is really interested in studying or working honestly, give them our numbers and once they are out they can contact us.”

“Nobody gets into crime out of choice. Very few boys are in here out of their choice. One gets into crime or the wrong way of life because of poverty and circumstances.” Abbas spoke softly. “My father works in a garage. I also have a younger sister who studies.”

“What do you want to do later on?” Bharti asked of a young boy standing beside her.

“I want to get into stitching. These clothes I am wearing. I have stitched them on my own.”

We all were pleasantly surprised. The boy had done an excellent job. The clothes looked as though purchased from a proper retail outlet. We all praised him profusely. He beamed with happiness and pride.

“Once I am out, I want to get into a proper stitching course and then get into this profession.”

“Where are you at the moment?”

“Observation Home but first I was at Majnu ka Tila. But the same stitching guru now teaches us here too.”

“What are you in here for?” I inquired.

The boy blushed and evaded the question. I asked again.

“I would rather not talk about that.” He again blushed.

I presumed it was for an unnatural sexual act.

“I am seventeen now. I was for a long time in Tihar jail. Then I was transferred to Majnu ka Tila. Now I am at the Observation Home. Hopefully I will be out today or in a short time on bail. I am sure of that. The Magistrate has told me about my bail being granted very soon. I have also collected twelve thousand rupees from my stitching, which will be given to me once I leave this place. I will go back to Bihar and work there. My brother and sister-in-law live there and they want me back with them.”

Another boy wanted to study and then go back to Bihar and do farming. A young boy wanted to become an artist. The fact is not all but there were boys who wanted to learn and just needed help and direction. We were about to leave when one of the older boys smiled and told us to come in the morning.

“You will be able to meet more boys then. Today, the time has passed really fast. Otherwise, we get really bored here.”

We got out of the cage and walked back to the car.

“Let’s meet in the morning then. Lets try to come here by eleven thirty, so that after all the formality shit is done with, we can spend at least two hours with more boys.”

“You will pick us up then?” inquired Vipin.

“Yes, but I am not coming in the office as you will keep all of us hanging on and we will reach here again at two.”

“I agree with you,” Bharti smiled.

“But we need your presence inside the office *Shriman Ruzbeh*.” Vipin added.

“You shall be greeted by my auric body while my physical body sits in the car, swearing and fuming at somebody’s perpetual unpunctuality.”

We were all glad to have finished the day and that the boys had received the balloon exercise positively. Of course, only a handful of them had really stuck with us till the end, but they were the boys we were interested in. Those, who were either still on the right path or those who were sitting on the fence, wondering which side to tilt towards.

We couldn’t meet in the morning and thus Vipin and I once again reached the Juvenile Justice Board by two and as we were starving, we ate at the same roadside stall, known all over North India, as the *dhaba*. This is an experience not for those particular about hygiene or calories. But the food is very delicious and if one sort of enters a Zen like state and focuses only on the taste of the food, and nothing else, not even the plate it is served in, then it is an enjoyable experience.

After that, we sat in the cabin meant for the Probation Officers and Vipin began to fill in the form. He chatted with Mr. Dighe and then got the latter so engrossed in the talk that he either didn’t observe or didn’t mind Vipin going through the file, where

other NGOs had filled in their two bits regarding their activities. Vipin was a master in such deception. I wanted to give him more time to read the file and thus began to indulge in small talk myself.

“According to you, which is the best state in India that deals correctly with the state of juvenile delinquency?”

“Best city in India should be either Mumbai or Delhi.”

“Why Mumbai?” I inquired of my home city.

“Over here, the Magistrate and the social workers sit on an elevated dais, in a huge room, where cops and lawyers and everybody is present. This is supposed to be a closed meeting that is why we call it a Board. We don’t even call it a Court of Law. In Delhi, it looks like a Court, as there are lawyers and policemen present everywhere. But in Mumbai, the proceedings are conducted in a room. Just like this one, where the Magistrate and the social workers, sit in a small room, no lawyers are allowed to wear their black coats, and there is no police presence. Also, the child is brought in along with his or her family and all discussions take place across the table, like a normal conversation. This makes a big difference to the emotional state of the child and the family, as they don’t feel prosecuted but as though a counselling session is in place. This is very important. Not like Delhi, where there are twenty strangers, the Magistrate presides on an elevated platform, and looks down upon the child and where the child doesn’t feel comfortable to talk, forget divulge pertinent insight into the matter. But Delhi is a close second. Apart from these two places, the condition of juveniles is pathetic. Even here, till June last year, there were no special Probation Officers. It was in June last year, that is seven months ago, that we were brought in and you can see the difference. Six months later you all walked into the JJ Board. Something unheard of before.”

I nodded and observed that Vipin had gone through the entire file.

“You need to show our form to the Magistrate?” I inquired.

“No need. You can go and do your work.”

We got out and began to walk towards the cage. It was getting hot now. In another fortnight, it would become a furnace.

“And what did you read in that file?”

“Most of the stuff going on is just cosmetic. Good that some work has begun but most of the stuff is just to pass time and feel good.”

We approached the cage and for the first time, there was a gate at the entrance near the stairs leading to the cage. There were a few boys who greeted us with a loud welcome.

“Thank God you have come. We are really getting bored inside. Lets do something together, like what you all did last time with our friends.”

“Just you five boys inside today?” I inquired.

“We were twenty in the morning but now just us five left of which most of us might be released today itself.”

“Great!”

A cop came over and stopped us from entering.

“I will bring the boys to the waiting room. I have been told two at a time.”

“Why? We want to conduct a workshop in the cage.”

“Sir, you aren’t allowed to do that.”

“By whom? Last Friday we conducted a workshop in this cage with twenty boys, three cops and a Probation Officer, and today we aren’t allowed to enter. Who has prevented us from entering?” I inquired. It was obvious that our time for interacting with the kids was coming to an end. Any day, we would be debarred from entering the cage. (A fortnight later we were not allowed to enter the cage and interact with the children. No reason was given.)

“But I have been told...”

“Why don’t you just inquire from the Probation Officer?” Vipin added. The cop left. “I don’t know what is happening. It’s as though somebody is trying his level best to make our entry difficult.”

“Bugger them.”

Ten minutes later we were inside, with two cops to baby-sit us. One of them looked as though he was from the North East, while the other was a white haired man, who smiled and tried his best to speak in English, which I found strangely endearing.

Vipin spread the blue rug and sat down with the boys, while

I remained seated on the cement slab, only for the purpose of having a bird's eye view on the proceedings. Somehow, Vipin began his conversation that moved towards Hindi films and about a movie where a sixty-two year old Amitabh Bachhan falls in love with a teenager, inspired by Lolita, without the sex and the lust, and I had assumed that the boys would have been gung-ho about the movie but I had assumed wrong as each of the boys was of the opinion that such movies shouldn't be made, as they sent the wrong message to the youth. Then, there was talk about *1971*, a movie about prisoners of war, made by the grandchildren of the great Ramanand Sagar. I spoke for a while about my association with Ramanand Sagar, who was lovingly called *Papaji* and of whom I had many fond memories. My first documentary on mother and child in Indian prisons was edited at the Sagar studio, thanks to Ramanandji and his loving family. Though he has passed away and has become an Angel in the greatest drama studio, called heaven, I often think of him. We spoke a few days before he expired and our talk was on his serial Sai Baba of Shirdi and his experiences with Sai Baba of Shirdi.

Amongst the five boys seated, I had interacted with two, while three were new faces but all of them looked twenty years and above. One of the boys who talked about showing better values in our movies had left an impression on Vipin, the cops, and myself. He wore a neat blue shirt with jeans and really neat sneakers.

"What's your name?" I inquired.

"Navin."

"Since how long have you been inside Navin?"

"Four and a half years."

"For what offence?"

"Murder."

"You all stay at the Power (Poor) House right?"

"Yes. The Observation Home at Seva Kutir."

"What do you do the whole day?" asked Vipin.

"Absolutely nothing. There is nothing to do there and that is the worst sort of punishment anybody can give young boys. Lock them up in a building and let them rot. That is not good for

anybody. Not good for the boys and not good for society, as when these boys get out, they are all frustrated and most of them will go on to the wrong path, because they have been kept locked up for years. They call this place an institution for betterment and change but actually it is an institution where most of the boys become criminals and are actually spoilt and their lives wasted.”

“Why don’t you study inside?” I inquired.

“There is nobody to teach us. I have told them so many times to let us continue with our education but nobody listens to us. I was taken in on a wrong charge when I was in the eighth standard. I completed my eighth-grade from Tihar Jail. I was kept for a long time as nobody told the Court that I was a minor. I was seventeen then. From Tihar I finished my eighth and then I was shifted to *Majnu ka Tila* and then from there, to this place. Because in this place there is nobody to teach you or even make sure that we study, my years have just gone waste. They just teach us stitching but even for that there aren’t enough sewing machines. There are at the present moment 196 boys. There are just twenty sewing machines. The whole day we just sleep, watch television, maybe play a bit and just waste our whole day like this.”

“How much television can you watch?” Trivedi inquired. He was one of the boys who I had spoken to earlier. “You can’t keep watching television.”

“The boys get hungry also.” The policeman who looked like he was from the North East, said to me. He was seated beside me and it was obvious that his sympathies lay with the boys. “We have often told those in charge to feed the boys when they are brought here but nobody listens to us.”

“Why don’t you boys write to the Magistrate?” Inquired Vipin.

“That is useless. She isn’t bothered. I have begun to write my own diary. At least by writing in this diary I can remove all the bitterness in me. Thank God I will be out of this place, today or in a few days.”

“You will be out on bail?”

“No. My case will come to an end. Anyway they have kept

me in custody for more than four years and the JJ Act says a minor can't be kept inside a home for more than three years."

"So if you are out today, what do you plan to do?" I asked.

"I have another case on me. It's a half murder case."

"'Half murder'? What's that?"

"Attempted murder," Vipin informed me .

"When did you do this 'half murder'?"

"Two months ago in the Observation Home. I broke this boy's leg."

"Oh it was you who broke that boy's legs and hands."

"I didn't break his legs and hands. I just broke his leg."

"Why? I heard there was some enmity that started from Tihar."

"Yes. We all were in Tihar. One day, a few of us boys were studying when this group of boys entered. They wanted to prove that they are all tough and *bhaiyas* (goons or gang leaders), and this boy removed a blade and slashed me on the back. I was given seven stitches. I even filed an application in Tihar about this incident. Then I was sent away and after a long time this boy was brought into the Observation Home. He approached me and apologized to me and I told him to forget everything, as all that had happened in the past and all I wanted was to lead a peaceful life. One day we all were playing, when suddenly he again brought a blade to my face and then I lost my cool and picked up whatever was lying next to me and thrashed him. I broke his leg. He was then taken to a doctor who plastered his leg but the plastering was done wrong and some complication took place and in a few days he was released on bail and now the Magistrate thinks I am some devil or violent thug. I keep trying to tell her that for years I have done nothing wrong and there hasn't been a complaint against me all this while and just a few months before my case ends, why would I jeopardize everything? But she has made up her mind and I think I am going to end up in Tihar now. I don't mind as long as she allows me to attend my sister's wedding, which is to take place in a fortnight."

"What does your father do?"

"He is a tailor. He is a good man. He doesn't need this. I am

not scared for myself. Whatever God has in store for me, so be it but one thing is certain, I blame the Magistrate for my situation. If she had let me go a year back, when I had completed my three years and more in custody, this situation wouldn't have arisen. My first lawyer was very good. He was just about to finish my case when he got caught up in the demolition drive. His office was demolished and thus he couldn't pay attention to my case. My new lawyer is also very good but the Magistrate has made up her mind against me. My lawyer argued my case and she told him to argue more. He said, there was nothing more to argue about. The Probation Officer, then told me to give him information regarding activities going on at Observation Home and about a few of the boys. I am not a spy. I will not betray my friends for my personal gain. This is life. So many social workers have come and gone. They have all promised to help us and then disappeared. We want to study but nobody is interested...."

"He is a good boy," the cop who sat near me whispered to me. I nodded.

"...The teachers don't get any material or room or support. Lawyers spend more time counselling us than fighting cases. There are so many boys without lawyers."

"Now that is a problem we are facing too." I added. "Even after a month, after putting up advertisements for a lawyer to work on cases for you boys, we have still not got a lawyer. We are willing to pay good money but nobody seems to be interested. That is another story. What we can promise you is this, take our numbers, and when you come out, we will help you with your education or your job. That is a promise we can keep. Also, we need to enter the Observation Home and then begin workshops with you boys. Maybe something to do with carpentry, mechanics, painting, computer, but till we can't get inside, all we can do is try to help you like this."

Surprisingly the boys understood where we came from. This was apparent from their attitude towards us. It wasn't hostile but instead the feeling was that we were one of them.

"I will speak to my Superintendent and try to get you all inside so that you can start something. He told me that day 'son tell me your problems and I will try to solve them'. I will tell him

our main problem is that there is nothing to do the whole day. The boys really need something to occupy them through the day.” Navin added.

Suddenly the door opened and Navin was called. Vipin had just begun the balloon therapy. I accompanied Navin, as I wanted to be present during his interaction with the Magistrate. We walked towards the Board.

“So you will be out today as I have heard that you are getting married,” the cop who held Navin’s hand said to him.

“I am not getting married. My sister is. I am not going to ruin another person’s life by marrying her.”

We entered the Board. Ms. Rawat presided. Navin was made to stand amongst the lawyers.

“I have promised you that. My order will take a few days so I am not releasing you today...”

“Madam, I just want to attend my sister’s marriage.”

“I know son. I reminded your lawyer to file an application for you to attend your sister’s marriage. Your lawyer had forgotten. I had to remind him. I promise you I will allow you to attend her marriage but I can’t let you go today.”

“Madam I want to spend a few days with my family before my sister leaves us for her in-laws place.”

“I know and I promise but no more violence.”

“Madam, for so many years I had no complaint against me. I fought for my self-defence. Ask anybody Madam.”

She looked at him and I was certain she was undecided about the young man. She was trying her best to figure him out. Was it self-defence or was it something else?

While walking back to the cage, Navin called out to his father. The cop wasn’t certain whether he should allow the boy to interact with anybody when outside the cage. Navin pleaded. The cop relented. The father, an old thin man, well dressed in a Nehru jacket and a well-ironed pant and shirt sighed when told that his son had to spend more time in the observation home.

“Speak to the lawyer, he will let you know. Don’t worry I will be there for the wedding.”

While walking back I inquired as to when and how often he met his father.

“We are allowed to meet our relatives and family on the first and third Friday, from ten to seven.”

“What if you are brought here at that time?”

“We can still meet them after we are taken back.”

We entered the cage where Vipin was still explaining the basics of the Balloon Therapy. All the boys wanted to know how it had gone for Navin and he explained his situation. The boys nodded and then were forced to focus on Vipin’s numerous colourful charts.

We explained the procedure and each boy was told to mention just one reason for their balloon of life moving upwards and one for falling down.

“Balloons fly up when filled with gas.” Trivedi enlightened us. “When it runs out of gas it comes down.”

“They aren’t talking about balloons, man. They are asking us to think that our lives are like balloons and what would help us fly high and what would bring us down.”

“Oh!”

The other cop who stood near the boys looked at me and smiled.

“Psychological training of the mind,” he said to me in English and nodded approvingly. “The mind is round like a balloon and it can be filled up with lot of things. Some good and some bad.”

I was quite taken aback by his English and his words; whatever they meant. One rarely gets to hear Indian cops, especially those way down the order, speak about psychological training and the shape of the mind.

So the list was drawn up. Navin 2 began. He had been quiet all this time but now he felt that we were one of them, he began to open up the channels of communication.

“Do good and you rise up in life! Do bad and you fall in life!” Short and simple philosophy but he made perfect sense.

“What are you in for Navin 2?”

“376.”

“That’s rape?”

“What rape, Sir? I was kissing my girl friend, we got caught, and I was shoved inside and have been inside since the past ten months. They did my bone testing and it showed between 20

years to 22 years but I am just 16. I might be sent to Tihar.”

“You don’t have any proof?”

“I have a school leaving certificate which my family has submitted. Let’s hope that shows that I am just sixteen. My lawyer says I will be out soon.”

“Ok Trivedi. What about you?”

“Uh... help one’s family and work with them and you will move up in life. Don’t listen to your family and then you are going to fall.”

Navin was writing all this down and asked Trivedi to repeat.

“I can’t repeat it. I have already forgotten.”

I couldn’t help but laugh. The cops joined in. Vipin was counselling a boy called Akbar, who was extremely disheartened, as he had been told he would be released on bail today but hadn’t been granted bail and would have to stay here longer.

“What are you in for Trivedi?”

“Rape. I have been inside for the past four and a half years but today I will be released. Actually the Magistrate has got me a job in a cooking course. It’s a three-month course. After three months I have to appear before the Magistrate and I will be released properly.”

“You won’t be coming in again will you?”

“Never. First of all they should make good movies. It’s the movies that influence boys and we have to spend years in this messed up place. Also, you must talk to the Magistrate about the doctors. Here, whatever happens to you the doctor gives the same medicine. Crocin! Only when the case becomes very serious are we taken to a doctor outside.”

Navin was writing something really lengthy. His entire focus was on the chart.

“Navin you’ve finished?”

“Yes. According to me, one shouldn’t lie, cheat, trouble the poor and only then we will move up in life. If we cheat or trouble the poor, we can never ever move up but always will remain down.”

Akbar began to cry. He had seen his parents and he broke down. He was a big lad but I guess the expectation of being released had broken his heart. Vipin counselled him.

After a while we got out of the cage and bid the boys goodbye. We saw Akbar's family. Father, mother, sister, aunt, and we spoke to them. The Magistrate had asked for more time. Vipin spoke to Akbar's lawyer.

"It's ok, we will get him out in a few days."

The cool and detached manner in which he spoke broke my heart. Would the black-coated thug have talked in such a casual manner if his son were inside the cage?

"Ruzbeh, will you tell Akbar."

"I don't have the heart."

"Please. I don't think I can."

I walked up to the cage. The boys crowded towards the grill.

"Akbar, you are going to be out in a few days. One more paper has to be submitted to the Magistrate. Your parents and your family have sent their love to you and your lawyer is really very good. You will be out soon."

He nodded with drooping shoulders. I walked back, hearing the boys shout out loud, that it was good we had come along, as their time had really passed fast. Navin shouted out a 'thanks'. I looked back, and could barely distinguish them through the grill. I waved and walked towards Vipin, who I was certain wanted to bash the lawyer's head against the lamp-post.

I whole-heartedly shared his sentiment.

Though the situation regarding the availability of lawyers seemed to be static in spite of serious networking, it was apparent that the winds of change had begun to blow through the JJ Board. First, a Lok Adalat was to be organized and then a Health Camp, all within a span of three weeks. A Lok Adalat, is equivalent to an Express Court; where decisions are taken quickly and the case closed; something which should be done as routine, every single day. The fact that we had to make a special day to expedite matters was itself a crying shame. While writing this book, there were 4700 juvenile cases pending in Delhi's JJB, with around ten new cases coming up everyday and a disposal rate of around six. Which meant, every day itself, four to five cases were added to that mammoth 4700 figure; which meant around a thousand cases every year would be added, if the JJ Board continued to work at the pace it did. Of course, appointing just one Principal

Magistrate to handle all the cases was not going to be sufficient. With just one Magistrate handling matters, cases as old as seven years were pending. Which meant psychologically the child and its family carried the burden of being in conflict with the law for years and years; virtually half of one's childhood went in being in conflict with law; this led to various situations with the police and the school authorities and with society at large. Every day I visited the JJ Board and scanned the list of those being called to present themselves in front of the Principal Magistrate, I couldn't help notice the number of years the case kept getting prolonged. The maximum period a child could be 'punished' for a juvenile offence and be detained in a Special Home for committing the worst possible crime, be it murder or rape, was three years. It is 2008 and I can see cases that were going on since 1999. Thus, even if a child had committed a mistake or crime when he was ten years old, the matter was still on, when he was eighteen years old. Ridiculous apathy.

On this day of the Lok Adalat, forty cases were going to be tried and hopefully disposed off. If the authorities were aware that a speedy process existed, why in God's name was this not a routine exercise? Why should a child spend three years in an Observation Home which was nothing but a prison, for committing a petty crime, and in turn, frustrate the child to the extent of making the child a full fledged criminal is something the authorities, be it in the legal or child welfare department need to look seriously into. And what spooked me out, was the realization, that the JJ Board in Delhi was known to be one of the most efficiently run JJ Boards in the country. If Delhi represented the best in Juvenile Justice, I shuddered to think what must happen in other 'not so well run' JJ Boards.

This isn't a blame game. It's all about compassion, foresight, well-being, and common sense. Most important of all it's all about transparency. One can't expect or blame a single Principal Magistrate, for not being able to dispose off cases at a faster pace. Get more Magistrates to do the job. Employ lawyers, pay them well and let them take on cases of children who can't afford lawyers, so that the case is handled well and swiftly. If justice has to be delivered, let it be swift and fair. If a kid has screwed

up, let the kid pay up, by spending three years in a Special Home, but make certain that the Observation Home and a Special Home, envelope an environment that equips the child to be a better human being and a more productive member of society. Let the kid come out calmer, equipped with skills, which will help him or her to be a better human being. Just dumping our children in four walls and putting a fancy Observation Home or a Special Home, tag on the main door isn't the solution; it is only enhancing the problem. If a kid has committed a petty crime, dispense justice and let the kid get on with life. We are locking our children in a place, where drugs, sodomy, and sloth rule. You send a kid in the Observation Home and in all probability, you release a very frustrated, vengeful and messed up teenager. This isn't good for the child, the family or society.

So the Lok Adalat day arrived. It was like a *mela*; a *tamasha*; an exhibition. You had the media, you had fancy banners, you had a street play; you had fancy judges in fancy cars; you had Probation Officers all dressed up; you had the families spread out; something that needed to be done diligently as a routine exercise was being made out to be a miracle solution or some grand beginning. For God sake, we were in our 60th year of independence and on our 60th birthday we were still getting a thrill of realizing that diapers exist.

We entered the room where the Magistrate presided. Vipin and I found a comfortable place in the back corner of the room. It was still nice and pleasant, but summer's first caress was already being felt. But if I knew Vipin, he must be feeling cold without his coat. Judges, social workers and members of my fraternity, the media, occupied the last row. I noticed Ved Kumari, who had written a book on Juvenile Delinquents. I had gone through the book and realized that I barely could grasp a word. It was a fantastic book but meant for the legal fraternity and those who wanted to know more about the law. I don't have much interest or aptitude for law. Vipin whispered the names of each and every person in the back row.

"Vipin can you look into this matter?" the Magistrate asked. Vipin virtually flew out of his seat and seconds later was standing in front of the Magistrate talking to her softly.

The proceedings started and one by one the prosecutor and the defendants were working out settlements, with the help of the Principal Magistrate. Two young boys in their early twenties walked up to the Magistrate. Both were dressed in jeans, colourful shirts that made half of those assembled wince and the other half grope for their sunglasses and hair streaked in various shades of brown. If I were the Principal Magistrate, I would have locked them up and thrown away the key, just because of the distress their kitschy dress sense caused on the collective consciousness of the world they infested.

“I have called you both here, as your matter has dragged on for too long. Are you both willing to apologize and accept your mistake and finish the matter?”

Both the boys smiled at each other and nodded.

“You both will no longer indulge in violence against each other or against any member of society.”

“No madamji.”

“We are the best of friends now madamji.”

“You both agree that you were at fault, both of you and now want to come to an understanding, drop the matter and move on with life.”

They nodded like two cows being taken out to graze.

“Good. You both are willing to drop the case, plead guilty, but because of your assurance of being responsible citizens, the case is closed and you can get on with life.”

The young Greek Gods dressed as shimmering lampposts, smiled, passed their hands through their multi-coloured hair and left.

In this manner, cases were tried and disposed off, but I realized that there was a snag; a catch in the Lok Adalat process. In most of the cases, the parents and the boys were so eager to get rid of the pending case, which must have haunted them for years, that they readily pleaded guilty, despite the assurance that the case would be closed without any sentence or fine. But the verdict would be ‘guilty’ and this could and was held against the kids, when cops needed to pin the blame on somebody, without having to work too hard or just to complete their monthly quota.

There seems to be something drastically wrong going on at

the JJ Board and I fear this is a national phenomenon. There are innumerable kids being detained in observation homes, for years, sometimes way past the maximum three-year detention period. Cases drag on and on. Sometimes for transgression that one wouldn't even think of resorting to spanking, leave aside entertaining in the Juvenile Justice Board. There seems to be a general lack of compassion and common sense, prevailing through the rank and order of all those involved. Most of those involved with Juvenile Justice seem to have immune to the plight of boys detained for months, years, and the impotency of the families, who most often are too poor and uneducated to push the system to just behave responsibly. No where am I implying that the job is easy and it is made all the more difficult by those in power, who force the JJ Board to function on a shoe string budget and resources. But that is no excuse for apathy.

A month earlier when I visited the JJ Board and met the Probation Officer, I asked him about Atmaram, the artist. He told me that the Magistrate was still contemplating what to do about him. They wanted to settle him in a proper place, with shelter and work. Last week, when I inquired about Atmaram, the boy had been sent back to his native village.

“If you had to send him back to his native village, then why did you wait for so many months.”

I got no answer, just a shrug. It's this shrug that differentiates a country's legal and social system from a proactive, progressive legal and social system.

I WENT TO THE JJ BOARD AFTER NEARLY A MONTH. WE WERE NO LONGER ALLOWED INSIDE THE CAGE. THE DELHI SUMMER HAD SET IN WEEKS PRIOR AND I COULD ONLY SYMPATHIZE WITH THE BOYS IN THEIR CAGE AND ALSO WITH ALL THOSE WORKING AT THE JJ BOARD. THE ROOM IN WHICH THE PRINCIPAL MAGISTRATE, ALONG WITH THE SOCIAL WORKERS AND STAFF, PRESIDED OVER EACH CASE WAS OPPRESSIVELY HOT. WHEN I REACHED THE ROOM, IT WAS PACKED WITH POLICE OFFICIALS, BOYS WITH THEIR FAMILIES, PROBATION OFFICERS, LAWYERS, THE USUAL RIFF-RAFF LIKE ME. THE ROOM WAS BLISTERING. IT WAS ONLY TEN-THIRTY IN THE MORNING AND I SHUDDERED AT WHAT IT WAS GOING TO BE LIKE AT TWO IN THE AFTERNOON.

As though to give me a glimpse of that, the lights went off. The room was in partial darkness. The fans began to slowly ease off. In two minutes we were sitting in a sauna room. Suddenly like a knight in borrowed armor, Vipin appeared at the door, waving at me to come out.

“I want you to meet a family today. Today is my Tuesday fast. I am hungry.”

“God sake Vipin! It’s just ten-thirty.”

“I know that but my stomach doesn’t know that.”

As usual for five minutes we walked about the compound trying to locate people. Suddenly he spotted them. An old-old woman, bent with age and obvious hardship, not more than four feet tall, slowly walked towards us. She was virtually a skeleton, her face ravaged with time and life. Beside her was a young woman with a baby in her arm and ahead of them was a young man, not more than twenty-five years of age. Vipin nodded to them, we all moved away from the lawyers and cops, and families and we went and stood in the shade behind the walls, hundred odd feet away from the cage.

“First I am going to explain the case to you and then we will talk about the blunders taking place with the JJB.” Vipin then looked at the young man. “This is Pappu, the brother of Raju, who has been inside the Observation Home for the past three years. Pappu, explain the case to Ruzbeh.”

The old woman began to cry. She held my hand and began to speak and plead.

“Let me speak first granny. Don’t worry, they are here to help us.”

The grandmother kept quiet and as if on cue, the young child, maybe a year old, opened its small mouth and began to holler. For a young kid, he sure had a powerful vocal chord. The mother, without batting an eyelid, lifted her blouse, and began to feed the child. Silence prevailed. It was such a natural reaction that we all continued with our conversation.

“My name is Pappu. In 1996, the police picked up my two younger brothers and me, on a false charge of killing a man. I was eighteen years old, Raju was just twelve and the brother in between Ramu, was sixteen. Ramu and I were put in Tihar. By

the time our case was settled in court I had already spent three and a half years in prison along with Ramu.”

“But Ramu was a minor when this incident took place,” I noted.

“Yes, but the police put his age as eighteen and mine as nineteen. We didn’t have any family except our grandmother and the police knew that we were not capable of proving our innocence or even our age. When the verdict came out, Ramu was sentenced to ten years of imprisonment. I was sentenced to one year. But as I had already spent three and a half years in prison, as an under trial, I was released. Our youngest brother Raju, was put in the Observation Home at Majnu ka Tila. Two months after he was put in there, in the beginning of 1997, all the boys at the Observation Home ran away. My brother too ran away.”

“How many boys ran away?” I inquired.

“Around 97.”

“So in 1997, 97 boys ran away. Rather poetic.”

Pappu found this sentence funny and began to laugh loudly. The child got disturbed, got its head out of the sari and looked at his father.

“So Raju ran away too and came home.”

“The cops didn’t try to find him and send him back?” I inquired.

“From 1997 to 2004, everybody knew Raju was staying at home with us. He was working with me. We are craftsmen and make artificial jewellery. Nobody bothered about Raju and we thought the case against him was shut. Then in 2004, the police came home one day and told us they needed Raju to help them out with some cleaning work of a drain. We sent Raju with them and then they arrested him and sent him to the Observation Home. He has been inside since then.”

“What is his age? He must be close to 22 years?”

“Yes, he is.”

I looked at Vipin.

“I don’t understand all this. They put a boy who is 16 years in Tihar jail and the boy spends ten years in Tihar. Then they pick up an adult and put him in a home for juvenile delinquents.”

“Yes but it was a crime committed when he was a minor.”

“So, suppose a boy commits a crime thirty years ago and then is apprehended again by the cops, they will put a forty year old man too in an Observation Home for kids?”

“Welcome to the law and order system of India.”

“His case is still going on?”

“Yes.”

“It means he has not been convicted yet.”

“No.”

“So what are they waiting for? For him to turn eighty?”

“Beta get him out of there. I am old. I want to die seeing all my grandchildren in front of me.”

I looked at the old woman. She was so fragile that I was scared to even hold her hand. I held her as tenderly as is humanly possible.

“Don’t worry something will work out. I am sure even the Magistrate will release him.”

“She has informed me that she will release him today,” Vipin assured us all.

I looked at the Pappu.

“How was your time in Tihar?”

“It was ok. We brothers were together, so nobody bothered us. Even yesterday, my brother told me that he slept his way through the ten years in Tihar! His duty was in the kitchen. He would do a bit of work and then go off to sleep. I guess that was his way of dealing with the problem. Nobody bothered us. He would do his social work in the prison and then sleep. Imagine from the age of sixteen to twenty-six, he was in Tihar prison for a crime he didn’t even commit. Why would I lie to you all now about the crime? He has anyway completed his sentence but the truth is we didn’t commit the crime. And what could our youngest brother have done at the age of twelve? The police charged even him with murder. He was twelve years old and we aren’t very big or muscular people. He was a thin small boy. They said he picked up a bamboo stick and we all beat the man to death. But Raju was so small and thin that the bamboo stick would be heavier than him. Now we just want to put all this behind us and start life a fresh.”

The grandmother again began to wail and plead and cry. We assured her that all would be well. A boy, held by a cop approached us.

“Is Raju inside today?” Vipin asked the boy.

“Yes. He has come today.”

“You all stand near the Board and inform us when his name is called. We will go and meet up with Raju.”

They left and we walked towards the cage. A cop met us on our way. He looked at me and then shook my hand.

“You have forgotten us already. I haven’t seen you for a long time. You were out of the country?”

“No. I was here, working.”

“I thought you had gone for an extended summer vacation. Lucky you. We poor people have to rough it out all through the summer outside that cell.”

We by then had approached the cage. There were a few boys inside but we could barely see anything. It was dark inside.

“Tell them to put on the fan please. It is really hot inside,” a boy, who we couldn’t see said loudly to us.

“There is no electricity.”

“We are fucked then.” The philosopher replied. I couldn’t help but nod in agreement.

“Is Raju, here?” I inquired and got closer to the cage.

“Don’t get too close, the cops don’t allow us anywhere near the cage now.” Vipin whispered.

Two boys looked into the cage and yelled out for Raju. No response. Then a cop sitting outside informed us that Raju was waiting in the new cell. With a cop leading the way, we entered the new cell. It was certainly cooler in here. There were a few boys in each cell. It was far more comfortable than the cage for sure.

“Raju?” Vipin hollered.

“He is in that cell.” A boy informed us.

Raju got up. He was a thin boy, who looked at us both with trepidation. It was only when Vipin informed him about his family waiting outside that the boy relaxed.

We got out of the cell along with the cop.

“Why are some boys here and some there?” I asked the cop.

“Sodomy.”

“Sodomy? Here?”

“We want to keep the big boys away from the small boys. There is lot of sodomy taking place and lot of small boys suffering because of big boys. So we put the big boys away from the small boys. We never know what pressure the small boys are going through.”

I looked at the boys in the cage. Both the boys looked the same in size and shape. Also if sodomy was an issue, they should be really worrying about it and doing something about it in the Observation Home, where boys of various ages are all locked in together.

“Come sit with us and have a cup of tea,” the cop invited us. We anyway had to wait till Raju was presented before the Magistrate. So we sat down in front of the cage, about fifty feet away, under the generous shade of a huge tree.

“What else are you working on?” The cop inquired.

“I am directing a documentary about an AIDS awareness programme, called *Sehat*, an initiative of the India Vision Foundation and Navjyoti, being carried on in Tihar Prison.”

“You should do a documentary on how the judiciary keeps allowing a case to go on and on and thus leading to prisons over spilling with under trials and also, cases going on for years and years, for a matter that is petty. I have known of cases going on for years over a matter of a few hundred rupees. Even in Juvenile matters, the Judiciary causes most of the mess. There are boys inside the observation home, for years, for committing petty crimes. They should be at home, with their families, studying in schools and playing in parks. But they are rotting here. Of course there are many boys and even men, who would rather live in an Observation Home or a prison, than go and live at home, in a slum, where food, water, shelter, is not available. It is a strange world.”

While we were speaking, a group of seven or more girls, not more than twenty years old, walked towards the cage and us. They all seemed to come from upper-middle class or affluent families, but were dressed in traditional *salwar-kameez* and each

one carrying a notebook and a pen. They were conscious of the fact that they were the only women in sight.

“Don’t tell me they all want to go and talk to the boys inside.” The cop muttered. The cop ventured towards the girls and from the other side the probation officers walked towards them too.

“These are final year psychology students,” Vipin informed me.

The other cops came towards us. The boys in the cage all crowded towards the grill. Of the girls, one of them seemed confident enough to handle the cops and those around her, while the others, tried to continue a conversation amongst themselves, just in order to get over the embarrassment of being stared at by all.

“How safe is it to have girls, that too, so many, enter the cage?”

“Not safe at all.” One of the cops, in full uniform, informed us, while lighting a *beedi*, and exhaling the smoke on Vipin’s pepper hair. “Most of the boys are safe but some of them are very notorious. For us, these moments are very sensitive. Anything can happen. We have seen how dangerous some of these boys can become. You all have been very fortunate that not one boy has created a problem for any of you. Everybody has not been that fortunate.”

Tea arrived. I took a few sips and then motioned Vipin to get moving from here.

We waited for Raju’s case to come up before the Magistrate. The lights still hadn’t come and it was stuffy all around. Vipin and I sat in our car and switched on the AC. A little while later, the girls walked towards the car park. Vipin went outside and spoke to one of the girls. He could strike a conversation with almost anyone, immediately. He came back and said that they had not been given permission to enter today. After another ten minutes, we got out of the car and entered the compound.

“You haven’t met anybody from the free legal group?”

“No, you mentioned that a month back, a few Supreme Court lawyers had sent their juniors to provide free legal aid but were being given a rough time by everybody here.”

“Come and meet them.”

One must understand, that no lawyer had a cabin or office, here. Instead a makeshift arrangement was made to conduct legal aid for the juveniles. There were tin shades under which each lawyer was given a small space. The iron bars that held the tin structure decided the space per lawyer. Between two bars, at a distance of a few feet, was the lawyer’s makeshift, open-air cabin. Some of the lawyers had managed to arrange for fans. Thus the lawyers didn’t have it easy here. Delhi is known for its extreme, even hostile climate. In summers, you feel as though the entire city has been sandwiched between two flaming ovens and a baking sun from above; while in the winters, it does get biting cold. Thus it isn’t easy to be a lawyer working in the JJ Board. I am certain it wasn’t easy for these young lawyers to leave the safe confines of their offices and cabins and be out here, in mid summer, in a place where they weren’t welcome and looked upon with suspicion as well as looked upon as intruders and thugs. Obviously, the lawyers who depended upon the innovativeness of either the juveniles or the cops to earn their daily bread did not look upon these junior lawyers, who worked free, with benevolence. Today there were three of them. Harish, Shobha and Rajesh.

I was introduced to them and they began to talk to Vipin about various happenings in the JJ Board.

“We are going to build up a few cases and then go to the media. There is no other way to shake the system here,” Shobha said to us. “Take for instance this case. A young boy’s case came up and we are representing him. We had all the necessary documents required by the Magistrate. Unfortunately his family forgot to bring his age proof. The Magistrate has released him on *kucha*-bail; which means it is not permanent. The Magistrate has the power to overlook the age documentation, if it is very clear that the boy is not an adult. This boy is not more than fourteen years old. From no angle does he look like an adult. He is a small and a young boy. Everybody knows that he is a child but still he was not granted proper bail. His next hearing is next year, after eight months. Why this delay? I can understand if the boy was around seventeen years old and it wasn’t clear whether

he was an adult or a minor but it is so obvious that this boy is not even fifteen years old and yet the Magistrate wants further proof and that too after eight months. This is ridiculous.”

Harish was neck-deep in Juvenile cases. In fact he informed us that he had taken on two cases, free of cost, where he had to appear in other Courts too. One could see that they were passionate about their work. Harish for a long time was a little cautious. I could sense it. I didn't understand why. Then he inquired of me.

“Are you from Jammu and Kashmir?”

“No. I am from Mumbai.

“Oh. I thought you were from J&K.”

We then began to discuss various issues plaguing the juvenile system.

“We are facing a tough time with the folks here. We aren't given the case files when we want them. We are made to wait for days. We are waiting till we return from our summer vacations. After that we plan to even involve the Chief Justice, to make our functioning smooth here. The lawyers, especially that one there, charge ridiculous amount of money from these poor families and we feel there is a nexus between a few of the lawyers, the cops and the Board.” Both Shobha and Harish voiced similar views.

Suddenly, I heard Vipin shout out my name from the entrance to the Board.

“Raju's case has been announced.”

I moved towards the Board and then made my way to a corner seat. The room was packed. It was dark and stuffy. The power still hadn't come. I could only sympathize with all those who worked at the JJ Board.

I could hear the Magistrate talk to Vipin and then speak to the grandmother, who began to cry loudly, and pleaded that her grandson be set free.

“I have called you here today for that reason, so don't cry and don't worry,” Ms. Ila Rawat, the Magistrate said to the old woman, who kept wailing.

The Magistrate then began to speak to the boy, his brother and finally to Vipin.

“He is being given bail after the necessary documents are produced on a surety of five thousand rupees.”

I could make out from Vipin’s body language that he wasn’t happy with the order. He bowed to the Magistrate and turned, looked at me, motioned with his eyes that I meet him outside. With Vipin leading the family all of us stepped out.

“I don’t know why she didn’t close the case and set the boy free. I mean, the boy has already spent nearly three years in the observation home. What is the sense of now releasing him on bail and that too on a surety of five thousand rupees?”

“Why didn’t you tell her that in the first place?”

“I should have told her that. I don’t know what happened.”

“Go and tell her now. You have never hesitated in barging into meetings and into the Board.”

“You think I should.”

“If you are unhappy with her decision, at least voice your displeasure. At the most she will tell you to go boil your head. She can’t do much beyond that.”

“You are right.”

As we began to enter the Board, a thought struck me.

“Has the boy spent three years inside the home?” I inquired.

“I think he has a month or two left.”

“So, she can tell you that she is waiting for him to complete three years and then shut the case.”

“Yes, and that is why I didn’t really argue with her. But she didn’t have to put a five thousand-rupee surety on this poor family. Forget going inside, I might end up fighting with her and I don’t want to do that.”

Vipin was capable of getting into a spat with authority. We had this trait common between us.

“Do you all have the money to bail him out today?” I asked the brother.

“I will have to work something out. I think by tomorrow or day after tomorrow we will work something out.”

So we went to the tent that housed our free legal aid team. Harish began to take down notes about the case. The grandmother began to cry. The child got hungry, began to wail, and then became quiet. The lights came on. The girls, who had

come to analyse the boys in the cage, were robbed off their mobile phones, which were kept in a purse, inside a car. The driver got out to pee and nature took a different course. Vipin, the Probation Officer and I, went onto the street, where the girls spoke to cops. The purse was gone. Vipin explained to the girl how to go about filing a complaint.

After a while, we sat in the car and left the Juvenile Justice Board. Tomorrow was another day.

THE JJ BOARD AND THE DEPARTMENT OF SOCIAL WELFARE, DELHI GOVERNMENT ORGANIZED A HEALTH CAMP, FOR THE JJB KIDS, FROM 28TH TO 30TH MARCH. THIS CAMP WAS TERMED AS A HEALTH MELA. ALL THE WAY TO THE OBSERVATION HOME, THERE WERE BANNERS ANNOUNCING THE HEALTH MELA IN THE BOYS OBSERVATION HOME. THERE WERE COPS POSTED EVERYWHERE. THE CONCEPT OF A HEALTH CHECK-UP WHICH SHOULD HAVEN BEEN A MONTHLY MANDATORY ROUTINE, WAS CONVERTED INTO A DANCE AND SONG ROUTINE.

God alone knows when was the last time a health check-up was organized in the Observation Home. The kids had informed me that the resident doctor was of the opinion that all ailments had one cure: Crocin. It was only when the kid was virtually half way up for a personal chat with his Maker that the doctor reconsidered the miracle propensities of crocin, and only then shifted the boy to a government hospital. Thus, a health camp should have been a monthly event. In reality, it was not even an annual occurrence.

In its efforts to ensure the proper implementation of the Juvenile Justice Act, the High Court of Delhi had appointed a Monitoring Committee. The committee's Chairperson, Justice Madan Lokur was present along with an impressive group of Judges, JJ Board officials, Probation Officers, police officials, social workers, lawyers, HAQ team, student volunteers from the Faculty of Law and all those directly and indirectly involved with implementation of Juvenile Justice. This Mela was tied up with V. Patel Chest Institute and Sunderlal Jain Charitable Hospital, who had volunteered to conduct various health checkups on the kids. Emphasis was on T.B., skin issues, eye problems, general medical problems, and psychiatric issues. The agenda was also two fold. To get the general profile of the boys living in the Observation Home and also get their medical profile. Both the profiles should have been with the Juvenile Justice Board, in the very first week itself of the boy being holed up in the Observation Home. Something, which one would assume was mandatory and an elementary step, the moment the boy stepped into the Observation Home.

Summer had set in. It was hot and sunny and it would have been so pleasant if this *mela* had taken place even a fortnight earlier. I reached the entrance to the Observation Home. A massive gate with a side-door, greeted one and all. I handed over my mobile phone but retained the book written by devotees and disciples of Sai Baba of Shirdi. The book was filled with fascinating experiences of all those who lived along with the Master, before Sai Baba of Shirdi took Samadhi in October 1918.

A short walk and to the left was the huge building, one storey high, where the boys were kept in the Observation Home. There

were gates and grills everywhere. On the wall, opposite the building, barbed wires were rolled up, to prevent boys from scaling the high wall. It was a prison and looked like one. Inside, was a small playground where the mela was organised. Huge banners, various stalls, innumerable officials, a general buzz from all those present but the boys were silent; most of them were bored, some were nervous and a few even looked scared.

“What do you think?” Vipin inquired.

“It seems a well organized circus.”

“And...?”

“Long overdue. When was the last time something like this was held?”

“I have asked at least ten people. Nobody has a clue.”

“Why this camp now?”

“Justice Madan Lokur has been appointed as the Chairperson of the Committee on Juvenile Justice, Delhi. He is taking an active interest and this health *mela*, I think is because of his intervention. That lady is Mrs. Mira Kabir, Justice Kabir’s wife and she has also begun to take an interest in the welfare of the boys in the Observation Home. In fact, she is going to be instrumental in getting lawyers to come and work free of cost and help the boys who need legal representation. “

“So after nearly two months of our entering this scene, some good is finally taking place.”

“Yes.”

Ms. Ila Rawat approached us.

“I read your report sent by HAQ to me. Going by the report it seems as though we are doing no work in the JJ Board.”

I could make out that Vipin wanted the earth to open and swallow him up.

“Ma’am that is not true. These were just observations.”

“But observations that make us all look inept at our work. Anyway, that is part of the job. I will need your help these three days.”

“I am here for that Ma’am.”

She explained him how she wanted things to be organized and after a while they left together. Five minutes later Vipin returned with various forms in his hand.

“She was talking about the report sent by HAQ. You too had read the report and contributed to the contents. We kind of made it quite clear what we thought was happening and I guess she has taken it personally. I also have a feeling that she is more upset because the report has reached the Committee too.”

“Why is she taking it personally?”

“There is too much heat coming from the Committee and all these top notch people.”

After a while the boys were brought for a medical inspection. Two at a time. Most of the boys either looked bored or depressed. A number of them, recognized us, and while passing us, a few of them gave us a broad smile. It was strange. In spite of everything, they could still smile at us.

I stayed for a while and realized that where nearly two hundred boys were locked up in closed settings, day after day, month after month, regular health camps should be mandatory; if not every month then at least once every two months. Health issues like scabies and other skin problems, dental concerns, tuberculosis, psychological tribulations and a host of other medical troubles were widespread, in excellent boarding schools. This for the love of God was an Observation Home; a lousy euphemism for ‘prison for kids’; in such a hole, excellent and proficient medical aid should be the rule and not turned into a circus. When a waiter came with a tray of something cold to drink, I left but not before seeing Vipin rush about from counter to counter, trying to do his darn all best for the kids.

WE WERE VERY KEEN ON SETTING UP PROPER MEDICAL FACILITY FOR THE BOYS AT THE OBSERVATION HOME. THE IDEA GERMINATED ONE SUMMER EVENING, AT INDIA INTERNATIONAL CENTER. I SPOKE ALOUD THAT THE MEDICAL HELP GIVEN TO THE BOYS IN THE OBSERVATION HOME WAS PATHETIC AND WE SHOULD DO SOMETHING ABOUT IT AND THE HAQ TEAM, LOUDLY (ALL OF US ARE LOUD ACTUALLY), VOICED THAT THEY TOO WERE TOYING WITH THE SAME IDEA. THROUGH THE GOOD OFFICES OF NAVJYOTI INDIA FOUNDATION, WE INITIATED A DIALOGUE WITH A VERY PROMINENT HOSPITAL TO LET THEIR DOCTORS VOLUNTEER EVERY DAY FOR A FEW HOURS, AT THE OBSERVATION HOME, TO GIVE MEDICAL ASSISTANCE TO THE BOYS.

We then had various meetings, with the hospital management and with various government authorities, whose approval would be needed to convert our idea into reality. I will not mention the name of the hospital, but eventually, we got their approval and also the sanction from the Principal Magistrate as well as the necessary approval from various Departments. A cabin was finally constructed on the ground floor of the Observation Home, where our doctors could come and help the boys deal with their physical, emotional and psychological problems. Trust me, when I tell you, at every stage, it was a bloody nuisance. At every stage it was like banging one's head against a jagged wall. Eventually, the cabin was ready. The doctors were ready. The paperwork was ready. The boys were really happy and excited, as the existing medical facility was virtually non-existent and the doctor's presence was a mere formality. A few days before the opening ceremony (oh yes, with anything to do with the government, opening ceremonies are a must), we hit a roadblock.

The hospital management wanted a letter inviting them to volunteer their services to the boys in conflict with law housed at the Observation Home. Their logic was simple. If something were to go amiss, and they were not equipped with an official invite, they feared that it was not beyond the government authorities to put their hands up and lay all the blame on to the hospital authorities. Let the hospital then work themselves out of the issue. Thus, the hospital management, thought it prudent to have an official invite from the authorities. The authorities could not give an official invite to the hospital, for the simple reason, inviting another hospital to provide voluntary medical service, would mean owning up to their inefficiency of not providing medical service to the boys, in spite of all the provisions available at hand. Thus, the letter given by the authorities to the Hospital, made it out to be, as though the hospital was keen on providing the voluntary medical service. The hospital wanted another letter, worded differently, inviting them to offer their services. Months passed. The impasse continued. In the end, the hospital declined. I was heart broken. All the work and the hopes and the angst, in getting everything ready, almost in grasping reach, was dashed to the ground.

I didn't have the heart to face the boys ever again. I felt I had let the boys down.

A month later, my daughter, Meher, was born. Two months later, I shifted out of Delhi, to Pune, lock, stock and Meher.

Before the book went into print, one day, back in Delhi, I met up Enakshi, Bharati and Vipin, at the HAQ office. With a heavy heart I inquired if the cabin we had got constructed, was still around, or was it bulldozed to the ground. Once again, the HAQ team, all together, in different levels of voice modulation informed that our hard work eventually had paid off. Sunderlal Jain Charitable Hospital, who had volunteered to conduct various health checkups on the young boys, had gracefully agreed to provide medical assistance to our boys using the cabin and the system we had set up months and months, ago.

In fact, things had begun to look up and all our effort had borne fruit. The boys were happy and were being taken care of.

I sighed.

Thank God for small mercies.

Stories and data from other States,
legalities, statistics, Draft Reports to NCPCR

ADMINISTRATION OF JUVENILE JUSTICE SYSTEM IN MOHAN NAGAR, LUCKNOW, UTTAR PRADESH

Place of visit

Juvenile Justice Board in the premises of Observation Home for Boys Mohan Nagar, Lucknow, Uttar Pradesh.

Information given by

Mr. Rizvi, and Mr. B. D. Patel (Superintendent of Observation Home for Boys from 29th September 2007).

Number of Districts in Uttar Pradesh: 70

Number of Juvenile Justice Boards in Uttar Pradesh: 17

Observation Homes in Uttar Pradesh: 17

Observations

All Juvenile Justice Boards are conducted from the Observation Homes.

The existing sitting pattern of Juvenile Justice Board is not an elevated platform. But the Department of Welfare on the request of JJB is making another Juvenile Justice Board room with the elevated platform.

Juvenile Justice Board sits only for two days.

Boys get bail but some cases have been pending for the last 17 years.

A man whose case is still going on in the JJB has become a *Sadhu*. Another person has got married. He has children but the case at JJB is still lingering on.

There is only one Observation Home for Juveniles in Conflict with Law, in Lucknow, since the year 2002.

Children are being granted bail on a minimum amount ranging from Rs. 10,000 to Rs. 50,000.

The verification of surety is an important process in Uttar Pradesh, if the amount is or above Rs. 10,000. The process of verification of surety is further delaying the matter.

Even after the presentation and verification of age certificate from school the Juvenile Justice Board is further giving the order of bone verification test of children to assess the age of the child. Bone verification test is further delaying the matter.

At the time of visit, 195 children were in the home but the actual capacity of the home is only for 50 children. More than 3,000 cases are still pending in this Juvenile Justice Board.

SITUATION ANALYSIS OF JUVENILE JUSTICE BOARD, KAMRUP, ASSAM

Visit

August 2007.

Juvenile Justice Boards in Assam

1. JJB is located in Guwahati which also deals with Bongaigaon, Golpara, Dhubri, Kokrajhar, Nalbari, Barpeta and Kamarup districts.
2. Juvenile Justice Board situated in Jorhat deals with rest of the Districts' cases of children in conflict with law.

Information given by

Ms. Hemi Borah, Probation Officer.

Ms. N. Devi, Superintendent, Children/Observation Home for Boys Fatasil, Ambri, Guwahati, Assam.

Observation Home/Children's Home for Boys are both at the same premises with separate living facilities:

1. Number of Juveniles in Conflict with Law: 51+4 (new)
2. Number of Children in Need of Care and Protection: 27+1(new)

Number of Girls in Observation Home/Children's Home or State Home for Women

Juveniles in conflict with law: 4

Children in need of care and protection: 30

All these children were handcuffed with a rope (under Railway Protection Act) as recorded in the arrest memo.

Observations

1. The files of the cases were badly maintained. Some files did not contain the complaint copies, age verification certificate, FIR copy and other relevant documents.
2. In some cases the files were missing and the Board is using duplicate copies.
3. In almost all the cases the children were addressed as "accused" instead of "Juveniles in Conflict with Law" as given in Juvenile Justice Act.
4. In every case, even if it dealt with a child of 10 years, the child was handcuffed. The language used was, "the accused was arrested" and "the accused was handcuffed with rope and key was given to police official" was also written in arrest memo.

5. The room for trial court and for Juvenile Justice Board is same. Outside of room is the nameplate with “Principal Magistrate – Juvenile Justice Board” written on it.
6. In all the cases the Magistrate gives only one date to all the children in order to handle all the cases at one time.
7. The Juvenile Justice Act stipulates two social workers as a part of the three-member Bench of Magistrates with the Principal Magistrate as the Chairperson. However, two social workers as part of the Bench were not appointed. Thus the JJB was not a complete Bench.
8. All the children who were arrested by Railway Police Force were arrested vagrants. First, they were produced in front of the Railway Magistrate and then before the Juvenile Justice Board. The cases of run away children are dismissed or dropped by the JJB. Most of the cases “*were dismissed due to non interest of prosecution in processing the case*”. No rationale for dismissing the case was given.
9. In spite of provision of bail with or without surety in the JJ Act, the pendency of cases is over a long period of time. This has vividly come through the data collected. For instance, one case from year 1990, two cases from year 1998 and year 1999, four cases from year 2001, one case from year 2003, and two cases from year 2006 are pending in the Juvenile Justice Board.
10. No Probation Officer is attached with the Juvenile Justice Board. No report of a Probation Officer was found for most of the cases.

ANALYSIS OF THE OBSERVATION HOME

Condition of Home

The Children’s home for Boys and Observation Home for Boys is in the same premises. The rooms for both the children are different.

There were ten-twelve rooms for the children in need of care and protection. But there was only one room for the Juveniles in Conflict with Law. On the date of visit approximately 50 children were present. All children, irrespective of size, age, and juvenile offences, heinous or petty were living **in one room**. The room where the children were staying was locked from outside. Though, a bigger room is already constructed, it is waiting for an inauguration.

The Home for Boys is closely walled from three sides but open from one side. Children are constantly running away from the Observation Home.

Medical problems of the children

Nearly all juveniles in conflict with law suffer from skin problems. The room was not clean and was badly maintained. Children also shared that the government doctor is not regular in his visits. They further stated that the doctor gives one ointment tube to be used for all the children.

Psychological problems of children

Most of the children present had bruises on their hands and necks, depicting physical violence, probably, among themselves. This is one of the many signs that the children are under great stress and need proper counselling and psychological evaluation.

No legal assistance for the children

Most of the children also shared that they do not have lawyers.

ADMINISTRATION OF JUVENILE JUSTICE SYSTEM IN PATNA, BIHAR

Visit

September 2007.

Place of visit

Observation Home for Boys and Juvenile Justice Board Gaaya Ghat, Patna City, Patna.

Visit arranged by

Bal Sakha, a Child Rights Organisation working with Juvenile Justice System in Bihar and Jharkhand.

Constitution of Juvenile Justice Board

Principal Magistrate – Shri. Narain Pandey

Members: Mr. Krishan Deo Mishra, Ms. Sudha.

The Juvenile Justice Board in Patna sits only for two days - Monday and Saturday.

OBSERVATIONS

Condition of Home

The Observation Home is divided in two floors. The ground floor has a JJB room, rest room for members and a room for files and cabinets. There are three connecting rooms where children can eat their food (dining hall). **Children have to sit on the floor and eat. One plate is issued to two children. They have to eat together.** This is due to shortage of plates. The so-called 'dining hall' was very dirty and **badly maintained.**

The schedule and food items for children is as follows:

| Schedule | Items to eat | Time |
|--------------|------------------------|------------|
| Breakfast | Chura | 8.00 a.m. |
| Lunch | Rice/Dal/Sabji | 12.00 noon |
| Evening food | Milk/Bananas/ Biscuits | 4.00 p.m. |
| Dinner | Dal/ Chappati/ Sabji | 8.00 p.m. |

The amount of rice assigned to each child is approximately 250 grams. But it has been observed that the amount of rice given to each child at that time was very low. **Children shared that there are a lot of mice** and it is impossible to spend the night on the ground floor.

There was a room parallel to the dining room which was very dirty and stinking and where all the broken furniture was kept. **In the kitchen, there was no gas and the children were making food on a stove** run on coal. Children were using hand-fans to ignite the stove, which was a tiring job. There was no exhaust fan for ventilation. The walls of the room were very black due to coal ash. Nine children were deputed to work in the kitchen. They have to make food for all the children in the Observation Home.

Meeting with parents

The parents can meet their children at any time in the working hours.

Wards

The home where the children were staying was on the first floor. On the day of the visit, the total number of children in the Observation Home was 145 but the capacity of the home is for 60 children only. The Home is divided in three Wards for children to stay and sleep.

In Ward One, there was capacity for 14 children to stay. We observed that older children lived in this ward. In Ward II, 67 children lived together and in Ward III, 60 children were put up. But the wards were packed due to the obvious over crowding. Many children slept on the floor or below the bed.

The child count is at 8.00 a.m. in the morning, 1.00 – 1.30 p.m. at noon and 8.00 p.m. at night. The Observation Home for girls is next to the Observation Home for boys and the Superintendent sits in the girl's home. There is one big classroom. There is one room for learning candle making, sewing etc.

Condition of JJB

According to the children, the Patna JJB rejects all the bail applications of those children who have been accused of heinous crime. Children have

to go to the higher Court for bail. The JJB is known only to give bail to children who are involved in petty offences. The Board also organises Lok Adalat, at the end of every month and disposes off petty offences.

According to the kids, many children are brought into the Observation Home at the time of Dussehra festival, picked up from the railway station. They are booked under Railway Protection (UP) Act. Recently 15 children were booked under Railway Protection (UP) Act. Few children who were booked under this Act were of six years in age. Most children are staying in the home since the last two to three years.

CONDITION OF CHILDREN

Handling by Police

Children shared that the police beat them up very badly. The methods of torture were very brutal.

The Police would cover their head with cloth and then put oil on their head. Slowly the oil would trickle down their face and it became very difficult to breathe and see. To avoid pain the children often sign even blank papers.

It has been observed that the lawyers were dressed in their usual court garb. The Patna Juvenile Justice Board is dealing with the Patna Commissionerate cases. Members of the Board shared that the children are sent to Nalanda Juvenile Justice Board from the Observation Home for Boys, Patna which is at a distance of 70 km.

CASE STUDIES

Case- 1

In one case, a boy and a girl have been booked for getting married. Both were sent to Observation Homes.

The couple had run away as the families were not in approval of the union. The couple came to Delhi, got married. They were caught by the police and brought back. The Board asked for bone verification test to ascertain their age. The girl's age was ascertained as 18 years and she was released on bail. But the boy is still at the Home as his bone verification report is yet to come by.

Case – 2

In another case, the juvenile's elder bother-in-law's family members were pressurising the juvenile to marry their younger daughter. But when he refused, they falsely implicated the boy in a case of rape.

Case – 3

In two to three cases, children were booked for either theft of motorcycle or in possession of country made pistol.

A number of children were studying in the XI standard and they have had to drop out or miss their exams. These children were staying in the Home for the last three months. According to them, they have not committed any crime. By using torturous methods, the police have falsely implicated them.

HAQ: Centre for Child Rights

DRAFT REPORT SUBMITTED BY HAQ TO THE NCPCR BASED ON A VISIT TO PUNE AND MUMBAI IN 2007

The visit to Pune and Mumbai was a result of communications received by the National Commission for Protection of Child Rights (NCPCR) from Mrs. Shiela Barse on the state of juvenile justice in Maharashtra.

The NCPCR has been looking into children's issues as its mandate and juvenile justice has been a priority area of concern.

The team comprising Ms. Dipa Dixit (member – NCPCR) and Ms. Bharti Ali (Co-Director, HAQ: Centre for Child Rights) visited Pune and Mumbai and met with the State Department, Officials in the Police Department, JJBs and CWCs in Pune and Mumbai, some POs and other functionaries in the JJ system during visits to the institutions and a few NGOs working on the subject.

State Advisory Board and District Advisory Boards

The State Advisory Board as per Section 62 of JJ Act was established in the State in 2003. On an average the State Advisory Board has been meeting thrice a year as it has had 10 meetings since January 2004, when it first met.

Besides Secretary WCD, Commissioner WCD, State Human Rights Commission, Director General of Health, Director of Education, Deputy Inspector General of Police, Managing Director of MIDC, Director Halfkeen Institute, there are 3 NGO's among the 12 members of the State Advisory Board.

The State Advisory Board has already recommended 30 names to the state government for sanctioning appointment of the Chairperson of the District Advisory Boards.

The State Advisory Board scans all the applications for selection of members for the JJB and the CWCs, to be recommended to the state WCD for appointment. However, a member of the Pune JJB informed that her

appointment did not happen that way. She did not even apply and one fine day she got a letter appointing her as a member of the JJB.

Child Welfare Committees

There are 35 districts in the State and so far Child Welfare Committees (CWCs) have been constituted in 29 out of these 35 districts.

Working of the Committee is carried out with the help of staff of the children's home. Therefore the expenditures incurred by the Committee are met through the grant allotted to the children's homes.

The CWCs have had 1334 sittings during the period April 2006 to August 2006, in which 7058 cases are reported to have been handled and 3606 remained pending.

The Commissioner State WCD takes a monthly review of the working of CWCs. The District Women and Child Development Officer and the CWCs are required to submit quarterly reports to the Commissionerate, which includes number of cases handled and number of cases admitted during the period.

The CWC in Pune sits three days a week – Wednesday, Thursday and Friday in the Shivaji Nagar Children's Home. However, it is a mobile CWC i.e. shifts its location to another home as and when required. The State WCD has made it compulsory for all CWCs to take sittings in every children's home, which is monitored by the District Officer.

Juvenile Justice Boards, pendency and disposal of cases

28 Juvenile Justice Boards (JJBs) have been set up in the State so far.

The Chairperson of the JJB is either the Chief Judicial Magistrate or a Judicial Magistrate of First Class (JMFC).

In Pune there is one JJB whereas in Mumbai there are two JJBs – one for Mumbai Rural (which was established only on 9 April 2007) and the other for Mumbai City. Except for the Mumbai City JJB, separate First Class Judicial Magistrates have not been appointed for the JJBs anywhere else. Therefore additional charge is given to the Chief Judicial/Metropolitan Magistrate or the Judicial Magistrate of First Class of the District to carry out the work of JJBs. There were no social workers in the Mumbai City JJB at the time of the visit of the NCPCR team. It was reported that the social workers do not see any role for themselves as JJB deals with criminal legal matters and the social worker members are not empowered under the law to take up any such matters.

During April and August 2006, 1,800 cases of juveniles in conflict with law are reported to have been handled by the JJBs. However, 16,695 cases still remain pending. If one looks at a report in the *Times of India* dated 9 April 2007 (part of a communication received by NCPCR from Sheela Barse), between 2001 and 2005 there were altogether 17,052 cases of children in conflict with law (2,810 in 2001; 3,128 in 2002; 3,246 in 2003; 3,652 in 2004 and 4,216 in 2005). With 16,695 cases remaining

pending until August 2006, the rate at which the cases are being disposed off is evidently very poor. The state government admits that the number of sittings of the JJBs is less because the CJM/JMFC of the districts have been given an additional charge to handle juvenile justice matters.

The State Juvenile Justice (Care and Protection) Rules 2002 require the JJBs to decide on the time and place of sittings to be held. With juvenile crimes increasing year after year and high pendency of cases, the State needs to amend the Juvenile Justice Rules or pass some interim order increasing the number of sittings of the JJBs to dispose off pending cases.

According to the Chief Justice of Maharashtra, for JJBs headed by a CJM directions have been issued for a regular Magistrate also to be attached to such JJBs. Pendency of cases in Pune was admitted to be too high.

The Maharashtra High Court exercises direct control over juvenile justice matters. Justice Ranganath Desai has been given the charge of reviewing the implementation of the JJ Act. Quarterly reports are invited from him by the High Court.

Like Delhi, Maharashtra too has held Lok Adalats in the recent past to dispose off pending cases. Whether Lok Adalat is the right way to deal with pendency of cases is indeed questionable.

In Pune the JJB was constituted by a notification on 17 March 2003. The Board sits on every working Saturday and Monday. On an average it deals with more than 50 cases. The Board voiced the need for an independent JJB i.e. a Board with a dedicated Principal Magistrate who does not have any other judicial charge. They have not approached the Chief Justice of Maharashtra High Court with this problem as yet, but have shared it with some UN agency. While the Pune Board claims to be using Section 258 of the CrPC to close some cases, is releasing children on advice and admonition or after imposing fine on the juvenile's parents, yet the pendency of cases is high in Pune. According to the Board, the reasons for pendency of cases are as follows:

- It is difficult to locate the families of the juveniles and hence the case does not move forward. Summons are sent on the addresses given by the juveniles and the police, but often the Board has no information as to whether the summons were received or not.
- Police also do not inform the Probation Officers as required in the law. This delays the social investigation meant to be conducted by the POs, which has to be taken into consideration by the Board before arriving at a decision.
- There is one Special Juvenile Police Unit in place, which is very active and cooperative, but the Child/Juvenile Welfare Officers are not there in all the police stations.
- Senior Police Inspectors have been given additional charge of children, which does not help given their already burdened existence
- The number of sittings of the Board is not sufficient. However, since the Principal Magistrate is also the Chief Judicial Magistrate with

many other responsibilities, it is difficult to increase the number of sittings.

- Ironically the Principal Magistrate, who is also the CJM of the district pointed out that both — the police, and the adult courts where often children are taken — fail to look into the age question. Ideally the police should collect all information regarding the child's age and produce the child before the JJB. But neither the police nor the courts take care and children land up in adult jails. If the age factor is challenged, they are brought to the JJB. While there should be only one sitting for age inquiry, it takes at least 15 days for seeking a medical report of age verification, thus delaying the disposal of case.
- Police takes 90 days for presentation of charge sheet.
- The Juvenile Justice Rules do not prescribe how to investigate in cases involving juveniles.
- Sometimes the complainants don't want to pursue the matter further and stop coming to the Board. As a result children continue to languish in observation homes and the case continues.
- Sometime juveniles who have been released pending inquiry also stop attending the hearings as they need to carry on with life and they have shifted residence.
- JJB has no infrastructure and no staff. They have to bank on the staff of the OHB for maintaining records of cases, ensuring timely proceedings, and every other assistance required. The only staff this JJB has is from the judiciary, who also has other work to handle.

Special Juvenile Police Units (SJPU)

The State Government submitted a report to NCPCR reporting setting up of SJPU in 20 districts. All Police Commissioners and District Superintendents of Police were reported to have been informed to establish SJPU at every district and city level police stations. During discussions, it was elaborated by the state WCD officials that although there is an order for formation of SJPU in 30 districts, not all have been formed as yet. On the other hand, during a meeting with the JJB in Pune, the team was informed that there are 27 SJPU in all of Maharashtra. At the end of the day it is difficult to say how many SJPU have been established in the State.

In a meeting with the Addl. DG, State CID Crime and other police officials in Pune, it was reported that the SJPU are a unit of the Social Security Cell. A SJPU is comprised of 1 Inspector and 2 PSIs. Child/Juvenile Welfare Officers from the police department were reported to have been appointed in all police stations in the state and instructions have been issued to them about their roles and responsibilities.

They all act in plain clothes i.e. they are not men in uniform. However, according to the Pune JJB, police arrests the juveniles in uniform. The

police officials admitted that due to pressures of VIP duties and other emergency duties, these Child/Juvenile Welfare Officers are unable to follow the instructions. They also admitted the need for constant liaison with NGOs for training of the Child/Juvenile Welfare Officers.

Further discussions led to a promise by the Addl. DG to issue notices to all police stations to the following effect:

- Information of apprehension must be given to the juvenile's parents
- Filing of charge sheet should not be delayed
- As far as possible, petty offences by minors should get diffused at the police station level itself

NCPCR should write back to the Addl. DG reminding him of the above promise and congratulating him for taking interest in juvenile justice issues with seriousness.

INSTITUTIONAL CARE

Children's homes

The information provided by the State Women and Child Development Department gave contradicting figures on the number of children's homes. According to a table on number of institutions in the state after implementation of the JJ Act 2000 (as amended in 2006) is as follows:

| Sr. | Type of Institution | Government | NGO | Total |
|-----|---------------------|------------|------------|------------|
| 1. | Children's Homes | 31 | 161 | 192 |
| 2. | Bal Sadan | | 188 | 188 |
| 3. | Balakashram | | 124 | 124 |
| 4. | Orphanages | | 18 | 18 |
| 5. | Observation Homes | 12 | 48 | 60 |
| 6. | Special Homes | 2 | 1 | 3 |
| 7. | After-care Hostels | 1 | 3 | 4 |
| | TOTAL | 46 | 543 | 589 |

In another information provided to the NCPCR team, there are 193 children's Homes in the state. 33 Homes are run by the State government and 160 by NGOs. On the contrary, if the table above is true, perhaps there has been some recent addition to the existing number of children's homes to bring the figure to 193. The sanctioned strength of these homes is 15,615. Assuming that at any given point of time there are not more than 10,664 (7,058 handled and 3,606 pending) cases to be handled, the sanctioned strength of children's homes exceeds by about 5,000. The state government needs to revisit their planning and look into the number of children's homes required and reinvest in improving the quality of services while cutting down on some institutions.

PUNE

Number of Children's Homes – 13

Number of Observation Homes – 4

While some Children's Homes also provide shelter to children in conflict with law i.e. also operate as Observation Homes, the State Government does not officially say so in the official data on number and kinds of institutions running in the State.

The team visited the Shivaji Nagar Children's Home in Pune only to find that it was also housing juveniles in conflict with law and hence was also an Observation Home for Boys. This is a common problem in the State that needs to be taken up with the state WCD. According to WCD officials, since the number of children in need of care and protection is far greater than the number of children in conflict with law, the state department has a budget allocation for children's homes and therefore most institutions have been sanctioned as children's homes. The State WCD is banking on the proposed ICPS (Integrated Child Protection Scheme) of the Central Ministry for funds for setting up observation homes and ensuring better and quality institutional care. The officials kept insisting on the state policy not making it possible to set up separate observation homes, which did not make any sense as the policy is also that of the same department to and can be changed if the state decides to plan and invest its resources meaningfully and optimally.

The NCPCR team sought a copy of the order/notification by which children's homes are also asked to function as observation homes. This however was provided to the team. The authorities at the Shivaji Nagar Children's home have been writing to the WCD Commissioner with regard to the problems they are facing in dealing with juveniles in conflict with law, but nothing has been done so far. They feel that not only was the nature of crime being committed by children become more severe, with change in the law increasing the age of boys to 18 years, many more boys are coming into the observation home with charges of heinous offences such as rape, murder and robberies. This has made it difficult for them to manage both children in need of care & protection and children in conflict within the same premises.

According to the Pune JJB, there is no vocational training provided to children in conflict with law. In Mumbai, however, visit to the children's home (cum observation home) run by the Children's Aid Society revealed that although separate dormitories were being maintained for children in conflict with law and those in need of care and protection, both types of children were being provided vocational training. The institute had a huge campus and infrastructure, and vocational training classes were being

conducted in carpentry, masonry, tailoring and stitching, welding, etc. at the time of visit of the NCPCR team.

The institution for 12-18 year old girls in Deonar, Mumbai and the Yerwada home for girls in Pune too were providing vocational training. In fact girls from Deonar were going out of the campus for their education and vocational training. The problem however lies in ensuring that the products made by the children are marketed well in order to fetch them some pocket money, which the children may save and take back with them when they leave the institution to start a new life.

Rehabilitation, repatriation and restoration

Counselling services as of now are very poor. The Child Guidance Centre at the District Probation and After Care Association, which runs the children's home housing both children in need of care and protection and those in conflict with law in Shivaji Nagar, Pune had a seemingly good counselling programme for every child. Perhaps the state government needs to learn from such good practices. The state WCD admits that there are 6 Mental Hospitals in the State and there is need to tie-up with them for counselling services in institutions.

Children in the children's homes are provided education either within the institution or through mainstream formal schools outside.

All children's homes were reported to have a computer with Corporates like Infosys, Satyam etc. providing computer literacy to the children.

Recently a Government Release has been issued that provides up to Rs. 5,000 for any vocation(s) a child may want to pursue.

The CWC in Pune involves Child line NGOs and organizations like Saathi for interstate repatriation.

Inter-country repatriation is still a big problem. Many girls in the Deonar home in Mumbai were from Bangladesh. They had been there for years and expressed their anger at the authorities for making false promises of being sent back home soon. The authorities on the hand have shared all these cases with STOP, an anti-trafficking NGO in Delhi and sought help in the repatriation of these girls. STOP unfortunately has not been able to provide any assistance in this regard so far.

The authorities have promised to give NCPCR a list of all the girls in their institution who need to be sent back to their countries of domicile and restored to their families. NCPCR must follow-up these cases with the Bangladesh High Commission and hold a meeting with NGOs to discuss the matter further in case the Bangladesh High Commission or our MEA, is not forthcoming. In any case the NCPCR should try and establish contact with NGOs in Bangladesh who can at least help trace the families of the girls and confirm the addresses.

Transfer

There is no coordination between sending CWC and receiving CWC in cases of repatriation.

There are no police escorts available to escort children. Police Commissioners and District Superintendent of Police have been informed to provide escort immediately at the time of inter-district and interstate transfers of children/juveniles. By the State Department's own admission, due to non-availability of escort, children are languishing in homes even after necessary orders have been passed by the JJB/CWC as the case may be, and the police department is unable to provide escorts due to non-availability of funds.

Legal Aid

In Pune, the JJB Principal Magistrate reported that the lawyers advise the juveniles to plead guilty. The Principal Magistrate, who is also the CJM has appointed a panel of lawyers for imparting legal aid and as a practice the Board appoints a lawyer from this panel for juveniles who do not have a lawyer.

In Mumbai, the POs reported that most children have their own lawyers. The rate at which the children get released on bail in Mumbai seems far better than Delhi. However, that does not solve the problem of pendency and the need for legal representation all through the matter till the case is disposed off rather than only till such time that the child is released on bail.

There was no mention of the State Legal Aid Service Authority providing legal aid. Perhaps this is one area that has not been paid adequate attention and therefore the information coming forth on this aspect was inadequate.

Place of safety

There is no place of safety. The government is thinking of converting one Borstal School in Nasik into a place of safety.

Training

The number of training programmes organised for CWCs, JJBs, POs and various functionaries in the institutions is not clear from the report submitted to the NCPCR by the State WCD.

At one point the State WCD mentions that 5 trainings for all CWC members were held immediately after the CWCs were set up. This training was provided by UNICEF. The State Department is now thinking of another refresher course or re-orientation programme. They are now also planning a training programme for the JJB members.

At another point, the State WCD has stated that in 2005-06, they had organized 45 training programmes for the Superintendents, Probation Officers and Care takers of the juvenile homes. These were attended by

883 participants. In addition, 4 programmes were organized by NGOs, which were attended by 62 participants.

In yet another action taken report on the situation in the field the state department claims to have organized 11 training programmes with the help of NGOs for the CWC members. The JJB members and the Principal Magistrate in Pune feel that the State Judicial Academy should organize trainings for them which have not happened so far. The JJB Members voiced that whatever they have learnt is on the job out of their own willingness. There has been no training or orientation for them as such. Sensitisation in dealing with children seems to be lacking as the Principal Magistrates tend to follow the child unfriendly procedures of the CrPC strictly, without understanding the need to go by the spirit of the juvenile justice legislation. The protocol within the judicial system further reduces the scope for sensitisation. It was found that if the Principal Magistrate in the Pune JJB has to be invited for an interface with children, the permission will have to be sought for it from the High Court. Training and capacity building cannot be done in an ad-hoc manner. Unless seen as a critical area requiring serious inputs, implementation of the law will remain questionable.

Data management

Record keeping and data management is poor and inadequate. The Secretary of the State WCD admitted the need to develop MIS for record keeping and data management. At the same time, the State WCD complained about not receiving data from the JJBs, which affects their planning. This is a common problem found in all the states. The judiciary does not share data with the administration and as far as children in conflict with law are concerned, it is very difficult to assess the situation in the absence of figures.

As for JJBs, the reason for not being able to maintain records and data is that they have no staff for it. The JJB in Pune is using the staff of the home where they hold their sittings. They do not have a separate staff but for one person, who is from the judiciary. Wherever the JJB is headed by the CJM, there is not only lack of adequate time and attention from the CJM but also lack of separate infrastructure and staff for the JJB, all of which make it difficult to carry out any paper work systematically.

State Children's Fund

In 1989, the State Government constituted the Children's Fund which was renamed as the State Children's Fund as per the revised Juvenile Justice Act of 2000. The Fund is having Rs. 11.28 lakhs. It is managed by the State Children's Fund Management Board, comprising six members – Secretary WCD (Chairperson), Commissioner WCD, Joint Commissioner, Deputy Commissioner, Child Development 9 Member Secretary, Treasurer and 3 Non-Officials (Members). The Fund can be utilized for:

- Implementing programmes for the welfare and rehabilitation of children who do not fall in any of the Central Government or State Government or any other scheme;
- Providing medical aid, surgery or treatment of major illness suffered by a juvenile or child;
- Providing fees for higher or vocational or technical education;
- Meeting the expenses of the State Advisory Board and its purpose;
- Doing all other things incidental and conducive to the above purposes.

MISCELLANEOUS

Anti-child beggary drive

Maharashtra Government has initiated an anti-child beggary drive with the help of the Police Department and NGOs. On 26th February 2007, 700 child beggars were “rescued” throughout the State.

What the authorities admit and seem to be concerned about is the lack of reliable data on children in need of care and protection as there is no data management system for it.

Rehabilitation is weak as compared to other states

Child protection programmes for children of migrating families and street and working children as well as for other children in need of care and protection run by the State include:

- Night shelters for street and working children
- *Shakhar Shalas* to provide education to children of migrating families
- *Shikshan Mandals* in Mahanagar Palikas to ensure children their right to education
- Child Guidance Clinics set up by the State WCD
- A Sponsorship scheme was launched in the State about six months ago

A government functionary is accompanied by a policeman and some NGOs to pick up children found begging. These children are then produced before the Child Welfare Committees (CWCs) set up under the Juvenile Justice Act, which either return the children to their parents after getting the parents to sign a bond to the effect that they will not put their children to beg again or, are kept in custody of the state if parents are not ready or cannot afford to take care of their children. Most of these children were reported to have been given back to the parents on their signing a bond. The others were kept in institutional care – those below six years old were sent to *Shishu Greh's* and the rest to the children's homes.

It is true that the anti-child beggary drive may have taken many children away from the lawful guardianship of their parents. It may also perhaps be true that keeping 0-6 yr. olds separate from 6-18 yr. olds may have led

to many children being separated from their siblings. The state government as well as NGOs involved in the drive however justify the drive on the grounds that since it is parents who put their children to beg and earn through their children, it is important to conduct such drives and deter parents from exploiting their own children. To them the CRC principle of “best interest of the child” is a paramount consideration in all actions and inactions of the Government and hence the drive.

It is high time agencies like the NCPCR initiated discussions on the principle of best interest through using such examples and arrive at a broader understanding of the concept in the context of India and its reality.

The NCPCR could also approach the Supreme Court of India to provide a legal definition or to legally define the broad parameters for determining “the best interest of the child” and applying this principle.

Anti-Child Labour Drive

In March 2005 a Task Force on Child Labour was set up in the State at both State and District levels. The role of the State level Task Force was to monitor District level work. At the District level, the Task Force is comprised of the DM/DC, the SP/Police Commissioner, the District Women and Child Welfare Officer and the Labour Officer. The Labour Department rescues children working in hazardous occupations and produces them before the Child Welfare Committees (CWCs).

On production before the CWC, the Probation Officer talks to the child in depth to get more details about the child, his family situation and social circumstances etc. If the child belongs to another State/District, the concerned CWC in that State/District is contacted to make necessary home inquiry in order to arrive at an appropriate decision regarding rehabilitation and restoration of the child.

Both, repatriation of children as well as prosecution of employers, are areas that require urgent attention. It was reported that there is no coordination between the CWC that makes an order for sending the child back home and the CWC that is meant to receive the child in the home state/district before finally handing them to their parents. This adversely affects the repatriation process and often leads to failure in successfully restoring the child to his/her family.

As regards prosecution of employers, most cases were reported to fall out as witnesses do not come forward and there is no proper coordination between the labour and the police department at the SP/DC/Labour Officer level despite the existence of Task Forces in the districts.

Special Offences under JJ Act

The Pune JJB said that they did not deal with offences under Section 23 to 28 of the JJ Act as the law is not clear on the role of the Boards in this regard. Also, they felt they were not equipped to record evidences as they do not have adequate staff for it. Moreover since the Principal

Magistrate is the CJM, he has many other tasks to manage and the two social worker members are not eligible or trained to record evidence.

HAQ: Centre for Child Rights

WHAT ADDS TO POOR IMPLEMENTATION OF THE LAW

A health-check up camp organised by the JJB and the Delhi High Court appointed Committee to monitor the implementation of juvenile justice legislation threw up several questions on the kind of medical care being provided to children in the institutions.

Some of the other difficulties in institutional care currently being provided in many states in India include overcrowding in institutions, lack of segregation in the treatment of children in terms of their age or nature of offence or physical and mental ability; and, housing children in conflict with law with those who are either victims of crime or neglected and helpless. Virtual absence of age specific interventions is a deterrent to children's growth and protection. The age between 7 years, which is the age for criminal liability in India, and 18 years, which is when children become adults and fall out of the purview of juvenile justice, is too vast in terms of growth and maturity of children. Similarly, segregation in terms of crimes is left to the State.

Those having committed heinous crimes are placed together with those who are first time offenders or have committed petty offences.

Institutionalisation is certainly not a means to ensuring juvenile justice. It is rather a vehicle for juvenile 'injustice' since standards of care and protection are seldom implemented. Also, it only further alienates children from the society, particularly in a situation where release takes a long time and the period of incarceration is rather long.

Clearly, there is lack of clarity as well as sensitivity in both the formulation of the law and its implementation.

For instance, there is no clarity in the law or the rules of implementation on the role of the social worker members of the JJB. The government seeks to address these issues through training, sensitisation and such other capacity building programmes at various levels. However, in practice it has only been able to follow up with training of the Judicial Magistrates in the JJB through the National/State Judicial Academies. For the rest, involved in the delivery of justice for juveniles, such initiatives have been sporadic and ad-hoc.

On speaking to the social worker members one feels that actually they have no authority to deal with the cases since they are not legal officers and JJBs are headed by a Judicial Magistrate, which implies the need to follow a protocol. Nevertheless, whatever little they may be able to do to move the file and the case is also not being done as they have no understanding of the procedures except for what they have learnt on the job and hearsay. They do not understand the statutes or even how to read and interpret the statutes. They do not see their role as that of intervening at the earliest and talking to the children on regular basis.

In Mumbai, one of the JJBs has no social worker members because the ones who were there earlier did not know what to do and left feeling that they had no role to play.

In Delhi, the Probation Officers have not undergone a training programme for more than two years. The Delhi High Court appointed Committee to monitor the implementation of the JJ Act has taken this up and set in motion some training programme for the POs. This Committee has also approached NGOs to undertake some trainings. A training of all Magistrates in Delhi was planned, keeping in mind that Magistrates other than the Principal Magistrate of the JJB also deal with children in conflict with law as well as children in need of care and protection and therefore need to keep themselves updated on juvenile justice issues. While HAQ was initially approached for this programme, it will now be conducted by the State Judicial Academy. There was a great resistance amongst the Magistrates to have an NGO conduct a training programme for them and hence the State Judicial Academy was found as the way out. This is a positive sign as training and capacity building programmes need to be institutionalised which can only be possible if they are built into a regular institutional process. NGOs cannot be the answer to what the state should perform, though they can be consulted and invited for technical inputs and expertise in the form of resource persons or for developing resource materials for trainings, designing the course curriculum etc.

Functionaries in the institutions are the most untouched category of personnel when it comes to training and sensitisation and no one seems to be looking at the urgency of investing in them. The abysmal level of capacity building initiatives needs utmost attention. To give away institutions to NGOs because government functionaries are unable to perform their role well is not just ironical but also a move in the wrong direction. As if NGO functionaries do not require training and skill upgradation. Or may be the premise is that once running of institutions is handed over to NGOs, capacity building of functionaries and such other issues will automatically be taken care of. Even in that case, giving away institutions to NGOs amounts to nothing less or more than state's abdication of its responsibility. If NGOs can be invited for technical inputs in training of Magistrates, why can they be not approached for technical inputs on institutional care and management of institutions? In any case the myth that NGO run

institutions are a better place for children and there is no violation of rights of children in institutions run by NGOs has been shattered through several media reports. It would also be incorrect to believe that there are enough NGOs in the country to take on this task, that NGOs will always have adequate financial support to run an institution and provide quality institutional care, or that government funding to NGOs as well as fund flow is problem free and can take care of the need.

HAQ: Centre for Child Rights

MAHARASHTRA

Aangan works with children and youth in the institutional, criminal, or judicial system in Maharashtra. In 2006, Aangan conducted a study called 'Changing Spaces' in order to understand the effectiveness of children's institutions that are mandated by the Juvenile Justice (Care and Protection of Children) Act from the perspective of the children themselves, as well as the staff that administer them. Aangan conducted in-depth interviews with 60 children in conflict with the law and held group discussions with another 120 across the state of Maharashtra. Additionally, staff members at the various homes were also interviewed in order to assess how they viewed the same issues. What follows is based on Aangan's experience of the Juvenile Justice Act as it attempts to address children who are in conflict with the law. Names have been changed in order to protect the identity of the children.

THE STORY OF RAM

Everywhere you look there are just walls and more walls... you feel suffocated, and your mind races with a thousand different thoughts. The people inside (authorities) never speak to you or explain anything to you.

For three years all I thought about was getting out... Forget about rehabilitation, I couldn't even get a moment of peace.

Ram, former resident of Observation Home, Umerkhadi, Mumbai, Maharashtra

In 2001, the Juvenile Justice (Care and Protection of Children) Act 2000, came into force. It brought with it the hope that the approximately 30,000¹ children who come into contact with law enforcement across the country would finally be dealt with in a "child-friendly" manner: with

rehabilitation becoming the cornerstone of the approach adopted by authorities towards this population, and with the deprivation of liberty actually becoming the measure of last resort.

This is Ram's story. It is not by any means the most egregious example of either the abuse or the shortcomings of the juvenile justice system that exists in India today. Rather, it is an example of the everyday experiences of the majority of children who find themselves in conflict with the law.

Becoming a Child in Conflict with the Law

In the middle of May 2002, Ram, age 15, turned himself in to the police station in Mankhurd, Mumbai, for his involvement in a fight that led to the death of another man. The police had, according to Ram, wrongfully arrested his mother for this offence, and Ram, who had been "lying low" for a few days, went to the police of his own volition, to free his mother and set the record straight. Contravening all laws pertaining to the apprehension and treatment of juveniles, Ram was kept in a police lock-up for four days before being transferred to the Umerkhadi Observation Home² where he lived for close to three years while awaiting a disposition in his case.

A cursory enquiry into Ram's early years reveals a life underscored by parental neglect. His parents separated when he was four, and he was wrenched away from his mother and younger brother and taken by his father to their village in the Parbhani district. Here he faced abuse at the hands of his stepmother. At the age of ten he was forced to drop out of school and work in the fields. He frequently went hungry, and witnessed (and likely experienced) severe acts of caste discrimination. An introvert and reserved by nature, Ram became increasingly isolated, lonely and resentful. At the age of fifteen, when he could endure his life no more, he ran away. He went to Mumbai in search of his mother who lived in Mankhurd, where she earned a meagre living selling vegetables. Not long after his arrival in Mumbai, Ram witnessed his mother being humiliated and insulted by the local *dada*, an extortionist who had come by the house for his monthly payment. A fight ensued, and tragically, the *dada* died. In the blink of an eye, fifteen-year old Ram, who had led an unremarkable and blame-free life thus far, became a child in conflict with the law.

Interaction with the Police: Arrest and Detention

Ram went alone to the Mankhurd police station to tell them that he, and not his mother, was the real culprit in the offence of killing a man. Even today, Ram can clearly recall his feeling of terror. At the station, he was questioned, slapped around a few times, and then locked up in a cell with three adult offenders – a drug peddler, a man charged with assault, and a car thief. FIRs were filed against both him and his mother³.

The lock-up was filthy, and although it was the middle of oppressively

hot May, there was not even a fan in the tiny cell. Four human beings were made to eat, sleep, wash and defecate within the same tiny quarter.

Later that same day, Ram was handcuffed and taken back to the scene of the crime. Here, in full view of the community, he was made to walk through the crime scene and describe the circumstances of the offence. The police abused him verbally and continuously humiliated him with taunting comments.

The next day, Ram was presented before a magistrate in the Metropolitan Court in Kurla. He does not recall being asked any questions in Court. **He was never once asked how old he was. He did not know** that it would make a difference if he volunteered this information.

For four days Ram languished in the police lock-up. No one in authority thought it necessary to explain his rights to him, or to tell him what was going to happen to him. His adult cellmates however, all of who had prior records, took some pains to tell him that his life was basically over, and that he was going to spend years and years behind bars. Ram describes those days as a painful turning point in his life, as the moment when he “grew up” and realised that “basically no one cares about you.”

After four days, Ram was once again handcuffed and escorted to Nagpada for a medical exam. It was here that a doctor asked him his age, and established that he was a juvenile. Ram still did not understand that this meant that he was entitled to certain rights and to a very different sort of treatment. His complete ignorance of the legal system only served to compound his fears and anxieties.

That evening, Ram was taken to the Umedkhadi Observation Home. He did not know it was a juvenile home or that there would be other young boys there in similar circumstances. His police escort told him that he would be staying at this institution for three or four days after which they would let him go.

The Maharashtra Juvenile Justice (Care and Protection of Children) Rules (hereafter, the Rules) came into effect in 2002. These are the rules enacted by the State Government for the proper implementation of the JJ Act. The Rules have comprehensive guidelines for the procedure that is to be followed on production of a juvenile in conflict with the law. They expressly forbid the detention of juveniles in a police lock-up; they require that a juvenile be brought before the adjudicating authority - the Juvenile Justice Board (the Board) - within 24 hours of apprehension; they forbid the use of restraints and handcuffs; and they mandate that the child be assessed and interviewed in a “child-friendly manner” and “home-like environment.”

Ram’s interaction with the police, his detention, and the treatment he received prior to being moved to an Observation Home are no anomaly. Aangan’s 2006 study, *Changing Spaces*, asked children to talk about their experience of being institutionalised, from the first contact with the police

at the time of their arrest, to their release. Some findings from this study are in the box below, and are also cited in boxes throughout this document.

On the subject of arrest and detention, the pre-admission phase:

- Children kept in a police lock-up before institutionalization: 65%
- 50% of children stayed in the police lock-up for 2-13 days, while 50% stayed for more than 2 weeks
- At the police station, 67% were physically abused
- Intensity of abuse: 76.7% were severely beaten and/or tied. Of this number, 15% were hung from the ceiling and beaten
- Staff response to the issue of ill treatment by the police: 41% of the staff said it is not relevant, while 34% admitted that police abuse did happen, but nothing can be done about it (“police do not listen to us.”)

Source: *Changing Spaces – An Action Research by Aangan*

Admission and Orientation to the Observation Home

Ram was handed over to the caretaker of the Observation Home at about 5 pm. His clothes were taken from him and replaced with the Home’s uniform. The caretaker filled out an intake sheet with basic information about his name, age, etc.

Ram was then escorted to the building where the children in conflict with the law are housed. The caretaker deposited him inside, locked the door, and left. There were approximately 150 children of all ages and sizes (including a child of seven, who was in the Home for the crime of breaking a car window) milling around, and Ram, unsure of himself and his surroundings, recalls that he positioned himself in a corner, and watched. He had no idea what to think or feel.

What constitutes the living quarters of the Observation Home is essentially a large hall, divided into three sections by waist-high walls. At the back of the hall are three toilets shared by the 150 or so residents. There is one medium sized bathing area in which the boys bathe two or three at a time. Older “influential” boys can bathe three or four times a day, while the weaker and less assertive ones can sometimes go a week without getting their turn.

Food was served that night, as it is every night, in the hall, but Ram had no appetite. When it came time to sleep, he curled up in a corner, as he had been given no bedding, but sleep eluded him. It had been five days since he first went to the police station, and in all that time no one had explained anything to him or even exchanged a civil word with him.

Late that first night, Ram met Ajay, another child in conflict with the law, who quickly became his friend and guide through the difficult days ahead. It was Ajay who “oriented” Ram to where he was, who explained

what an Observation Home was, how it functioned, who was who, and what Ram could expect from his life and stay there. Ajay himself had likely been “oriented” by a similarly helpful peer when he first showed up at the Home six months ago.

The next morning, Ram’s “orientation” continued when he was approached by two older boys who proceeded to pick a fight with him when he “insulted” them by refusing to answer their questions about who he was, and what he had done. The fight was brought to the attention of the Superintendent, and Ram was summoned shortly thereafter to meet the Head of the institution. The meeting did not go well.

Without a meaningful enquiry, Ram was simply reprimanded for getting into a fight so soon after his arrival to the home. The Superintendent asked him a few details about his life, warned him to behave himself, and dismissed him. Thereafter, Ram met the Probation Officer (PO), the person deputed to see to the multiple needs of children in conflict with the law. The PO pursued the same line of basic questioning for a few minutes, and also proceeded to warn Ram about behaving himself. And that was it. Ram was branded a troublemaker, and the orientation was over. Almost a week had passed since he had turned himself in, and still no one had addressed any of the questions that were tormenting him – what was going to happen to him? What about his legal case? His future? His life?

Recognizing the fears and apprehensions that a child in conflict with the law will naturally experience, **the** Maharashtra Rules mandate that every Home have a Reception Unit where the new entrant must stay for a minimum of two weeks, and where “the child shall be received with due care... with dignity and love.” It is here that the child is to be oriented “to remove any inhibition from the mind”, and where they are to learn about the home, and about their rights. The Rules make clear that there is a necessity for the Officer-in-Charge to build a rapport with the child and to provide counselling and other similar services.

On the process of admission and orientation to the Observation Home:

- First day: 58% of children said they felt lost, alone, confused; and 42% recounted feeling angry, aggressive
- Initial meeting with the PO: 66% said it only comprises answering very basic questions that are required to fill out the intake sheet
- Orientation: 26% of children said there was no orientation; 31% said they were given an orientation lasting about 10-15 mins; 43% said that their peers oriented them informally.
- In contrast, 62% of the staff claim that they provide a thorough orientation to new children about procedures and about the institution

Stay: Everyday Life in the Observation Home

Ram very quickly settled into the routine of the Home. **Approximately six hours of every day were set** aside for what the Home called non-formal education. In actual fact, children were made to sit in **a room in silence for six hours**. A teacher sat at the front, she took attendance, and sometimes spoke with some of the younger children. Occasionally a few books would be handed out, that contained childish stories about animals and birds and preached bland morals. Ram recalls that these books were a source of amusement and ridicule among the children. The monitors – who were children handpicked by the authorities – were given the task of ensuring no one fell asleep or left the room. Monitors had tremendous power, and were the eyes and ears of the staff within the institution. They were authorized to punish, including physically beat, any child who misbehaved. At the same time as the “classes” there was a separate opportunity for the children to volunteer to undertake tailoring work. Groups of children were taken to a separate room where they stitched and mended the institution’s uniforms. In this manner, children were kept “occupied”, and the Home managed to fulfil its obligations of providing educational and vocational activities.

Interactions with the staff were usually limited to matters of discipline. The PO and Superintendent would make a quick tour of inspection during the lunch hour, after which they would disappear back into their offices. Ram recalls that it was almost impossible to ever speak to anyone in authority, to air grievances, to make complaints, or to seek any information.

Fighting and bullying were a way of life, of survival and of just passing time. Fights between different groups of boys broke out all the time, over the most trivial matters. Ram learnt quickly to assert his aggression and strength, thereby making sure that he would be left out of the continual harassment and fighting. “Inside, you have two options,” he says, “you either beat, or get beaten.”

The hardest thing of all for Ram was dealing with the continued absence of information about his case. “If you went to the PO and asked questions, he would, depending on his mood, either slap you and send you off for wasting his time, or would just humour you and tell you to stop worrying” Ram remembers.

Although Ram was taken once a month before the Juvenile Justice Board, he does not recall ever **being asked any questions. Ram only recalls a “judge” 4 being present, and says that the routine** procedure at every appearance, which lasted barely more than a few minutes, was that he would be given another date to come back the following month. Six months after his detention, when a charge sheet was filed, the magistrate addressed Ram for the first time. He asked him if he was guilty, and Ram, who had no legal representation or counsel, save that which he received from the other more experienced boys in the home, said “No”. (The police had

failed to mention that Ram had turned himself in voluntarily, and had instead written in their report that they had found and arrested him themselves. Ram's confession was therefore a moot point.) The magistrate asked Ram if he had a lawyer, and when Ram answered in the negative, he was asked if he wanted one, to which he again responded, "no".

A critical failing in the law, and in its implementation appears to be in the denial of due process. **Ram was never told** by anyone that he was entitled to a legal defence, and that if he could not afford **counsel, the State would have to provide him with a lawyer**. This is a crucial piece of information and should have been the first thing Ram was told. Yes, he had heard of lawyers, and seen them in operation around the room where the Board sat, but from what he had heard, from his only source of information – the other children in the home – you had to pay these lawyers, and **Ram had no money. So when the magistrate asked him if he wanted a lawyer, Ram could only answer in the negative**. Through informal conversations with POs one gets the distinct impression that the system does not consider lawyers a necessity at all, "why do they need lawyers?" asked one PO, "what are we here for?"

Ram, like every other child in the institution who is required to do nothing more than pass the time, found himself quickly losing all sense of the real world. The only reality he knew was the mind numbing sameness of his daily routine, the stories the children told each other about their past and present abuses, details of crimes and criminality, and sad accounts of innocent children picked up, locked up and morphing, before Ram's eyes, into the "criminal" that they were falsely accused of being. Ram also began to lose touch with the actions that had brought him here in the first place, so caught up was he in the anger that comes from being locked up for months on end with nothing to do and absolutely no understanding or control of your life.

The JJ Act requires State Governments to make rules for Observation Homes regarding "the standards and various types of services to be provided by them for rehabilitation and social integration of a juvenile". In compliance, **the Maharashtra Rules devote an entire chapter to institutional management**, in which they require among other things, a daily routine that should provide for "physical exercise, yoga, educational classes, vocational training, organized recreation and games..." The Rules also require that every institution have the services of a trained counsellor. A Classification Committee is supposed to not only classify children according to age group, physical and mental health, length of commitment and character, but also to meet periodically to analyse and review each **individual child's progress**. The Rules intend for the child to be a participant in this process.

On life in an Observation Home:

- 70% of children say the staff does not understand them and their problems
- 44% agree that physical fighting and bullying are constant occurrences
- 92% of children claim the PO has never called them to discuss/explain anything
- 65% say that they are beaten up in the institution
- 83% of children say they want to share and talk about problems to an adult, but 70% of staff felt this was not their job but was a job of professional counsellors.

Legal Rights:

- Are children in conflict with the law informed about their legal rights: **96.7 % of children reported that they were not told anything related to legal rights and to their cases**, and only 15.9% staff said that children are informed.
- “If we tell them about their legal rights, they will insist on having them” – comment from a trustee of a jointly managed Observation Home.

Facilities and Services:

- Are education programs available in institutions: 95% of children said No
- No vocational training is available in 75% of homes
- 61.7% children say they are not allowed to make phone calls. While 80.5% staff claim that they are
- 80% of the staff says letter writing is permitted and is an option, while 55% of children are unaware of this

Behaviour Management:

- 56% of children say behavioural problems are not dealt with at all; 22.6% say that the staff intervenes only when violence erupts in the home
- 10% of children say that the Superintendent or PO counsels them or has discussions regarding behavioural issues/fights among peers; 21% say staff only uses beatings as a disciplinary “technique”; and
- 45% say that monitors are instructed by the staff to beat up other children.

Source: *Changing Spaces – An Action Research by Aangan*

Exit – Leaving the Observation Home and re-entering the real world

Almost two and a half years after entering the Observation Home, a lawyer approached Ram and **asked him to tell her about his case**. She offered to take on his case pro bono, and suddenly Ram not only had legal representation, but more importantly, he had someone who he felt was actually interested in what he had to say, and was willing to be an advocate for him.

While Ram is not altogether clear about the actual details of how he came to be released, the fact of the matter is, that one day, **almost three years after his first contact with the police, he was presented before the Board, who told him that he was free to go home**. Ram describes that moment as one of utter disbelief and shock. Although children are not supposed to leave the Home until a parent or guardian comes to receive them, for some reason, nobody stopped Ram. He remembers the conflicting feelings he experienced as he approached the gate – excited to be free, and terrified about what was on the other side.

He was not a child any more, and was scared because he knew he had a lot to learn and he worried that he would not “make it” in the world. With no preparation, no fuss, and no thought, **Ram left the Home**, almost exactly as when he came into it, save that the clothes that he arrived in, and was now **expected to depart in, no longer fitted him**. He exited the building, and with the money lent to him by another boy released at the same time, he found his own way home.

On being prepared to reintegrate into society:

- 84% of staff says they conduct “exit sessions” to prepare children for the world outside, but 60% of children interviewed said these sessions don’t exist
- 56.7% of children said they are not told anything to prepare them for leaving, 43.3% said that the only thing the staff told them was to “behave well”
- None (both staff and children) said that exit sessions covered issues like vocational and educational prospects, housing options, employment opportunities, rehabilitation or a social integration plan

Source: *Changing Spaces – An Action Research* by Aangan

Concluding comments

The JJ Act stipulates that the process of enquiry into criminal allegations take no more than four months. Then, if a child is found guilty, the Board can, among a host of other non-institutional measures, send the child to a Special Home for a period of up to three years where they are to be provided with rehabilitative services – counselling, education, vocational training,

and a plan for **their reintegration**. Although Ram ended up spending three years locked up, it was for the period of “enquiry” and so he did not have to be rehabilitated or be provided for in any effective way. More disturbingly, there was no requirement for him to acknowledge or recognize the actions that had brought him into the system in the first place.

There are 60 Observation Homes across the state of Maharashtra. Based on information from authorities in 50 of these homes, we find that:

- Average number of cases per institution that are pending before the Board: 209
- Estimated number of cases pending across the state: 7,700
- Cases adjudicated within the mandated four month period: 14%
- Duration of stay in an Observation Home for over four months: 86%
- Duration of stay in an Observation Home for more than one year: 10%

In August of 2006, there were an estimated 12,884⁵ children residing in Observation Homes across the country. All of these children are experiencing a life very much like that which Ram led, and learning what Ram learnt – nothing. There is an urgent need therefore for a serious review of the implementation of the JJ Act.

Notwithstanding the many problems inherent in the JJ Act, there are many ways in which the child’s experience of the justice process can and should be made less traumatic. Simple measures that don’t require vast resources or manpower – both of which are undoubtedly in short supply – but which can enable the process of justice and ensure that its ends, punishment where warranted, deterrence, and most importantly rehabilitation, are met.

The Principle of Children’s Participation

Making children participants in the process sounds like a big idea, but is actually very easy to do. Interacting with the children, explaining the stages of their legal proceedings, and involving them in the plan for their future, are small measures that every person in authority, at every step of the way, must adopt. In addition, enforcing the existing provisions for the Reception Unit and an orientation process are essential and largely uncomplicated requisites.

Recognizing that the Child in Conflict with the Law has special needs

The child in conflict with the law is likely dealing with a whole host of serious issues: past trauma, which may include violence and neglect, intense fear about the instant legal case, and anxieties about the future, and how they will be reintegrated back into society. There has to be a program, managed by professionals as well as staff members to address these, as well as include services for individual and group counselling.

The necessity for thorough casework cannot be emphasized enough and has to include more than just the perfunctory enquiry into background information. Legal counsel and rights information have to be provided at the time of apprehension, and then again by the PO during orientation.

Respecting the spirit of the JJ Act

Protect the “child’s best interest” by speeding up the process of enquiry so children are not stuck in limbo endlessly. Meanwhile, accept that the enquiry takes more than four months – and averages at about one year – and conceptualise and incorporate short-term educational and vocational programs.

Ensure that the magistrate and the social workers that serve on the Juvenile Justice Board, work in tandem. Use each member’s area of expertise: while one understands the legal ramifications, the other understands the needs of the child. Together, they can make an enormous difference to the life of the child in conflict with the law.

Aangan www.aanganindia.com

Notes:

- 1 Indiastats.com, 32,681 juveniles were apprehended under IPC and SLL crimes in India in 2005.
- 2 Ram did not have the resources to get bail, and was therefore sent to an Observation Home – described in the Juvenile Justice Act (JJ Act) at Section 8 as a home “for the temporary reception of any juvenile in conflict with law during the pendency of any inquiry regarding them under this Act.”
- 3 Ram’s mother was sent to the women’s jail where she spent six months while under trial. She was then released. Ram does not know or understand the details of her case, or the terms of her release.
- 4 This was the presiding officer of the Board - a Metropolitan Magistrate or Judicial Magistrate of the first class. The Board is also supposed to comprise two social workers, one of who must be a woman.
- 5 Indiastat.com: State-wise Number of Juveniles Staying in Observation Homes Set up under Juvenile Justice (Care and Protection of Children) Act, 2000 in India.

LEGAL COMMITMENT IS A POLITICAL COMMITMENT

A legal commitment is a political commitment and unless it is backed by financial commitment, there is very little that can be achieved. Child

protection in India has received least attention and resources from the government. Within child protection, the sector that has received utmost priority is child labour. Over the years, with the United States of America investing heavily on trafficking and HIV/AIDS, some money is being pumped into child trafficking also. But on the whole child protection, particularly juvenile justice has not been a priority. Juvenile Justice Act is a fairly old legislation dated 1986, which is as old as the child labour legislation. Yet it has not received its due. There are only three schemes of the Union Government concerning juvenile justice, which are related to street and working children, adoption and institutional care. Recognising this, the Ministry of Women and Child Development proposed an Integrated Child Protection Scheme (ICPS) as a Centrally Sponsored Scheme with 90% assistance to the states from the Centre for its implementation. For those of us who have been advocating with the Planning Commission of India for inclusion of the newly proposed ICPS in the XIth Five Year Plan, know it very well how difficult it was to get acceptance for it. Through the scheme has finally been accepted by the Planning Commission, the proposed budget for it has been reduced drastically, once again pointing to the lack of a real commitment and prioritisation of the issue. If this scheme is not adequately invested in, the situation is not likely improve and juvenile justice, which is central to child protection, will only remain a distant dream.

HAQ: Centre for Child Rights

M's STORY

It was September 2005 when M, aged about 16 years, was caught unawares for mobile theft. The police produced him before an adult court, from where he was sent to Tihar Jail. But who was to know all this as the police did not bother to inform his family. His parents searched for him wherever possible till some neighbours told them that he had been picked up by the police. On approaching the concerned police station they got no information, nothing at all. For over a fortnight M's mother was in a flux, scared and worried, and kept praying for his safety. The neighbours had not lied... It was the police that kept them in the dark as about a fortnight later they read a local newspaper reporting a case of mobile theft involving four youths, one of whom was M. The police was approached again but to no avail. Not knowing what to do, M's mother came to B, a member of HAQ: Centre for Child Rights. M knew B since she works as a domestic

help in B's mother's house. It was found that while the other three young men (who were over 18 years of age) involved in the reported incident had managed to get a bail, M continued to be in Tihar jail.

The FIR listed his age as 19 years, when he was only 16 and the police had clearly failed in their duty to inform his parents as required by law. HAQ immediately moved an application in the court for transferring the case to the Juvenile Justice Board, commonly referred to as "Bachhon Ki Adalat" or "Bal Nyayalay", meaning the Children's Court that deals with matters pertaining children in conflict with law. M's school leaving certificate was submitted as the proof of age.

The case eventually got transferred to the JJB and M too was transferred from Tihar Jail to an Observation Home for Boys (OHB), which is the place where children in conflict with law are kept till their inquiry is over and the matter is decided by the JJB. Living in an Observation Home for boys was clearly not the best thing to have happened to M. This observation home was also a special home housing 'convicts'.

While M chooses to be silent on his experience in the OHB, his eyes are always telling. The first time M's parents went to see him, which was more than a month after being taken into custody by the police, there was no end to tears. It was unbelievable to find a boy, who otherwise displays a very macho image of himself, breaking down to no end.

Getting the child released on bail was the first step to be taken. Initially the persons in charge of the observation home where M was kept in judicial custody, refused to allow HAQ's lawyer to speak to him and hear his side of the story before the bail application could be drafted and filed. This was despite showing them a *vakalatnama* signed by M's mother for submission in the JJB. Fortunately, the Principal Magistrate in the JJB ensured that the lawyer was allowed to meet M and move on with the case. Getting the bail order was not much of a struggle for HAQ's lawyers. By this time HAQ had established a rapport with the JJB and had also made a proposal to the JJB for being allowed to provide legal aid to children in need. The bail order came through within two to three days of filing the application. But this was just the order for release. The actual release was an emotional trauma for the child and his family.

Finding someone to pay the surety amount of Rs. 5,000 was not so simple. M's mother had to part with whatever little she had managed to save all these years and requested her brother-in-law to file the surety, while she herself signed the bail bond. It took a week for all these formalities to be completed. Finally, having done all that, when M's mother reached the observation home to take her child back, the authorities refused to release him. According to the records sent to them by the police, there was yet another FIR against M implicating him for theft, and without any bail orders on that one, M could not be released. This was then cross-checked with the concerned police station. The observation home in-charge was convinced to release M only on hearing from the police station that no

arrest of M was shown in their records on an earlier date. It took fifteen days from the date of the bail order when M could finally reunite with his family.

In the meantime the police was questioned by the JJB, where they left no corners unturned to defend their action. Their defence was that M was a 'habitual offender' and that he was 'arrested' after the stolen property was recovered from him. They in fact produced another FIR against M as evidence of his being a 'habitual offender'. This was the same case which had created trouble with the observation home authorities at the time of M's release. What is difficult to comprehend is that how did one set of policemen from a particular police station check their records and refute the possibility of any prior arrest of M or a case against him, while another set of policemen from that very police station produced a FIR as proof of M's 'habitual' involvement in criminal activities? In the course of the inquiry, when HAQ's lawyer probed further, it was discovered that the M in the other FIR was a different person sharing the same name, who had been caught earlier for a similar offence. The police, in desperately trying to make M a 'habitual offender', played a terrible practical joke on him.

As the inquiry proceeded further, it was found that in the TIP (Test Identification Parade) also the police did not achieve much since the complainant had failed to identify M as the person who stole her mobile. The FIR was filed about 12 days after receiving the complaint of theft, and the police had shown recovery of the mobile from M three months later. Anyone in Delhi whose mobile has been stolen knows very well that those engaged in mobile thefts or a 'habitual offender' would never make the mistake of keeping the instrument with him to get caught at some point of time. There were sufficient grounds for the matter to be disposed off then and there, yet, M stood before the JJB seeking justice.

Well, the next inevitable step in the proceedings of the Board was M's age verification. This took days despite M producing an acceptable document of proof of age in the form of his school leaving certificate. All because the JJB has "traditionally and ritually" followed a procedure of cross-checking with the authorities signing on such documentary proof of age, be it the School Principal, the Chief Medical Officer (CMO) who signs on the bone-age verification test or any other concerned person. The School Principal was thus summoned in this case. Thereafter the police was summoned and questioned.

While the case is still pending disposal, the good thing for M is that as a result of effective legal representation, the JJB has dropped the charge of theft against him and now he is only being tried for stolen property found in his possession. It is over three years now since M's case came before the JJB. According to law, the inquiry should be completed within four months from the date of its commencement. Moreover, in the latest amendment to the JJ Act dated 2006, no child who is proven guilty, can be sent to a special home for more than three years, regardless of the nature of offence

committed by him/her. Given this, any delay in inquiry beyond three years should automatically lead to closure of the proceedings or inquiry. Since the law does not say anything to this effect, it is only too fair to seek such relief, which shall be the next logical and hopefully the final step, as by the time of the next date of hearing, the period of inquiry would have crossed three years.

Meanwhile, almost one and a half years since his previous case, M was picked up again by men in uniform from the same police station. They had no jurisdiction over the area where M and his family now lived, since they had shifted residence. This time he was taken by the police from his house at 4.00 in the morning, waking him up from his sleep on the pretext of questioning him about a person wanted by them. The police promised his mother that they would leave him in an hour or so. When M did not return until 9.00 a.m., the mother panicked and once again approached HAQ for help. She did not even know which police had taken away her son. A telegram was immediately sent to the Chief Justice of Delhi High Court and the Police Commissioner seeking action. Various police stations were visited by the HAQ team in search of M, including the one that had actually picked up M. But all of them denied having picked up any such boy. When M still did not return, a habeas corpus petition was filed in the High Court of Delhi. The matter was listed the very next day, whereupon the Court announced the hearing four days from then.

On the date of the hearing it was found out that the police had made a case against M under the Arms Act. The FIR said that M was found loitering at around 7.00 p.m. and seeing the policemen he started walking away hurriedly, which brought him under suspicion. It further added that when the police approached him they found him carrying a country made pistol and therefore booked him under the Arms Act. In the FIR this incidence was reported to have taken place one day (more than 24 hours) after M had been picked up by the police. And how, one wonders!

Once again M had been sent to Tihar Jail as he was made out to be a 20 year old boy. It was the same police station that was appearing in a case against him before the JJB and ought to have known that he is below 18 years, and therefore cannot be sent to an adult prison as per law. At least they could have checked their records or tried to ascertain his age as required by law before presenting his case to the Court for an order of judicial custody. If they could have implicated M in a false case, they surely knew who they were picking up and to that extent playing up M's age was deliberate.

In fact the police had also picked up M's brother, but when they came to know about the habeas corpus petition they got his brother released from the court having booked him for breach of peace under Section 151 CrPC. This is one of the most commonly misused provisions in law, misused not by people but by the police, often to their own benefit. The use and misuse of Section 151 of CrPC is an area for research by itself and can be left at that at this point of time.

M's parents were usually not concerned about his brother and had given up on him as he hardly spent any time at home. But as regards M, they have always been very sure that he can never commit a crime. While that was all for the court to decide, before the date of hearing, as soon as the police came to know of the habeas corpus petition, they started approaching members of HAQ and pressurized them to withdraw the case with a promise to get M released on bail. The pressure was from all possible corners, local politicians, senior lawyers, men in uniform and the list is endless. M's family had to be asked to move out for a few days. The police had somewhere down the line realized that their pressure tactics may not work, although they kept trying their luck till the last minute. Surely they had prepared their arguments for the court. On the day of the hearing there was great tension on both sides, but the state counsel bailed the police out.

The state counsel made a written submission to the Court along with a copy of the FIR in this case, and of course, once again, other FIRs to make their point of M being a 'habitual offender'. In the decision, the matter was transferred to the JJB, taking into account M's age proof. The FIR, the date of incidence in the FIR, the arbitrary action of the police as well as the fact of sending a child to Tihar Jail, none of these were questioned. There was not a word of caution either for the police. The same saga of M being sent to an observation home for boys, bail and surety, age verification etc. followed thereon. The case is pending inquiry and is stuck at the stage of age verification because this time M's School Principal has failed to appear before the Court and testify the fact of age. The JJB is well aware that the Delhi High Court Bench in the habeas corpus petition had transferred the case to them on the basis of M's age proof. Moreover, the earlier case against M, which is still pending inquiry, is also in the knowledge of the JJB, where there is substantial recorded evidence of his age. Yet M will have to wait another eight months for the next date to appear before the JJB and until then, his age verification also remains pending. In these circumstances it would be rather silly to expect the police to file the charge sheet in the stipulated period of 60 days. This is a special case where the police is in the wrong and is therefore likely to take its own sweet time to file the charge sheet. But even otherwise, in most cases charge sheets are delayed (beyond six months and sometimes even longer), and there is no legal provision which says that cases should be closed if the charge sheet is not filed within the stipulated time.

M in fact is one of those fortunate boys who are able to get some legal assistance. There are many more who have no one to defend them and therefore continue to appear before the JJB, hearing after hearing, with a hope that some day their plight will be addressed.

Out on bail after spending over a month in an Observation Home for Boys run by a NGO, M is now working at a general store and has managed to keep aside his anger against the police, the judiciary, the officials in the

observation home and peers who troubled him the most. Finding a job was not easy for him. He actually wanted to acquire some life skill training that would help him fetch a job. The only thing he had learnt while he was in the observation home was some stitching and tailoring. He was willing to continue to learn that. But with very little education, lack of vocational training institutions that would take in a class IV school drop out and criminal cases pending against him that was quite difficult. All of this has taken its own toll on M. His mother at one point of time complained that he was taking some drugs, while M admits that he only smokes a plain cigarette. It would be wrong to assume that M's frustration and anger is taken care of now that he has started working. In fact the anger has set in forever and unless dealt with appropriately, it may shoot up anytime in a manner detrimental to his very existence. M has just turned 18 this October and fears that the police might come back again in his life, this time with a vengeance for having dragged them into the court. An application has also been filed in the Delhi High Court for quashing of the FIR, which is about to come up for hearing soon. This has already started creating trouble for M as he was recently approached by two men asking him to withdraw the case. People are not born criminals; it is the system that creates them. Clichéd as it may sound, it is a fact. Well that is clearly evident in M's case. If this time he is again arbitrarily caught by the police, nothing can stop him from turning into a hardened criminal. And M is not the only one of his kind. There are many others like him, picked up by the police every now and then for theft or other petty offences, only to be struggling for justice endlessly despite enough evidence to the contrary.

HAQ: Centre for Child Rights

LAW AND ITS IMPLEMENTATION

Besides lack of data, the problem lies both in the law and its implementation. The juvenile justice law seems to have been framed by some law enforcement officials to suit their needs. The fact that it allows the Criminal Procedure Code (CrPC) to be followed in dealing with matters concerning children, is in itself questionable. In a criminal justice system that does not establish distinct and specific legal procedures for children, there is bound to be a problem in ensuring juvenile justice. Reliance on CrPC allows the police and the judiciary to follow conventional legal procedures, many of which have anyways drawn flak for violating human rights values and principles. There is no purpose served by the juvenile

justice law if it continues to rest on criminal procedures followed for adults. As a result the attitude of the police and the judiciary does not change towards children and it becomes difficult for them to understand the very spirit of a legislation on juvenile justice. The need for FIRs, filing of charge sheet, unnecessary procedures for age verification, conventional methods of bail, an inquiry which is nothing less than a trial etc., all become a necessity in such a situation, which otherwise can be replaced with child-friendly procedures, at least in matters where the alleged contravention of law by the child is not grave and serious.

Problems galore! Endless procedural delay and the system's aversion to using the law creatively forces people to give up. There are children who languish in observation homes for years and months on end. Bail is a matter of right and more so in the case of children, where the juvenile justice law overrides the CrPC clearly providing for bail irrespective of whether the alleged offence committed by the child is bailable or non-bailable. But bail actually has become a prerogative of a few who can afford it, who have someone to legally represent them and more importantly whose parents are informed about the case or are available to be able to find a lawyer and sign the *vakalatnama* to move a bail application. Children do not have the legal capacity to sign on their own *vakalatnama* but the CrPC allows appointment of a lawyer as 'amicus curiae' to take the case forward. This provision can be applied where parents are not available. Somehow the JJBs have failed to do so and the law is silent on how long should the JJB wait for parents/guardians to be traced out. Sometimes the parents get disillusioned with adjournments and stop attending the JJB proceedings. There is no provision to reimburse the travel of poor parents who have to come to the JJB several times before they can get their child released. At times the complainants don't want to pursue the matter further and stop coming to the JJB. It is also true that children who have been released pending inquiry may stop attending the hearings as they need to carry on with life and may have even shifted residence to avoid receiving the summons.

The law has undergone amendments thrice since it came into existence in 1986. Over the years it has seen many changes, including in the use of terminology. Yet there is much to be achieved, which is possible only if the spirit and the principles of juvenile justice are well understood and internalised.

The Central Model Rules framed by the Central Government for implementation of the law emphasize on use of non-stigmatizing semantics, decisions and actions as a fundamental principle in the development of strategies, interpretation and implementation of the law. Principle 5 of the Model Rules clearly states, "The non-stigmatizing semantics of the said Act must be strictly adhered to, and the use of adversarial or accusatory words, such as arrest, remand, accused, charge sheet, trial, prosecution, warrant, summons, conviction, inmate, delinquent, neglected, custody etc.

is prohibited in the process pertaining to the juvenile or child under the said Act". The preferred words in the legislation therefore are 'apprehension' instead of arrest, 'inquiry' instead of trial, 'children in conflict with law' in place of juvenile delinquents, 'special home' instead of 'remand home' and so on. A simple reading of the Act and the Rules however reflect just the opposite. The lack of political will to change and the restrictive attitude and mindset of the government is quite visible in the continuation of use of the terms like 'detention' and 'release' as if the child is a hardened criminal who needs to be incarcerated if not released otherwise through due process of law. This cardinal principle of non-stigmatizing semantics and action holds no meaning as long as the procedures of the Criminal Procedure Code (CrPC) are to apply in matters of juvenile justice. Under the CrPC, the charge sheet, trial, prosecution, warrant, summons, conviction etc. are all inevitable. This inherent contradiction in our juvenile justice legislation has therefore failed to address the problem and children continue to be sent to 'JC i.e. judicial custody' in the orders passed by the JJB instead of being placed in safe custody as required under the law.

HAQ: Centre for Child Rights

DRAFT REPORT SUBMITTED BY HAQ: CENTRE FOR CHILD RIGHTS TO NCPCR, KARNATAKA (AUGUST 2007)

Observations and findings: Juvenile justice in the state

Karnataka has 29 districts. At present there are eight JJBs and twenty-eight CWCs in the State. 14 more JJBs are reported to have been approved and sanctioned. While the Finance Department was reported to have turned down the proposal for 14 new JJBs, the Director, DWCD, Karnataka assured that these JJBs would be functional within six months.

The CWCs operate from the children's homes and the sittings of the JJBs are held within the court premises, except in Bangalore.

Out of 140 members appointed to the 28 CWCs in the State, 47 are women. As far as the 8 JJBs are concerned, of the 16 social worker members, 10 are women.

Number of institutions in the State for children coming under the purview of JJ Act is as follows:

322 *My God is a Juvenile Delinquent*

| Child Care Institutions recognized u/s 34(2) by the Government | | Children's Homes and Special Homes run | | Observation Homes of JJ Act | |
|--|------------------|--|---|-----------------------------|-------------------------------|
| Destitute Cottages# | Voluntary Organ. | Run by the Government | Fit Institutions run by voluntary | Observation Homes only | Observation cum special Homes |
| 330 | 681 | 19 for Girls + 27 for boys = 46 | 16 recognized under the earlier Act + 16 under the 2000 Act | 6 | 2* |

#(under organizations the scheme of welfare of children in need of care and protection – through Zilla Panchayats)

*(The Observation Home next to Madivala Police Station, Hosur Road, is also the special home for girls. The Observation Home in D.C Compound Dharwar is also the special home for boys.)

In addition there are four after care homes only for men. The after care homes are meant for children in need of care and protection once they turn 18 years and still need state support for social re-integration. There is no 'place of safety' defined under Section 2(q) of the Act.

Source: List provided by Karnataka, DWCD

Number of children present in children's homes run by the government and fit institutions run by voluntary organization as provided to the NCPCR visiting team is as follows:

| Period | Children's Homes | | Fit Institutions | Total |
|------------------------------|------------------|-------|------------------|-------|
| | Boys | Girls | | |
| 2004-05 | 1380 | 849 | 643 | 2872 |
| 2005-06 | 1340 | 882 | 645 | 2867 |
| 2006-07 | 1498 | 908 | 717 | 3123 |
| 2007-08 (Up to June 2007) | 1442 | 912 | 718 | 3072 |

Being both a sending and a receiving State, Karnataka has received many children from other States who may have come there in search of employment or are run away children or trafficked. Without information on the number of children restored to their families, it is difficult to come to any conclusion on the status of children in need of care and protection in Karnataka.

As is evident from the above data, the number of children in need of care and protection in Karnataka seems to be on the rise. To add to this, data provided by the Police Department reveals that 19,106 children were

reported missing from the State in the last five years (2002-2007), of which 51.5% were girls and 48.5% were boys.

So far there has been no comprehensive study to enumerate the number of children in need of care and protection and children in conflict with law in the State. Even though children in need of care and protection are a floating population, the Department agrees that their database is poor and realizes that there is need to maintain some record of children and their movement. Within Karnataka, most children move from the north Karnataka districts (Raichur, Belgam, Gulbarga) to Bangalore, Mysore and other such cities and townships. Hoobly was said to be a transit point. One of the problems brought to the notice of the NCPCR team in maintaining data is that it involves about four or five departments. Karnataka DWCD is however, in the process of preparing formats for collecting data on children in need of care and protection and children in conflict with law on a monthly and quarterly basis. On 28 July, 'Missing Child Search' was launched by a child line NGO BOSCO and Karnataka DWCD.

Data on the number of children in conflict with law as obtained from the Karnataka DWCD and the Police Department is as follows:

| Year | Karnataka DWCD – children in Observation Homes | Police Department – children in conflict with law | Difference between children in conflict with law apprehended by police and children kept in observation homes |
|-----------------|--|---|---|
| 2004-05 | 84 | 66 | 18 |
| 2005-06 | 87 | 78 | 9 |
| 2006-07 | 105 | 68 | 37 |
| Up to June 2007 | 90 | 46 | 44 |

It is difficult to assess the exact situation of children in conflict with law from the above data as information regarding disposal of cases by police and the JJB is missing. However, on the basis of available information, the difference between children in conflict with law apprehended by police and children kept in Observation Homes may be taken as a reflection of poor rate of disposal of cases or lesser number of children being released on bail post 2005-06.

Disposal is directly related to the inquiry, where the Probation Officers have a critical role to play since their reports about the child's social background, and circumstances is considered by the CWCs and JJBs for arriving at a decision. In a written response to questions asked by NCPCR, the State Department puts the number of Probation Officers (POs) assisting the CWCs and JJBs in inquiry and social investigation report throughout

the state at 27. The response also points out that these POs work out of the children's homes. In that case how do they handle matters connected to the JJB/Observation Homes is a matter of concern. Governments and child rights activists across the world have time and again reiterated the need for early disposal of cases involving children and insisted on alternate forms of care and protection other than institutionalisation.

Alternate forms of care and protection available for children in the state include foster care, sponsorship programme for placing children in the care of families, guardianship and adoption. The Karnataka DWCD provided the NCPDR team data relating to adoption only. Moreover, despite some discussions with CWC members and other functionaries of the Department, the distinction between guardianship and foster care/adoption is not clear.

Between 2004 and up to June 2007, 31 children in the entire State are reported by the police to be abandoned. Many of them may have perhaps already been given into adoption or placed in some other form of alternate care. The number of children given in adoption in the last three years, as provided by Karnataka DWCD, is as follows:

| Year | In-country | Inter-country | Total |
|---------|------------|---------------|-------|
| 2004-05 | 84 | 66 | 18 |
| 2004-05 | 192 | 60 | 252 |
| 2005-06 | 206 | 52 | 258 |
| 2006-07 | 180 | 52 | 232 |

There are 14 adoption agencies in the State, of which seven are recognized by CARA for inter-country adoptions and 7 for in-country adoptions. There are two scrutinizing agencies, both based in Bangalore. Since the State Department promotes adoption in a big way, its officials feel that one government run children's home in each district should become an adoption agency, though they need to be equipped with necessary training and skills to fulfil that role. While successful adoptions are a measure of permanency planning for some children, illegal sale of children has been a matter of concern. At one point of time, Karnataka came into news for the Lambada women selling their babies. Unfortunately not much information could be obtained on the situation of adoption in the State. The NGOs met however, strongly feel the need for greater scrutiny, vigilance, and follow-up with respect to every adoption. With the Juvenile Justice Act now allowing dealing with adoption of not just abandoned and orphaned children but also surrendered children, the need for adequate measures to ensure proper adoption through due course of law become even greater. The NGOs also strongly feel that all surrenders should be made before the CWCs, since many cases of illegal surrenders have also come to light in the past and this paves the path for illegal adoptions. The

NGOs also suggested group foster care as another alternative that needs to be explored and tried.

Registration of child care institutions under JJ Act, as amended in 2006

Institutions providing residential care are so far registered under the OCH Act. Their registration under the JJ Act as amended in 2006 has not yet taken place. Karnataka DCWD reported that this will be done only after the JJ Rules are amended.

Advisory Board and Juvenile Justice Fund as per JJ Act

The concerned State Minister heads the State Advisory Board for Women and Child Development. The Director, DWCD is the Member Secretary. There are three non-official members on the State Advisory Board, of whom one (Ms. Nina Nayak) was met by the NCPCR team. There is no process of selection for the Advisory Board. Karnataka DWCD gave the names of the members to the Chief Minister and on receiving his approval, passed the necessary orders for constitution of the State Advisory Board.

At the District level, the Inspection Committees meant to be set up u/s 35 of the J.J. Act, work as the District level Advisory Boards. The Deputy Commissioner appoints the non-official members for the District level Advisory Board. Not much information however, could be procured on District level Advisory Boards due to time constraints.

As regards creation of the Juvenile Justice Fund required under the law, only the management board of the fund has been constituted. Karnataka DWCD has sought clarification from the Finance Department on various aspects related to the fund such as how this fund is to be operated, who is to maintain it, will there be any contribution from the Central Government and how?

State Department of Women and Child Development

The Department of Women and Child Development, Karnataka, is the nodal agency responsible for juvenile justice issues in the State. However, the Director, Mr. Anwar Pasha and other officials of the Department are of the view that their Department is overburdened. Juvenile justice is just one of the many other issues the DWCD is responsible for. There are several flagship programmes to implement such as the ICDS. Therefore, given the extent and intensity of juvenile justice issues, there should either be a separate department responsible for it or an extension with new posts and responsibilities.

The State Department (DWCD) has a budget of Rs. 10 crore for implementation of programmes relating to juvenile justice. During 2006-07 Rs. 378.54 lacs was allocated for destitute cottages, but the expenditure up to March 2007 was Rs. 338.98 lacs, resulting in unspent balance of Rs.

39.56 lacs. Rs. 360 lacs were allocated for the Centrally Sponsored Scheme called the ‘Programme for Juvenile Justice’ and only Rs. 190.56 lacs was spent in that financial year, leaving a balance of Rs. 169.44 lacs. This scheme is for maintenance and staff salary of 14 children’s homes and maintenance of all children’s homes in the State. If the cost of maintenance of children is Rs. 500 per child, going by the number of children in all children’s homes in the year 2006-07, the expense on children amounts to Rs. 15.62 lacs. One wonders if the rest (Rs. 360 lacs – Rs. 15.62 lacs = 203.85 lacs) is all for staff salaries and maintenance of the institutions because the findings from the Bangalore visit (given below) clearly point to lack of adequate staff, and maintenance of homes is said to have been done by the Public Works Department (PWD) rather than the State DWCD.

There is under-spending to the tune of Rs. 86.93 lacs even in the budget allocated for Observation Homes and special homes. The allocation in 2006-07 for Observation Homes and special homes was Rs. 858.37 lacs and expenditure was Rs. 771.44 lacs. The budget for children’s homes comes under the plan category, but that for Observation Homes and special homes comes under non-plan category. While all underspending is a reflection of bad planning, bad budgeting and poor implementation, underspending in a non-plan scheme is a clear example of callousness and lack of interest in child protection.

Ironically, despite the number of children in need of care and protection being far greater than the number of children in conflict with law, the State share of the budget for children’s homes is far less than the state’s budget for Observation Homes and Special homes. Since children’s homes are maintained through a Centrally Sponsored Scheme it may be assumed that the total budget for the programme for juvenile justice for Karnataka was double of Rs. 360 lacs i.e. Rs. 720 lacs in the year 2006-07, the Centre-State share being 50:50. Even then it is much less (Rs. 138.37 lacs less) than the money allocated for Observation Homes and special homes.

Police Department

The police are often the first people to come in contact with children in need of care and protection or children in conflict with law. Their role is hence very critical in ensuring social justice. Some of the NGOs and social worker members of JJB in Bangalore reported that **the police often tortures children in conflict with law. It was added that they tend to arrest children again and again.** Even where children have not done anything but are associated with some criminals or were part of the group indulging in a criminal activity, they are caught by the police and brought into the JJ system. The police also tend to play around with the age of the child. They lack sensitivity and need regular training.

Information received from the DGP office reveals that following a discussion in a meeting convened under the chairmanship of Justice V. Gopala Gowda on 9 April 2007 to discuss the problems of Juvenile Justice

Board, a circular dated 12 June 2007 was issued to all the police unit officers for constituting SJPU as required u/s 63 of JJ Act, 2000. While the police department and NGOs working with SJPU in Bangalore claim that the child welfare officers have been appointed at every police station level as per the requirement of law, the Principal Magistrate of JJB in Bangalore challenged this claim. He added that there are 7000 vacancies in the police department and the police officers are not trained on how to deal with children. A request has also been made by the DGP office through the circular dated 12 June 2007 to all police unit officers for issuing necessary instructions to investigating officers for filing proper charge sheets early. This was because in the discussions in the meeting dated 9th April 2007 had pointed out that separate charge sheets against juveniles in conflict with law were not being filed where there are other adult accused involved with them, and non-filing of proper charge sheets as well as delay in filing charge sheets was resulting in pendency of cases before the Juvenile Justice Boards. Problems regarding non-availability of police escorts for transfer of children or their repatriation were also brought to light by the CWCs met by the NCPCR team in Bangalore.

BANGALORE JUVENILE JUSTICE BOARD

There is one Juvenile Justice Board in Bangalore, which sits only one afternoon in a week – 3.00 to 5.00 p.m. There is a special order requiring the JJB to sit for two days in a week, but due to lack of staff and infrastructure facilities, they are unable to follow the order.

The Principal Magistrate (PM) is the Chief Metropolitan Magistrate (CMM). The two social worker members are associated with two NGOs, Echo and Alternate Law Forum respectively. About 1,500 cases are reported to be pending before the JJB. Some are dated year 2000 and 2002. The reasons given for this are as follows:

- Lack of staff such as typist, reader, peon etc.
- No prosecution services are available
- Charge sheets are delayed (beyond six months and sometimes even longer)
- There is no legal provision which says that cases should be closed if the charge sheet is not filed within the stipulated time
- Child's parents/guardians cannot be traced and therefore there is no one to sign the *vakalatnama* for the case to move forward
- There is only one JJB for four districts
- Parents are not interested in taking children back

- Social worker members of the Board have no authority to deal with the cases, they have no understanding of how to read the statutes, they don't know how to record evidence and keep the files moving
- Parents get disillusioned with adjournments and stop attending the Board's proceedings after some time. There is no provision to reimburse the travel of poor parents who have to come to the Board several times before they can get their child released.

The Principal Magistrate said that there is no time period stipulated in the JJ Act within which the Social Investigation Report (SIR) should be filed by the Probation Officers and hence matters get delayed. However, it is well within the powers of the Principal Magistrate to specify the date for submission of the SIR while making an order for SIR.

While the Board has often held discussion with the Directorate of Prosecution to provide prosecution services, it has been refused on the grounds that prosecution is required only in the case of trials and since the JJ Act talks about holding an 'inquiry' and not a 'trial', no prosecution services were required. Case records are not properly maintained as there is no staff trained to maintain legal records. According to the Director, DWCD, Mr. Anwar Pasha, case records used to be maintained by the judiciary earlier, but now this is expected of the administration. Files were therefore transferred about six months ago and it takes time to start afresh.

Bangalore JJB members were of the opinion that the Board would be required to sit everyday for **at least six consecutive months in order to clear pendency of cases**. It was voiced that till such time that additional Boards are set up some ad-hoc mechanism should be put in place to deal with pendency of cases. All members of the JJB strongly feel that the Karnataka High Court needs to be requested to appoint a Judicial Magistrate of First Class (JFMC) as the Principal Magistrate of the Board. This is not only the requirement of law but also the need as the CMM/PM has many other responsibilities. Besides regular court work, he is also the Director of Legal Services Authority. The social workers too demand enhancement of TA/DA. At the moment they are paid Rs. 150 per sitting and travel is reimbursed at Rs. 3.00 per km.

Social Investigation Report/Home study and Number of POs

While a Social Investigation report is required for a child in conflict with law before any decision can be taken, a home study is required for children in need of care and protection in order to facilitate a decision in the best interest of the child. These reports are prepared by the Probation Officers (POs) and hold a very critical value in the course of any proceedings of the JJB or CWC. It was reported by NGOs and members of the JJB that vacancies for POs were not filled up and seeking assistance from NGOs in completing social investigation/home study was not acceptable to the State Department. There is a dispute on the number of POs appointed for the

JJB. While some of the functionaries of the State Department say that two POs have been appointed exclusively for the JJB, the officials in the State Department informed that the Juvenile Service Bureau has 9 POs, of which 3 POs are for JJB alone. On the other hand, information available from the State Department on paper says, "Probation Officers working in children's homes are assisting both CWCs and JJBs in conducting inquiries and preparing social investigation reports". To add to this confusion, the Bangalore JJB members say that they have no POs for the JJB. Ever since the law brought within its purview boys aged 16-18 years also (post the 2000 amendment in JJ Act), the need for personnel has increased manifold. Allegations that the State Department has no money to pay salaries and hence it does not appoint necessary and trained staff were however, refuted by the State Department.

Homes for children in conflict with law

Children in conflict with law are sent to the Observation Homes pending inquiry. THERE IS ONE Observation Home for Boys (OHB) in Bangalore covering 4 districts (plus two new districts that have been notified recently).

There is no Observation Home for girls in the whole state of Karnataka.

It is said that there are very few girls in conflict with law and therefore no Observation Homes have been created for them. These girls are sent to the same place that is meant for adult women (the women's reception centre). The members of the Board however feel that while there are only two or three girls in conflict with law in Bangalore as on date of the visit, sometimes there may be more; and in any case there needs to be a separate facility for these girls even within the reception centres meant for women. According to the Juvenile Justice Board, classification of children as required by law was lacking, except by way of providing children of different age group a separate place to sleep.

Education and vocational training for children

Education is every child's fundamental right, irrespective of the conditions in which the child lives. In fact, while in institutional care, it becomes an even greater responsibility of the state to ensure that their right to education is not denied.

The State Department of Women and Child Development (DWCD) is reported to have taken a decision to send children in need of care and protection to formal schools and in 19/90 children's homes in the State, children are already going out to formal schools. Evidently, both formal and non-formal education is provided to children in the children's homes, except the CIC where they come only for a short period. On the other hand, the situation of children in conflict with law needs attention as they are not allowed to go to a school and besides some short-term vocational training programmes there are no provisions for school education inside the observation homes. This is true of most States.

Counselling

About one and a half months back, a nine year old came into the Observation Home in Bangalore under charges of murder. This child was going to school and is said to have strangled a classmate of his to death in a fight over a pencil. While the case is pending inquiry, the child is in the Observation Home and his education has discontinued. The Principal Magistrate is not in favour of releasing the child. If every child in the juvenile justice system is the responsibility of the State, individual care plans and counselling should become an essential part of child welfare initiatives meant for such children. Counselling requires both time and trained personnel, which as of now is not adequately available in the children's homes as well as the observation homes.

Only the CIC reported that counselling is provided to every girl through a full-time counsellor (MSW) appointed by the DWCD and counselors from some NGOs on Tuesdays and Saturdays. **The government** counsellor has been appointed for eight institutions at a salary of Rs. 8,000 and hence she **comes in only on Saturday afternoon**. The NGO counsellors come on Tuesdays and Saturdays. They are from three NGOs, namely, Life Trust, Oasis, Prison Ministry of India.

There are 14 psychiatric patients in the children's home for girls. It is assumed that a person with a Master's Degree in Social Work (MSW) is also a counsellor if they have studied psychology. However, the counselling needs of every individual child in the system cannot be addressed through MSWs. Counselling was said to be required even while placing a child in adoption/foster care in order to ensure that the child does not develop adjustment disorders. Karnataka Legal Services Authority is willing to support the cost of volunteer counsellors. NIMHANS needs to be tapped by the State Department for making volunteer counsellors available. Ms. Shoba Srinath of NIMHANS assured the NCPCR that NIMHANS is willing to empower DWCD functionaries with skills on how to deal with children. She was of the view that all promotions of concerned functionaries should depend on the skills acquired by them, trainings undergone and number of refresher courses attended. She stressed that the place where children live should be therapeutic in itself by ensuring a conducive ambience and environment necessary for the growth and development of children, both those in need of care and protection and those in conflict with law. In a meeting called by the Minister, NIMHANS had offered training opportunities for DWCD functionaries and they are open to link up with the Department in this regard. They just require a letter from DWCD referring to that meeting and seeking training inputs from NIMHANS. As regards volunteers, counsellors, Ms. Srinath suggested that students from colleges such as the Mont Ford College of Counselling can be approached to provide voluntary service and KLSA can pay them a little honorarium by way of covering their travel costs. She further asked the DWCD official accompanying the visiting NCPCR team to also meet Dr. K. Shekhar (Ex-

HOD, Psychiatric Social Work Department, NIMHANS) and Dr. R. Parthasarathy, (HOD of Psychiatric Social Work Department, NIMHANS) for volunteer counselors. The tie-up between Karnataka DWCD, NIMHANS and KLSA can meet the need for counselling services.

Legal Aid for Children

Two lawyers from the Human Rights Law Network (HRLN) have been providing free legal aid to some children in conflict with law in Bangalore. The NGO Echo too provides legal aid to children. An advocate from the Centre for Child and Law, NLSUI used to help the CWC headed by Ms. Santhosh Vaz with all the legal matters.

“A girl from Ajmer has been in the girls’ home for 12 months. Now she has come to terms with it. There is no one to trace her family.”

“One boy has his address written on his arm, but no one to escort him back”

“CWC Patna refused to keep a child transferred to them from Bangalore because they discovered that the child belonged to Nepal. They wanted to send the child back to Bangalore”

- Comments of the Members of Child Welfare Committees,
Superintendent of Homes, Probation Officers and other functionaries

Transfer and restoration to other States

Functionaries in the institutions reported the following obstacles in ensuring transfer of children and their repatriation to their places of origin:

- Lack of finances to meet the cost of travel of the child and the escort.
- Lack of support from the police by way of availability of police escorts.
- Success in tracing children’s families depends on individual contacts of the members of Child Welfare Committee. It is not institutionalised.

While transfer of girls in the CIC was reported to be smooth with the help of an escort, that did not seem to be the case for boys or girls in other care institutions. **Many boys were reported by the boys’ home to be languishing there for want of a police escort.** Also, while the girl’s in the CIC were reported to be escorted either by a staff of the CIC or an NGO escort, in the case of boys, police escort seemed to be a necessity.

Infrastructure

The institutions visited looked fairly newly painted and well maintained. On inquiring further it was revealed that the buildings have been renovated about a year ago by the Public Works Department (PWD). The State Department does not seem to have adequate resources for development and maintenance of buildings and infrastructure.

A constant complaint from members of the JJB, particularly the

Principal Magistrate was that there are no infrastructure facilities and staff for the JJB, which is given a hall within the premises of the Observation Home for boys to operate from. This was also reported to be one of the reasons for not being able to maintain records and hold the proceedings more frequently for early disposal of cases. State does not have adequate finances to meet the infrastructure requirement. It was pointed out that the State DWCD had sanctioned 14 new JJBs but the Finance Department had rejected the proposal and hence there was no money to set up the additional JJBs.

Staffing

On the issue of posts lying vacant, it was pointed out that up to the level of Jt. Director, promotions can be given within one month. Lower level posts can be outsourced by the Finance Department. DWCD has 7,000 staff strength. Staffing for juvenile justice is being looked into and addressed by way of general transfers of persons interested to work on child protection on juvenile justice issues.

Training

Most Magistrates were reported to be unaware of the Juvenile Justice Act. Three workshops and seminars were conducted for judges by the State Judicial Academy last year. The Principal Magistrate of the JJB has attended a training programme organized by the National Judicial Academy, one by NHRC and one more programme, which he was unable to recall. A consultation too was held for sensitisation of the judiciary by the National Trust along with the Legal Department. Yet, a lot needs to be done to ensure that the magistrates and judges are aware of the JJ Act and understand it well.

As regards the CWC members and the social worker members on the Juvenile Justice Board, all learning is reported to be on the job. One of the social worker members also reported that UNESCO organizes some training but that is not sufficient. The previous CWC seems to have called the new members of the CWC before the end of its term to witness the CWC proceedings and learn from it. This has indeed been a good practice in Bangalore.

Not only is there a need for greater clarity on roles and responsibilities, there is a constant need for updating the understanding and application of laws related to children, particularly the Juvenile Justice Act. Equally important is the training of all officers and functionaries that are part of the State Department of Women and Child Development, since DWCD is the nodal department. Some officials in the department admit that a child-friendly approach is lacking in their staff. Details of training for staff are promised to be provided by the Department through e-mail. Training of police is also essential and it was pointed out that juvenile justice has to be integrated into the curriculum of the police training schools as one full

fledged, separate and distinct subject and it should be compulsory for all under-trainees to clear the examination paper on juvenile justice before they can be recruited. The Police Academy should also hold trainings for officer rank police personnel.

Special Juvenile Police Unit (SJPU)

There is a SJPU in every district. Three NGOs - Echo, Bosco and APSA have taken the lead in Bangalore on ensuring establishment of SJPUs in three divisions i.e. East and Centre (Echo), South East (APSA) and South (Bosco). They are closely assisting the SJPUs in rescue operations, home inquiry and rehabilitation of rescued children. Echo has rehabilitated 50 children by training them as traffic control police and tying up with the traffic police for temporary or permanent placement. These SJPU lead organizations are also either members of the Child Welfare Committee or the Juvenile Justice Board.

Drugs and substance abuse

Many children in need of care and protection and those in conflict with law are victims of drugs and substance abuse. Erasex has become a menace. Various reports of NIMHANS suggest that *gutka*, *Fevibond*, petrol, glue, mixing paracetamol with coffee etc. are some of the other most common forms of substance abuse.

However, the institutions under the JJ Act are not equipped to deal with drugs and substance abuse. There are no specialized de-addiction programmes within the institutions. For children in conflict with law, accessing de-addiction services outside the institution is also not possible. Karnataka DWCD runs a scheme for prevention of alcoholism and substance (drug) abuse. However, it is not known whether children in institutional care requiring de-addiction have availed any benefits of this scheme. Perhaps there is need to probe into the linkages and make convergence of services possible within the Department itself.

Terminology used

In the boys' home, it was said that they receive about 600-700 boys every year. They have already received 306 boys since April 2007 and 26 have been "committed" in institutions. While the authorities realize that 'committal' is not an appropriate term to be used going by the letter and spirit of juvenile justice, they continue to use such terms. Even the Annual Report of Karnataka DWCD uses the term 'correctional services' for programmes and schemes relating to juvenile justice.

Monitoring the functioning of institutions and implementation of JJ Act on 12 June 2006, Justice Mohan Shantan Gouda was appointed by the Karnataka High Court to oversee the functioning of the JJ Act, including institutions meant for children. Justice V. Gopala Gowda, Executive Chairman of the Karnataka Legal Services Authority (KLSA) is also

reported to have been asked to look into juvenile justice matters.

Some more issues that emerged from the discussions with NGOs The discussion with NGOs working in Bangalore and other parts of Karnataka brought out the following areas of concern.

As far as children in conflict with law are concerned, the NGOs questioned the necessity for a judicial process in cases involving children. There was a unanimous voice for application of the 'principle of diversion', a greater role for SJPU's instead of regular police in dealing with children, and need for procedures, guidelines and protocol for ensuring diversion. **Solving cases at the police station level itself as far as possible**, without pushing children into rigorous judicial processes was suggested as a possible solution.

Institutions need to be fit for children, not only in terms of space and infrastructure requirements laid down in the law/rules, but also in terms of providing necessary care and rehabilitation services to every child. Children's health care in institutions is another area that needs to be looked into. There are lots of children with special needs and doctors do not want to touch them. There are no specialized services for the mentally and physically challenged children in institutional care. Some institutions bring children from neighbouring schools to show that they have met their target strength.

Instead of institutionalising children by way of keeping them in a protective environment, protection mechanisms should be developed at the community level itself.

The child line service needs to expand to every district.

The CWCs should spend time in the Taluka's also once in a while.

NIPCCD should be strengthened to address child protection issues.

Karnataka has a few good examples of civil society's involvement in the education programme of the government. Adopting a government school is one such programme area where greater involvement of the civil society (including community based organizations and individuals) needs to be promoted. The bottom line is that involving the community is essential and also a more sustainable and viable option to institutional care.

In 2004, the Karnataka Juvenile Justice Forum was set up where Government organizations and NGOs come together once in every two months to discuss matters concerning child protection and juvenile justice.

Repatriation of children across national borders is a problem as it involves consulates and requires strong networking between the governments and the NGOs in both the sending and receiving countries to ensure that the child is successfully repatriated.

Children need to be informed about the JJ Act and their rights. Child rights should be made part of the school curriculum as part of civics/general knowledge/value education.

Creating youth mentors is a good practice. (These are called peer educators/street educators in some states).

NCPCR should also consult children.

Budget allocation for children is not a priority. NGOs alleged that neither are the allocations sufficient, nor does the State Department have a plan for spending. According to them there is need for a writ in the Supreme Court to ensure allocation of sufficient funds for implementation of the Juvenile Justice Act.

Areas of possible linkages

A meeting with Justice V. Gopala Gowda, Executive Chairman, KLSA clearly brought out that KLSA is willing to support the State Department by way of paying up for counselling services and providing lawyers for legal aid for children as well as for creating awareness on child rights. In fact, Justice V. Gopala Gowda asked the representative from the State Department accompanying the NCPCR visiting team to identify the number of children requiring counselling and legal aid and assured that KLSA would arrange for it. He also said that the NCPCR should recommend that lawyers from KLSA be attached to the JJBs and CWCs. KLSA is trying to reach legal awareness to the villages through a mobile 'Legal Chariot' w.e.f. 23 September 2007.

They have involved lawyers, law students, local artists, *gram panchayat* members in this campaign and will be holding street plays. The issues to be covered include education, malnutrition, child marriage, women's rights and how they have been denied their rights etc. As regards counselling, KLSA's experience in the past has been that despite announcing to pay some honorarium to counsellors for their services, no counsellor/NGO has come forward.

National Institute of Mental Health and Neurosciences (NIMHANS)

NIMHANS being based in Bangalore itself can be roped into the picture for meeting the need for trained counsellors and sensitive staff in the institutions. A tie-up between Karnataka DWCD, KLSA and NIMHANS along with other agencies and institutions that may be interested in fulfilling the counselling needs of children in the juvenile justice system will certainly be a step ahead.

Centre for Child and Law (CCL) – National Law School, Bangalore, (NLSUI)

CCL-NLSUI needs to be tapped for meeting the training and capacity building needs as well as research and documentation.

Generating Database

As has been pointed out earlier, various departments need to come together for creating and maintaining a database. All CWCs and Child Line Organizations should be connected online.

Need for a holistic approach

A holistic approach to juvenile justice alone can bring a change. It should not only help children who come in contact with the juvenile justice system but should also address the root causes of the problem by reducing vulnerabilities and empowering families. In fact there is no linking up with other services of the government for reducing vulnerabilities of the families, because of which children stand at risk.

HAQ: Centre for Child Rights

JUSTICE: DELIVERY AND DELAY

Where does the problem really lie in justice delivery? Why the delay? What makes the police and the judiciary so insensitive? Why do children in conflict with law continue to be treated as criminals when the principles of juvenile justice do not attribute “culpability” to children (persons below 18 years of age)? Why is it so difficult for children to get released on bail while adult criminals find it so easy? Is institutionalization really necessary? What about alternative correctional measures just as we have adoption, foster care and sponsorship as alternative care models for children in need of care and protection? Do these children have a present and future to be addressed? How? Can they really ever be reintegrated into the mainstream society? What is being done in this regard and to what effect?

These are some of the questions that M’s story and the stories of other such boys throw up.

In the last three years, HAQ has been systematically looking into the justice delivery system, discovering many more stories and loopholes and trying to work towards addressing them in whatever little way it can through research, advocacy, training of police and judiciary, legal aid etc. Meanwhile, the number of cases pending before the one and only one JJB in the National Capital Territory of Delhi has remained over 4,000. When HAQ began working on juvenile justice for children in conflict with law in Delhi, there were 4,500 pending cases, some for over five to seven years. The number is still more than 4000. In 2004, 257 cases out of the 909 registered that year were pending disposal. In 2005, 441 cases out of 1,250 registered that year remained pending. The number of children coming in conflict with law is only increasing in cities like Delhi and so is the pendency.

Recently the Delhi High Court ordered formation of two more JJBs in the National Capital, of which one has already been established, while the other may have to wait until 2009. This is despite the law making it

obligatory on the state to establish one JJB in every district. In any case, whether it is really going to solve the issue of pendency of cases is something to be looked at in future once these bodies are in place. Surely, anyone would agree that if the attitude is one of not granting bail and treating children as criminals, the situation is very unlikely to change.

The number of cases pending has always been a point of debate and concern amongst both the government and the NGOs working on the subject, for very different reasons though. The government has in fact failed to maintain proper data in this regard and there is a constant war between the two arms of governance – administration and judiciary, each blaming the other. While the concerned state department (which is the Social Welfare Department in some states or the Women and Child Department in others), blames the judiciary for not parting with the information, the judiciary blames the administration for not providing adequate staff and infrastructure to the JJBs for maintaining data.

The National Crime Records Bureau (NCRB) of the Ministry of Home Affairs on the other hand produces figures that seldom match reality. One would assume that since the NCRB crime statistics are based on cases registered by the police stations i.e. FIRs, the information provided on children in conflict with law cannot be relied upon. This is because while registering an FIR, the police have a tendency to attribute a higher age to an alleged offender who appears to be under 18 years. It only makes their life easy as they no longer have to worry about keeping such a person in police lock-up till he/she can be produced before a judicial magistrate.

With a child they cannot legally afford to do so and will have to ensure that a child in conflict with law is kept in safe custody at all times, which cannot be a police lock-up in any way. However, for the purpose of record keeping, once they are shown as persons above 18 years of age, the NCRB statistics will certainly not take their cases into account while computing the statistics on children in conflict with law. Many children are sent to adult prisons are later transferred to observation homes and brought within the purview of the juvenile justice legislation as had happened in M's case. But then this does not get reflected in the NCRB statistics.

According to Government data produced by the National Crime Records Bureau under the Ministry of Home Affairs, in the year 2005, 42.16 per cent cases of children in conflict with law in the country were reported pending disposal.

The absence of reliable data affects both planning and implementation. This is no gospel truth, yet very little effort is made in this regard. In fact, even the little information that is available is not shared publicly. Activists working on child rights often have to wait for information to come through media, leaving a question mark on transparency in the system and its accountability. One often gets a feeling that there is a deliberate effort not to maintain data and continue to play the blame game as otherwise the state governments would be required to invest more on the issue and work

harder to achieve respectable results. The ambiguity regarding data makes life easier for all arms of the government – the Executive, the Legislature and the Judiciary.

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THE RICH GET AWAY

Years of work on juvenile justice has proved that the rich can get away with anything under the sun. They never have a problem in getting released on bail. Their papers are in tact, they can pay sureties and often do not have to spend even one full day in the OHB or 'JC' with release papers ready even before the bail order arrives. Sounds like a scene straight out of a Bollywood film, but it is true and real. Bail for those involved in the famous BMZ case of causing death due to rash and negligent driving was never a problem. Social background of children in conflict with law – statistics from the Crime in India 2005, NCRB:

- 71% of these children belong to families with an annual income up to Rs. 25,000 (\$625) a year
- 64.4% of the total juveniles 'arrested' during the year 2005 are illiterate and 38.0% have primary level education
- Over 8% are homeless
- 91.7 % of the juveniles apprehended are in the age group 16-18 years
- More boys than girls come in conflict with law – Only 6.3% of the apprehended children are girls

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ADULT COURTS AND JJBS

On the other hand are cases involving more than one accused person, of whom some may be children and the rest adults. There is a stark difference in the attitude of adult courts and the JJB while granting bail and unfortunately, those who fall into the juvenile justice system bear the brunt. In the rape case of a resident doctor from the Maulana Azad Medical

College involving three boys, the one who came under the purview of the juvenile justice system due to his age had the hardest of times seeking release and justice, while the other two adult co-accused, who actually committed the rape, were out on bail in no time. Despite recent changes in the law, the situation regarding bail has not changed. The emphasis on bail as a matter of right was brought into the law after the well known case of murder of Graham Steins, a Christian Missionary in Orissa, by an angry mob which included a 14 year old tribal boy, Chenchu Hansda. While Chenchu came into the juvenile justice system and remained in "JC" for years until he turned 18, the other adult co-accused, who had actually killed the man, had been out on bail and lived freely with no fear of law. Even today as HAQ deals with a number of such cases, the situation is no different. In Delhi therefore one lawyer has only been taking up bail matters on behalf of the poor children who could never have dreamt of being legally represented. There are many cases where bail refused by the JJB has been challenged in the higher courts with great success. While this may upset the JJB, the fact is that every citizen has a right to life and liberty guaranteed by the Constitution of India under Article 21, and children are a special category whose rights have time and again been reiterated in various international and national legal instruments dealing with social justice and human rights, including the juvenile justice legislation in India, the UN Convention on the Rights of the Child ratified by India in 1992, the UN Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990, and the UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines). There is no doubt that delay in bail and final justice has many serious repercussions for the children and their families.

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INFRASTRUCTURE AND MANPOWER

The other area requiring immediate attention is lack of infrastructure and manpower. JJBs and SJPU must be in place. It is a legal obligation. Unlike Delhi, which has a distinct and dedicated JJB with a First Class Judicial Officer designated as the Principal Magistrate, in many states the charge lies with the Chief Judicial Magistrate (CJM), who is overburdened with other judicial responsibilities or with some other First Class Judicial Magistrate who too is given an additional charge of the JJB. There is a

legal loophole in appointing the CJM as the Principal Magistrate of the JJB. The JJ Act requires a six monthly review of pendency of cases by the CJM. It is a little difficult to comprehend how a CJM will review his own situation as the idea of review by the CJM was to ensure that there is a higher authority in place to monitor the situation.

Further, it is found that many JJBs have no space and manpower to function. They have to bank on the staff of the OHB for maintaining records of cases, ensuring timely proceedings and every other assistance required. In such situations the CJM cum Principal Magistrate or the designated First Class Judicial Magistrate given charge of JJB uses his own judicial staff to hold the sittings and the number of sittings too is reduced substantially, leading to pendency of cases.

Shortage of POs, police escorts to take children back home when required, prosecution services, are some of the other infrastructure and manpower related issues that need to be dealt with. Non-institutional and family based care and correctional systems for children in conflict with law need to be explored. While community service is proposed in the law and has its own challenges, other similar measures like group counselling and sponsorship have not been tried. In fact it was a shock to hear from a learned authority that after care services are not meant for children in conflict with law. After care is designed to help children get back into the mainstream once they are out of the institution and are over 18 years of age. Years of incarceration and nothing to help children socially reintegrate into the society is certainly not fair. After care is one alternative form of care clearly mentioned in the law that needs implementation in the case of children in conflict with law.

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A CASE CAN BE DISPOSED OFF IN SEVERAL WAYS

The child may be released on probation of good conduct and placed under the care of his/her parent/guardian or other fit person on execution of a bond. The child can also be directed to participate in group counselling and similar activities or left after advice or admonition. However, use of these provisions is very sparse. The virtual absence of effective probation services leaves very little scope for the first of these possibilities to work. The case with group counselling is also the same. As regards release on advice and admonition, in 2005, of the cases of children in conflict with

law enumerated that year, only 11.65% were released after advice or admonition.

Children found guilty can be ordered to perform community service. This however has been a question of debate, though it sounds quite fine in letter and spirit. It is only valid to ask who is ever going to allow them in and what kind of community service will they be allowed to perform? Debates surrounding the 'community service' clause in the JJ Act, have time and again brought hospitals into the picture, where those who vouch for such a provision in the law argue that these children can be placed in hospitals and old age homes to serve the ill, the old and the infirm. As the old saying goes, charity begins at home. Will any of the judicial magistrates or police officials ever use their services as drivers or domestic helps or caretakers of the elderly in their homes or as office peons? If not, to expect hospitals to let them in is certainly not fair. Besides, the bottom rule for any 'community service' order should be that the children are not forced to perform a service that is damaging to their self-confidence, self-esteem, dignity, and self-worth.

The last but most widely used provision is that regarding institutionalisation. Institutionalisation is both *de facto* and *de jure* meant to be the last resort under the juvenile justice legislation. The principle of last resort in the Model JJ Rules highlights the need for resorting to institutionalisation as the last measure after reasonable enquiry and that too for the minimum possible duration. Children are sent to institutions during the pendency of the case, where they remain until released on bail or otherwise on completion of the inquiry. The other form of institutionalisation is where children found guilty of committing an offence are sent by way of "conviction" i.e. to the special homes.

Many children languish in institutions as they have no parent or guardian willing to take them back. This is not always because the parents have not been informed but also because the children have completely lost touch with their parents and guardians who could be called in to take them back or the home address given by the juvenile is not correct or the parents have shifted residence and there is no information in this regard. Tracing families is not easy. Summon is sent on the addresses given by the juveniles and the police, but often the JJB has no information as to whether the summons were received or not. Those who belong to a neighbouring country such as Nepal and Bangladesh, are even worse off as diplomatic relations and political issues become a hurdle in ensuring smooth and quick repatriation. Such matters have to be followed up through the Ministry of External Affairs and the concerned Embassy or Consulate, which is a long drawn process. It also requires networking with the law enforcement agencies and NGOs in the child's home country, which can help trace the child's family and ensure some follow-up post repatriation. This problem is equally acute in case of children belonging to a different state. A number of children from Bihar, Uttar Pradesh, West Bengal and Uttaranchal languish

in the OHBs in Delhi. They are not released as their Social Investigation Reports are not complete or their families cannot be traced. The Social Investigation Reports (SIRs) are to be prepared by the Probation Officers (POs), which requires the POs to conduct a home study and assess the situation of the child's family as well as community environment to decide on whether restoring the child back to his/her parents would be in his/her best interest. These visits are seldom made for lack of manpower and funds, and therefore there is a need to liaise with the concerned state/district government authority or network with some local NGOs to enable tracing the child's family and the home study. Stories of children in institutions have time and again pointed to the fact of children being deprived of their right to liberty, besides denial of other development rights as well as exposure to series of violations of right to protection and participation. Abuse and violence are some of the oft-repeated violations faced by children in institutional care, and this includes substance abuse. Such instances are not a hallmark of the government institutions only. Even those run by NGOs as part of GO-NGO partnership initiatives are not free from this malaise. When M was in a NGO run OHB, a fellow "inmate" at the behest of the authorities of the institution, leaving him very bitter and angry, subjected him to bullying and violence. Besides violence, denial of access to legal aid and freedom to meet up with parents/guardians as per law are other human rights violations that need specific mention. Every institution has fixed dates when parents can meet their children. However, it is found that in Delhi, institutions are very restrictive in their approach. HAQ has a copy of a form that is to be filled in by parents wanting to meet their children. This form only allows a five-minute meeting time, though there is no such stated rule.

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NGO AND CORPORATE PARTNERSHIPS

There are many other issues related to juvenile justice that can be taken care of through NGO partnership as well as partnership with the corporate sector and coordination between various departments such as education, health, industrial training and commerce, legal aid etc. to ensure convergence of services.

Areas where NGOs can be brought in include – legal aid, networking and liaison for home study and follow-up post-release, repatriation, provision of counseling and social work services in institutions as well as

SJPUs and other police stations, education and vocational training in institutions, medical and health care services, drug de-addiction and training and capacity building to list a few. These are all technical areas for which the concerned state government department can partner with hospitals and the corporate sector also. In fact involvement of the corporate sector under their corporate social responsibility (CSR) mandate is an area that needs to be explored and well utilized. Imparting vocational training in conventional areas such as tailoring, plumbing, gardening does not help anyone. The boys come out frustrated as they find no employment, which in turn reduces the chances of their social reintegration and mainstreaming. Skills that have a market must replace the age old vocations promoted in the institutions. And this is only possible by roping in the corporate sector. Unless children in conflict with law are also seen as children in need of care and protection, to convince the corporate sector may not be easy.

Similar tie-up can be tried out with reputed hospitals for health care initiatives within the institutions. Although every institution has a paid doctor on its rolls, what is necessary to ensure is regular and improved care and treatment, which does not happen. For those who have been looking at implementation of juvenile justice are well aware that stocks of medicines in the institutions lie unused, the equipment is outdated and also unhygienic. The sooner there is an acceptance of this fact, the better for the children as well as the government. The deplorable state of health in institutions calls for immediate and urgent attention. HAQ's experience on trying to ensure health care services in an OHB has not been very forthcoming.

The administration was happy to have a well known hospital provide this service but expected the service to come through on a voluntary basis as inviting external help would mean accepting its own inability to provide adequate health care. As a result the initiative died out. The hospital had its own logic of stopping the intervention as they felt that intervening on health matters was tricky. Taking on the task of providing health care services in an institution on a voluntary basis without the administration expressing the need for it and thus inviting them over was a great risk that the hospital was quite understandably not willing to take.

The challenges are immense as far as institutional care goes, but the government has to be more open to acceptance of these challenges and invite technical assistance. What is even more important is that it cannot be ad-hoc on the issue of inviting outside technical assistance. The state governments must have a clearly laid out policy and plan in place in this regard, spelling out the areas where technical inputs are required as well as procedures for signing MOUs for meaningful partnerships that can achieve a great deal in ensuring minimum standards of care and protection and quality institutional care.

LOK ADALATS

The recent Lok Adalats held in Delhi and Maharashtra for instance for speedy disposal of pending matters brought forth cases of boys who had been in the OHB for more than seven years. They came into the juvenile justice system at a very young age and were able to leave only as fully grown adults and that too through the Lok Adalat process. One of the boys in Delhi left at the age of 22, having lost his childhood and early years of youth to the rigour of the system.

Lok Adalats follow a process of arbitration. The negotiations between the two parties in a case are directed towards arriving at a compromise. In matters before the Lok Adalats there is no disposal of cases as such. The compromise leads to cancellation of charges and hence an end of the matter.

In a criminal case, the role of Lok Adalats needs to be understood well. Lok Adalats are not about plea bargaining, where the accused pleads guilty and bargains for a lesser sentence. Only compoundable offences can be handled by the Lok Adalat, which implies offences where “culpability” i.e. guilt, need not be attributed to the crime going by the nature and intensity of the offence. In other words, a child who is booked for committing murder will have to go through a trial (rather inquiry) as murder involves culpability and the JJB shall accordingly dispose off the matter. But petty offences can be dealt with by the Lok Adalats. While it sounds logical to have a speedier arrangement such as the Lok Adalats for dealing with petty compoundable offences given the high pendency, the fact is that in case of juveniles i.e. children below 18 years of age, “culpability” cannot be attributed for any kind of offence as per the principles and the spirit of juvenile justice. Is it then fair to allow one child to receive justice through the Lok Adalat and deny access to this judicial process to another child who may have allegedly committed a serious offence of a higher degree even though the question of “culpability” is not meant to be applied to juveniles?

The other questions that follow are - Can a compromise really be arrived at? Who will make the compromise? Withdrawal of case by the complainant can put him/her in legal jeopardy and therefore the complainant will never make a compromise as regards the complaint. Does it then mean that the child must necessarily admit to have committed the alleged offence and apologize in order to get rid of the charges? Well actually that is what really happens even though there is no question of pleading guilty in a Lok Adalat. While parents are happy to arrive at a compromise and accept the decision of the Lok Adalat without having to fight the case any longer, the reasons for their happiness lie in the fact that they and their child do not have to suffer the vagaries of the judicial process endlessly.

Many argue that a Lok Adalat is a useful mechanism to deal with

compoundable offences since the charges get cancelled and there is no question of having any criminal record of the accused. But that is true of all matters under the JJ Act also as it clearly lays down that no record of the child is to be kept and also talks of speedy disposal of cases. The Model Rules for implementation of the JJ law follow the 'principle of fresh start' which promotes a new beginning for the child by ensuring erasure of his past records. How does the Lok Adalat then serve a purpose any different from what the JJ Act is already meant to serve? Moreover, in reality, it is not so simple for the police to forget the child who is caught once and against whom a FIR is lodged.

Certain points that need to be considered whether we need to continue with Lok Adalats:

- The fact that the system has failed to ensure fair and speedy disposal is used as a reason for setting up alternative redressal mechanisms such as the Lok Adalats. However, the juvenile justice system is in itself an alternative adjudicatory mechanism for children. Hence it would not be incorrect to say that the failure of the judicial system has led to a system of creating alternatives to already existing alternatives. How far can this be justified and what is the end to this trend of creating alternatives to alternatives?
- The Lok Adalat process does not provide a fair opportunity to all juveniles whose cases are listed as the police often fails to inform all the concerned parents/guardians of the juveniles and all the complainants.
- Lok Adalats often turn into a media event, are more like a celebration (of failure and injustice) and held with much fan fare.
- Lok Adalats held in Delhi and Maharashtra so far have not been able to meet the targets set out and whatever targets have been met are by way of cutting on the time spent per case – the recourse to a lengthy judicial process!

It becomes imperative at this point for the NCPCR to take up such critical matters and initiate nationwide discussions and debates on not just the viability of Lok Adalats for juvenile justice but also their compatibility with the juvenile justice system and the justification. The NCPCR could also contemplate a petition in the Supreme Court challenging the use of Lok Adalats for juvenile justice.

The juvenile justice system is an alternative adjudicatory mechanism for children, meant to ensure fair inquiry and speedy disposal. Matters before the JJB are to be tried as summons cases. Unfortunately however, the judiciary is now resorting to Lok Adalats for speedy disposal of juvenile justice matters. The failure of the judicial system has led to a system of creating alternatives to already existing alternatives. Can this really be justified and what is the end to this trend of creating alternatives to alternatives?

NALSA Section 18 – Organisation of Lok Adalats:

A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of –

- (i) any case pending before; or
 - (ii) any matter which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organized
- Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.

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INQUIRY IN THE JJB

Procedure

All inquiries with respect to a juvenile in conflict with law under the JJ Act must follow the procedures laid down in the Act, the rules framed there under and the procedure laid down in CrPC.

The Juvenile Justice (Care and Protection of Children) Act 2000 (as amended in 2006) clearly establishes that while holding an inquiry under the said Act, procedures laid down in the CrPC for trials in summons cases must be followed. (Sec. 54 of JJA).

Period of Inquiry

All inquiries before the JJ Board must be completed within a period of four months from the date of its commencement. (Sec. 14)

If a matter is to be treated as a summons case, the period of inquiry should not be prolonged. However, there may be some circumstances where extension of the period of inquiry is unavoidable. In that case, this period may be extended by the Board, with reasons for extension clearly recorded in writing. (Sec. 14)

Proceedings that cannot take place

No proceedings can take place against a juvenile under Chapter VIII of CrPC related to “Security for keeping the peace and for good behaviour”. For example there can be no proceedings against a juvenile under Section 107/151 of CrPC (Sec. 17)

In any case involving a juvenile and an adult offender, the charges and subsequent proceedings must be separate and the juvenile has to be sent to the Juvenile Justice Board. Joint charges and joint proceedings cannot take place in such cases. (Sec. 18)

For initiating an inquiry against a person below 18 years of age you must ensure:

- The child is a juvenile or was a juvenile at the time of alleged contravention of a penal provision or breach of law
- The child's parents are informed
- The child is legally represented
- The case against the juvenile is not under any of the sections listed in Chapter VIII of the Criminal Procedure Code

Even if a juvenile in conflict with law or a child in need of care and protection ceases to be a juvenile or child during the course of an inquiry initiated against them under the Juvenile Justice (Care and Protection of Children) Act, 2000, the inquiry and the final order must continue as if such person continues to be a juvenile or a child. (Section 3 of JJA).

Order that may be passed

- Allow the juvenile to go home after advice.
- Direct the juvenile to participate in group counselling.
- Order the juvenile to perform community service.
- Order the parent or the juvenile himself to pay a fine.
- Direct to be released on probation of good conduct.
- Direct the juvenile to be sent to a Special Home.
- The Board shall obtain and consider the finding of the Social Investigation Report (SIR) in passing an order.

Order that may not be passed

- Sentence to death or life imprisonment
- Commitment to prison in any circumstance
- Penalisation in default of payment of fine or in default of furnishing security

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UN CONVENTION ON THE RIGHTS OF THE CHILD

The Convention on the Rights of the Child, 1989 is the most ratified human rights treaty in history. The four basic principles of child rights enshrined in the CRC are:

1. **Non-discrimination** (Article 2)
2. **Best interest of the child** (Article 3)

3. **Right to life** (Article 6)
4. **Right to participate** (Article 12)

In addition to following these basic principles in all matters concerning children, the CRC contains specific provisions on matters of juvenile justice, which the State Parties must follow. These are Articles 37 and 40.

ARTICLE 37

(a): Prohibits subjection of children to torture or cruel, inhuman or degrading treatment, which includes capital punishment and life imprisonment for offences committed by children.

(b): Prohibits depriving a child of his or her liberty unlawfully and emphasizes on due process of law in matters concerning children, including arrest and detention of a child.

It further emphasises on use of arrest, detention and imprisonment as a measure of last resort and for the shortest appropriate period of time.

(c): Establishes the rule of respect for dignity of a person and humane treatment according to the needs and age while dealing with children deprived of liberty.

It clearly states that every child deprived of liberty shall be separated from adults, unless it is not in the child's best interest.

It further ascertains that every child shall have the right to maintain contact with his or her family through correspondence and visits unless the circumstances demand otherwise.

(d): Binds the State to guarantee children their right to legal representation, legal aid and other assistance, the right to challenge the legality of the deprivation of their liberty and the right to prompt decision/early disposal of cases.

ARTICLE 40

Dealing specifically with children accused of infringing the penal law, the Article obliges the State to -

(1): Treat such children in a manner consistent with their sense of dignity and worth, in accordance with their age and in a manner that promotes the child's reintegration

(2): (i) presume innocence until proven guilty
(ii) promptly and directly inform the child of the charges against him or her, ... and provide legal or other assistance in the preparation and presentation of his or her defence;

(iii) deal the matter without delay ...in a fair hearing according to law...

(iv) not compel the child to give testimony or confess guilt...

(v) guarantee the right of appeal if he or she is found to have infringed the law...

(vi) provide access to an interpreter or...

(vii) have his or her privacy fully respected at all stages...

The State has a duty to incorporate basic safeguards for all those who

come in contact with the criminal justice system and establish laws, procedures, authorities and institutions for juvenile justice, establish a minimum age of criminal liability and measures for dealing with children without resorting to judicial proceedings where possible.

(3): The State is responsible for providing a variety of alternate dispositions to institutional care and ensure that children are dealt with appropriately, keeping in mind their well-being, circumstances and the alleged offence.

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REPERCUSSIONS OF DELAY IN JUSTICE

Other repercussions of delay in justice include break in children's education and/or employment, affecting both children and their families. Those attending a school at the time of the alleged offence end up quitting education for the rest of their life, not by way of choice but due to their circumstances. HAQ has come across children who could not take their exams as they had no one to voice their concern before the JJB or their lawyer failed to adequately represent this concern. While this raises a doubt on the role of the two social worker members in the JJB and the Probation Officers who are meant to directly interact with the child and look into their cases in detail, it also highlights denial of children's right to be heard in judicial processes.

Besides, once a school going child comes into the system and his school admission documents are submitted as the documentary proof of age, and the fact of the child being in conflict with law comes to the knowledge of the school authorities, there is very little chance of the school willing to take this child back, even if the case is disposed off and the child is freed of all charges against him/her. Lack of follow-up by Probation Officers or 'Professional Social Workers' employed in the juvenile justice system fails to ensure social reintegration and mainstreaming of such children.

Even employers do not take them back. In any case, finding another employment is not easy in a country where the unemployment rate is soaring. There are very few, who would be willing to 'take the risk' as they would perhaps put it. But in that case, the children are only further exploited at the hands of the employers who may get them to work for nothing and also frequently abuse them physically and mentally.

In a situation like this, the JJ Act seems to be too ambitious in expecting that children can be ordered to perform community service.

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THE KIDS DON'T MATTER

Despite the JJ Act providing for establishment of Special Juvenile Police Units (SJPU) at the district level and designation of a Child Welfare Officer (CWO) from the police force in every police station to deal with children in conflict with law, the situation remains grim. In many states the SJPU and the CWOs are not fully established. Even where they have been established, there is lack of awareness within the police department itself. The police department actually finds it difficult to designate any one police officer as the CWO as they need force for all kinds of duties imposed on them, varying from VIP movement to general law and order. The CWOs, wherever they are, are also handling other cases in addition to those registered under the JJ Act and therefore find it difficult to run from one court to another and also be present in the JJB with the concerned child. To expect them not to be in uniform when they bring a child in conflict with law to the JJB, which is a legal requirement under the JJ Act, is simply out of the question in such circumstances. Besides, CWOs and members of the SJPU that are in place need appropriate training and sensitization to be able to do justice to their role and to children. The law also provides for two social workers in the SJPU, who are yet to be appointed in many places. There is no clarity in the law on how these two social workers are to be appointed, who shall appoint them, who will they report to and what will be their role. The new Model Rules on juvenile justice based on the amendments in the law in 2006 have been recently notified and do provide a certain degree of clarity vis-à-vis the social worker member of the SJPU. However, how the States frame their rules and the implementation of these rules will ultimately decide the fate and the role of SJPU and its social worker members. and therefore as of now any further information concerning the social worker members of SJPU is not available.

The Central Model Rules framed by the Central Government for implementation of the law emphasize on use of non-stigmatizing semantics, decisions and actions as a fundamental principle in the development of strategies, interpretation and implementation of the law. Principle 5 of the Model Rules clearly states, "The non-stigmatizing semantics of the said Act must be strictly adhered to, and the use of adversarial or accusatory words, such as arrest, remand, accused, charge sheet, trial, prosecution, warrant, summons, conviction, inmate, delinquent, neglected, custody etc. is prohibited in the process pertaining to the juvenile or child under the said Act". The preferred words in the legislation therefore are 'apprehension' instead of arrest, 'inquiry' instead of trial, 'children in conflict with law' in place of juvenile delinquents, 'special home' instead of 'remand home' and so on. A simple reading of the Act and the Rules however reflect just the opposite. The lack of political will to change and the restrictive attitude and mindset of the government is quite visible in

the continuation of use of the terms like 'detention' and 'release' as if the child is a hardened criminal who needs to be incarcerated if not released otherwise through due process of law. This cardinal principle of non-stigmatizing semantics and action holds no meaning as long as the procedures of the Criminal Procedure Code (CrPC) are to apply in matters of juvenile justice. Under the CrPC, the charge sheet, trial, prosecution, warrant, summons, conviction etc. are all inevitable. This inherent contradiction in our juvenile justice legislation has therefore failed to address the problem and children continue to be sent to 'JC i.e. judicial custody' in the orders passed by the JJB instead of being placed in safe custody as required under the law.

There are children who languish in observation homes for years and months on end. Bail is a matter of right and more so in the case of children, where the juvenile justice law overrides the CrPC clearly providing for bail irrespective of whether the alleged offence committed by the child is bailable or non-bailable. But bail actually has become a prerogative of a few who can afford it, who have someone to legally represent them and more importantly whose parents are informed about the case or are available to be able to find a lawyer and sign the *vakalatnama* to move a bail application. Children do not have the legal capacity to sign on their own *vakalatnama* but the CrPC allows appointment of a lawyer as 'amicus curiae' to take the case forward. This provision can be applied where parents are not available. Somehow the JJBs have failed to do so and the law is silent on how long should the JJB wait for parents/guardians to be traced out.

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Other works by the author:

BOOKS:

The Last Marathon

A Journey into the World of the Paranormal

Devi's Emerald

*The Grace and Compassion of Maa Mookambika Devi
and Her Medium Swamiji*

Shadows in Cages

Mother and Child in Indian Prisons

Rest in Pieces

(Fiction)

Yamuna Gently Weeps

A Journey into the Yamuna Pushta Slum Demolition

The Fakir

(Fiction)

DOCUMENTARIES:

I Believe I Can Fly

A Film on Mother and Child in Indian Prisons

Yamuna Gently Weeps

A Journey into the Yamuna Pushta Slum Demolition

SEHAT... Wings of Freedom

HIV and AIDS Awareness Programme in Tihar Prison