

III YEAR NOTES: Measures to Deal with Juvenile Delinquency :

Remedies for Juvenile Delinquency:

The problem of juvenile delinquency is one that has drawn the attention of Indian society also. It is known that the delinquent child today may turn out to be a chronic criminal tomorrow. Two methods have been suggested to deal with this problem:

- (A) Preventive method, and
- (B) Rehabilitative or curative method.

The main aim is to deal with delinquent children and help them to become normal citizens.

A) Preventive method:

Following are the Measures:

- 1. Creating and inspiring a team of work of private and public agencies devoted to preventive work.
- 2. Giving proper training to the members and staff of all organizations concerned with delinquency control.
- 3. Establishing child guidance clinics to give appropriate treatment to the disturbed and mal-adjusted children.
- 4. Educating of the family so as to help the parents to realize the importance of giving proper attention to the needs of their young children.
- 5. Establishing wholesome recreational agencies to prevent young children from becoming the victims of illicit or unwholesome recreation.
- 6. Giving proper assistance to under-privileged children to build in them good character and law-abiding attitude.
- 7. Adopting various means of propaganda such as radio, movies, television, newspapers, magazines, etc., to realize the importance of law abidingness and how it is always appreciated and rewarded.
- 8. Improving the social environment -slum areas, busy market places, gambling centers, etc., to prevent children to get polluted.
- 9. Spotting potential delinquents by predictive tests in schools and giving appropriated treatment to such children.

- 10. The problem of beggary and poverty are to be removed or controlled and the general economic standards of the people must be increased to prevent children from becoming delinquent due to economic exigencies.

(B) Rehabilitative or curative method:

The children who become criminal for whatever reason better known and whatever conditions under which they committed crime need to be rehabilitated.

Punishment is no measure and legally too it is not allowed.

The main purpose of the method of rehabilitation is neither to punish nor to take upon the delinquent. The intention behind this method is to help the delinquent children to get proper guidance and training so that they become normal children and never repeat delinquent acts.

The measures taken for the prevention and treatment of juvenile delinquency in India are:

(a) Apprentices Act of 1850: This Act has been the earliest step in India taken in the direction of preventing delinquency. The Act provides for the binding of children, both boys and girls, between the ages of 10 to 18 as apprentices. Orphans and poor children could take the benefit of this Act. Employers could take such children as apprentices with the intention of training them in some trade, craft or employment by which they gain a livelihood later. The father or guardian may bind a child above 10 and under 18 up to 21 years of age for a period not exceeding 7 years. A female child may be so bound until her marriage. The Act also dealt with children who committed petty offences.

(b) Reformatory Schools Act of 1897: This Act is considered a landmark in the history of treatment of delinquency in India. This Act is in force in almost all the states of India. Under this Act, courts were empowered to send for detention youthful male offenders to Reformatory school for a period of not more than three years. It could be extended to seven years depending each of delinquent case. No person may be detained

in it after he attains the 18th year of age.

In conformity with this Act the state Governments may establish and maintain Reformatory schools. Every school to must provide sanitary arrangements, water supply, food, clothing, bedding, industrial training and medical aid to the inmates. These Reformatory Schools are reported to have done useful work.

(c) Provision in the Criminal Procedure Code: Under Section 399 of the Indian Criminal Procedure Code (ICPC) convicted young offender below the age of 15 could be sent to Reformatory Schools established by the State Government. Section 562 of the C.P.C. also permitted discharge of certain convicted offenders on probation. It also permitted their release with advice. Under Section 82 of the Indian Penal Code children 10 . under seven cannot be held responsible for their criminal acts. Section 83 of the Code relaxes this age up to 12 under some conditions.

(d) Children Acts: During colonial rule in India, various provinces of India took interest in making some comprehensive laws in 1920 and afterwards to deal with delinquent children. Of these, children Acts enacted by Madras in 1920 and followed by other States, are more important. The main provisions of children Act are as follows:

(1) No child under 14 years of age can be imprisoned under any circumstances and no young person between 14-16 years of age can be imprisoned unless he is certified to be an unruly person;

(2) Except in the case of grave offences any person arrested on a charge and is below 16, is required to be released or bailed. In any case such person could not be kept in jails;

(3) The child or youthful offender cannot be sentenced to death or imprisonment except under extra- ordinary conditions. Persons below 12 are to be sent to Junior Certified Schools and 12 to 16 Senior Certified Schools; and

(4) The court may discharge the person after due admonition, it may hand him

over to his parents or guardians after taking a bond from them that they would be responsible for his good behavior for 12 months.

(5) Juvenile Smoking Acts: Some Acts to deal with the specific pattern of antisocial behavior among children have also been passed. Of these the juvenile Smoking Acts are in force in most of the states. This Act prohibits the sale of tobacco by children of below 16 years of age. Children of below 16 years age are not supposed to smoke in public places according to this Act (But these Acts were never enforced in any of the States)

(6) Suppression of Immoral Traffic Acts (SITA). These Acts are passed in order to protect young girls and to suppress prostitution. The Acts prohibit certain practices connected with prostitution such as soliciting in public places using residential premises for running brothels, forcibly detaining young women in brothels, etc. provisions are also made to protect girls from brothels or from moral danger.

(7) Probation of Offenders Act. Under these Acts Juvenile Courts can place the youthful offenders under the supervision of probation officers.

(8) Borstal Schools Acts for Adolescents: These acts were passed to give a special treatment for adolescent offenders, that is, offenders between 15 and 21 year of age. A Borstal School is a corrective institution and is one in which the offenders are subject to disciplinary and moral influences. These influences would help their reform.

Institutions to Rehabilitate Juvenile Delinquents:

Some of the institutions aimed at rehabilitating the juvenile delinquents are there in India which may be briefly examined here.

1. Juvenile Courts: Juvenile Courts are established in order to treat separately juvenile delinquents from other adult criminals. Juvenile Courts have their own building, judicial bench and other arrangements. Juvenile delinquents cannot be tried in ordinary courts. Whenever the juvenile courts are not there they could however be tried in other courts but on a separate day and at a fixed time so as to keep them separately from other adult criminals. Juvenile offenders cannot be chained and they cannot be produced to the courts by the police in their uniform. No advocates are needed to plead for them. The main intention behind this special treatment is to create positive feelings in the minds of juveniles.

2. Remand Homes (Observation Homes): When a child is arrested under the Act, he is produced before the magistrate within 24 hours and kept in Remand Home till the case is investigated. The child is kept in Remand Home until the final disposal of the case. Sometimes person convicted are sent to Remand Homes for a few days and released later. These homes are mostly managed by private Welfare agencies with the governmental assistance.

3. Certified Schools: Certified Schools are established mainly to give some general education and technical training to the children. Here the children are sent for long-term treatment. They are run by voluntary bodies or local authorities with the financial

assistance of the government and the public.

There are two types of schools:

- (i) junior Schools for boys under 12, and
- (ii) Senior Schools for boys under 16.

The children are confined here about 2 to 3 years. The school authorities can also make early discharge.

After their release they are put under the charge of a Welfare or probation officer who watches their activities.

4. Auxiliary Homes: These Auxiliary Homes are attached to Certified Schools just like remand homes. Here the convicted delinquents are kept for some time and studied by a social worker. Later on they are sent to certified schools depending upon and attitude of the young offender.

5. Foster Homes. Foster Homes are mostly run by the voluntary agencies and the government gives grants to. They are specially created for delinquent children under 19 who cannot be sent to approved or certified schools.

6. Reformatory Schools:

In states where there are no Children Acts, Reformatory Schools are established. They are meant for the education and vocational training of delinquent children. The young convicted offenders below 15 years are detained here for 3 to 7 years. The delinquents are removed from bad social environments through these schools.

7. Borstal Institutions: Under Borstal system special treatment is provided for adolescent offenders between the ages of 15 to 21 years.

Borstal institutions are of two types :

- (i) open type : Open institution is a camp in the open country with no surrounding wall.

(ii) closed type. Closed institution is a converted prison building in which maximum security is given to inmates. Though it is called 'closed' institution most of its activities meant for children are carried on outside the building.

Young offenders are very often sent to Borstal institution for rehabilitation rather than kept under imprisonment. The term of Borstal is 2 to 3 years and in any case it should not exceed 5 years. If the offenders are found to be unruly and incorrigible they are sent to jails. Separate arrangement is there to give training to boys and girls. The training, physical exercises and education that are given here are very tough so as to prevent the inmates from committing offences again.

8. Fit Person Institutions and uncared children institutions: These are the two non-government institutions managed by private bodies and philanthropists. These institutions give refuge and protection to the destitute, neglected children, children in the predelinquent stage, and to the delinquent children. Such children and their activities are supervised by the appointed officers.