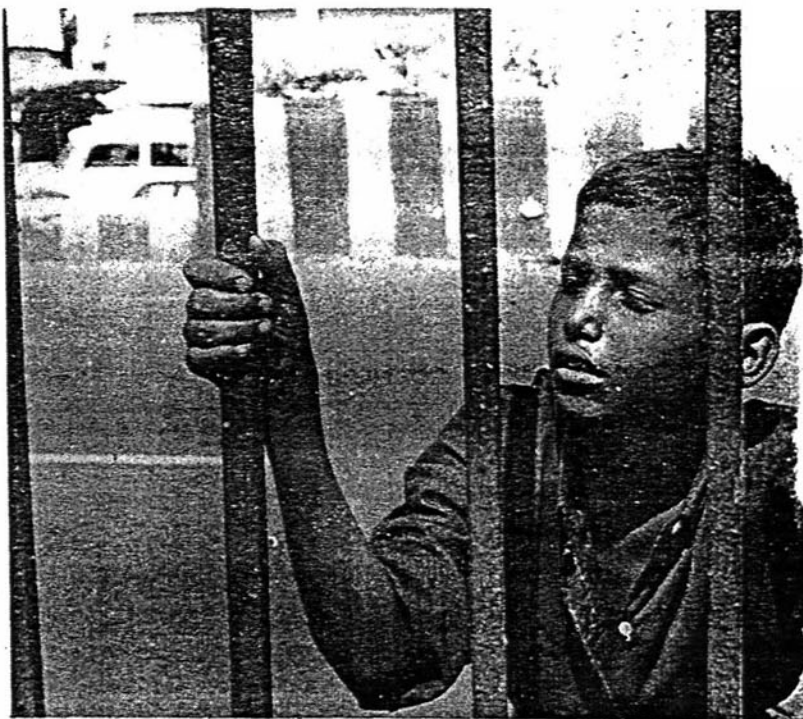


The Juvenile Justice Act of 1986 could not help much to better the lots of Indian juvenile delinquents. Still today hundreds of juvenile delinquents are languishing in dark cells! State machinery has not done much to keep the "promise" of the Act which says that no juvenile should be kept in jail. When the Executive failed to remove juveniles from jail to Reformatories the judiciary had to step in.

Now the highest court of the land — the Supreme Court had taken up the onerous burden of implementing the Act. It may be recalled, that few years ago a noted social worker Sheela Barse had filed a petition in the Supreme Court, wherein she pleaded that as many as 1,400 juveniles under 16 were illegally detained in the jails and subjected to inhuman forms of tortures. The petition had focussed the criminal neglect of Government towards its obligations towards juveniles.

In a renewed venture, another Public Interest Litigation (PIL) had come up before the Supreme Court bench consisting Justice Ranganath Misra and Justice M.N.Venkatachaliah. The PIL petition had sought reliefs for delinquent children detained in jails in different State prisons which is illegal according to the Juvenile Justice Act of 1986.

As a result came the Supreme Court ruling which has directed every district judge to report within a stipulated time to its Registry, through Registrar of concerned High Courts. The reports



Putting children behind bars could not be a solution

REHABILITATING CHILDREN BEHIND BARS

should consist of the number of children detained in regular jails and also the exact position on 28th February 1989. The Court has also directed about the setting up of juvenile courts as required under the Act.

Thus Judiciary had to intervene to implement the Act, so that no child is imprisoned in jail. But jailing juveniles is not a new practice, rather it is in vogue for more than a century. From recent archival digging it is found that in mid-nineteenth century Indian juvenile convicts used to be jailed with adult criminals in dark cells. Instances are found when girls affected by famine were made over to the prostitutes. Even records say that there were occasions when juvenile convicts were even hanged! Moreover, documents also reveal that much contamination used to take place in jails where juveniles were kept with adult prisoners. In order to do away with this mal-practice the British Government declared *Jehad* against this

This feature is based on archival digging as well as contemporary analysis of the problem of Juvenile Delinquents

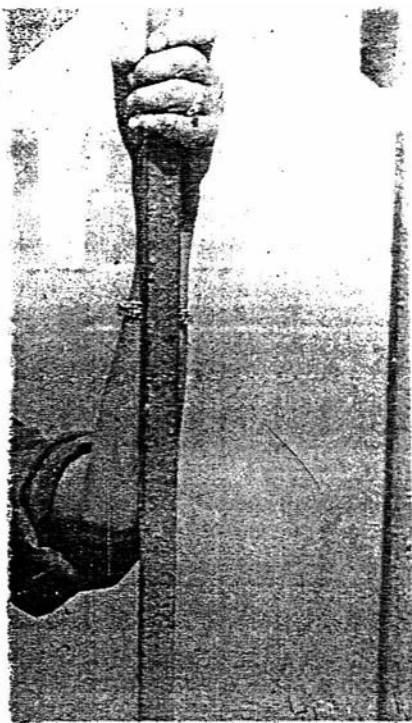
practice about 100 years ago. The concept of 'reformatory' was coined but due to much constraints only Jail-cum-Reformatory could come into practice.

An archival document of 2nd September, 1874 aptly reveals the pathetic condition of jails and inmates "No one who has been to see the jails in Calcutta can fail to have been painfully struck not only with the number of juvenile offenders, but with the said fact that many of them have been in prison four or five times. They wear a kind of bracelet on which a separate ring is placed for each conviction, and I very much fear that a pride in adding to the number of rings".

Today, after the Juvenile Justice Act, 1986, several administrations have been gearing up its machinery to meet the requirements of the Act. Recently, Delhi Administration has announced to introduce a special programme of short-term vocational courses for juvenile offenders with a view to preparing them for self-employment. Training courses are to encompass teaching them technical

...now how like cycle-repairing, house wiremanship, radio/transistor repairing etc. All these sound interesting and new, but in fact the practice of trade training imparted in Indian Jails is almost 150 year old. Archival records speak volumes of trade training imparted which were relevant to the prevailing social and economic conditions of the then era, namely training in caning, weaving, blacksmithy and carpentry etc. Even Govt. initiated agricultural training in Bengal Presidency. There juveniles were trained how to plough the field, when to sow the seeds and cutting of ripe crops etc.

Yet whatever we are doing to uplift destitute children are not enough and the century-old experimentation has not really yielded results. Moreover, Juvenile Delinquents are treated by States as if they are charged with some act of criminality. But many juveniles who do not come under the jurisdiction of crime but are often termed as 'potential' delinquents really need human and compassionate treatment from the State administration. Implying therefore only institutional



efforts are not enough to solve the problem of juvenile delinquents and some success towards this end can be achieved only with non-institutional efforts. A noted Social Defence Expert Dr S.K. Bhattacharya said: "Even if the Children Acts are fully implemented throughout the country it can hardly touch the fringe of stupendous problem of delinquency, vagrancy, and waywardness of children."

In the era of rapid industrialisation and urbanisation the cultural inter-course had taken place tremendously which consequently overcrowded the cities and the problem of mal-adjustment has become manifold. Especially, the youth has become the victim of this cultural variations and are lured to easy way of life in the vicious circle of crime. The changing situations demand for more voluntary organisations to develop community-based non-institutional services which will have an outlet for cultural and vocational training for juveniles. Furthermore, there should be enough scope for their creative growth which should be in form of recreational nature.

No child is born criminal. Rather his surroundings, his parents' attitude towards life and his immediate society as a whole affects his upbringing. Voluntary organisations should come in the picture and organise counselling centres in those slums which produce juvenile delinquents. Through proper counselling one can guide and change the prevailing atmosphere of the juvenile's immediate family. There is also a need to make their parents aware of the growing problem so that they can come forward with a sense of understanding in solving the problem of their delinquent offsprings.

It can be observed that the primary source of delinquent children are from the drop-out of schools, who have failed to get any growth opportunity. Here the voluntary organisations should persuade those children to resume their studies. It is found that in every school there are 'naughty boys' who are an enigma for their parents and teachers as well. They face the baffling question "What to do with them?" It is often seen that by the time this question is answered the boy becomes a 'problem child' and soon, with bad company, tends to develop the delinquent tendency.

A renowned scholar Ms K.Kusum said that improving the condition of schools stands foremost towards the healthy growth of students. She said "The pivot around which the success or failure of the school rests with the class teachers. She should be understanding, maintain close liaison with the students' home, know each student as a person and develop a strong personal relationship and work with a diagnostic point of view, always asking the key question "Why this behaviour?"

From diagnostic point of view Mahatma Gandhi wrote "if I was to be their real teacher and guardian, I must touch their hearts, I must share their joy and sorrows, I must help to solve the problems that face them and I must take along the right channel the surging aspirations of their youth".

It is often seen that due to economic constraints children are forced to work to earn this living, and the result is India has around 15 million child labourers! This deprived class of children often opts for easier method to eke out their living. But why they opt for crime? Because their ethical and moral values are weak and those values were never nurtured as they could not undergo proper schooling! Thus for them community-based social worker can envisage 'Child education' on the line of "adult education" and a special emphasis should be given to moral education so that it could play the role of barrier against the folly of crime!

It is undeniable that if the delinquent behaviour is understood before hand and intercepted well in time the number of delinquency could be controlled. By placing obstacles in the way of potential delinquents of criminogenic areas is the final way out to stem this activity. It is well known that fear of punishment sometime plays the role of obstacle. Suppose if the potential delinquent is made aware of punishment of crime, then a child can be deterred from committing crime.

Psychologically speaking human behaviour is influenced by certain socio-economic factors, and the delinquency is generally a resultant of certain motivation within the individual. Thus it can be counteracted only by psychologists and social workers who are based in the respective community and have suitable understanding of the prevailing situation. It is seen sometime that continuous parental conflict makes the child frustrated and he suffers in the state of friendliness. In course of time these children look out for company which often

turns out to be a 'bad' one. They keep their company to seek after love and sympathy. But in the process are often trapped in delinquent activities. Basically the child is not directly responsible for the act but is driven towards it by circumstances. This is a pure case of family disorder. Thus, if social worker volunteers counselling to the family and guide the parent and help change their attitude to life vis-a-vis their children, then the child can be brought back to the protective arms of love and affection and he will no longer suffer from friendliness.

Today tens of thousands of 'naughty boys' commit some sort of anti-social acts mainly out of fun and frolic and in course of time they are arrested and termed as 'Juvenile Delinquents' within the purview of Law. And with the institutional treatment they are often not reformed but and toe the line of criminality throughout their life. I personally know a boy (let us call him Joseph) who was god-gifted with 'driving-spree' without any basic training and he could open up any lock of any vehicle and could drive safely. When Joseph was studying in Class VII he started lifting scooters out of fun, and after joy-ride he used to abandon the scooter and come back home. Once he was arrested by the police and lodged in Tihar jail. After he came out of the jail, he again started indulging in the same practice. Again he was arrested and sent to Reformatory but could not be reformed. Slowly, in the company of other adult inmates, he was induced in other hard criminal activities. By the time he became an adult he was arrested ten times and was declared 'Dus Numbert' and was not permitted to enter and stay in the territory of Delhi.

Thus he became a professional criminal. Finally, one Christian Father, advised Joseph's father "Why don't you get him a matador so that he can enjoy driving and could eke out his living?" Joseph's father did follow the advice and today Joseph is no more a delinquent and is happy with an honest living! If one analyses this case one will conclude that in his pre-delinquent stage his passion and liking for driving was not properly intercepted by his parents! This case further suggests that jails are not conducive place for juveniles! Again, in Reformatory he was not given training in the sphere of his liking, i.e., motor mechanism and he could not be diverted from his basic motivations. Finally, the Father's suggestion was nothing but a solution within the sphere of his liking but having a positive outlet. Driving used to satisfy his inner motivations and with it he also could sustain himself with an honest living.

Thus it shows the ultimate cause and solution to the problem of delinquency lies within the community. State can only help to formulate an outlet but cannot give a tailor-made solution to any given delinquent! The aberration of the society can not be cured within a short span of time. And the role of social workers and voluntary organisations stands foremost which can even be financed by the Government to help carry on their activities to help mitigate this social evil.

GAUTAM CHATTERJEE