

CHAPTER - I

THE CONTENT

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THE CONTEXT

1.0 INTRODUCTION :

Children are a valuable asset for any society. The whole structure or order of society depends on children. Children are the most suitable media for the society, either to transform or to reform its culture and values. Childhood is the period that easily absorbs new values and trends. Again if the society aspires to build its permanent social, moral and ethical character, the best way for it would be to build similar personality in its children. The children are the foundation of the future society. And hence it can be said that "as grow the children so grows the society".

Any society can hardly neglect its children in the process of continuation or progress. The children of today are the citizens of tomorrow. Almost all ancient codes provide protection to children and it is society's obligation to provide protection to children. The world of children is the world of innocence, joy and love. They are the base for future civilization and as such, constitute a valuable source of its perennial renewal. It is upon the shoulders of children of today that humanity can build a foundation of bright future. If we wish to lay firm foundation of the happiest world around, we have to take

care of generations of children, who need to be nursed, nourished, helped and equipped to play their role in the world of tomorrow.

Even with this much increased consciousness in the society with regard to the growth of its children, the train of problems of children has not stopped. There are still children, who are mal-adjusted either in their families or in society. There are still children who indulge in mal-practices and behaviour deviations. Such cases among those who are at the basis of social structures, are certainly a matter of concern. In fact there is a conflict between the values and the culprits. Those who stand strictly for social, moral, cultural and personality values would naturally disapprove of such unsocial acts, especially so among the children. It is not unnatural for a society to disapprove of such children both because they are antisocial ones and because they are apt to spoil other children too. Such children are severally punished for their acts and are disregarded by the society. Frequent punishments, disregard indifference and dismissal from the society come in the way of psycho-emotional adjustment and growth of children. The problem of Juveniles at present is not isolated or individual problem but a problem which society, nation and the whole world has to solve, because childhood is a period which is most valuable and essential for the child in which he forms

the habits and overall personality, make-up, which is reflected in the later part of his life.

The dictionary meaning of 'Juvenile' is immature, young person, 'Delinquency', means commission of minor crime or misdeed. 'Delinquent' is the one who is an offender of a minor offence. From legal view point 'Juvenile' means a boy who has not attained the age of sixteen and a girl who has not attained the age of eighteen. And if such a child commits any offence and is punished by law of state, he / she is called 'Juvenile delinquent; i.e. all those who are apprehended are not criminals. But from the psychological view point, any or every child of either sex between the ages 15 to 18, who commits crime irrespective of the fact whether he is apprehended or not, is a Juvenile delinquent. There is no precise definition of Juvenile delinquency. Some authors give emphasis on legal aspect of delinquency i.e. violation of law, arrest etc. while others lay stress on behavioural problems. i.e. unofficial delinquency. The structure and function of behaviour disorder and concept of Juvenile delinquency are related to each other. Violation of law is a problem for police and the authorities while behavioural deviation becomes the problem for parents, community and educational institutions.

The problems of children have caused great concern to the social reformers and social scientists of modern advanced countries.

In spite of high standards of living, ensuring adequate necessities and many amenities of life, compulsory universal education up to fairly high age and ample opportunities for recreation, the number and percentage of Juvenile delinquents are not only shooting up, but quality and complexity of the offences are intensifying, causing serious anxiety and alarm to the modern world.

Juvenile delinquency is said to be "the widest gate-way to crime". Studies in western countries as well as in India have proved it beyond doubt that large percentage of criminal careers have their roots in childhood and early youth. Juvenile delinquents, are therefore, the most promising field for checking adult criminality. Now, if these early seeds are to be discovered and determined, treated and efficiently rooted out, Juveniles can make smooth adjustment in their family neighbourhood, community, nation and can prove healthy world citizens. The problem of such children is a vital issue not only of social importance but more of National gravity. Its dynamic and complex contents, woven and interwoven, in the threads of an individual life, have as well covered the entire social texture and extended up to the National life; so much suffocating the existence at every stage, that it needs to be nipped in the bud. The living problems of Juveniles should not be allowed to develop unchecked. It is very easy to deal with Juveniles rather than

adult criminals because children are in the formative years and in that period of life, where they unhesitatingly yield to the guidance, counselling, and treatment, as the adult criminals resist from probing the examination queries. Dealing with Juveniles at the starting level is an economic way to reduce crimes.

Juvenile delinquency is not mere abstraction, but something real, which is a part of social life of people as such, it can not be treated lightly nor can be neglected. It is a living problem which if allowed to develop unchecked today, can sap the very vitality of nation tomorrow.

Reports in the mass media have led the general public to believe that Juvenile delinquency is a severe psycho-social problem, which require systematic probing and scientific interventions. The crisis of Juvenile mis-behaviour has been noticed by authorities in Indian scene. The children who lack psycho-social, economic and educational facilities and satisfactory life, are more vulnerable to behaviour deviations. If the children are not given attention at the right time, they may go astray and become confirmed criminals. Such children require utmost attention. It is for the parents, society and in certain aspects, the government, to protect such children and adolescents against influence in the environment that can do them serious harm. If such children are provided proper environment

according to their needs and requirements and are helped to overcome emotional stress and disturbance, they can prove better citizens of society and can make smooth adjustment with their families, neighbourhood and community.

1.1 JUVENILE DELINQUENCY :

The term "Juvenile delinquency has different connotations of meanings for different people. It is a matter of much difference and dispute, regarding the exact meaning and nature of delinquency. Different writers define it in a different manner. The term is only meant for Juvenile and not for an adult.

The dictionary meaning of "Juvenile" is "immature, young person. Delinquency means 'Commission of a minor crime' or "misdeed'. Delinquent is one who is an offender of a minor offence.

'Delinquency' implies such behaviour of the individual, as interferes with the order of human relationship which society regards as the primary condition of existence. Thus according to this view it is due to the mal-adjustment between the individual and the group which creates a critical social situation.

Professor J.D.W. Pearce⁽³⁴⁾ holds, "Juvenile delinquency may be defined quite simply as an anti social conduct in the young and

youthful. It is a symptom of social malaise. It is always an individual problem for the delinquent child and the one who comes in contact with him”.

William Healy and Angustus Bronner⁽²²⁾ observe, "when desires and urges are threatened in normal course of behaviour, they find expression in the form of delinquent behaviour. Thus for the observer, it merely signifies misconduct. It is just as much response to inner drives. It is one variety of expression. Delinquency is the result of interference with fundamental wishes, felt by the child, as thwarting and deprivation, causing keen dissatisfaction. It is the emotional problem of a child and is reaction to frustration, deprivation of feelings of insecurity”.

Hadfield says, “Delinquency may be defined as anti-social behaviour which is unsocial in nature. The individual enjoys the privileges of society and society puts demands upon him to conform to its norms. It is a failure in social adaptation”.

Dr. Sethnahas defines, "Juvenile delinquency involves wrong doing by the child or a young person who is under an age specified by the law of the place concerned”.

Sinner quotes, " Juvenile delinquency is the violation of any law of regulation by a child, which is termed as an offence, if committed by an adult person".

Valentine defines, it as "Broadly speaking,the term delinquency refers to, breaking of some law".

Technically the child is defined as a Juvenile delinquent when he has violated any law of the state or ordinance of the city. In such a state of affairs, determining the exact characteristics of a delinquent child has been the work of many workers and then it becomes a matter of dispute.

To understand in clear terms according to Juvenile Justice Act 1986 "Juvenile" means a girl who has not attained the age of eighteen years and a boy who has not attained the age of sixteen years" and

'Juvenile delinquent' means "a Juvenile who has been found to have committed an offence".

A well known English authority on the subject, Dr. Cyril Burt⁽⁵⁾ defines a delinquent child thus :

"A child is to be regarded technically as a delinquent, when his anti-social tendencies appear so grave that he becomes or ought to become, the subject of official action".

Professor Reckless and Smith⁽³⁵⁾ puts this,

"The Juvenile delinquent is not a type but is usually a normal child gone astray".

Pennsylvania Juvenile Court Act says "A delinquent child is one who has violated any law of commonwealth, ordinance of a city, a child, who by reason of being wayward or habitually disobedient, is uncontrolled by his parent, guardian, custodian or legal representative, a child who is habitually truant from the school or home or a child who habitually so deports himself as to injure or endanger the morals or health of himself or others".

In the United States, the National Probation Association defines a delinquent child as :

- (a) a child who has violated any law of the state or any ordinance or regulations of a sub-division of the state,
- (b) a child who by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian or custodian,
- (c) a child who is habitually truant from the school or home,
- (d) a child who habitually so deports himself to injure or endanger the morals or health of himself or others.

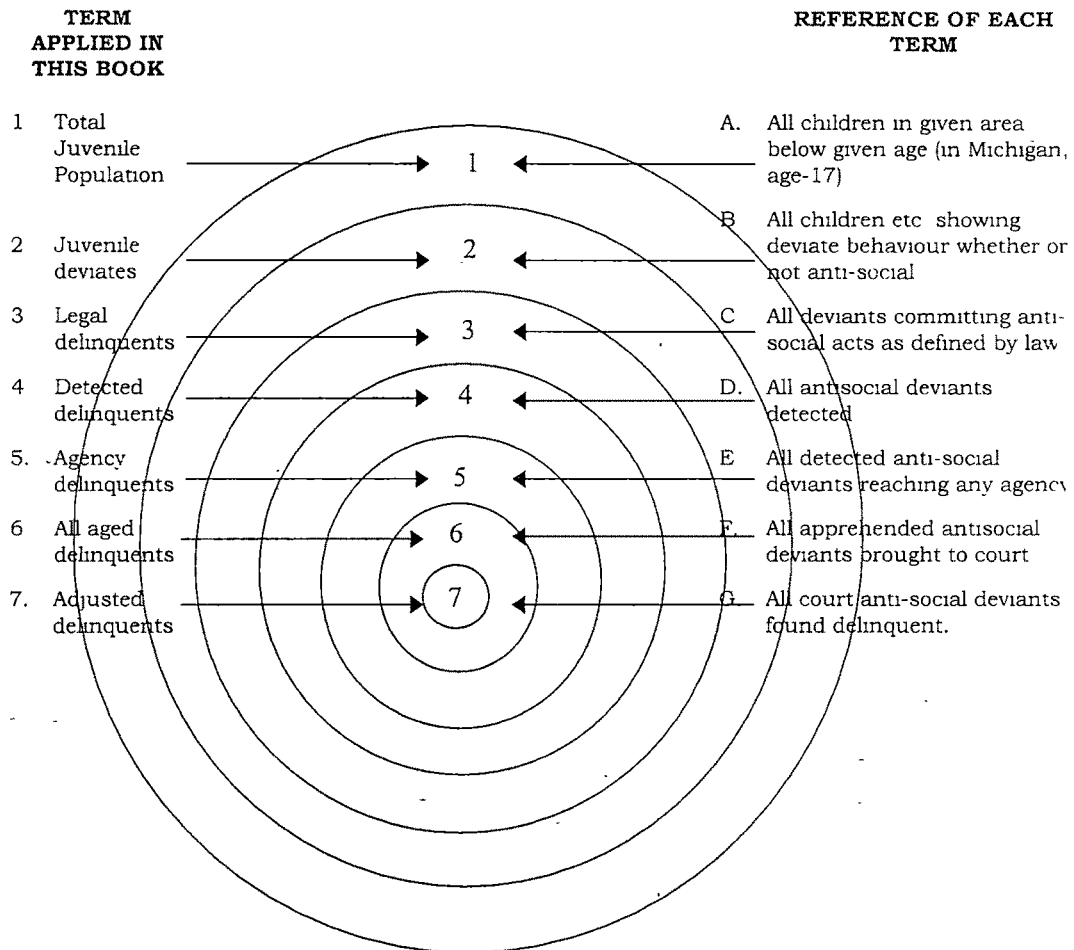
New Meyer says, "A delinquent is a person under-age, who is guilty of antisocial act and whose misconduct is an infraction of law".

Good says "A child is a delinquent if his behaviour becomes so departed from the normal social norms that is termed as antisocial".

According to Lowell Julliard Carr in delinquency control. What is Delinquent? A Target for consistent reference is presented.

FIGURE : I

ACCORDING TO LOWELL JULLIARD CARR in DELINQUENCY CONTROL What is Delinquent? A Target For CONSISTENT REFERENCE.



L.J. Carr

Six possible meanings of the term "Juvenile delinquent" are diagrammed in this figure- consistency and singleness of reference, require that each of those six meanings be designated explicitly by a different term whether the terms used are best possible ones, is a detail. There must be at least six different terms.

Cole quotes, "A Juvenile delinquent is that in which the basic instincts are very strong, self consciousness is weak and his behaviour does not conform to established norms of society.

Psychological Point of View :

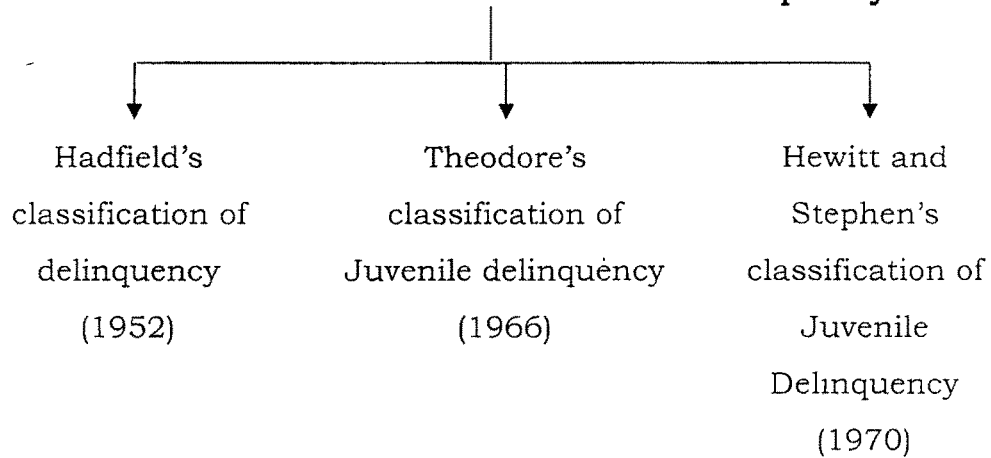
Differing from the legal definition of controversial term, psychologists lay much emphasis upon the cause of Juvenile delinquency while defining it. From the legal point of view, all those who are not apprehended and not convicted are not criminals but from the psychological view point, all such offenders are criminals psychologically, any and every child is a delinquent who shows behaviour deviation like stealing begging, wandering aimlessly truancy, stubbornness, bunking out from school/home, drinking and smoking at an early stage, social mal-adaptation, rebelling against authority, showing extreme disobedience, aggressive and hostile behaviour, whether apprehended or not.

Considering the above definition, the Juveniles who exhibit such traits of behaviour deviations and also who are denied psycho-social needs and satisfactory life, are the subjects for present study.

1.1.1 Classification of Juvenile Delinquency :

In order to familiarize ourselves fully with the multifarious facets of Juvenile delinquency, it is prudent that we peruse, analyse and evaluate classifications as propounded by various authorities.

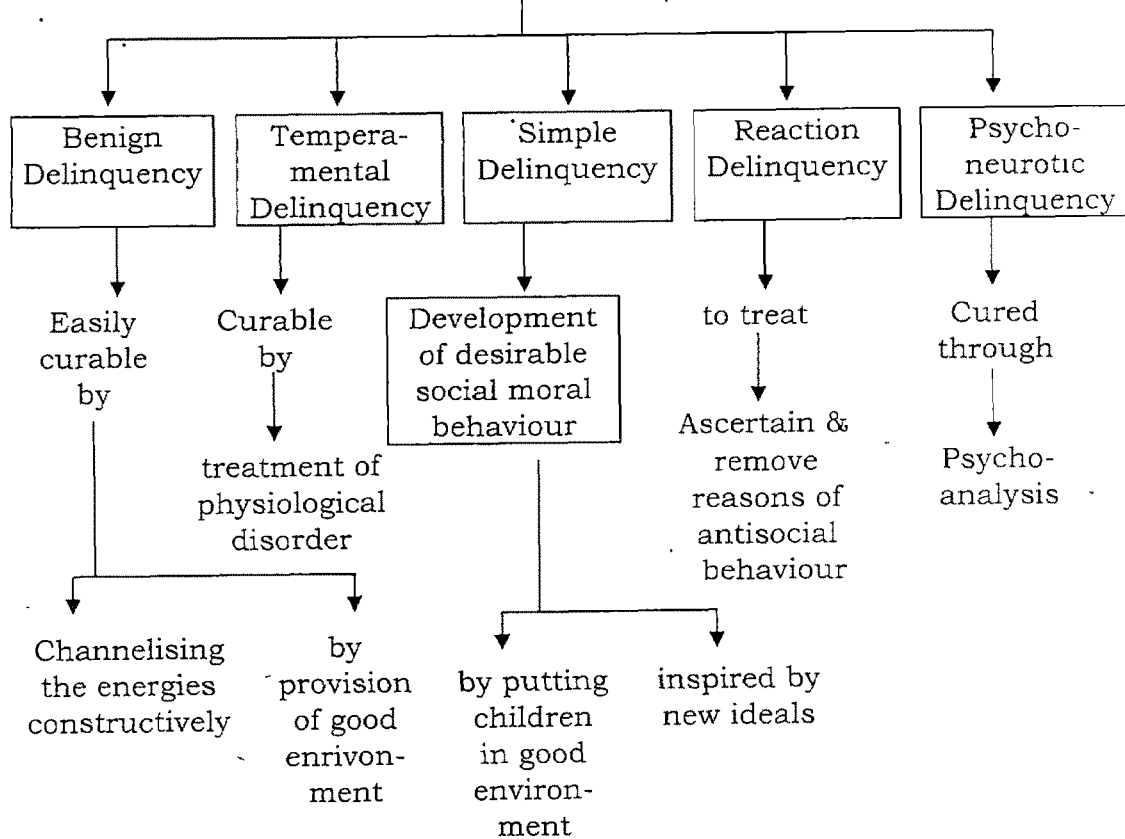
Table : 1 Classification of Juvenile Delinquency



Detailed below are the 3 tables of classifications, preferred by Hadfield, (1952) Theodore (1966), Hewitt and Stephen (1970).

1.1.1.1 Hadfield's Classification of Delinquency : (1952)

Table : 2 Hadfield's Classification of Delinquency



1. **Benign Delinquency** : This is a crime from the point of view of law and order but from the mental health point of view, it is not abnormal behaviour. For example, on a beautiful rainy day if the students play truant from the class, then this behaviour infringes the laws of the school, but from the mental point of view, it is not abnormal. The children run away from the class to enjoy the day and in their such enjoyment, there is nothing wrong from mental health point of view.

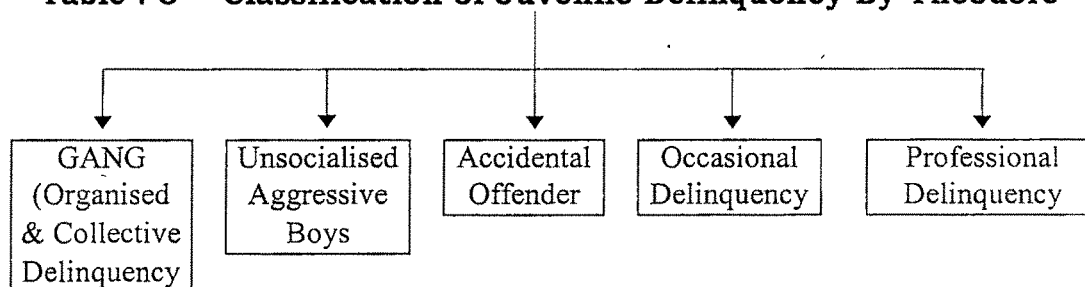
2. **Temperamental Delinquency** : This type of delinquency is frequently found. This develops on account of mal-functioning of certain psychological activities, may be in the form of stealing due to defective physiological activities which make them less balanced and those complexes which are usually repressed, get loose and control the behaviour of the delinquent.
3. **Simple Delinquency** : This is that type of antisocial behaviour which develops as a direct effect of bad environment. This is on account of the conflict between the need of the individual and the society. Most of the delinquent behaviours come under this category.
4. **Reaction Delinquency** : It also develops on account of the evil effects of environment. This is the reaction of the child against that society or environment from which the child feels that he has got sorrows and nothing else. For example, when the child fails to get love and affection from his parents then he revolts against society and tries to break laws and traditions of the society.
5. **Psycho-neurotic Delinquency** : This type of delinquency is created on account of the expression in an anti-social manner

of the repressed tendencies. These repressions occur on account of the resentment. For example, children steal because their instincts have been repressed and their unconscious forces urge them to steal.

Other reasons may be more explicit- they are poverty, bad company, bad environment etc.

1.1.1.2 Classification of Juvenile Delinquency by Theodore (1966) :

Table : 3 Classification of Juvenile Delinquency By Theodore



The following classifications do not relate to offence. Instead, they describe a behavioural adaptation within the environment. Theodore (1966) describes as follows :

1. Gang-organised and Collective Delinquency :

Youngsters classified in this category would be those who perpetrate their legal activities with in a group. These children usually come from economically and socially deprived areas of the

city and often seek excitement and express themselves through the gang. Much of their delinquent motivation and activity is a result of strain produced by the crowded conditions of their environment in larger inner cities where economic opportunities are lacking and where upward mobility is difficult.

2. **Unsocialized Aggressive Boys :**

Boys classified in this category would have long Police records and would probably come from homes where they were rejected or where there was an early identification with a criminal parent or at least anti-social type of parent. Families where these children come from, are prone to physical violence. There is much hatred and aggression within the home, and this hatred is often transmitted to the child. His frustration and hatred is then vented on the community, where it becomes very aggressive. This youngster, obviously does not learn how to sublimate his impulses in a socially acceptable manner.

3. **Accidental Offender :**

A youngster, classified in this category would be one who is law abiding most of the time but has a lapse of Judgement. He becomes involved in delinquent activity as a result of unforeseen circumstances. This type of youngster is usually not a problem and

his delinquent behaviour ceases when he realizes what he has done or when he has been caught in the delinquent activity.

4. **Occasional Delinquent** :

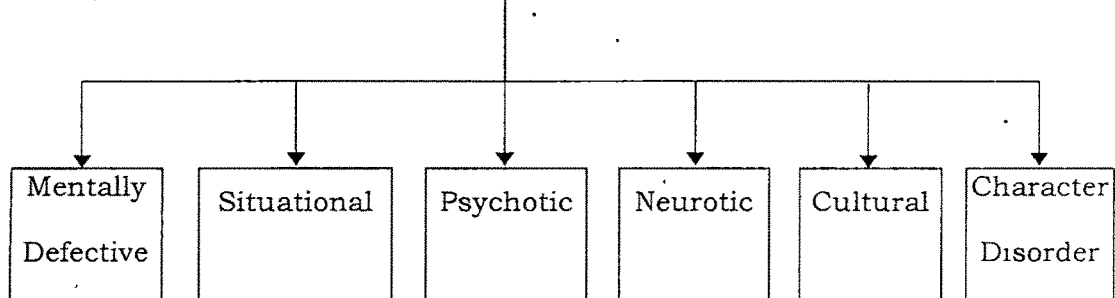
In general, the occasional delinquent is similar to the accidental offender, in that he also becomes involved in minor offences, but not on a chronic or regular basis. His delinquency unlike that of the accidental offender, is planned and he knows what he is becoming involved in. His family is well integrated and adjusted and the youngster does not exhibit psychopathic disturbance. He is usually well adjusted and there is no real pattern to his delinquency

5. **Professional Delinquency** :

A youngster classified in this category usually steals for profit. Stealing is for economic gain, to satisfy some desire and in many cases, an extravagant need. They are systematically trained in criminal activities.

1.1.1.3 Types of Offenders by Hewitt & Stephen : [1970]

Table : 4 Types of Offenders by Hewitt & Stephen :



Hewitt and Stephen (1970) describes following classifications which can be considered as psychological typologies, because of their emphasis on individual factors and the psychological dynamic of the personality.

1. **Mentally Defective :**

This is an individual who has an organic problem and who has difficulty in controlling himself. Offenders, who are mentally defectives, are involved in petty crimes, such as a petty theft and petty larceny. Such adolescents do not present a major problem in terms of involvement in serious types of delinquent offences.

2. **Situational Offender :**

This type of offender is similar to the accidental offender however, there are more contributing factors and variables. His delinquency is usually precipitated by a crisis or by some external

event that he has difficulty in handling the death of a parent or some other traumatic event in the child's life could present a situation he is incapable of handling and could thus contribute to delinquent behaviour. This type of offender reacts to the circumstances that occur in his environment at a particular time. In other words, he does not necessarily go out for looking for a trouble, but because of tempting circumstances, he does not use good judgement. Because of a series of events, over which he initially had little control, he becomes involved in delinquent behaviour.

3. **Psychotic Offender** :

A small number of youngsters do not have contact with reality. They may be classified as schizophrenic or may be given some other psychiatric label. As a result they may have hallucinations, delusions or hear voices, that command them to become involved in certain type of delinquent behaviour.

4. **Neurotic Offender** :

This is the youngster whose delinquency is the result of powerful unconscious impulses which often produce guilt, which in turn motivates him to act out his delinquency in his community and is caught and punished. Punishment does not totally dissipate the guilt, and vicious cycle is developed which involves manifestation of

delinquent act as symbolic. For example, if the youngster steals, he is stealing for love and not primarily for material gain.

5. **Cultural Offender** :

A youngster in this category has either emulated faulty identification models or lives in an economically and socially deprived environment. His aggressiveness and delinquent acts may not necessarily be unusual for a youngster with his background.

6. **Character Disorder Offender** :

The character disorder offender, unlike the neurotic offender, feels very little remorseful when he acts out his delinquency in community. Because of lack of positive identification models in his environment, he has failed to develop self-control and does what he wants to do, when he wants to do, because he just wants to do. He is unable to sublimate his impulses in socially acceptable manner. He has difficulty in postponing gratification and he is considered irresponsible and emotionally shallow. He has not developed an adequate conscience structure and he has a barren environment in his early years.

The classification presented are merely general description. They overlap and may not occur in the pure form "in the real world". The

major reason for presenting them is to understand the type of Juvenile exhibits for the present study.

1.2 INSTITUTIONALISATION OF JUVENILE DELINQUENTS IN INDIA AND ABROAD

Till the end of the nineteenth century, Juvenile offenders were tried and convicted in the same manners as the adult criminals. When the child was charged with specific offence, all that the jury had to do, was to decide whether he was guilty or innocent. of the specific crime, with which he was charged or not. If found guilty, he was sentenced in the same way as any other adult offender and was punished by imprisonment in the same jails. No "undue tenderness" was to be shown to Juvenile offenders by not sending them to prisons.

But as great educationists and psychologists proceeded to draw the attention of civilized world to the causes of Juvenile delinquency, the tradition of punishing children lost favour, to be replaced by efforts for improving and rehabilitating them. Now a days, in every nation, efforts are being made to correct the Juvenile delinquent rather than to punish him. There are so many voluntary and Government institutions which are looking after the welfare of the children where the parents are found unfit, incapable or unwilling to

do the needful. These Juveniles are also treated not as a criminal but as a ward of the State to receive care, custody and protection. This care and protection is given to a neglected or dependent child also. To make the deviants once again healthy and responsible citizen of society, efforts are being made by reformatory schools, social welfare organization and other measures.

In England, Modern Industrial School for Juvenile Delinquents was started in 1818 by John Pounds. After the demise of John Pounds, Dr. Guthrie established such Ragged School in Edinburg. Sheriff Watson then followed the example. In 1838 an establishment was set up at Parkhurst prison for correction of Juvenile offenders. In the reign of Queen Victoria, due to the activities of persons like; Sir Thomas Buxton, Macintom Mathew Hill and the efforts of Charles Dicken, the first Reformatory act of 1854 was passed.

The Reformatory Schools Act of 1891 was defective in so far as it provided that a Juvenile, before being sent to reformatory, must be detained in prison.

The Probation of First Offender Act 1887 provided for the conditional release of first offenders. The Consolidating Act of 1933 provided for protective and preventive measures.

The English Children Act "makes adequate legal provision for care, protection, treatment, training and after-care of children, who are deprived through adversity of a healthy norm and all that it implies. The central theme of this Act is, "the welfare of the child is indivisible.....". The Bureau of Delinquency statistics and Research, A Report on Juvenile delinquency in India P 17. 1956.

The Children Act, "recognizes the complete responsibility of the State to intervene where child's interests and his growth, "physical moral intellectual and spiritual" is threatened.

Some important provisions in 'The English Children and Young Persons Act' (1933) that lay restriction on certain types of employment for children are following :

- (1) On street trading.
- (2) On children taking part in entertainments.
- (3) With regard to persons under sixteen, taking part in performances endangering life or limb.
- (4) On training for performances of dangerous nature, such as acrobatics.
- (5) On persons under sixteen, going abroad for the purposes of performing for profit.

Amongst the Asian countries, Japan has the most advanced legislation for Juveniles. Japanese legislation relating to the Juvenile delinquency distinguishes between criminal and delinquent acts on the part of Juveniles, the penalties and measures of treatment applicable to Juvenile offenders vary according to whether the Juveniles are found guilty of criminal or delinquent acts. The existence of child welfare law (1947) in Japan makes wider provision for welfare of children in general.

As per the act, the Juveniles found guilty of criminal acts are liable to various forms of punishments but for delinquent acts, Juveniles are dealt with by means of protective measures.

The principle of the treatment of Juvenile delinquents in Norway was laid down in "The Child Protection Act" of June 6, 1896.

This act raised the responsibility of age up to 14 years, abolished punishment and replaced it with educational measure for this age group. All cases concerning Juvenile delinquents under the age of 14 were to be dealt with a special board, "The Child Protection Board" which was to apply educational measures, namely placement of the child in an approved school. Also the public prosecution against young persons between 14 to 16 years of age, instead of

sending the case to the Child Protection Board. In 1930 the upper age limit was raised from 16 to 18 years of age.

In the United States, the press and the charity societies complained that children committing crimes, or begging in the streets or pilfering, are needed protection and reformation. The children placed in jails or prisons with adult criminals were trained in vice and crime by the older inmates.

In the 1820, New York, Boston, Philadelphia established, "Houses of the Refugee" for wayward or delinquent children or youngsters in order to separate them from adult criminals. The penal code of Illinois in 1831, ruled that for certain crimes penalties for minors were different than those of adult offenders.

The first Juvenile court was created in Chicago on July 1, 1899. Since 1891, a group of citizens under the leadership of Jane Addams, Julia-C-Lathrop, Lucy-L-Flower, urged "The Chicago Bar Association" to encourage the state legislature, for protection of children and their segregation from adult criminals. The law was adopted with the aim of treatment and control of dependent, neglected and delinquent children.

The Juvenile court judge was to combine legal skill with the knowledge of human behaviour in order to help the child in his adjustment.

In United States of America the "Citizenship Training Group" was founded in 1936 in Boston. It was the most original experiment in the field of citizen co-operation in the treatment of Juvenile delinquents.

Juvenile Conference Committees were established in 1953 by a New Jersey Supreme Court Rule. The aim was to give the child a second chance by exposing his behaviour to test the improvements in him. The advantages of this method affect not only the children and their families but also the Juvenile court and the community.

The upper age limit of Juvenile offender is seventeen years in England and twenty years in Japan. In United States it ranges from sixteen to twenty one years but eighteen is the most common age adopted in the several states of America.

1.2.1 History of Institutionalization in India :

In India the preventive work for infant and child welfare fields was started by "The Bombay, Presidency Infant Welfare Society, under the able leadership of lady Cowasji Jehangir and Sir

Mangaldas Mehta. The work for the prevention of Juvenile delinquency was undertaken by the society for the protection of children in western India and was stimulated by Sir Rustom and Lady Masani.

"Having so far revived the legislation in this country, it would be worthwhile to compare the Indian legislation with Juvenile laws existing in other countries; in particular in Japan, England and United States of America".

First attempt of rehabilitation was made when the criminal procedure code of 1861 was made applicable by British Government.

Section 399 of the criminal procedure code, provided for the establishment of reformatories, special facilities for discipline and training were offered.

The next important legislation in the field of rehabilitation or treatment of delinquent, was passing of "Indian Reformatory School Act of 1877". Under this act, court was empowered to send Juvenile delinquents below 16 years of age in the Bombay province and under 15 years else-where, to the reformatories. It was added in the Act that no body after 18 years of age should be kept in reformatory.

"This Act of 1887 can be considered as a landmark in the history of treatment of delinquents."

The Madras Children Act was enacted in 1920, but Junior Certified School was established in Madras in 1926.

The Department of Social Welfare has organised various services with the implementation of provision of Acts like;

The Bombay Children Act 1924 :

It was amended in 1948 and made applicable to the whole of the State. This act deals with the problem of needy children and covers pre-delinquent or the near delinquent; the destitutes and the neglected children. This Act also provides measures for detention and protection of children for prevention of offenders against children and for treatment of Juvenile offenders. The whole Act is based on preventive and corrective measures.

Other acts are like written below :

1. The Saurashtra Children Act.
2. The Bombay Probation of Offenders Act.
3. The Bombay Prevention of Begging Act.
4. The Bombay Borstal School Act.
5. The Suppression of Immoral Traffic in Women and Girl's Act.
6. The Women's and Children Institution Licensing Act.

For the effective implementation of the above social legislations and to undertake the various welfare services, the department has to set up the correctional institutions. The voluntary agencies also contribute to these services. These voluntary agencies are recognised by the social welfare department of the state and are given grants and guidance from the department.

In Gujarat State, at present there are

- * 14 Remand Homes,
- * 5 Observation Homes,
- * 5 Certified Schools,
- * 5 Beggars' Homes,
- * 8 State Homes for women which are situated at different places and functioning under the social welfare department.

And in Baroda, both Government and voluntary organisation are working. Baroda has Remand Home for Boys, Remand Home for girls, Juvenile Home, After care Hostels for boys, After Care Hostel for girls.

The Bombay Children Act of 1924

This act was passed later than the Madras and the Bengal Children Act. The Bombay Children Act of 1924 provided for custody

and protection of children below 14 years of age. The act also provided for the establishment and maintenance of certified schools and other institutions for reception of children and of youthful offenders. The principle of separate hearing and separate institutions for Juveniles was accepted by this act.

In 1933, six years after the functioning of this act, the Government of Bombay appointed a committee under the chairmanship of Mr. Starte who in its report, made specific recommendation about the improvement of these institutions. In 1945, Department committee proposed that there should be more certified schools and suggested that special institutions for older girls should be established.

The Bombay Children Act 1948

Bombay Children Act 1948 provides for the establishment of Remand Homes, certified schools and other institutions for delinquent at children.

The Children Act of 1960

The Children Act of 1960 provides for separate institutions for neglected children and for Juvenile delinquents. Reception children

Homes for delinquents are to be established and maintained under this act.

At Ahmedabad, The Remand Home was established in 1935, in accordance with the children Act. It was run by Child Protection Society since 1941, which is now known as Ahmedabad district Probation and After Care Association.

1.2.2 The Juvenile Justice Act 1986 - New Delhi, India

The Juvenile Justice Act of 1986 is a noble piece of legislation enacted for the care, protection, rehabilitation, treatment and development of neglected or delinquent juveniles and for the adjudication and disposition of certain matters relating to them. The Act indicates a realisation of multi-faceted problems, different needs and high aspirations of Juveniles of various categories and the importance of working in collaboration with voluntary organisations interested in their welfare. The act is noble in its aim and specific in its provisions. A study of the working of the act could suggest amendments and modifications to make it more effective. The effective implementation of act needs conscious efforts and an understanding of the spirit of the law and its provisions.

This act is an attempt to bring this important law to those, interested and working for the welfare and development and the

neglected and delinquent children. This act is an effort to bring awareness of legal rights of the Juveniles among the law framers and implementors, social activists voluntary organisations, parents, guardians and affected children. It is hoped that this act would lead towards achieving greater social justice for affected children and thus enable them to realise their rights as human persons.

This law was enacted because of the following reasons.

1. The earlier acts relating to children were not adequate to give sufficient attention to Juveniles, in situations of social mal-adjustment, delinquency or neglect.
2. The justice system applicable to adults was not relevant to the Juveniles.
3. It was felt that a uniform Juvenile system throughout the country was necessary to deal with all aspects in changing social, cultural and economic situation in the country.
4. There is also the need for larger involvement of informal systems and community based welfare agencies in the care, protection, treatment, development and rehabilitation of Juveniles. In this context, this act aims at achieving the following objectives :

1.2.2.1 The Aims and Objectives of The Juvenile Justice Act, 1986 :

This Act aims :

- to lay down a uniform legal framework for juvenile justice in the country ;
- to ensure that no child under any circumstances is lodged in jail or police lock-up ;
- to establish juvenile welfare Boards and juvenile courts ;
- to provide for a specialised approach towards the prevention and treatment of Juvenile delinquency in its range, in keeping with the developmental needs of the child ;
- to spell out the machinery and infrastructure required for care, protection, treatment, development and rehabilitation of various categories of children, coming within the purview of the Juvenile justice system and to establish observation homes, Juvenile homes for neglected juveniles and special homes for delinquent Juveniles ;
- to establish norms and standards for administration of Juvenile justice in terms of investigation and prosecution, adjudication, and disposition, care treatment and rehabilitation ;
- to develop appropriate linkages and co-ordination in between the formal system of Juvenile justice and voluntary agencies engaged

- in the welfare of neglected or socially mal-adjusted children and to specially define the areas of their responsibilities and roles ;
- to constitute special offences in relation to juvenile and provide for punishment ;
 - to bring the operation of Juvenile justice system in the country in conformity with 'United Standard Minimum Rules For the Administration of Juvenile Justice'.

It is true that many objectives and provisions of this Act are taken from laws enacted in Western countries. No doubt we can draw inspiration in making laws from existing laws of other countries. However, much adaption is necessary to make the law relevant to our situation, otherwise the laws will remain as a good pieces of legislation without possibility of their implementation or realisation of their noble goals.

The Act is under constant discussion and examination by legal authorities Social Welfare Agencies for approximating goals and objectives for socially handicapped children according to their views, though the Act has noble aims, yet it has many defects and limitations hence realising its goals and aims is difficult. Though the title of the Act appears to be appropriate, but the provisions of the Act do not fully correspond with the title, the concept of 'Juvenile Justice' seems to have been used in a narrow or restricted sense.

The main problem in achieving the proposed aim of the act is that the implementing authorities appointed under the Act, are inadequate in number and work without sufficient spirit and motivation. The law makers and implementing agents are different people. They may not have a common vision regarding the objectives to be achieved. Some of the officials appointed earlier under the provision of the old laws may not have competence to work to achieve new goals put forward in this act. The State Governments are also indifferent to the implementation of the Act because proper implementation of the Act has many financial implications. A lot of money is required for construction of building Homes for the Children, creating infrastructural facilities and payment of salaries to the officials appointed under the Act. Maintenance of Juvenile Homes itself is a very costly affair. In order to make the Act more effective, the data regarding working of the Act from administrators of the Juvenile Homes and Jeveniles should be collected. Based on that data if found, necessary amendments for effective implementation of law should be made. Adequate in service training must be given to the officials appointed under the Act.

1.2.3 Government and Voluntary Organisations in Baroda :

The Government and Voluntary Organisations in Baroda are presented hereunder -

1.2.3.1 Government Organisations in Baroda :

There are so many Government and non-Government voluntary organisations working in Baroda for the welfare of such children. The Government agencies are following :

1. Remand Home / Observation Home (For boys).
2. Remand Home / Observation Home (For girls).
3. Juvenile Home.
4. After Care Hostel, Pensionpura.
5. After Care Hostel for Women.

1.2.3.2 Voluntary Organisations Working in Baroda :

Some of the voluntary organisations working in Vadodara are as follows :

1. Gujarat Bal Kalyan Sangh, Baroda.
2. Spandan School of Mentally Handicapped Children.
3. Diocese of Baroda.
4. Bal Kendra, Alembic Vidyalaya.
5. Ambalal Sarabhai Foundation for Health Education.

6. Child Guidance Clinic.
7. National Association of Blind.
8. Society for Physically Handicapped.
9. Family and Child Welfare Project, Padra.
10. Akshar Sahitya Sanstha.
11. Baroda Lions Club Educational Trust.
12. Baroda Association for Blinds.
13. Gujarat Heart Relief Society.
14. Lions Heart Foundation.
15. Children's Friends, Baroda.
16. Muslim Trust Methodist.

1.3 COMPETENT AUTHORITIES AND VARIOUS AGENCIES

HELPING JUVENILES FOR TREATMENT /

REHABILITATION :

In the present study, it is quite necessary to bring such agencies and institutions into limelight which are helping such Juvenile inmates to complete their Journey from Road to Juvenile Home to their treatment and rehabilitations. The details are as follows :

1.3.1 Juvenile Courts :

Child appearing before the Juvenile Court in the State has to pass through certain stages of legal procedure before the final treatment and rehabilitation is chalked out. Any Police Officer or any other person or organisation authorised by the State Government by special or General order, suspects any child, (Wandering aimlessly, homeless, or found destitute or found in the company of any thief or prostitute or travelling ticketless or having stolen some minor or major property) can bring the child to the nearest police station. The police officer in charge of the police station when he is informed about the Juvenile (suspected or neglected destitute), writes substance of the information in the book kept for this purpose, then he forwards a copy of the entry made in the book to Remand Home. The police officer has to bring the child to the Board without any loss of time within a period of 24 hours of such charge taken. The child definitely by all means can not be kept in the police station or jail but he must be sent to Remand Home for detention under Sec. I. The probation officer or officer in charge of the Remand Home is informed accordingly. Children are not detained at the police station but they are admitted in the Remand Homes. The atmosphere of the Remand Home is altogether different from that of police station and it is the duty of the intake officer and the chief probation officer to make the

child feel the difference. Sympathetic, understanding attitude and patient hearing on the part of the officer of the Remand Home goes a long way in inspiring confidence in the child and establishing cordial relationship between the child and the Remand Home personnels. As per the provision of the Children Act, within 24 hours of detention in the Remand Home, every such kind of child is produced before the Juvenile Court / Board. This marks as the final and significant stage of his rehabilitation.

Within short time at the disposal of the court, a large number of new comers are produced before the Juvenile Court / Board Magistrates. These new comers include uncontrollable children, who are beyond the control of their parents, or, the parents hard pressed by economic and familial difficulties, bring their children to Juvenile Court, willfully and voluntarily. The Juvenile Courts hold their sittings in one of the rooms of the 'Remand Home'. Usually children are taken on charge by the uniformed policeman in the first instance.

Remand Home are furnished and arranged in a simple manner with big table and some chairs the atmosphere is deliberately made informal to implant the ideas in the minds of young offenders that they are criminals. Otherwise it may create a sense of shame, that acts as discouragement rather than as a stimulant to better

behaviour. The Magistrate, the Public Prosecutor, the Police and the Officer of the court, all appear in ordinary dresses. The atmosphere is as far as possible, softened down with pleasant talks of the court people, to certain extent, to curb the child's feelings of nervousness and fear. The attitude of the Magistrate is the real pivot, on which the child's feelings of resistance and fear can turn into co-operation and confidence.

Cases of the lost children, whose relatives have been traced and of certain minor offences like ticketless travelling or licenseless hawking, are decided by the magistrate without further delay at that meeting only. The child is remanded for the initial period of fourteen days for obtaining information regarding his antecedents and family history to assist the Juvenile Court in making final order.

In the cases where bail applications are put forward by the interested party, the magistrate gives dates, orders to probationary officer to investigate into advisability of granting bail.

Applications of uncontrollable children presented by the parents or Guardians are also given dates. The probationary officer is asked to make detailed inquiries and report whether the child is really uncontrollable as to require court intervention. Applications, wherein the Magistrate senses ill-motif or wrong are discarded. At

this stage a Juvenile can be discharged after due admonition with or without supervision, or committed to the care of parent, guardian, relative or a person named by the court with or without supervision or he can be fined.

During the remand period, the probation officer makes preliminary inquiries regarding the home, the family, the school, the neighbourhood and other circumstances of child. The probation officer establishes close contact with the child by repeated interviews and tries to find out the roots of the specific problems or difficulty and his own reaction to it. The police and the probation officer summons the parent/guardian and gathers the relevant information. The probation officer is required to pay visit to home or place of residence to the child and study the environmental condition. He also visits the school where the child has last attended and assesses from the teachers. If a child is mentally retarded, he is sent to psycho-analyst on the basis of the facts gathered. He prepares a full case history, including the child's own story, and also analysis of child's character. All these facts are examined by the public prosecutors. Then hearing of the case begins. This marks the second appearance of the child. During the period between the first appearance of the child in the court and the second, the police and the probation officer prepare the report. When young offender

appears before the court, the police officer states the charge against him. The magistrate asks the child to show reason why he should not be declared guilty. If the child admits the offence, the admission is recorded in his own words and if the child does not admit his fault the judge can find him guilty. The parents or guardian of the child are asked to take oaths, to speak truth and only truth. A sympathetic judge always asks the child by gaining the confidence of the child and to take the truth from him before the judge displays his final decision. The juvenile court magistrate, before passing a final order, takes into consideration the factors such as (a) age (b) character of the child (c) circumstances (d) willingness on the part of the child to return to his parents/guardians to accept the child's responsibility (e) availability of probation staff to supervise the child restored to his parent, or guardian (f) availability of accommodation in the suitable institution according to the interest of the child.

1.3.2 Juvenile Welfare Boards :

Juvenile Welfare Board is constituted under section 4 of this Act. The State Government is empowered to constitute a Juvenile Welfare Board for a specific area. The State Government issues a notification in the official Gazette, specify the area for which the board has to be constituted. The Board can exercise all the powers and discharge all the duties confirmed by the Act in relation to

'Neglected Juveniles'. The Juvenile Welfare Board is constituted by a Chairman and few other members appointed by the State Government. Out of the total members of board, at least one member is a woman. Each member is given the powers of a Magistrate under the code of Criminal Procedure (Cr.P.C., 1973). the Board functions as a bench of magistrates having the power of a Metropolitan Magistrate or Judicial Magistrate of the first class under (Cr.P.C., 1973).

Any State Authority or Police official if suspects any neglected, and destitute or socially handicapped child, he can bring the person before Board or inform the nearest police station. The Police Officer incharge of the police station, after he is informed about any such Juvenile, writes the substance of the information received in a book kept for that purpose. Then he forwards a copy of the entry made in the book to the Board.

The Police Officer, after taking the charge of the Juvenile, brings him to the Board within a period of twenty four hours. It excludes the time taken for the journey from the place where the Juvenile had been taken charge of. He is sent to observation home. When a person is found to be neglected juvenile, but he has parent or guardian, then the Police Officer makes a report to the Board for initiating the inquiry regarding the juvenile. When Board receives the

report, it may ask the parent or guardian to bring the child before it and to show cause why the child should not be treated as a neglected Juvenile. The Board is competent to issue a search warrant for the immediate production of the Juvenile. Regarding the inquiry, the Board first examines the police officer or state authority who brings the Juvenile or makes the report. Then the Board records the substance of the inquiry. The inquiry is conducted in a prescribed manner through probation officer. The police and the probation officer gather the information regarding the child and present before the Board. On the basis of which, treatment plan is chalked out. During the period of inquiry, the Juvenile can be kept with his parents or guardian. If that is not possible, he can be kept in the Observation Home or a place of safety specified by the Board and if the Board believes that his parents or guardian are incapable of taking care, the Board can refuse the Juvenile to stay with his parent/guardian. After the inquiry is conducted and the Board is satisfied that a Juvenile is neglected Juvenile / destitute or victimized, only then, Board can order the Juvenile to be sent to Juvenile Home, for the period until he ceases to be a Juvenile. Before sending to Juvenile Home, the interests of the Juvenile are catered for. The boys can stay in Juvenile Home till the age of 18 years and girls till the age of 20 years. The Juvenile Welfare Board, in a suitable situation, instead of sending Juvenile to a Juvenile home,

can send the child to his parent or guardian. Then the parent or guardian has to execute a bond with or without surety, to be responsible for the good behaviour and well being of Juvenile and to observe the conditions imposed by the Board, then the Board at the time of giving the charge of the Juvenile to his parents or guardian or fit person, can make an additional order that Juvenile may be placed for supervision for a period of 3 years.

The Juvenile Welfare Board also receives the complaints from the parents or guardians of the Juvenile that he is not able to exercise proper care or control over the Juvenile and if the Board is satisfied with the facts on inquiry it may send the Juvenile to an Observation Home or place of safety and make further inquiry as it thinks necessary.

1.3.3. Remand Homes / Observation Homes :

The State Government is responsible to establish and maintain Observation Homes for a temporary reception of Juveniles during the pendency of any inquiry regarding them before the Juvenile Court. The Remand / Observation Home not only offers physical security, clean environment, accomodation, maintenance, facilities for medical examination and treatment but also provides opportunities for observing the child and to study his family and social background.

Such social inquiry report presented by probation officer to Juvenile court, has great value in the treatment programme to be prescribed by the Juvenile court and Juvenile Welfare Board. The institution receives socially handicapped children. The institution renders education and recreational facilities. Vocational training is also provided. The institution plans for rehabilitation. The Remand / Observation Home tries to create an awareness among the local public for understanding the needs and problems of the children. Cases of children are studied by probation officer from social and psychological point of view. Such children are presented in the Juvenile court, which meets twice a month in the Remand Home.

The probation officer puts the suggestion according to the study of cases. After consulting two honorary magistrates, the final decision is taken in the interest of the child. In many cases children are handed over to parents.

1.3.4 Observation Homes for Women :

Remand Home or Observation Home for girls itself is a residential institution. Here, facilities are provided for the educational and vocational training. The inmates are provided with basic need of food, shelter and clothings. Along with these physical needs, opportunities are provided for special needs. They are given chance

for group living. Children are given some work opportunities, like cleaning, cooking, washing etc. Educational and vocational training is also provided. Part time teacher is also provided. For recreation, children are taken out for excursion and for their health, health officer visits their institution.

1.3.5 Special Homes :

The State Government is expected to establish and maintain special home for the reception of Juvenile delinquents. The special home in Gujarat exists in Rajkot. The special home of Rajkot entertains the delinquent children who have committed offence. Special homes provide the delinquent Juveniles -

1. Accomodation.
2. Maintenance.
3. Facilities for education.
4. Vocational training and rehabilitation.
5. Facilities for development of his character.
6. Opportunities for all round development of character and ability.

The State Government is expected to make rules to provide for the management of special homes, classification and separation of

delinquent Juveniles on the basis of age and the nature of offences committed by them.

The State Government may transfer one delinquent Juvenile from one special Home to another special Home in state.

1.3.6 After Care Institutions :

The main purpose of After Care Institutions is to enable the children (who leave special home or Juvenile Home, after certain age) to lead honest and industrious life. The Act makes provision for an After Care Institution for the benefit of released inmates of the institutions. After Care Institutional services are extension of services rendered in the institutions and serve as stepping stone for ultimate rehabilitation of such discharged children. After Care Institutions are reception centres for Juveniles discharged from Juvenile Homes and Special Homes. After Care Institutions extend help, guidance, counselling, support and protection to all released Juveniles.

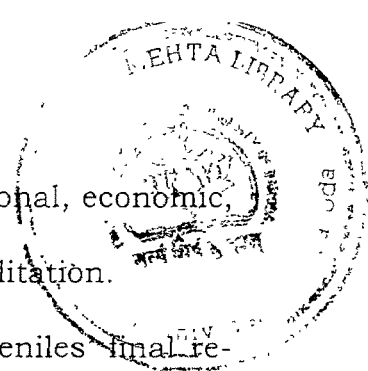
It also assists the Juvenile in functioning as a self-dependent and self-reliant socially useful citizen. To complete in all respects, it helps the process of Juvenile's final re-adjustment, re-settlement and re-habilitation. Before the Juvenile is discharged from Juvenile Home or special home, he is sent to After Care Home, the probation

officer makes the report of needs and After Care assistance required by the Juvenile. The comprehensive scheme of After Care Institutions by the Gujarat Government gazette, The Juvenile Justice Act 1986 is presented here with :

1.3.6.1 Rule 27(i) Gujarat Government Gazette Juvenile Justice Act 1986

The major objectives of after care institutions, according to Gujarat Government Gazette, The Juvenile Justice Act, are as follows :

1. To extend, help, guidance, counselling, support and protection to all released Juveniles.
2. To help the released Juvenile to overcome his mental social and economic difficulties.
3. To impress upon the Juvenile, the need to adjust his habits, attitudes, approaches, values, social-responsibilities and community living.
4. To help the Juvenile to make smooth adjustment to his post-release environment.
5. To encourage the Juvenile in making satisfactory re-adjustment.
6. To assist the Juvenile to make him self-dependent, self-reliant and socially useful citizen.

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7. To assist him in physical, mental, social, vocational, economic, post release, re-adjustment and ultimate rehabilitation.
 8. To complete in all respects the process of Juveniles final re-adjustment, resettlement and re-habilitation.

1.3.7 Juvenile Homes :

‘Juvenile Home’ means an institution established or certified by the State Government under section ‘9’ as a Juvenile Home.

The State Government is authorised to establish Juvenile Home as a reception of neglected Juvenile. The movement of Remand Homes and Juvenile Homes have been the recent attempt in India. Children of Juvenile Home come under Bombay children Act. The State Government has the authority to frame rules under this Act. The rules provide for the management of Juvenile Homes including the standards and the nature of services to be maintained by them.

Old administrative patterns are still maintained in many Juvenile homes today. Pattern of administration is restructured to create new atmosphere in the Juvenile Homes which are conducive to attain the goals envisaged by the Act.

The children admitted in Juvenile Home are from Remand Home. The children Acts provide for Remand Home or Observation

Home as places of safety. There are two Acts operative in Gujarat State; the Bombay Children Act 1948 and the Saurashtra children Act of 1956. All Juvenile cases are tried under these two Acts. Main functions of Remand Home or Observation Home, besides detention and custody, are correctional treatment, to enable the child to overcome his handicaps and to provide him an opportunity 'to mobilize his inner strength and capacity'. Juvenile Home of Baroda is Residential cum educational training centre of neglected and deprived children. There is a communication between the superintendent and inmates which help the inmates to overcome their initial fear or inhibitions. The Juvenile Home accommodated 123 boys in year 1996-97. This number varies every year.

The inmates of Juvenile Home are mostly in the age group of 6 years to 18 years. They are from lower classes, sons of poor labourers, petty traders or casual workers. The socio-economic and cultural environment was not conducive to their balanced growth. Poverty, unemployment and family crisis have forced them to reach the doors of Remand Home.

1.3.7.1 Comprehensive objectives of Juvenile Homes according to Gujarat Government Gazette, The Juvenile Justice Act, 1986

The comprehensive objectives of Juvenile homes are as follows :

1. To extend food, custody (shelter) and protection (to satisfy the basic need).
2. To provide education at lower level (primary level).
3. To impart vocational education, in order to enable them to settle the inmates and earn livelihood after their release from Juvenile home.
4. To extend guidance support and protection to Juveniles.
5. To assist Juveniles in the process of physical, mental, vocational, adjustment and ultimate rehabilitation,
6. To complete in all, every Juvenile Home provides the Juvenile not only accomodation, maintenance and facilities for educational and vocational training and rehabilitation but also provides him with the facilities for development of his character and abilities. It also gives him necessary training to protect himself against moral dangers, exploitation and also to perform such other functions that ensure all round growth and development of his personality.

The statement of objectives clearly indicate the focus of Juvenile Home. Its ultimate objectives or long term goal is to develop self-reliance and self-confidence among the inmates. These qualities, are essential for inmates to face the challenges of life and the outer world. Educational and Technical Training are important means, through which the Juvenile Home endeavours to inculcate appropriate abilities and skills among children to face up socio-economic situations outside (outside the institutional setting). Thus the major emphasis is on social and economic rehabilitation and all activities and programmes are intended to approximate this goal.

1.3.7.2 Juvenile Home of Baroda :

Juvenile Home of Baroda was established in 1890. This Institution was established during the Gaekwad rule in Baroda and was known as Reformatory School. After independence, it was taken over by Government of Gujarat under 'The Bombay Children Act 1924', as certified school. At present, it is under Juvenile Justice Act 1986 and is known as Juvenile Home. Before Juvenile Justice Act 1986, neglected Juveniles and Juvenile Delinquents were used to be kept under the same roof that was Government certified school but after 1986, they were separated and Juvenile delinquent criminals are kept in the special Home of Rajkot and physically mentally, socially and emotionally handicapped children are kept in the

Juvenile Home of Baroda for correctional purpose. The institution under present study is governed by Government of Gujarat through Social Defence Board.

The Social Defence Board looks after the welfare of vulnerable section of the society. The Juvenile home of Baroda aims at total reformation of the Juveniles committed to the institution. The value of the institution to a Juvenile is that it offers a setting which combines control, protection and treatment in totality. The agency has a very vast infrastructure with all the facilities for the accomodation of the inmate and the staff members including the superintendent. Workshop for vocational training, kitchen, dining hall, classrooms, gardens, etc., are created by vast land below the over-bridge near the railway tracks on Alembic Road. By the very physical location the agency enjoys the advantage of being nearer to the town, schools, market and a highway. Juvenile Home is excellent with large industrial units like Jyoti Limited, Alembic Chemicals etc. In its neighbourhood central zone of the city, with its market, 5-6 km. away from this place. It is well connected with transport service, bus auto etc. High compound walls separate this institution from other surrounding structures.

The Juvenile Home of Baroda receives the following types of children :

- (1) 'neglected' and destitute (socially handicapped children),
- (2) uncontrollable children,
- (3) victimized or oppressed children,
- (4) 'delinquent' children or young offender,

A 'neglected and destitute' or socially handicapped child is defined by the Act as a child who :

- (a) has no home, settled place of abode; or
 - (i) of visible means of subsistence; or
 - (ii) has no parent or guardian who exercises regular control and proper guardianship; or
- (b) is found destitute and his parent or guardian is undergoing transportation or imprisonment; or
- (c) is under the care of a parent or a guardian who by reason of criminal or drunken habits is unfit to have the care of such person; or
- (d) frequents the company of any reputed thief or prostitute; or
- (e) is lodging, residing in or falling into bad association or exposed to moral danger or enter upon a life of crime.

As distinguished from the offenders, these children are referred to as 'non-offenders'. So protection under these sections implies the extension of helping hand of state to the child who is in need of such

help when a guardian is absent or unable, or unfit to provide proper care for the child.

The other type of children which Juvenile Home receives is 'uncontrollable children', children who are beyond the control of their parents or guardian and whom the parents or guardians concerned wish to send to a Remand Home. The uncontrollables are 'near delinquents' or borderline cases who, in the absence of proper supervision of guardian, turn into delinquents. They remain out of the control of their parents and are in the habit of stealing things and selling them off. They are those who defy the authority of their parents or guardians, steal things first from home and then from neighbours. Juvenile court is justified sometimes in rejecting the applications on the plea that parents or guardians should not be encouraged to shirk the responsibility of proper guardianship of the children.

The third type of children which Juvenile Home receives is 'victimized' or 'offended against'. The Act enumerates such offences against children :

- (1) cruelty to a child by a person having actual charge of or control over him by way of abandoning, exposing, willfully neglecting or illtreating him or willfully failing to provide

- adequate food, clothing, medical-aid or lodging in a manner,
likely to cause physical injury to his health,
- (2) allowing the child to beg or inducing the giving of alms,
 - (3) giving intoxicating liquor to a child except when medically necessary,
 - (4) inciting the child to beg or borrow money,
 - (5) taking on a pawn, articles from a child,
 - (6) causing or encouraging seduction or prostitution of a girl under the age of 16 by a person having the actual charge of or control over her,
 - (7) illtreating a girl under 16 by her parents, cruelty by her parents or exposing her to the risk of seduction and prostitution.

'Youthful Offenders' (The Amended Act of 1936 defines), are children who are below sixteen and above 7, of age of criminal responsibility dealing with the Juvenile delinquents. The Bombay Children Act 1948 brings about a new Philosophy of Treatment and Rehabilitation and Not Punishment. After 1986, such Juvenile delinquents are in Special Homes. Earlier, they were put under same roof with neglected Juveniles only.

1.4 RATIONALE OF THE STUDY :

The comprehensive objective of the Juvenile Home are to provide the Juveniles not only food, accommodation, educational and vocational training but also to provide them facilities for the development of their character, protection against moral danger and also perform such other functions that ensure all-round growth and development of the personality.

But how far the Juvenile Homes have been able to achieve these objectives we can not say. It is only through systematic investigation that we come to know that every institution is making efforts to achieve these objectives and assisting the Juveniles in the process of physical, mental, vocational, skill development and ultimately, rehabilitation. This can be known through some research studies. The research studies conducted by Gupta (1959), Desai (1963) Joseph (1979), Goankar (1983), Vyas (1986), Vyas (1988), Jani (1992), indicate that although Juvenile Homes provide necessary facilities for physical activities, school education and vocational training yet the functions and programmes, which indicate spiritual and positive values in the inmates, the programmes which can bring transformation in the thinking, attitude and behaviour pattern of the inmates and which are essentials for the overall development and growth, are lacking. The

programmes and functions which are conducted in the Juvenile Home are totally under strict routine which do not cater to the psychological and emotional needs and requirements of the inmates. The programmes which could provide proper outlet to the intellectual and emotional energy and creative expression and eradicate their fears, anxieties, worries are not given attention. Though the name of the institution is Juvenile Home, but it lacks adequate homely atmosphere where Juveniles experience love, acceptance, appreciation and understanding. The studies further indicate that programmes conducted in the Juvenile Home are under strict routine and do not motivate and strengthen them from inside so that the children could face challenges of life with courage and determination.

In the light of above facts, the researcher felt that perhaps some programmes should be developed which could cater to the needs, requirements and interests of the children. The researcher felt it necessary to develop the programmes which could cater to such objectives referred above, which should be in a position to bring transformation in the thinking, attitude pattern and overall growth and development of the inmates, and even if Juvenile Homes are successful in achieving its objectives, it is the responsibility of the researcher to make amendments, improvements and modifications.

For that, the researcher must go for systematic investigations. The input should be decided and identified. In order to identify the same, it is visualised that the reasons of mal-adjustment, needs and requirements of the inmates be probed to make it more relevant for the inmate. The feasibility and effectiveness of the programmes also need to be studied. The different constituents of the programme, (classes, lessons, courses for self expression, games, prayers) conducted in the cordial atmosphere of love, care, acceptance and appreciation, could develop a sense of belonging in the inmates and bring remarkable changes in their thinking attitude, notions and behaviour pattern, enabling them not only to become healthy citizens of Nation but also world wide citizens.

Moreover the review of related literature also clearly shows that such studies have never been undertaken. There are hardly any studies on educational programmes which exist in the Juvenile Home which could cater to the needs and requirements of the inmates, developing specific educational programme to see the effectiveness on the inmates, to study students' attitude and reactions towards Juvenile Home. So the above studies in the area have left few gaps which need to be bridged through the present study.

While researching into the subject of study, some vital questions that emerge are as follows:

- (1) What are the reasons of mal-adjustment in the inmates of Juveniles Home of Baroda?.
- (2) What are the needs and requirements of the inmates of Juvenile Home of Baroda?.
- [3] What are the existing educational programmes in the Juvenile Home of Baroda?.
- [4] Are programmes of Juvenile Home adequate to cater to the needs and requirements of inmates?.
- (5) Are educational programmes of Juvenile Home adequate to achieve its objectives?.
- (6) How far is it feasible to develop an effective educational programme which should be adequate to cater to the needs and requirements of inmates?.
- [7] Can modified, educational programme bring any change in the inmates' behaviour in respect of personality, self esteem, their attitude towards institution and academic performance ?.

To address the research questions enumerated above, the present study is undertaken. However, this kind of study would require close association of the investigator with the Juvenile Home, for a long time. It requires surveying the needs and requirements,

and developing programmes and providing developed inputs for a long period of time. For this purpose the Juvenile Home of Baroda was selected, as it would make long intervention possible for the researcher, as the investigator is stationed at Baroda. Considering the preceding facts, the present study is undertaken.

1.4.1 Statement of the Problem :

DEVELOPMENT OF AN EDUCATIONAL PROGRAMME AND ITS IMPACT ON THE BEHAVIOUR OF INMATES OF A JUVENILE HOME.

1.4.2 Objectives of the Study :

The Objectives of the study are as follows :

1. To find out the reasons of mal-adjustment in the inmates of Juvenile Home of Baroda with a view to prevent its spread.
2. To study the needs and requirements of the inmates of Juvenile Home of Baroda.
3. To study the existing educational programme in the curriculum of Juvenile Home.
4. To develop the educational programme catering to the needs and requirements of the inmates.
5. To study the effectiveness of the programme in terms of -

- 5(a) securing desirable changes and development in the personality of the inmates of Juvenile Home of Baroda,
- 5(b) bringing desirable changes in self-esteem of the inmates of Juvenile Home of Baroda,
- 5(c) bringing changes in the attitude of the inmates towards Juvenile Home of Baroda,
- 5(d) bringing desirable changes in the academic performance in the inmates of Juvenile Home of Baroda.

1.4.3 Explanation of the Terms Used :

Educational Programme - Certain inputs which were thought to be appropriate, catering to the needs, requirements and interests of the inmates of Juvenile Home, to enable these mal-adjusted children to return to normalcy and to reduce the expectancy of deviant behaviour and help them to grow and develop alround physically, mentally, morally and intellectually.

Impact - Effects of the inputs decided for the inmates the effectiveness of the educational programme was observed. Age group remains from 9 years to 18 years.

Behaviour - Concerns in terms of inmates personality, self-esteem and their attitude towards Juvenile Home.

Inmates - occupants of the Juvenile Home who reside in the institution.

Juvenile Home - Means an institution established or certified by State Government under Section 9, as a Juvenile Home provides reception to neglected, uncontrollable and victimized juveniles. Earlier neglected and Juvenile delinquents were kept under the same roof but after the implementation of Juvenile Justice Act, 1986, juvenile delinquents are kept in the special home whereas Juvenile Home receives neglected, uncontrollable and victimized juveniles and who suffer because of lack of psycho-social and economic facilities.

1.5 THE HYPOTHESES :

In the light of the concept of the present study and the objectives stated, the following research hypothesis were generated regarding the effectiveness of educational inputs for the inmates of Juvenile Home of Baroda.

When educational programme is developed and implemented according to their needs and requirements, their learning experiences may turn out to be satisfying ones. They may remove their emotional stress instability and reduce the expectancy of deviant behaviour.

During the course of various activities throughout the year, the students may discover and energize the hidden talents.

The inmates may begin to regain their lost powers of spontaneity and self expression.

The inmates may develop positive ways of seeing, respecting both the teachers and other inmates of Juvenile Home. This could also bring about better co-operation and feelings of belongingness in the inmates.

The educational programme may bring desirable changes in the inmates behaviour in respect of their :

1. Personality
2. Self-esteem
3. Attitude towards institution
4. Academic performance

Before and after the implementation of the educational programme, perspective will differ.

1.6 LIMITATIONS OF THE STUDY :

The present study relates to the development, implementation and ascertaining the effectiveness of educational programme for the inmates of Juvenile Home of Baroda. It is particularly limited to the

inmates of Juvenile Home of Baroda. The examination of Socio-economic background is limited to the inmates of Juveniles Home. A treatment for removing mal-adjustment can not be generalised.

The institution lacked in cultural support in emphasising the motivation and aspiration levels of inmates making them to understand philosophy and objectives of their admission to Juvenile Home.

The researcher struggled with inmates to join her for the activities developed for them. The Juvenile Home authorities also found this approach as a totally new and challenging one to enable the students' growth and personality.

By having only 30 inmates as sample in the experimental group, conclusions can not be drawn on a larger scale. The present study was conducted with boys of Juvenile Home. It excluded female Juvenile inmates because there were are no female Juveniles in the Juvenile Home.