CHAPTER EIGHT

JUVENILE JUSTICE AND CORRECTIONAL INSTITUTIONS FOR NEGLECTED JUVENILES

I. Introductory

The Juvenile justice system is the outcome of the agitation for 'social justice' for children. In the area of criminal justice, progressive people realized that the administration of social justice, at least so far as children are concerned, should not be based on theories of retribution and revenge, but rather on the principles of reformation and correction. Young delinquent is less blameworthy for his conduct. He is more a victim of adverse social, economic and familial situations in which he happens to be by sheer luck - good or bad. Thus, the measures adopted for his reinduction into the society as its productive member must be curative and not punitive.¹

Juvenile justice, therefore, should provide for the necessary care, protection, education, training, treatment and welfare of the delinquent child, and make all possible attempts to put him on the road of productive citizenry.² The law must approach the child delinquent not as a target of punishment but of human nourishment.³ Accordingly, the juvenile justice system has been designed to deal with the young delinquent without resorting to custodial measures; subject always to the welfare principle.

Philosophically this is the most ideal state of juvenile justice system. But justice is not philosophy alone. It is an experience; a test of social order and much more. The argument that retribution has been considerably weakened by

increasing evidence that criminal behaviour is neither the exclusive nor direct result of the exercise of 'free will' is more or less relevant in academic circles of the community. The desire for vengeance still dominates the instinctive sense of justice of the general masses. Thus the concept of justice, cannot be isolated from the society at large. Justice is not intellectual's ideal alone. It is equally, rather more important, from the point of view of the recipient of justice. Therefore, corrections, (with whatever name they may be called) a time tested and most traditional modes of administration of justice, though the least desired choice within the framework of juvenile justice system, have come to stay within it, not only for the instinctive satisfaction of the sense of justice of the society but also as an effort to make a better man out of troubled soul.

Juvenile corrections even with the best possible model can never be a substitute for home; for parents; for peer association for a young socially outcaste. They are unnatural and artificial in nature even if the desired facilities exist within their settings.

The problem of rising crime and delinquency, overcrowding in corrections and the seeming inability of juvenile justice system to cope effectively with the ever-increasing delinquency problem with its new patterns and dimensions, of course, raised controversy regarding the use of corrections as a delinquency control mechanism. On one hand, non-custodial forms of treatment are being widely recommended, but still the sanction of segregation from the community is considered to be the strongest deterrent to the delinquent and potential delinquent, and institutionalized treatment still appears to be necessary in certain cases, specially where the risk of repetition of a dangerous conduct appears high. Inspite of all the controversy regarding the use and utility of institutionali-
zation it has come to stay in the administration of juvenile justice system and there is no immediate possibility of its complete replacement by any other form of treatment. Corrections are an integral part of our juvenile justice system and will continue to be so. So it appears.

II. Juvenile Corrections in India - An Overview

The correctional institutions of our country are under sharp attack. Although magistrates and police are frequently accused by those who advocate more liberal and non-institutional approach towards young delinquents, the really venomous attacks are reserved for institutions to which persistent young delinquents eventually find their way. While such criticism is hardly new, their extent and intensity have risen to levels not known in the recent past. Their sources are disparate-ranging from National\(^5\) and regional\(^6\) Commission on Prisons from time to time, to the press reports in newspapers and news magazines - but their conclusions have been generally uniform:"institutions fail to rehabilitate, they are inhumane, and they contribute to the exaggeration of the problem of delinquency rather than to its abatement."

In the light of the noble ideals for which corrections, a very important variable of juvenile justice system, stand, let us have an overview of our corrections. The story of Tihar Jail, situated under the very nose of the seat of Central Government narrated by Mr. Kuldeep Nayar, a responsible journalist with no apparent motive for mendacity nor inclination for subjectivity, in his book titled 'In Jail' describes the ingenious 'slave system' in jail involving young children between ten and eighteen years.\(^7\) "Hell Hole for delinquents."

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5. All India Committee on Jail Reforms(1980-82) headed by Justice A.N.Mulla.
6. Haryana Govt. also appointed Commission on Jail Reforms headed by Justice Tek Chand; Similar Commission was appointed by Orissa Govt. under Justice Harihar Mahapatra(1982).
this is how the Ranchi Remand Home (Bihar) has been described. "Minors huddled together in shared misery, their lives are a nightmare that never seems to end," this is the inside picture of Ahmedabad Remand Home. "Den of Darkness," a crumbling graveyard for victims of the government callous indifference, is the state of affairs of State After Care Home in Patna. "U.P. Protective Home (Agra) Scandals Galore", a news item in Indian Express presents a most shocking state of affairs of the institution. "Home or Hell" depicts the inside story of Amritsar juvenile home for under trial juvenile delinquents.

This is one side of the picture depicting deplorable conditions of the corrections meant for unfortunate young delinquents who are politically, socially and economically black outs. On the other hand for rich and privileged class of prisoners, jails have all the facilities of a Five Star Hotel and their money power can open all doors for cushioned existence. Even if we regard these press reports as motivated by sensationalism and present an exaggerated picture of the working of our corrections, still the working of corrections in general and juvenile corrections in special is not very fine. Responsible academic researchers too reach at conclusions which are very close to the conclusions of journalists though in a soft language. National and regional commission reports on corrections almost authenticate assertions.

The long line of popular portrayals of what happens in corrections have all led the public imagination with the horrors and degradations of

11. Ibid.
corrections for young delinquents. They are more or less custodial warehouses in which every thing but care and treatment takes place. Add to this/wrath of those who see themselves as guardians of juvenile justice and you have the makings of a demon even more evil than public view of the worst delinquents.

Viewed by any one, possessed of the most elementary sense of administrative order and common logic, the way in which we in this country organise and manage our corrections for thousands of unfortunate juveniles, from the point of arrest to the point of discharge and even after that, must look as if they have been designed and managed by a mad man with the aid, advice and supervision of public enemy no one.

The working and management of our juvenile corrections (Protective Homes, Remand Homes, After Care Home, Certified Schools etc.) presents the most glaringly inadequate institutions on the Indian correctional scene. It is not enough to say that our corrections, as we know them, is a failure—it is a scandal. If this is how our corrections are going to work then we are not only perpetuating the so called failure of the most fundamental variable of the juvenile justice system, but we might, to some degree, be responsible for the contribution for some of the increase in juvenile delinquency, and in the long run, adult crime. If we cannot provide rehabilitative treatment to the helpless, lot of young delinquents then we have no business to mindlessly keep them in punitive contrc'. it is better if they are (the non offender delinquents) left on their own fate than to confine them in institutions which are neither "protective" nor home by any standards of imagination. Cruelty, harm, maltreatment and hatred to which juvenile delinquents are subjected in our institutions speaks

of our political and moral dwarfness as a nation. John Conred has described this type of attitude towards person management in very meaningful words:

Hatred is the element of inevitable decomposition; the hatred that germinates in prison cannot be deflected from the community that tolerates it. Impersonality is becoming to a bureaucracy, especially a bureaucracy charged with the administration of prison. To permit violence and threat of violence to permeate a prison community is to assure that prisoners released will in fact the street to which they return with more hatred and more violence.  

The question whether juveniles committed to corrections have a fundamental right to fair treatment under the Constitution can also be agitated in the Supreme Court, but has not so far been taken up in an affirmative manner. Sentimental opinions to that effect have been expressed by the Supreme Court on many occasions, but positive direction to that effect is still not available. Perhaps, the court expects the executive to wake-up of its own and realise the constitutional, social and moral imperatives of our political set up. On the other hand, in United States as long as 1974, a decision in the U.S. Court of Appeal for Seventh Circuit upheld a constitutional right of treatment for juveniles under Fourteenth Amendment, which makes constitutional rights applicable to the States. The Court observed:

'The right to treatment' includes the right to minimum acceptable standards of care and treatment for juveniles when a state assumes the place of juvenile's parents; it assumes as well the parental duties, and its treatment of the juveniles, should, so far as can be reasonably required, be what proper parental care would provide. Without a programme of individual treatment the result may be that juvenile will not be rehabilitated, but warehoused.

20. Id., p.360.
Brooding over what is going on with our corrections will not lead to any worthwhile solution. It requires a sincere heart searching to pinpoint the vulnerable aspects of our corrections, and only then we can reach at any purposeful solution capable of making visible improvements. With this view in mind, a close study of the working/each juvenile correction in the State of Punjab has been made and adequacies and inadequacies in their working pinpointed.

III. Juvenile Correctional Set-up in the State of Punjab

The juveniles correctional set-up in the State of Punjab is working under the administrative control of Department of Social Welfare. However, the Borstal Jail which is meant for youthful offenders, does not fall within the scope of Juvenile Justice Act, 1986 and accordingly is managed and controlled by Jail Department, Punjab under the overall control of Home Department of the State. With the coming into force of Juvenile Justice Act, 1986 major policy changes have been introduced in dealing with the juvenile delinquents in the State and consequently the whole correctional set-up too has been revamped into order to meet the desired objects and purposes of the Act. The correctional set-up for the juveniles in the State is as under:
Under the Juvenile Justice Act, 1986, which came into force in the State of Punjab on 2nd of October, 1987 replacing the East Punjab Children Act, 1949 which was dealing with the treatment and rehabilitation of juvenile delinquents before the coming into force of the Juvenile Justice Act, 1986, the following set-up has been established:

<table>
<thead>
<tr>
<th>Name of the Institution and Place where established</th>
<th>Jurisdiction (Districts)</th>
<th>Classification of Delinquents for whom established</th>
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</thead>
<tbody>
<tr>
<td>(a) Observation Homes</td>
<td></td>
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</tr>
<tr>
<td>1. Observation Home, Amritsar</td>
<td>Amritsar, Ferozepore, Gurdaspur Districts</td>
<td>For Delinquent Boys (under trial or investigation)</td>
</tr>
<tr>
<td>2. Observation Home, Ludhiana</td>
<td>Ludhiana, Kapurthala, Jallandur, Hoshiarpur, Rupnagar Districts.</td>
<td>-do-</td>
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<tr>
<td>3. Observation Home, Bhatinda</td>
<td>Sangrur, Patiala, Bhatinda, Faridkot Districts.</td>
<td>-do-</td>
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<tr>
<td>4. Observation Home, Jalandhar</td>
<td>All the districts (12) of Punjab</td>
<td>Observation Home for the Delinquent Girls (Notified but not yet established)</td>
</tr>
<tr>
<td>5. Observation Home, Patiala</td>
<td>Patiala, Sangrur &amp; Bhatinda</td>
<td>Observation Home for Neglected juveniles, both for boys and girls.</td>
</tr>
<tr>
<td>6. Observation Home, Rupnagar</td>
<td>Rupnagar, Ludhiana &amp; Hoshiarpur</td>
<td>-do-</td>
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<tr>
<td>7. Observation Home, Jalandhar</td>
<td>Jalandhar, Kapurthala Amritsar</td>
<td>-do-</td>
</tr>
<tr>
<td>8. Observation Home, Gurdaspur</td>
<td>Gurdaspur, Ferozepur &amp; Faridkot</td>
<td>-do-</td>
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<tbody>
<tr>
<td>(b) Juvenile Homes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Juvenile Home, Hoshiarpur</td>
<td>All the Districts of Punjab</td>
<td>Neglected Juveniles above 12 years of age.</td>
<td></td>
</tr>
<tr>
<td>2. Juvenile Home, Jallandur</td>
<td>-do-</td>
<td>Neglected Juveniles (Boys &amp; Girls) under 12 years. Separate arrangement for boys and girls is there.</td>
<td></td>
</tr>
<tr>
<td>(c) Special Homes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Special Home, Hoshiarpur</td>
<td>-do-</td>
<td>Delinquent Juveniles (Convicted by Juvenile Court)</td>
<td></td>
</tr>
<tr>
<td>2. Special Home, Amritsar</td>
<td>-do-</td>
<td>Delinquent Juveniles (Girls) (Convicted by Juvenile Court) Notified but not established.</td>
<td></td>
</tr>
<tr>
<td>(d) After Care Organization</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. After Care Organization, Amritsar</td>
<td>All Districts</td>
<td>For Girls above 18 years discharged by Juvenile Home &amp; Special Homes.</td>
<td></td>
</tr>
<tr>
<td>2. After Care Organization, Ludhiana</td>
<td>-do-</td>
<td>For Boys above 18 years discharged by Juvenile Homes and Special Homes</td>
<td></td>
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</table>

(e) Some Explanatory Notes on Correctional Set-up

1. Observation Homes for neglected juveniles are meant for the temporary reception and stay of neglected juveniles till they are transferred to Juvenile Homes.

2. Juvenile Homes are meant for the stay of neglected juveniles who have been processed by Juvenile Welfare Board and recommended for treatment and rehabilitation. These juveniles are kept up to the age of 18 years unless discharged earlier.
3. Observation Homes for delinquent juveniles are meant for the temporary stay of delinquent juveniles referred by the Juvenile Court. They stay here till the investigation, inquiry or trial of their cases is pending in the Juvenile Court unless released earlier on bail or otherwise discharged by the Juvenile Court.

4. Special Homes are for the stay of delinquent juveniles whom the juvenile court finds guilty and they are required to undergo institutionalized treatment and training for the purpose of their proper rehabilitation into the society.

5. The name After Care Authority is a misnomer. It does not reflect the desired purpose and object of the after care in its working. It is in fact an institution where juveniles released from corrections can stay till they prefer to go out or are otherwise discharged on account of age.

(i) State Level Correctional Management

All correctional institutions in the State of Punjab are managed under the general administrative control of the Department of Social Welfare with Director Social Welfare, an I.A.S. Officer, at the apex of the whole set up. Secretary Social Welfare has the overall control of the department at the State level. The Social Welfare Department is looking into many other social welfare schemes of the State besides the correctional institutions. Rather, correctional set-up is just a small fragment of the total activities of the department both in terms of financial allocation and official management. The man at the helm of affairs for the whole correctional set-up is the Chief Inspector who is working as the main administrative officer directly linked with the correctional management. The whole correctional management set up
presently in existence is as under:

**Correctional Set-up Presently in Existence**

- Secretary  
  Social Welfare Department
- Director  
  Social Welfare
- Correction Management  
  Welfare of Scheduled and Backward Classes
- Chief Inspector
- Superintendents
  - Observation Homes for Delinquents
    - (4)
- Superintendents
  - Observation Homes for Neglected Juveniles
    - (4)
- Superintendents
  - Special Home for Delinquents
    - Convicts(1)
- Superintendents
  - Juvenile Home for Neglected Juveniles
    - (2)
- Superintendents
  - After Care Authority for discharged juveniles
    - (2)

Thus the **organisational** set-up presently existing at the State level even after the completion of two years of enforcement of Juvenile Justice Act, 1986 is the same which was already there under the East Punjab Children Act, 1949. On the other hand Juvenile Justice Rules framed under the Juvenile Justice Act have suggested a very ambitious organisational set up for correctional management at the State level. The Rules provide that the State government shall provide for the appointment of staff for the supervision, control and development of services under the Act including Director/Deputy Director, Chief Inspectors/Inspectors/Assistant Inspector, Research/Statistical Officers, Accounts/Audit Officers and ministerial staff as per requirement. The State government shall appoint an Inspector for each district to assist the Chief Inspector. The Headquarter's organisation shall have a separate wing.

22. Id. Rule 41(2).
for the development of education, vocational training and rehabilitation services as well as for the placement of juveniles released from institutions. Such a wing shall also have a unit for women with a specific function of securing for girls, opportunities for their reintegration into the community, through marriage, employment, vocational placement etc.  

(ii) Correctional Set-up as Required under the Juvenile Justice Act

The correctional management set-up at the Headquarter level has been suggested under the Rules framed under the Juvenile Justice Act, 1986. There must be a separate wing for the management of correctional services under the general control of the department of Social Welfare. Besides, this the main objectives of the Headquarters Organisation will be the development of infrastructure in voluntary sector for providing services under the juveniles justice system. The main functions of the Headquarters Organization will be as follow. The Headquarter Organization of this wing is given as under:

- Director (Corrections)
  - Research/Statistical Officer
  - Deputy Director
  - Accounts/Audit Officer
  - Chief Inspector (State level)
  - Inspector/Assistant Inspector (at Division / District level)

Superintendents (Institution level)

* There are three Divisions in the State, i.e., Patiala, Ferozepur, Jallandhar.
** There are four districts in each Division; Patial, Sangrur, Ropar, Ludhiana (Patiala Division); Ferozepur, Faridkot, Bhatinda, Hoshiarpur (Ferozepur Division); Jallandhar, Amritsar, Gurdaspur, Kapurthala (Jallandhar Division).

23. Id., Rule 41(3).
24. Id., Rules 41 and 42.
25. Id., Rule 41(4).
26. Id., Rule 41(5).
(a) planning, directing, co-ordinating, controlling, supervising and guiding the activities in the field of juvenile justice;

(b) advice Government on the formulation of progressive policies and implementation of juvenile justice services;

(c) implementing Government policies regarding juvenile justice development;

(d) preparing Plan and Non-Plan Schemes for the development of the juvenile justice programme;

(e) formulating annual budgets and exercising financial control;

(f) releasing grant-in-aid for juvenile justice activities;

(g) inspection of juvenile justice programmes;

(h) departmental audit of juvenile justice institutions and activities;

(i) training of both governmental and voluntary functionaries engaged in juvenile justice activities;

(j) preparation of annual reports and compilation of statistics, and

(k) research and evaluation.

It is evident that the Headquarter Organisation for Correctional Management has been given a pivotal role in operation of juvenile justice system under the Juvenile Justice Act, 1986. But alas, that none of these management personnel have been appointed so far even after two years of the enforcement of the Juvenile Justice Act, 1986 in the State. Without this necessary personnel management cadre the working of correctional institutions can be any body's guess. The only officer who is presently looking after all the
aspects of correctional management at the State level is Chief Inspector. Even with the most efficient officer, doing justice in the desired manner in the correctional management, is not only difficult but almost impossible. It is not humanly possible to be fair in the discharge of one's duties when so many expectations are desired from any one individual. Thus the failure of the Chief Inspector to do justice to his job is not something unusual.

With the enforcement of Juvenile Justice Act in the State of Punjab there has been a many fold increase in the duties of Chief Inspector. In the absence of any other officer at the State level he has been burdened with the duties all of other management personnel who have not been appointed by the State Government so far. The Chief Inspector shall be responsible for the inspection of institutions set up or recognised under the Juvenile Justice Act. His inspection reports shall contain comments and suggestions on the following items pertaining to the working of the institution, namely:

(a) physical setting in terms of building space requirements, living quarters for juveniles, class rooms, sick room, water supply and sanitary arrangements, play grounds, quarters on the premises for essential staff, general cleanliness, etc.

(b) quality and quantity of food given to the juveniles;

(c) clothing and bedding;

(d) facilities for medical treatment including arrangements for immunisation and preventive and curative services;

(e) arrangements for educational and vocational training;

(f) maintenance of case files of juveniles institutions;

(g) arrangements made for recreation, games, P.T., library, etc.

(h) provision of staff of various categories;

27. Supra note 21, Rule 42.
(i) registers and accounts;
(j) difficulties and grievances of personnel;
(k) difficulties and grievances of juveniles; and
(l) review of the impact of the institutional programmes.

During the period under study it was found that Chief Inspectors seldom inspected these homes with the sole purposes of knowing of detailed working of the institution as desired by the Rules framed under the Juvenile Justice Act, 1936. In most of the cases visits were primarily for some other purpose and inspection notes were just a formal fulfilment of a statutory objection. The average duration of a visit to a home comes around 2 to 3 years. Inspections by some other officers like Sub-Divisional Magistrate too were there in the records of some institutions, but the inspection reports were more or less a casual formalism. As required under the Rules framed under the East Punjab Children Act, 1949 the consent of the Chief Inspector for leave beyond one week to the inmate is necessary. But it was found that no such consent had ever been obtained by the Superintendent of the Institution. Now that leave upto 15 days can be granted by the Superintendent under the Rules framed under Juvenile Justice Act, 29 but he is required to get a detailed report from the probation officer regarding the advisability of leave claimed before the leave is permitted. 30 In this case also it was found on inspection of the records that leave upto 15 days is sanctioned by the Superintendent without any report from the Probation Officer. This sanction of leave to the juvenile is taken in a most casual manner. Even the Chief Inspector has never pointed out this deliberate and transgressive tendency of the Superintendents of the correctional institutions in his inspection notes. Thus inspections were of a formalism than

29. Supra note 21.
30. Id., Rule 26(2).
statutory fulfilment of obligations under the law.

The Chief Inspector and other ministerial staff at the Headquarter level does not possess any specialized qualification. No inservice training or orientation course has ever been conducted for the correctional staff. Thus the whole system works on guess work and without any innovative guidance from the higher level.

The Chief Inspector in his discussion with me explained that the major problem is of finance, specially at the State Government level. Proposals are sent to the Central and State Governments for sanction of funds but all the efforts are lost in the red-tapism and procedure wranglings. In most of the cases the expenditure is shared between Central and State Government on 50:50 basis thus the concurrence of both the Governments becomes necessary before any finances are actually made available to the department. He gave an example that proposal for the sanction of Rs 40 lakhs on 50:50 basis for the establishment and maintenance of the juveniles residing in the different Homes, established under the juvenile Justice Act, for the year 1988-89 was sent to Punjab Government and Central Government for approval. The Central Government after completing procedural formalities expressed its willingness to sanction the amount claimed but in the meantime State (Punjab) Planning Board reduced the proposed amount to half and expressed its willingness to sanction Rs 10 lakhs. In view of this change, a revised proposal for 10 lakh was sent to the Central Government and by the time the sanction was there financial year (1988-89) was over. Again the matter was taken up with the respective Governments for permission to carry forward the amount sanctioned for the year 1988-89. Thus, when finally finances are sanctioned the prices of various proposed items escalate and in that way many practical difficulties are faced.
On the one hand lack of financial support is cited as the main reason for the failure of the correctional institutions. On the other hand, there are many examples of financial mismanagement at the State level. One such glaring example is that Central Government sanctioned Rs 22.22 lakhs under the non-plan side cut of which furniture was purchased for all the correctional institutions. As we will see later on, there was no space for the proper placement of the furniture supplied to the institutions and the whole of the furniture was dumped in one room resulting into further congestion into already short spaced buildings of most of the correctional institutions. However, this does not mean that the complaints about financial shortages are not true. In fact what is more evident from all this is that besides procedural wranglings in the sanction of finances there is a gross financial mismanagement and lack of planning at the Headquarter level.

Another mismanagement in the correctional set-up that too generates from the Headquarter level is multiplicity of institutions without any regard to the number of juveniles it actually deals with. As we will notice later on, there are less than ten juveniles in each institution except two. Out of the total of 12 correctional institutions established so far, Juvenile Home for Boys above 12 years of age, Hoshiarpur and Juvenile Home for boys and girls below 12 years of age of Jallandhar have reasonable strength of juveniles which too is less than one hundred in each case. On my suggestion of a multipurpose correctional institution with different and separate residential facilities specially in view of very little delinquency problem in the State, the official reaction was amazing though not unexpected. The reaction was that such a move will render much of our staff surplus and in turn will close promotional avenues for the remaining. On one hand new proposals are being prepared and sent
to the government for increase of the correctional staff, on the other hand existing staff is not being properly used thus resulting into artificial scarcity. The whole set-up gives an impression that correctional institutions exist more for the employees then for the juveniles.

(a) State Advisory Board

Besides the Headquarter Organization for correctional management the Juvenile Justice Act, 1986 provides for the establishment of State Advisory Board\(^{31}\) which shall consist of the following 17 members:\(^{32}\)

1. Minister in-charge Juvenile Justice Services :Chairman
2. Secretary in-charge Juvenile Justice Services :Member
3. Secretaries of the Education; Health; Home; Law; Judicial; Labour and Employment; Cottage and Small Scale Industries; Technical Education; Industries; Finance Departments. :All Members
4. Industrialist :Member
5. A Journalist :Member
6. Two Social Workers/Representatives of Voluntary Organizations. :Member
7. A representative of the Bar :Member
8. Director, Incharge of Juvenile Justice Services :Member-Secretary

The Advisory Board may advise to the State Government on the following matters namely:\(^{33}\)

(a) development of juvenile justice services through various official and community based welfare agencies.

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32. Supra note 21,Rule 48(1).
33. Id. Rule 4& 2'.
(b) the ways and means of mobilising human and material resources to ensure social justice to neglected or delinquent juveniles.

(c) the development of facilities for educational, vocational training and rehabilitation of various categories of juveniles coming within the purview of the juvenile justice system.

(d) the co-ordination between various sectors of child development in dealing with the problem of juveniles proceeded through the law.

It is evident from the complexion of State Advisory Board that it consists of highest level of bureaucracy of the State administration. The Board in fact represents almost whole of State's administrative wing thus a kind of State Government as a whole constitutes the Board. These functionaries, who are already pre-occupied with their own departmental duties, may find very little time in participating the meetings of the Board. Otherwise also, all these personnel do not come from the specialized branches of the different spheres of the juvenile justice system and thus will lack professional competency necessary for an effective Board of Advisor. Since the juvenile justice system occupies a very low priority in the State's Welfare programmes so the co-ordination of such a highly placed board by a Member Secretary will be a very difficult if not impossible task. The net practical result of this set up will be that the Advisory Board will fail to discharge the desired obligations under the Act. It would have been better if persons with professional competency and from different shades of specialised expertise should have been appointed on the Advisory Board.
(b) **Board of Management**

Another State level body directly dealing with the administration of juvenile justice in the State is a Board of Management for the management and administration of "Juvenile Justice Fund" which is required to be created under the Juvenile Justice Act, 1986.\(^3\)\(^4\) The State Government shall constitute a 'Board of Management' consisting of the following members namely:\(^3\)\(^5\)

1. Minister-in-charge of Juvenile Justice Services : Chairman
2. Secretary-in-charge of the Department dealing with the Juvenile Justice Services : Member
3. Secretary Department of Finance : Member
4. Three non-official members to be appointed by the State Government : Member
5. Director of the Department dealing with Juvenile Justice services : Secretary Treasurer

The management of the "Juvenile Justice Fund", which the State Government may establish for the welfare and rehabilitation of the juveniles dealt with under the provisions of the Juvenile Justice Act, shall be directly under the Board of Management. This fund shall be applied:

- (a) to implement programmes for the welfare and rehabilitation of juveniles;
- (b) to pay grant-in-aid to non official organizations;
- and
- (c) to do all other things that are incidental and conducive to the above purposes.

Since neglected juveniles and delinquent juveniles have now been clearly divided into two distinct categories, both for the purpose of processing as

\(^{34}\) Supra note 31, Sec.52.

\(^{35}\) Supra note 21, Rule 50(3).
well as to institutional treatment, so it has been considered convenient to evaluate the correctional institutes for both the categories separately. Accordingly this chapter includes only those corrections which mainly relate to neglected juveniles. Corrections for delinquent juveniles have been discussed in the next chapter. However, in the cases of Observation Homes for delinquent and neglected juveniles clear categorization was not convenient and profitable so these two have been included in this chapter, though these two categories of correction cater the needs of neglected and delinquent juveniles.

In the evaluation of the working of both the categories of corrections substantial similarities have been found so suggestions, based on the factual conclusions discussed in each chapter, have been added in the end of chapter.

In order to be systematic, After Care Organisations have been discussed in the next Chapter as After Care services cater the needs of both the categories of juveniles i.e. neglected and delinquent.

IV. Observation Homes

Under the Juvenile Justice Act, 1986, the nomenclature 'Observation Homes' has been substituted for 'Reception cum Observation Homes' which were inexistence under the East Punjab Children Act, 1949. Under the East Punjab Children Act, 1949 these observation homes were meant to cater the needs of delinquent and neglected juveniles together. But under the Juvenile Justice Act, 1986, which has come into force in Punjab with effect from 2nd of October, 1987, these Observation Homes have been classified into two categories - Observation Homes for delinquent juveniles and Observation Homes for neglected juveniles.\textsuperscript{36} Thus the major policy change that has taken place under the Juvenile

\textsuperscript{36} Supra note 21, Rule 13(1).
Justice Act, 1986 at the institutional level is the segregation of delinquent and neglected juveniles at the first point of their entry into juvenile justice system.

The Observation Homes are in fact not the corrections directly aimed at the treatment of juvenile but these are the short term stay institutions for both the categories of delinquents. These homes are meant to receive and prepare the juveniles for their onward transfer to the Special Homes or Juvenile Homes as the case may be. However, the importance of these observation homes can not be belittled by this fact. These homes are required to prepare the case history of the juvenile for the purpose of providing ready made and desired information to the Special Homes or Juvenile Homes, so that appropriate treatment method could be taken up in their case without any further delay. Besides this, diagnosis process too has to be completed to determine the nature and kind of treatment appropriate in the case of each juvenile. In case it is found that no such treatment is necessary the child can be sent back to his parents or guardian. Thus Observation Homes work as the laboratory for doing the necessary spade work for the main correction centres i.e. Special Homes and Juveniles Homes. Moreover, in these Observation Homes the juvenile is exposed and tuned to the institutional life setting. This first exposer of all together new experience can have a deep impact on the young mind and thereby it is most likely to promote or hamper the treatment and rehabilitation process to be followed in the main correctional centres.

(i) Establishment of Observation Homes

The Observation Homes have been established in the State under Juvenile Justice Act, 1986. Earlier to the coming into force of Juvenile Justice Act, 37 Supra note 37, Sec.11.
1986 Reception cum Observation Homes were in existence which were established under the East Punjab Children Act, 1949, though this nomenclature has no where been mentioned either in the Act or in the Rules framed under the Act. However, the term "place of safety" was wide enough to include 'Reception cum Observation Homes' within its scope as they were aimed at avoiding the child's experience in the Police Station. Now these Reception-cum-Observation Homes have been renamed as Observation Homes in order to meet the requirements of Juvenile Justice Act, 1986. The Rules framed under the Juvenile Justice Act require that each institution shall have a Reception Unit under the charge of a case worker for the admission of new arrivals. Newly admitted juveniles may in suitable cases be kept in the Reception Unit for ten days initially. Where necessary the Superintendent may suitably extend this period of stay to facilitate a detailed study of the juvenile. The juveniles suspected to be suffering from contagious disease, mental ailments, addiction etc., shall be immediately segregated in specially earmarked dormitories or wards. But due to practical difficulties and financial constraints Observation Homes cater to the requirements of Reception Units also. Thus Observation Homes in the State serve the dual purpose of working as Reception Units for newly arrived juveniles as well as Observation Homes for the temporary stay of the Juveniles during the pendency of an enquiry regarding them under the Juvenile Justice Act, 1986.

(ii) Observation Homes in Punjab

Under the Juvenile Justice Act, 1986 the Punjab Government has established eight Observation Homes, four for delinquent juveniles and four for neglected juveniles.

38. East Punjab Children Act, 1949, Sec.3(J) defines "Place of Safety" as "any orphanage, hospital, surgery, any other suitable place or institution the occupier or manager of which is willing temporarily to receive a child or where such orphanage, hospital, surgery or other suitable place or institution is not available in case of male child, a police station."

39. Supra note 21, Rule 13(2).
juveniles. Observation Homes for delinquent juveniles are situated at Ludhiana, Bhatinda, Amritsar (all for boys) and Jallandur (for girls). The Jallandur Observation Home meant for girls has been notified but has not yet been established. Although the problem of female delinquency in Punjab is not very high still it is desirable to establish an observation home for female juveniles because they are considered to be more in need of protection and help. Observation Homes for neglected juveniles are situated at Ropar, Patiala, Jallandur, Gurdaspur. These Observations Homes are meant for neglected boys and girls.

All these Observation Homes, as has already been pointed out earlier, are meant for the temporary reception of juveniles during the pendency of any enquiry regarding them under the Act. Every Observation Home to which a juvenile is sent under the Act shall not only provide the juvenile with accommodation, maintenance and facilities for medical examination and treatment, but also provide him with facilities for useful occupation. The State government has laid down elaborated rules for the management and standards of service to be followed in running the institutions.

(iii) Location and Buildings

All the Observation Homes except the one at Jallandhar and Ludhiana are housed in the rented buildings. The Jallandhar home is in a building of The Social Welfare Department and is situated in the busy lane of Basti Gujran about 5 Kms from General Bus Stand. The Ludhiana Home is housed in a

41. There are only 5 cases of female delinquency in the year 1983. Crime in India-1983, p. 103.
42. Supra note 31, Sec. 11(1).
43. Id. Sec. 11(3).
44. Supra note 21, Rule 13 to Rule 43.
delapidated and donated building named Dera Kalsian near Gill Chowk along-
with two more institutions viz., State After Care Home for boys and the
Handicapped Workshop. Gurdaspur home is on Jail Road about one Km. from Bus
stand. Patiala Observation Home is situated outside the city in Urban Estate
Ph.I, on the Patiala-Chandigarh road, opposite Panjab University. This is about
7 Kms from the main Bus Stand. The Ropar Observation Home is situated in a lane
of the main bazar called Chotta Kera, only one Kms from the city bus stand. The
Amritsar Observation Home is in the heart of the city in a narrow lane in
Amarkot area of Putlighar.

All these homes were originally named as Remand-cum-Observation Homes. Under the Juvenile Justice(Punjab) Rules which came into force in Punjab with
effect from 2nd of Oct., 1987, these Homes were named as Observation Homes.

Looking at the condition and sufficiency of space in these buildings, it was found that in most of the cases, buildings, being rented, are not in
accordance with the desired purposes and objects of the juvenile justice
system. Jallandur Observation Home is sharing the building with State Pro-
tective Home in which girls are admitted under the Suppression of Immoral
Traffic in Women and Girls Act, 1956. There is only one door which separates
the Protective Home and Observation Home for neglected juveniles. The building
has six rooms, three at the ground floor and three at the first floor with an
open area of around 400 Sq. feet at ground level. Out of the six only one room
at ground floor is used for the juveniles and remaining rooms are being used
for residential purposes and office accommodation. Neglected boys and girls stay
together using the common bath room and lavatory. Small kitchen measuring 12x10
is also there which is used for cooking and dining purposes. The Ropar home,

45. Observation Home at Hoshiarpur has been converted into Juvenile Home
(For Neglected Boys above 12 years) under the Juvenile Justice(Punjab)
a double story building with sufficient open space is without any proper ventilation, light and water arrangement. Most part of the building is being used for residence, office and for dumping surplus furniture. The building is quite old without any proper arrangement for lavatory and bathroom. The Amritsar Observation Home presents an aweful picture. All the inmates are lodged in a dingy room measuring 16'x12' at the first floor. On entering the building one feels suffocated since there is a cow-shed at the ground floor. The environment is full of foul smell besides flies and mosquitoes. On the ground floor one room is being used as office and in other, which is quite large, furniture is lying dumped carelessly. At the first floor besides the room for delinquent juveniles two other rooms are being used as Superintendent cum visitor's room and police guard room. There is no bathroom or lavatory for the juveniles. Only a part of the room where these juveniles stay is being used as toilet cum bathroom. There is no arrangement for out door movement of the juveniles. The Guardaspur and Bhatinda homes have sufficient buildings as per the present requirements. However, the Guardaspur home has no boundary wall or main gate. Ludhiana home is housed in a delapidated building without any proper arrangement for air, water and light. In fact the building has already been declared unfit for human dwelling by the Public Works Department of the State. Thus no repair can be taken up in this building as per the Public Works Department rules. The condition is likely to deteriorate in such a situation.

The description above is self revealing. The whole atmosphere appeared to be that of a dungeon cell. In most of the cases open space is not there, where ever the space exists the inmates are not taken out of fear that they may run away. In the cases of homes for delinquent juveniles they are always kept locked from outside with the police guard on the gate. The homes are more or less custodial houses lacking even the remote appearance of a home in the proper
(iv) Staffing Pattern

The Superintendent is the Manager of the Home. He is responsible for the management and proper working of the home. The staffing pattern in all these homes is:

- Superintendent: One
- Clerk-cum-Storekeeper: One
- Watch and Ward: One
- Cook: One
- Part-time Sweeper: One

The Superintendent and the Committee of visitors is responsible for the management of the home. There was a statutory requirement of Visitors Committee under the East Punjab Children Act, 1949 for each such home but no such committee was constituted. However, after the coming into force of Juvenile Justice Act, 1986 this lapse does not exist anymore and the State Government has constituted Visitors Committee for each juvenile correction established under the Act. Till the coming into force of Juvenile Justice Act, 1986 the entire responsibility of managing the juvenile home rested on the Superintendent.

None of the staff members have received any formal training to work in the institution. Even the knowledge of Juvenile Justice Act, 1986 and Rules framed thereunder was found to be highly inadequate. Some of the members in the lower rungs of the administrative staff were hearing about the Juvenile Justice Act 1986 for the first time, including the police guards. In the absence of a peon, watch and ward staff is required to do peon's job. There is no post of Psychologist, Social Worker, Case Worker, teacher and vocational instructor for

46. Section 47(1).
47. Under the Juvenile Justice Act, 1986 the State Government has constituted various Committees for seven institutions out of twelve established so far.
any kind of training to be imparted to the juveniles. Although by and large the staff members were happy working with the juveniles despite long working hours. Thus, for example, the watch and ward staff have to work 12 hours a day and due to less staff, are unable to take off any Sunday or holiday. The difficulty was reported by the cook. It appears that they are happy with the job because matching to their educational qualification and social standing they would not expect anything better. Lack of availability of literature on the juvenile justice system in the vernacular was given as one of the convincing justifications by some of the staff members for their low perception of the system and its working. No inservice orientation course has even been offered or conducted for the staff members for which they are not to be blamed. Most of the staff members pointed out that they look at the Superintendent for guidance and education in this matter. In turn, he himself, being lacking any specialization in the area of delinquency and its control, fails to do justice to his job and expectations of his junior staff members. When the captain of a ship is lacking the proper expertise of his job the fate of the ship would be what it ought to be. The same is true to the management conditions.

(v) Role of the Superintendent as Manager

Superintendent is the most important functionary at the institution level. He occupies the parental position in the total institutional set-up. It is upon his professional competency and innovative planning that the standard of care, treatment and rehabilitation of the juveniles ultimately depends. In

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48. Only one Superintendent has attended 15 days orientation course at Institute for Correctional Services at New Delhi. In addition to this one workshop was held in Chandigarh from 7-8 Nov., 1988 organised by the Social Welfare Department Punjab and UNICEF (North Zone) in which all Superintendents of Correctional Institution participated. But their role was purely passive and no worthwhile suggestion was made by any of them during the proceedings.
order to create an environment conducive to these objectives of juvenile justice system there is a requirement of dedicated and hardworking person to work as Superintendent of the institution. He is the person immediately available from whom the juveniles can seek solace, comfort and guidance somewhat nearer to parental approach. The task is challenging and it requires a person of calibre who can squarely meet this challenge.

The Rules framed under the Juvenile Justice Act mention the following duties, functions and responsibilities of the Superintendent of an institution:

(a) Providing homely atmosphere of love, affection, care and welfare of the juveniles;
(b) Planning, implementing and co-operating all institutional activities, programmes and operations.
(c) Maintaining minimum standards at the institution.
(d) Classification of juveniles, training and treatment programmes and correctional activities.
(e) Supervision over juveniles; discipline and morale.
(f) Allocation of duties to personnel.
(g) Attending to personnel welfare and staff discipline.
(h) Preparation of budget and control over financial matters.
(i) Supervision over Office administration.
(j) Monthly office inspection.
(k) Daily inspection and round of the institution.
(l) Inspection and tasting of good prepared for juveniles.

It was found on visits to these institutions and inquiries from State Social Welfare department, Chandigarh that most of the Superintendents are

49. Supra note 21, Rule 43.
just officiating as Superintendents and all of them except one are staying outside the premises of the home. Looking at the nature of duties it is evident that for proper discharge of these duties the Superintendent must not only be a whole timer and professionally competent person but he must also stay within the institutional complex. During discussion with these officials it was found that the professional competency, enthusiasm and dedication necessary for correctional work was conspicuous by its absence among all these Superintendents. They may not be entirely blamed for all this as there are many other reasons for lack of interest. No special professional qualification at the time of entry into service, no inservice orientation course, lack of proper accommodation for stay in the premises, absence of necessary professional personnel for imparting vocational and other job-orientation training, no probation officer and shortage of finance can be cited as some of the basic reasons at the root of whole problem.

The Superintendents of the Observation Homes are class III employees of the Social Welfare Department in the joint cadre of District Social Welfare Officers and Child Development and Project Officers in the pay scale of Rs 700-1200. As per departmental rules 75 per cent of these posts are to be filled by promotion from the Inspectors/Dy.Supdts./School Masters etc. and twenty five per cent by direct recruitment on merit open to persons with Master's degree in social work. None of the present Superintendents is from the merit quota. All of them have been promoted as Superintendents from School masters, inspectors and ministerial staff. This is true even in the case of Chief Inspector who too has been promoted to his present post through the same channel of promotion i.e. school master - Superintendent-Chief Inspector. It appears that there is a departmental lobby against the direct recruitment of professionally competent personnel. Even after two years of the enforcement of Juvenile Justice Act, 1986
no effort is on the cards for the direct recruitment of specialised personnel to manage the correctional institutions. If this is the initiative at the practical side of the implementation of juvenile justice services, the whole process will be nothing but a statistical show business devoid of availability of social justice in real sense to the juveniles who need it most.

Observation Homes

Observation Homes are primarily designed for the temporary stay of the juveniles during the pendency of any enquiry regarding them under the Act. After the completion of the enquiry the concerned juvenile may be transferred to Juvenile Home/Special Home under the proper order of the competent authority - Child Welfare Board/Juvenile Court as the case may be. The Superintendent of Observation Home is also supposed to perform the duties of Probation Officer/Case worker until the additional staff is sanctioned by the Punjab Government. The duties of Probation Officer and Case worker have been given in the Juvenile Justice (Punjab) Rule, 1987 in detail. Superintendent in his capacity as a Manager of the Home and also in his capacity as a Probation Officer is required to prepare the case history of each juvenile on the basis of social history, behavioural pattern and attitude towards others. He must obtain information regarding the socio-cultural and economic background through all possible and available sources including home, parents or guardian, employer, school friends and community contacts. The educational level and vocational attitude of the concerned juvenile may also be assessed on the

50. Supra note 31, Sec.11(1).
51. Id. Sec.13(4) and Sec.18(3).
52. Section 7(2) of the Juvenile Justice Act, 1986 further provides that where no Board or Juvenile Court has been constituted for any area, the powers conferred on the Board or the Juvenile Court by or under this Act shall be exercised in that area, only by the following, namely: (a) District Magistrate; or (b) Sub-Divisional Magistrate; (c) Any Metropolitan Magistrate or Judicial Magistrate 1st Class, as the case may be. Section 7(3) has conferred the some powers on High Court and Court of Session in proceedings before them in appeal, revision or otherwise.
54. Supra note 21, Rule 44 and Rule 45 respectively.
basis of the case history of the juvenile.

On personal contacts with the Superintendents of various Observation Homes it was found that some of them were not even aware of the fact that they are required to act as Probation Officer and Case Worker in addition to their present job. Those who know this were supervised when the nature of their duty in the capacity of a Probation Officer/Case worker was made known to them. The most natural and substantially correct reaction of all of them was that it is humanely impossible to do all this in addition to their duties as a Superintendent. Objectively speaking they are right and they can not be blamed for the total absence of these functions as Probation Officers/Case Worker.

The case files prepared in case of each juvenile in the Home were grossly inadequate for making a proper assessment of the child and preparing future plan for them. In all the cases there was a mechanical recording of information obtained from the juvenile himself. The information was solely relating to the familial situations of the concerned juvenile, giving just number of brothers and sisters and profession of the father/guardian etc. No opinion or assessment regarding the juvenile could be found from the records. Even the information was too brief and it was by and large pertaining to familial background of the juvenile. No field work has even been under-taken to obtain or confirm the information already there. Perhaps it was not possible in view of the absence of Probation Officer/Case Worker and non-availability of other facilities necessary for the job. In some of the cases the said information was found to have been recorded by the office clerk and signed by the Superintendent. The columns regarding which information could not be obtained from the juvenile or his parents/guardian are either left blank or

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55. See Chapter Seven for details.
or filled by guess work. Since this information has to be supplied to Child Welfare Board/Juvenile Court\textsuperscript{56} for the final disposal of the case, so it must be adequate and reliable which is absolutely necessary for judicious disposal of the case. The Juvenile Courts/Child Welfare Boards too have never bothered for this necessary information from a source other than the juvenile or his parents. Thus this practice continues because it is convenient to both the correction administration and Juvenile Courts and Child Welfare Boards. No serious thought has ever been given towards the importance of this information either at the institution level or at the Juvenile Court/Child Welfare Board level. It may be because of lack of knowledge of its importance or indifferent attitude towards the whole system and its philosophy. In either case the sufferer are juveniles who have no voice to raise against the system or its working. There are instances of juveniles being used as peons\textsuperscript{57} or even domestic servants for the relatives of the Superintendent in spite of clear directions to the contrary. All this can happen because of ignorance or connivance of the Superintendent. Either way, it tends to violate the juvenile justice systems rules and is not in consonance with the healthy traditions of the system.

(vi) Other Staff

All other members of the staff including clerks, watch and ward and cook are from the common cadre of the department of Social Welfare. None of these employees stays in the institutional premises except one cook in the Observation Home at Amritsar. As and when one watch and ward personnel goes on leave

\textsuperscript{56} Inspite of assertions by the Social Welfare department no Juvenile Court has so far been established in the State of Punjab. The Powers of Juvenile Court are being exercised by Chief Judicial Magistrates and Magistrates 1st Class as conferred upon them by Section 29 Criminal Procedure Code, and Section 7(2) Juvenile Justice Act,1986. Before the Juvenile Justice Act,1986 similar powers had been conferred under Section 6 of East Punjab Children Act,1949.

\textsuperscript{57} Supra note 21,Rule 44(3); Similar provision was there under the Rules framed under the East Punjab Children Act,1949, See Punjab Children Rules,1960, Rule 17(2).
other is required to remain on duty for 24 hours continuously which is impracticable. None of the staff members at the lower rungs of ministerial and administrative staff was aware of the objects and purposes of the juvenile justice system. Their approach towards the juveniles was more or less from the 'law and order' angle. It was custodial in nature and authoritative in working. It was observed that inmates were expected to feel obliged to the staff members for the sheer fact that food, clothing and shelter being provided to them. There was general impression among the inmates regarding the arrogance of the staff members. Being non-entities in the social set-up they feared to come out openly to express their pent-up feelings with regard to the behaviour of staff members or the working of the institution. Even cases of sexual exploitation by watch and ward staff of the inmates came to the notice at least in one Observation Home.

Looking at the special purpose of Observation Homes it is most desirable that orientation at every level of the staff is necessary so that they can help in making the juvenile justice system work in the right direction. Institution can not be run by Superintendent or officials sitting at the headquarters. It requires team work and for team work all the members of the team must be aware of the game and its rules and regulations. Even the most efficient Superintendent will fail to deliver the goods unless he gets the necessary co-operation, help and guidance from the other members of his staff, who in fact remain much more close to the inmates in their daily working.

The efficient management of Observation Homes in fact is the last priority of the department. No body bothers to appoint a permanent Superintendent of the Observation Homes for years together. Either additional charge of the

Home is given to Child Development and Project Officer (C.D.P.O.) or some clerk is made to officiate as Superintendent. Though this has no effect on the admission of the juveniles because in most of the case the whole spade work (whatever small is done) is done by junior staff members and Superintendent acts more or less in a mechanical manner. The Table VIII-1 below indicates this fact:

Table VIII-1

Showing Period During which Observation Homes remained without Whole Time Superintendent from 1982-83 to 1986-87

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Name of Home</th>
<th>App. Period of Additional Change in years</th>
<th>Inmates admitted during 5 years 1982-83 to 1986-87</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Amritsar</td>
<td>5</td>
<td>19</td>
</tr>
<tr>
<td>2.</td>
<td>Bhatinda</td>
<td>2</td>
<td>74</td>
</tr>
<tr>
<td>3.</td>
<td>Gurdaspur</td>
<td>5</td>
<td>46</td>
</tr>
<tr>
<td>4.</td>
<td>Hoshiarpur</td>
<td>4</td>
<td>45</td>
</tr>
<tr>
<td>5.</td>
<td>Jalandhar</td>
<td>2 Yrs. &amp; 8 Months</td>
<td>51</td>
</tr>
<tr>
<td>6.</td>
<td>Ludhiana</td>
<td>4</td>
<td>93</td>
</tr>
<tr>
<td>7.</td>
<td>Patiala</td>
<td>3 Yrs. &amp; 6 Months</td>
<td>17</td>
</tr>
<tr>
<td>8.</td>
<td>Ropar</td>
<td>1 Yr. &amp; 6 Months</td>
<td>7</td>
</tr>
</tbody>
</table>

* Figures are up to Oct., 1987.
** Figures relate to years 1983-84 to 1986-87.
*** Figures relate to years 1984-85 to 1986-87.

There is no visible improvement in the posting of Superintendents in the Observation Homes even after the coming into force of Juvenile Justice Act, 1986. Even at present four Observation Homes are being managed by Officiating Superintendents. Wholetime Superintendent was posted in Jallandhar Observation...
tion Home in May, 1988 and till then it was being managed by Officiating Superintendent. In fact nobody has even tried to find out suitable personnel to manage the Observation Homes. Every effort is made to cater the interests of in-service officials. Persons with matriculation as qualification are acting as Superintendents. The quality of management can never be upto the mark if immediate attention is not paid to this most important aspect of the institutional management. Otherwise also persons with additional charge or in a officiating capacity will never take interest necessary for this kind of a social service oriented job. As at present things have not yet started moving in the right direction towards the induction of professionally competent persons for this most demanding service.

(vii) Juvenile Inmates

The Juvenile Justice Act, 1986 has provided for a clear segregation of delinquent juveniles and neglected juveniles not only at the initial processing level but also at the institutional level. Before the coming into force of Juvenile Justice Act, 1986, there was no such difference at both the levels as under the East Punjab Children Act, 1949 there was only one agency (Juvenile Court) to deal with both the categories of juveniles and juvenile institutions were also common.

Under the East Punjab Children Act, 1949 the Observation Homes were confined only for the admission and stay of neglected children. Delinquent juveniles both under trial and convicts, were in most of the cases released on bail or probation and only in cases of very serious offences like murder, rape, attempt to murder etc., the juveniles were institutionalised. After the passing

60. Supra note 31, Sec.2(e).
61. Id. Sec.2(1).
of Terrorist and Disruptive Activities (Prevention) Act, 1985, juveniles charged under this Act were also used to be kept in the correctional institutions. But for the delinquent juveniles, Certified School at Hoshiarpur was the institution for their stay till the pending of enquiry and even afterwards if they were found guilty by the juvenile court. Now with the coming into force of Juvenile Justice Act, 1986 the whole correctional set-up has been revamped in order to meet the objects and purposes of the new Act. A provision for separate Observation Homes have been made for delinquent and neglected juveniles and for this purpose four Observation Homes have been established for each category.

(viii) Intake Procedure

Before the coming into force of the Juvenile Justice Act, 1986 the processing of delinquent and neglected juveniles was regulated by the Juvenile Court under the East Punjab Children Act, 1949 and Rules framed thereunder. Juveniles in whose cases it was found by the Court that institutionalization is necessary were sent to corrections for treatment and rehabilitation. This processing agency for both categories of juveniles - Delinquent and Neglected - was common and no separate arrangement existed even in case of corrections.

(ix) Admission Procedure under East Punjab Children Act, 1949

(a) Neglected Juveniles

The neglected and destitute children were brought before the Superintendent of the Home by the police officer, parent/guardian of the child, and in a rare case, by a social worker with the application stating the home conditions.
of the child. Usually such application had the recommendation of the M.L.A. of the area or of Municipal Commissioner/Sarpanch/Member Panchayat and in some cases village Lambardar except in cases where the child was brought by the police. The Superintendent, in cases requiring immediate protection, used to grant provisional admission and in other cases a date was given requiring the child to appear or brought before the Chief Judicial Magistrate. The Chief Judicial Magistrate, on that date or on some future date given by him, after his satisfaction of the genuineness of the application, used to allow admission in the Observation Home. After the perusal of the record files it was found that all this exercise was a mere formalism. In most of the cases statements made in the application were believed as correct without any verification of the social and economic history of the juvenile concerned. Some of the Superintendents of the Observation Homes disclosed that in all cases brought before the Court permission to keep the juvenile in correction had been given as a matter of course without any enquiry about the suitability of any other treatment alternative. Although juvenile justice philosophy demands that corrections should be the last priority as a treatment alternative and should be resorted to only when the court is of the strong opinion that non-institutional alternatives are not going to succeed in the case of any particular juvenile. This is possible only after a thorough enquiry into the matter and by extensive use of probation officer's services. But not even in single case a serious enquiry had either been requested by the Superintendent of the Home or otherwise made by the court of its own initiative. The probation services in this regard had never been used for the said purpose in cases of neglected juveniles. Admission orders were mechanical with one line

62. No Juvenile Court had been established in Punjab, till the coming into force of Juvenile Justice Act, 1986 inspite of claims to the contrary.
order of the court "admission to Observation Home allowed". In some cases it was noticed that the disposal of the case had been prolonged and the juvenile was required to appear or brought before the court time and again on different dates.

On the other hand it was found that there were some Observation Homes where Superintendents were admitting the neglected juveniles without any court orders. Juveniles were being kept in Observation Homes without any orders from the court even up to a year or so. This practice continued up to 1984 without any objection. The admission was straightened only after audit objection pointed out this illegality. However, it was found that this practice continued even afterwards also as one such case was detected by Chief Inspector in Gurdaspur Observation Home on 14.1.85. During discussions with the Superintendents it was found that most of them were ignorant of this basic legal requirement. After 1986 the intake procedure was streamlined, that to only after orders to that effect were issued by the directorate. The immediate impact of these directions was that Superintendents started following these directions rigorously by not allowing even provisional admissions in cases requiring immediate protection, which was otherwise permissible under the East Punjab Children Act, 1949 and Rules framed thereunder.

(b) Delinquent Juveniles

As per the provisions contained in The East Punjab Children Act, 1949 delinquent juveniles too were required to be kept in Observation Homes. These juveniles were either convicted of or were facing charges of some offence and had not bee bailed out.

63. East Punjab Children Act, 1949, Sec.6.
64. Ibid.
65. Id. Sec.25 and The Punjab Children Rules, Rule.8.
This category of children in fact is the main cause of attention in the object of creating Observation Homes but surprisingly no such child is kept in these homes. To the common knowledge, both of the people and authorities, these juveniles were being kept in ordinary jails until the coming into force of Juvenile Justice Act, 1986 in the State. Taking this category of juveniles to police stations and keeping them there along with adult criminals is a well-known fact that it continues even today inspite of strong prohibitions to the contrary contained in enactments dealing with such juveniles. This might be due to lack of proper buildings and security reasons. However, after the coming into force of Juvenile Justice Act, 1986 a provision for separate juvenile corrections for this category of delinquents has been made. But the practice of taking such juveniles to police stations and keeping them there still continues as found during visits to some police stations and also observed during discussions with police personnel.

(xi) Admission Procedure Under Juvenile Justice Act, 1986

A major policy change has been introduced in the already existing system with regard to admission procedure of juveniles falling within the scope of the Act. Two separate agencies have been created for processing the cases of neglected and delinquent juveniles for the purpose of their admission into the Observation Homes. Now Juvenile Welfare Board deals with the cases of neglected juveniles and permits their admission into Observation Homes where the need be. Similarly, Juvenile Court is the competent authority to deal with the cases pertaining to delinquent juveniles and permits their admission into Observation Homes in appropriate cases. There are separate Observation Homes for delinquent and

66. As per Government admission 93 undertrial Children were in Jails as on 19.6.1985.
67. Supra note 63. Also see Juvenile Justice Act, 1986, Sec. 18(2).
68. Three Juvenile Welfare Boards have already been established in Punjab having three members each. One more is yet to be established. See supra Chapter Five (conted.)
neglected juveniles. The Chart given below makes this system quite clear:

Neglected Juveniles → Juvenile Welfare → Observation Homes for Neglected Juveniles

Delinquent Juvenile → Juvenile Court → Observation Home for Delinquent Juveniles

(a) Neglected Juveniles

Juvenile Welfare Board has been conferred with the power to deal with the cases of neglected juveniles brought before the Board. The neglected juvenile is brought to the Superintendent of the Home of the concerned area by parents/guardian of the child or in a rare case by a social worker with the application stating the reasons for the admission of such juvenile in the home. Although police too has been recognised as a referral agency but it was found that there was not even a single case where police had brought any neglected juvenile to the home. Perhaps our police is not yet tuned to such kind of selfless social service obligations. In all the cases it was found that the applications have been recommended by the Municipal Commissioner/Sarpanch/Member Panchayatya Village mambardar or some political person like M.L.A. or other active worker of some political party. The Superintendent, being the only person authorised by the State Government as a referral agency besides the police, gives some date when to appear before the Juvenile Welfare Board along with the juvenile after he is satisfied that the juvenile is apparently a neglected child. The Superintendent has been authorised to take charge of the juvenile for bringing him before the Board. He can keep the juvenile in the Observation Home until

69. Supra note 31, Sec.4.
70. Id.Sec.5.
71. Id.Sec.4.
72. Id.Sec.13(1).
73. Section 13(1) reads,"If any police or any other person or organization, authorised by the State Government in this behalf, by general or special order, is of opinion that a person is apparently a neglected juvenile, such police offi-
the juvenile can be brought before a Board.\textsuperscript{75} But the Superintendents are very reluctant to use this power for fear of earlier audit objections and departmental instructions to the effect that juveniles should be kept in the home only with the authority of a competent person. In spite of arguments they failed to understand the logic behind this provisional admission. As a result even cases requiring immediate protection are not allowed to stay provisionally in the home till their cases are disposed off by the Board. This is perhaps because of very low perception level of Superintendents regarding legal rules. So much so, no body has so far sought any clarification of this provision from the headquarter. As the Superintendent prefer to follow 'no risk path' so this practice is likely to continue unless some intervention takes place from the headquarter level.

For the admission of neglected juveniles having parents/guardian a special procedure has to be followed before they are admitted to the observation home. In their case the police officer or the authorised person/organisation shall make a report to the Board for consideration and the Board shall hold an inquiry by calling his parents to appear before the Board on the date specified in the order.\textsuperscript{76}

When a child alleged to be a neglected juvenile is produced before a Board, it shall examine the police officer or the authorised person/organization who brought the juvenile and record the substance of such examination and hold the enquiry in the prescribed manner.\textsuperscript{77} On being satisfied that it is expedient or other person or organization may take charge of the person for bringing him before the Board.

\textsuperscript{74} Ibid.
\textsuperscript{75} Id.Sec.13(4).
\textsuperscript{76} Id.Sec.14.
\textsuperscript{77} Id.Sec.15.
so to deal with the juvenile, the Board may make an order directing the juvenile to be sent to a juvenile home for the period until he ceases to be a juvenile.78

After going through the records it has been found that in all the cases, statements of the person/persons who brought the child before the Superintendent/Board are recorded briefly. No social enquiry report has ever been made regarding the real social and economic background of the juvenile. All the cases which the Boards looked into were accepted as correct and admission to the Observation homes were recommended. It was observed that in most of the cases where admissions were allowed recommendation of some political boss had the necessary effect and a major deciding factor. In most of the cases Superintendent has the final say and only such cases are brought before the Board where there is some one at the back of the case. The general attitude of the Superintendents with regard to admissions is negative and that is why these observation homes are keeping juveniles with less than half of their sanctioned capacity. Although it is a fact that the problem of neglected juveniles is not very acute in the State still it is not as insignificant as the admission figures indicate. Many juveniles falling in the category of neglected juveniles, rather most deserving cases, could not get the place in these state owned Observation Homes because of lack of political or other support necessary for such admission. On the other hand it was found that many such juveniles were putting up in voluntary or religious institutions in the State. Pingalwara at Amritsar is supporting 14 such juveniles and couple of them are also staying in Golden Temple and Durgiana Temple at Amritsar.

(b) Delinquent Juveniles

After the coming into force of Juvenile Justice Act, 1986 four Observation Homes have been specifically established for this category of juveniles.78 Id. Sec.15(2).
Those juveniles who are facing criminal charge and have not been released on bail are sent to these Observation Homes on the orders of the Juvenile Court or the Court exercising the powers of the Juvenile Court. They stay in these Observation Homes till the completion of inquiry/trial of their case and in case any juvenile is found guilty of an offence he is transferred to Special Home meant for such juveniles. So far the admission of these juveniles is concerned the procedure is purely legal and Superintendents have no role to play as for their admissions are concerned.

All the delinquent juveniles are facing charges of serious offences. Three out of the eight juveniles are being tried under Section 3/4 of Terrorist and Disruptive Activities(Prevention) Act, 1985. Two are being tried under Section 302 for murder, one under section 326, one under Section 307 and one under Section 376 Indian Penal Code. In the absence of Juvenile Court all the cases are being tried by either Special Court or Courts of Ordinary jurisdiction.

(xii) Number of Inmates

The sanctioned strength of each Observation Home is 20 inmates. It is clear from the Table VIII-2 and Table VIII-3 that the total number of juveniles admitted in these Observation Homes is very small. At any given time none of these Observation Homes was having full sanctioned capacity. Though the member of juveniles admitted during the year appears to be impressive in some Observation Homes but their stay in the Observation Homes was found to be very short. In most of the cases the admitted juveniles used to be discharged or transferred to certified school of Hoshiarpur. Thus always the number of juvenile at any given time was less than half the sanctioned capacity in almost all
the Observation Homes as shown in Table VIII-2 and Table VIII-3. On the dated
of visits to these observation homes the strength of inmates in each home was
less than ten as shown in Table VIII.2.

Table VIII.2
Showing Number of Beneficiaries on the Dates of
Visits (between April to July 1989) to Observation Homes

<table>
<thead>
<tr>
<th>S. No</th>
<th>Name of the Observation Home</th>
<th>Number of Beneficiaries</th>
<th>Established/Not Established</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>O.H. for Neglected Juveniles Ropar</td>
<td>6</td>
<td>Established</td>
</tr>
<tr>
<td>2.</td>
<td>&quot; &quot;</td>
<td>Patiala</td>
<td>2</td>
</tr>
<tr>
<td>3.</td>
<td>&quot; &quot;</td>
<td>Jallandhar</td>
<td>9</td>
</tr>
<tr>
<td>4.</td>
<td>&quot; &quot;</td>
<td>Gurdaspur</td>
<td>3</td>
</tr>
<tr>
<td>5.</td>
<td>&quot; &quot;</td>
<td>Bhatinda</td>
<td>7</td>
</tr>
<tr>
<td>6.</td>
<td>&quot; &quot;</td>
<td>Amritsar</td>
<td>8</td>
</tr>
<tr>
<td>7.</td>
<td>&quot; &quot;</td>
<td>Ludhiana</td>
<td>6</td>
</tr>
<tr>
<td>8.</td>
<td>&quot; &quot;</td>
<td>(Girls)</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>41</td>
<td></td>
</tr>
</tbody>
</table>

Table VIII.3
Showing Year-wise Admission in the Observation Homes (1982-83 to 1986-87)

<table>
<thead>
<tr>
<th>Sr. No</th>
<th>Name of House</th>
<th>1982-83</th>
<th>1983-84</th>
<th>1984-85</th>
<th>1985-86</th>
<th>1986-87</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Amritsar</td>
<td>6</td>
<td>1</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>17</td>
</tr>
<tr>
<td>2</td>
<td>Bhatinda</td>
<td>24</td>
<td>16</td>
<td>14</td>
<td>12</td>
<td>8</td>
<td>74</td>
</tr>
</tbody>
</table>

(conted.)
The reports of the Department of Social Welfare indicate that those juveniles who have been shown as discharged (See Table VIII-2, VIII-3 and VIII-4) have been rehabilitated and returned either to parents/guardian or otherwise reintegrated into the society. As we will see in subsequent pages, the quality and quantity of services available is a good indicator of the nature and extent of treatment that is imparted in the Observation Homes. There is no facility for educational and vocational training nor any staff is therefore this purpose. The possibility of treatment and rehabilitation in such circumstances can be any body's guess. Moreover the term 'discharged' has been very liberally used in the records of the Observation Homes and it covers the cases of absentees and escapees also. There is no uniformity in the Observation Homes records to indicate the term 'discharged'. Some mention it as 'discharged', some 'released', some 'struck off' and some others 'returned to the parents' of the juvenile. All these categories have been shown as treated and rehabilitated in the official records. This itself indicates how figures are escalated and records are distorted in order to make them appear impressive in the official circles.
owing earwise is
The Observation Homes From 1982-83 to 1986-87

<table>
<thead>
<tr>
<th>Sr. No</th>
<th>Name of Home</th>
<th>1982-83</th>
<th>1983-84</th>
<th>1984-85</th>
<th>1985-86</th>
<th>1986-87</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>CS**</td>
<td>CS Dis.</td>
<td>CS Dis.</td>
<td>CS Dis.</td>
<td>CS Dis.</td>
<td>CS Dis.</td>
</tr>
<tr>
<td>1.</td>
<td>Amritsar</td>
<td>- 5</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>2.</td>
<td>Bhatinda</td>
<td>17 6</td>
<td>8 5</td>
<td>14 3</td>
<td>6 4</td>
<td>5 3</td>
<td>50 21</td>
</tr>
<tr>
<td>3.</td>
<td>Gurdaspur</td>
<td>7 2</td>
<td>13 4</td>
<td>10 -</td>
<td>11 2</td>
<td>7 1</td>
<td>48 0</td>
</tr>
<tr>
<td>4.</td>
<td>Hoshiarpur</td>
<td>9 7</td>
<td>5 3</td>
<td>5 2</td>
<td>4 3</td>
<td>5 2</td>
<td>28 17</td>
</tr>
<tr>
<td>5.</td>
<td>Jalandhar</td>
<td>12 8</td>
<td>10 7</td>
<td>11 9</td>
<td>8 7</td>
<td>7 8</td>
<td>48 39</td>
</tr>
<tr>
<td>6.</td>
<td>Ludhiana</td>
<td>7 2</td>
<td>31 4</td>
<td>9 4</td>
<td>6 3</td>
<td>7 3</td>
<td>53 16</td>
</tr>
<tr>
<td>7.</td>
<td>Patiala</td>
<td>x x</td>
<td>6 2</td>
<td>7 4</td>
<td>3 2</td>
<td>2 1</td>
<td>18 0</td>
</tr>
<tr>
<td>8.</td>
<td>Ropar</td>
<td>x x</td>
<td>x x</td>
<td>x x</td>
<td>1 -</td>
<td>1 -</td>
<td>2 -</td>
</tr>
</tbody>
</table>

x  Records not available.

* Figures are up to Oct. 1987 when the Juvenile Justice Act came into force.

** C.S. means transferred Certified School Hoshiarpur.
Table VIII.5

Showing Position of Admissions and Discharge of Juveniles After October, 1987

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of the Home</th>
<th>Year 1987-88</th>
<th>Year 1988-89</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Admitted</td>
<td>Discharged</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. For Neglected Juveniles</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Ropar</td>
<td>4</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>2. Patiala</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>3. Jallandhar</td>
<td>6</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>4. Gurdaspur</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>B. For Delinquent Juveniles</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Bhatinda</td>
<td>5</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>2. Amritsar</td>
<td>6</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>3. Ludhiana</td>
<td>5</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>4. Jallandhar (For Girls)</td>
<td>Not yet established</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Figures are from October, 1987.

** Discharged includes transferred to Juvenile Home, Hoshiarpur or Special Home, Hoshiarpur.

Another point in regard to the lethargic working of the Observation Homes/has been noted is that for months together no inmates had been admitted. Comparatively speaking it has been found that the number of months during which no admissions are made inversely relate in proportion to the total number of admissions in any particular Home.
Table VIII-6
Showing Number of Months during which No Inmate has been admitted During 1982-83 to 1986-87

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Amritsar</td>
<td>9</td>
<td>11</td>
<td>10</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td>2.</td>
<td>Boatinda</td>
<td>4</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>3.</td>
<td>Gurdaspur</td>
<td>9</td>
<td>9</td>
<td>7</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>4.</td>
<td>Hoshiarpur *</td>
<td>6</td>
<td>7</td>
<td>6</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>5.</td>
<td>Jalandhar</td>
<td>6</td>
<td>5</td>
<td>7</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>6.</td>
<td>Ludhiana</td>
<td>4</td>
<td>7</td>
<td>8</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>7.</td>
<td>Patiala</td>
<td>x</td>
<td>10</td>
<td>11</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td>8.</td>
<td>Ropar</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>10</td>
<td>9</td>
</tr>
</tbody>
</table>

x No records available.

* Hoshiarpur Observation Home has now been merged with Juvenile Home after the coming into force of Juvenile Justice Act, 196, i.e. 2nd Oct., 1987.

On an average it has been found that for more than half of any single year no admissions took place. This reflects the poor working of the Observation Homes. No body has ever taken any note of this aspect of the working of Observation Homes.

One more striking feature of the working of Observation Homes that came to the notice was that most of the inmates in each Observation Home belong to that district in which the home is situated. More interesting aspect that came to the notice is that most of the inmates are from that specific areas of the district which is geographically situated near to the Home. This continued to be there in case of all Observation Homes till the coming into force of Juvenile Justice Act, 1986 in the State. After the Juvenile Justice Act, 1986
came into force this practice is confined only to four Observation Homes which are meant for neglected juveniles. In case of delinquent juveniles Observation Homes management has no role to play regarding the admission or stay of such juveniles. Thus the juveniles of some of the districts where no Observation Home for neglected children is there do not get adequate benefit of the Home. The lack of knowledge of the people of these districts has been given as a reason for this practice. This indicates lack of publicity of the facility and the efforts of the personnel in this regard. Admission to the home is taken as a privilege by the inmates and the management always tries to make the inmates and the persons responsible for their admission feel obliged for this act. Thus inmates always remain in constant fear of being thrown out of the home in case they make any complaint regarding the working of the institute.

Looking at the administrative set-up, financial involvement and number of beneficiaries, it appears to be a cruel management of the whole system and a criminal financial management. This indicates that there is a total lack of sincere efforts and lethargy of the functionaries involved in the management of corrections at every level. The situation in Punjab is sharply in contrast to the working of juvenile corrections in other states where there is a general problem of overcrowding. There were occasions when some of the Observation Homes remained even without any inmate or which one or two for as long period as six to eight months. It is a known fact these Observation Homes are meant for short stay up to three months. But to the contrary it has been noted in some of the cases the stay had been from one year to four and a half years as it has been noticed in Amritsar, Ropar, Ludhiana and Patiala Observation Homes. This defeats the very role of an Observation Home.
As shown by Table VIII-2, VIII-3, VIII-4 and VIII-5 there is no change in the intake and discharge process of these Observation Homes even after the coming into force of the Juvenile Justice Act, 1986 in the State. The number of inmates continues to be small as it was earlier under the East Punjab Children Act, 1949. The only two visible changes that can be noticed are:

(a) Separate Observation Homes for Delinquent Juveniles. Earlier there was none.

(b) Intake procedure has been streamlined to a certain extent.

It was observed that the Observation Homes were not transferring the juveniles to certified School at Hoshiarpur, because of sheer compulsion of at least keeping some inmates in the Observation Home at a time. In that way the Observation Homes have been functioning more for the employees than inmates. So it appears from their functioning.

(xiii) Absenteeism

Absenteeism is a common problem of all the Homes except the one at Jallandhar and Patiala. In some cases inmates absent themselves from the very next day of their admission and they continue to abstain from the Home for months together, when they are ultimately discharged or shown struck off. This problem was faced by all the Observation Homes till the coming into force of Juvenile Justice Act, 1986 as these Homes were admitting only neglected juveniles alone. After the coming into force of Juvenile Justice Act, 1986 (2nd Oct. 1987) this problem is no more there in cases of Homes meant for delinquent juveniles due to high security precautions being taken by these homes. These

79. Certified School at Hoshiarpur was the apex institution to deal with the neglected juveniles. For details see later pages.
Homes are being guarded by armed police personnel all the twenty four hours. However, the problem of absenteeism still exists in the Observation Homes for neglected juveniles. This indicates the quality of treatment and quality of admitted juveniles. No body has ever bothered to take up this problem seriously and the approach of the Superintendent in dealing with such cases has always been casual. No contact is established with the juvenile in case he overstays at his home during leave period. After waiting for sometime he is shown as discharged or struck off. In cases of escapes the only step taken is information to the police and a letter to the parent/guardian if any. Why he escaped is no body's concern?

(xiv) Services Available

The Rules framed under under the Juvenile Justice Act, 1986 provide for a proper and balanced diet for the institutionalised juveniles.\(^{80}\) Similar provisions existed under the Rules\(^{81}\) framed under the East Punjab Children Act, 1949. The Social Welfare Department Government of Punjab, vide their notification dated 21.11.1988, have fixed feeding and clothing scales for Juveniles Homes functioning under the Juvenile Justice Act, 1986. A comparative table of die under both the enactments is as under:

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Name of Articles per Juvenile per day</th>
<th>Name of Article per Juvenile per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Wheat or Rice 400 Grams</td>
<td>Wheat 7 Chhataks</td>
</tr>
</tbody>
</table>

\(^{80}\) Supra note 21, Rule 15; Supra note 31, Sec. 11(3).
\(^{81}\) Supra note 28, Rule 7; Supra note 63, Sec. 74(2)(e).
<table>
<thead>
<tr>
<th>No.</th>
<th>Item</th>
<th>Quantity</th>
<th>Item</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Dalia</td>
<td>60 Grams</td>
<td>Dalia</td>
<td>1 Chhatak</td>
</tr>
<tr>
<td>3.</td>
<td>Pulses</td>
<td>60 &quot;</td>
<td>Dal</td>
<td>1 &quot;</td>
</tr>
<tr>
<td>4.</td>
<td>Vegetable</td>
<td>250 &quot;</td>
<td>Vegetable</td>
<td>5 &quot;</td>
</tr>
<tr>
<td>5.</td>
<td>Mean for non-vegetarians (once a week)</td>
<td>100 &quot;</td>
<td>Mean for non-vegetarians (four times in a week)</td>
<td>2 &quot;</td>
</tr>
<tr>
<td>6.</td>
<td>Milk or milk product of equal value</td>
<td>230 &quot;</td>
<td>Milk or milk product of equal value</td>
<td>4 &quot;</td>
</tr>
<tr>
<td>7.</td>
<td>Sugar for Dalia Milk</td>
<td>40 &quot;</td>
<td>Sugar for Dalia &amp; Milk</td>
<td>1/2&quot;</td>
</tr>
<tr>
<td>8.</td>
<td>Salt</td>
<td>15 &quot;</td>
<td>Salt</td>
<td>1/4&quot;</td>
</tr>
<tr>
<td>9.</td>
<td>Vegetable Ghee</td>
<td>20 &quot;</td>
<td>Vegetable Ghee</td>
<td>1/2&quot;</td>
</tr>
<tr>
<td>10.</td>
<td>Sarson Oil</td>
<td>10 &quot;</td>
<td>Sarson Oil</td>
<td>1/4&quot;</td>
</tr>
<tr>
<td>11.</td>
<td>Condiments mixed</td>
<td>10 &quot;</td>
<td>Condiments mixed</td>
<td>1/16&quot;</td>
</tr>
<tr>
<td>12.</td>
<td>Turmeric</td>
<td>2 &quot;</td>
<td>Turmeric</td>
<td>1/6&quot;</td>
</tr>
<tr>
<td>13.</td>
<td>Chillies</td>
<td>1 &quot;</td>
<td>Extra Condiments for meat</td>
<td>1/6&quot;</td>
</tr>
<tr>
<td>14.</td>
<td>Garlick</td>
<td>3 &quot;</td>
<td>Gur</td>
<td>1 &quot;</td>
</tr>
<tr>
<td>15.</td>
<td>Tea</td>
<td>3 &quot;</td>
<td>Extra Dal or Ground-nuts for vegetarians in place of extra milk for Curd</td>
<td>1/2&quot;</td>
</tr>
<tr>
<td>16.</td>
<td>Fuel/Firewood</td>
<td>1 Kg.</td>
<td>Milk for curd for vegetarians when meant is cooked</td>
<td>2 1/2&quot;</td>
</tr>
<tr>
<td>17.</td>
<td>Toothpaste with Brush</td>
<td>4 Grams</td>
<td>Dattan</td>
<td>1 each</td>
</tr>
</tbody>
</table>

* Condiments mixed shall consist of articles in the proportion given in brackets; Tumeric(4/128); Chillies(3/128); Garlic(6/128); Corriandar(3/128) Chhataks each.
With the present day price index the value of the raw material prescribed under the Rules comes to something more than rupees nine per day. The diet scale under the East Punjab Children Act would be higher in terms of money. Anyway, the diet scale is quite impressive provided it is actually made available to the juveniles. The average diet of juvenile in the institution is better than that from the diet served in the University hostels. However, the budget allocation is very small and it comes to less than hundred rupees per months per child - almost one third of what it should have been as per the prescribed diet scales. Children are provided three meals a day. Breakfast is served at 8 A.M. when children get one salted paratha and tea. At 2 p.m. they get four chappatties each with dal and at 8.30 P.M. they again get 4 chappatties with vegetable. At 9.00 P.M. children get 4 glass of milk. There was general complaint regarding the quality and quantity of food. Some of the juveniles disclosed in confidence that there are stones in Dal and Chappatties are not properly cooked. They are hard and burnt. Only those vegetables are cooked which are cheap in the market and thus vegetables are always confined to two or three specific varieties. Juveniles have no role in the preparation of the menu. Nor they are in any manner associated with the cooking or supervision of the cooking process. Though some of the demands may be the result of excitement due to privacy of talk, but still there must be some grain of truth in the complaints. On the other hand officials tried to justify the poor quality and less quality of food due to high financial constraints, which is substantially true. It is tragic that highly ambitious plans are made at the initial stages of planning and every thing turns out to be a mess when it comes to practical implementation of the same due to one reason or the other. The daily food diet in Punjab University Chandigarh is Rs 3.80 lunch and dinner each, which includes, salary of servants, their food, margin of profit and interest on investment besides other incidental charges. The similar diet in Panjabi University, Patiala is Rs 2.90 lunch & dinner each.
other. This artificial creation of high hopes ultimately results into higher growth of frustration not only for the juveniles but also for those who are given the responsibility of implementing such programmes.

In addition to free boarding and lodging the Rules provide for the free bedding and clothing for each juveniles as per the norms given in Table VIII-8.

Table VIII-8
Showing Clothing Scales for Juveniles

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of Article</th>
<th>Quantity per Year</th>
<th>Name of Article</th>
<th>Quantity per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Pant Terricot</td>
<td>2</td>
<td>Dasuti Trousers</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>Shirt Terricot</td>
<td>3</td>
<td>Dasuti Kurtas</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>Payjama Terricot</td>
<td>1</td>
<td>Dasuti Caps</td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>Pagri/Duppatta</td>
<td>1</td>
<td>Dasuti Pagri for Sikhs</td>
<td>2</td>
</tr>
<tr>
<td>5</td>
<td>Sets of Under Garments</td>
<td>2</td>
<td>Langota</td>
<td>2</td>
</tr>
<tr>
<td>6</td>
<td>Jersey for three years</td>
<td>1</td>
<td>Jersey or Pullover</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>or Jawahar Jacket</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>or Blanket Coat for</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>three years</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Pair of shoes including 2 socks</td>
<td></td>
<td>Pair of Shoes</td>
<td>2</td>
</tr>
<tr>
<td>8</td>
<td>Soap for Washing Clothes</td>
<td>6(Kg)</td>
<td>kacaha</td>
<td>3</td>
</tr>
<tr>
<td>9</td>
<td>Soap for bathing</td>
<td>12(Cakes)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(conted)

85. Supra note 28, Rule 7 and supra note 63, Sec. 74(2)(e).
### (B) Additional Clothing Articles (For Scouts)

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Turbans/Dupatta</td>
<td>3</td>
<td>Turban</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Shirts Terricot</td>
<td>3</td>
<td>Shirt</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>Pants Terricot</td>
<td>3</td>
<td>Shorts</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Scarf</td>
<td>3</td>
<td>Scarf</td>
<td>1</td>
</tr>
<tr>
<td>5</td>
<td>Whistle with cord</td>
<td>1</td>
<td>Whistle with cord</td>
<td>1</td>
</tr>
<tr>
<td>6</td>
<td>Belt</td>
<td>1</td>
<td>Belt</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>Knife</td>
<td>1</td>
<td>Knife</td>
<td>1</td>
</tr>
<tr>
<td>8</td>
<td>Life Line</td>
<td>1</td>
<td>Life Line</td>
<td>1</td>
</tr>
<tr>
<td>9</td>
<td>Shoulder Knot</td>
<td>1</td>
<td>Shoulder Knot</td>
<td>1</td>
</tr>
<tr>
<td>10</td>
<td>-</td>
<td>-</td>
<td>Woggle</td>
<td>1</td>
</tr>
<tr>
<td>11</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
</tbody>
</table>

### (C) Additional Uniform for Physical Training

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Canvas Shoes</td>
<td>-</td>
<td>Canvas Shoes</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>Vest</td>
<td>-</td>
<td>Vest</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>Cotton Socks</td>
<td>-</td>
<td>Cotton Socks</td>
<td>4</td>
</tr>
</tbody>
</table>

### (D) Bedding Scales

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>-</td>
<td>-</td>
<td>Duree</td>
<td>1(for five years)</td>
</tr>
<tr>
<td>2</td>
<td>-</td>
<td>-</td>
<td>Blankets</td>
<td>4(for three years)</td>
</tr>
<tr>
<td>3</td>
<td>-</td>
<td>-</td>
<td>Charpy</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>-</td>
<td>-</td>
<td>Cotton Sheet</td>
<td>2(for two years)</td>
</tr>
<tr>
<td>5</td>
<td>-</td>
<td>-</td>
<td>Towel</td>
<td>2(for one year)</td>
</tr>
<tr>
<td>6</td>
<td>-</td>
<td>-</td>
<td>Pillow</td>
<td>1(for three years)</td>
</tr>
<tr>
<td>7</td>
<td>-</td>
<td>-</td>
<td>Pillow Cover</td>
<td>4(for four years)</td>
</tr>
</tbody>
</table>
During visits children were found to be shabbily dressed. Some were wearing torn pants for days together. There was absolutely no supervision with regard to their cleanliness. Many of them were found to be barefoot and without any physical cleanliness. It was noted that some homes give the uniforms etc., to inmates after two to three months of admission while under the Rules there is requirement of personal cleanliness, medical examination, issue of clothes, beddings and other outfits to the inmates immediately after admission. Some Homes were not issuing the uniforms at all even up to the discharge or transfer of the juvenile from the Home. Most of the juveniles were in the dresses in which they were admitted to the Home. Most of the children had no soap (washing or bathing) for the last nearly a week. However, older juveniles were comparatively in better position so for their dress and general cleanliness was concerned. On the whole the position with regard to uniform and dress was quite unsatisfactory, although the scales regarding uniform and other daily use items is quite impressive. It is more on papers than in fact.

The bedding arrangement too was inadequate both in quantity and quality. Number of cots was not sufficient to meet the needs of individual juvenile. There were four cots in Amritsar Observation Home for eight juveniles. The same was the position in case of Ropar Observation Home. There was no provision for Duries or pillows. Children were found sitting on blankets even during summer. The position in Observation Homes for delinquent juveniles was much more pathetic. They were made to sit inside the locked rooms almost for whole of the day including winter. The site was of a mini jail for young delinquent having not even a trace of a home. In addition, it was observed that the attitude of the staff was indifferent and contemptuous and there was total lack of adequate
supervision and involvement. This was more apparent in the cases of Observation Homes for the delinquent juveniles.

(xv) Discipline

Superintendent is under a statutory obligation to ensure discipline not only among the juveniles but also among the supervisor staff in their relations to each other and inmates of the home. For effective control and discipline it is necessary that the Superintendent stays in the complex. But as noted earlier most of the Superintendents are staying outside thus the general control and discipline was quite slack. There were reports of sexual exploitation by watch and ward staff of the young boys. Disciplinary action too has been initiated in one case at the Gurdaspur Observation Home. However, in view of bad publicity most of such cases do not come on the surface and the matter is settled at the Observation Home level. Some of the young juveniles confided about such behaviour even by older juveniles of the Home. It is tragic that senior officials of the department seldom visit the Homes in order to have first hand information of their working. Most of the information regarding the working of the Homes is based upon the facts supplied by the Superintendents which is always rosy and can be found stacked in official files and reports of the department.

There was visible lack of co-ordination and co-operation among the staff members of the Home. In two Observation Homes it was found that there was open confrontation among the various functionaries of the Home. This was found to be more open in cases of Homes being managed by Superintendents having additional charge or working in officiating capacity. Brawls among the

86. Supra note 21, Rule 43(e) and 43(2).
87. See the Note for The Conference of State Welfare Ministers and Secretaries incharge of Juvenile Justice and Welfare of Handicapped held at New Delhi, 1986.
juveniles are quite often. The personnel responsible for treatment and rehabilitation were mere silent spectators except only in cases involving serious injury. Some of the younger inmates started weeping when inquired about their life in the Home. When further inquired they just had the passing glance at the Superintendent who was standing nearby and kept mum. But their silence was something more than their speech. It was an indicator of the quality of life in the Home. This was more so in Observation Home for neglected juveniles. Superintendent tried to justify the weeping on the ground of home-sickness. However, it was quite clear that something is glaringly wrong with the working of the Homes.

(xvi) Daily Routine

It is one of the most important duties of the Superintendent to formulate and implement well planned daily routine for the inmates of the Home. The daily routine has to be in consonance with the general guidelines and directions under the Rules framed under Juvenile Justice Act, 1986. The Rules provide that each institution shall have a well regulated daily routine for the inmates which should be displayed and should provide among other aspects, for regulated disciplined life, physical exercise, educational classes, vocational training, organised recreation and games, moral education, group activities, prayer and community singing. 88

The Rules further provide that for Sunday and holiday the daily routine shall include -

(a) Washing of clothing and bedding,
(b) Library reading,
(c) Recreational programmes, games, sports,

88. Supra note 21, Rules 14 & 14(2).
(d) Radio, Television and Recorded music,
(e) Properly planned excursions,
(f) Scouting activities.

In addition to this all inmates in the Reception Unit shall be given work like-
(a) self-help in maintaining their own establishment,
(b) cleaning open spaces, gardening etc.
(c) preliminary operations for crafts.

Each institution shall follow a schedule of orientation talk for the newly-admitted juveniles covering the following aspects:
(a) interpretation of rules and regulations.
(b) health, sanitation, hygiene.
(c) institutional discipline and standard of behaviour, respect for elders, teachers etc.
(d) self-improvement opportunities, and
(e) responsibilities and obligations.

Similar provisions existed under the Rules adopted under East Punjab Children Act, 1949 with small variations here and there.

Not even a single Observation Home was found to be conducted its routine according to Rules framed under the Juvenile Justice Act, 1986. Most of the staff members responsible for dealing with these inmates do not even know that any such guidelines for daily routine exist. Some of juveniles are sent to nearby Government schools and have nothing to do for the whole of day. This idleness and inactivity generally prevails in the Observation Homes.

89. Id. Rule 14(2).
90. Observation Homes are also being used as Reception Units also in the absence of any such separate Reception Units in the State.
91. Supra No. 89.
92. Ibid.
93. Ibid.
This idleness and inactivity is bound to have demoralising effects, specially in the cases of newly admitted children who have been separated from their families, cutoff from outside contacts and confronted with worries, fear and tensions. In some of the Observation Homes like Patiala and Ropar children spent their day playing or performing Menial jobs connected with the Home or personal works of the staff members. The Superintendent justify their decision for not sending the juveniles to schools on the ground that there is no school nearby and they cannot take the risk sending the children to schools away from the Homes because of fear of escape. They even argued that they are reaching the juveniles themselves in the home itself. However, this assertion was found to be wrong after talking to the juveniles.

The position of Observation Homes meant for delinquent juveniles was most deplorable. Nothing of the sort known as daily routine has ever been followed in these homes. They are just custodial warehouses more/to jails than correctional centres. For whole of the day juveniles are kept locked inside the rooms with police personnel in uniform on guard duty twenty four hours a day. This purely custodial way of dealing with such juveniles is being justified on the ground of fear of escape from the Home which is substantially correct in view of an earlier incident of such escape of some juveniles from the Hoshiarpur Home in early 1987. Moreover in view of the peculiar political situation of Punjab it is necessary to take some steps as a precaution so that such incidents do not take place. Though it is still a debatable question as to how these juveniles should be dealt with, but in the absence of any clear policy decision from the State, the Superintendents have no option but to take every possible measure for their safe custody. This being a very sensitive issue, clear cut answer to the problem of treatment and rehabilitation of these juveniles may not be very easy to find. This requires planning, innovation

94. Ibid.
and experimentation for which bold political and policy decision is necessary, which is not in sight as yet.

One of the major reasons for the absence of all these daily routine programmes is the non-existence of facilities for the same. As most of the Observation Homes are in rented buildings so there is no adequate space for sports, games and other recreational facilities. Qualified personnel for teaching and vocational training is not here nor any library, radio, or television can be seen in the Homes. Thus, it is just not possible to offer all the facilities desired under the rules. Financial constraints can be traced to be the ultimate reason for the absence of programmes loftily decorating the statute books. Thus the observation homes are not fulfilling the desired objectives in practice.

As for the general perception of the juveniles regarding the rules and regulations, health and sanitation etc., is concerned, they did not even know whether anything like 'Juvenile Justice Act' exists or not. Rules and regulations were not clear even to staff members and their knowledge at the juveniles level can be very well imagined. On the suggestion that the Superintendent can invite specialists like doctors, teachers and advocates etc., for the said purpose, the reaction was non-committal though visibly positive. However, the fear of public exposure of the working of the Home could be gauged from the demeanour of staff members.

(xvii) Assessment and Training Programmes

Observation Homes are mini laboratories in the total correctional set-up. The orientation and assessment of the newly admitted juvenile at the very initial stage of his entry serves the purpose of basic foundation for his future treatment
and rehabilitation. A failure at this stage will turn all future efforts and programmes a total wastage. It is perhaps because of this reason that Rules provide that an overall study of the juveniles, admitted to an institution shall be undertaken on the basis of their social history, behavioural pattern and attitudes towards others. Information regarding their socio-cultural and economic background shall be collected through all possible and available sources including home, parents or guardians, employer, school, friends and community contacts. The educational level and vocational aptitude shall be assessed on the basis of tests and interviews conducted by the teacher, the workshop supervisor and other technical staff. For this purpose, appropriate linkage shall also be established with outside specialists and community-based welfare agencies. Supra note 21. Rule 30 desires that case file must contain detailed information which runs under 23 headings.

This is what ought to be there in the working of the Homes. But the facts speak otherwise. No detailed assessment of any nature with regard to the child medical, psychological, behavioural or socio-cultural aspect is done. A record of the items brought by the child and very a routine brief case history is kept concerning neglected juveniles. No effort is made to certify the information given by the juvenile or the person who was instrumental in the admission of the child in the home, may be parents/guardian or social/political worker.

In the cases of delinquent juveniles nothing was found in their files except detention warrants. Supra note 21. Rule 30 desires that case file must contain detailed information which runs under 23 headings. Dates of Court appearances were also mentioned on the files. After the admission into the Home no such assessment is

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95. Supra note 21, Rule 13(5).
96. Supra note 21. Rule 30 desires that case file must contain detailed information which runs under 23 headings.
made except recording of orders passed by courts from time to time.

So for the vocational or education programmes are concerned no such facility exists in either category of Home. Homes for delinquent as well neglected juveniles. In the Observation Homes meant for delinquent juveniles the only recreational facility that was available was playing of cards, which could lead to practice more of gambling skills than anything else. However, recreation facilities at a very minimum level are available at Observation Homes for neglected juveniles. Behavioural treatment could not be imparted in the absence of a competent staff, all the Homes are just providing custodial care. In brief we can say that the presently available infrastructures in terms of physical facilities, staffing pattern, assessment and intervention programmes are highly inadequate to achieve the goals envisaged in the Juvenile Justice Act, 1986 and Rules framed there under.

(viii) Visitors Committee

Provision for Visitors Committee was there under the East Punjab Children Act, 1949 but no such committee had ever been constituted by the State government. Visitor Committee can play a very important role in the proper management of the Home. It will provide a necessary link to the inmates with social activities outside the home. Thus indirectly it will help in the involvement of community based agencies in this social service. Except for the Observation Home at Bhatinda and Ludhiana Visitor's Committees have been constituted for all Observation Homes in the State as required under the Juvenile Justice Act, 1986. But it is sad to point out that these committees are as good as if they were not there. It was observed during visits that in total only two inspections have been made by these committees in the last almost two

96. Sec. 45.
97. Sec. 54.
years. Even in these cases no report has been submitted by the Committee members regarding the working of the Home to the State government. Thus the visits were most casual and did not serve any purpose at all. As pointed out by the Social Welfare Department, members of the Visitor's Committee are not entitled to any expenses for the discharge of their duties. This may be one of the main reasons for non-functioning of the committees. But social commitment too appears to be lacking among the members. If I could guess it correctly from my conversation with the Superintendent and other senior officials of the department, it was evident that even the department (concerned official) is not interested in any kind of public involvement in the management of the Home. This goes contrary to what the juvenile justice system desires.

The appointment system of the members of the Visiting Committee is unrealistic and bureaucratic. Deputy Commissioner of the district in which the Home is situated recommends the members for appointment which is notified by the Social Welfare Department. As observed from the functioning of these committees the appointments are considered just as a social status by the members without realizing the social responsibility imposed upon them. About 60 percent of the members are busy professionals (advocates) who have very little time to spare for such social obligations. It is desired from the experience that a more careful examination should be made before any person is appointed as member of the Committee. Retired teachers, judicial officers, administrative officers should be considered for the job after satisfying that they have a progressive approach towards the system and its functioning.

(xix) Financial Position

The most grim picture is presented by the financial allocations specially in the context of services required to be rendered by Observation Homes. More... Members are required to visit the Home at least once in three months. Rule 49, Juvenile Justice (Punjab) Rules, 1987.
disturbing is the allocation of budgetary provisions for purposes other than educational, vocational training, treatment and rehabilitative purposes. The funds available are just sufficient to meet just the bare requirements of salary and other incidental charges of the staff, besides the food. Even in cases of quality of food funds are glaringly short to meet the required standards.

Financial Position

Availability of funds is an important factor for the successful running of any social welfare programme. But that perhaps is not the only factor in the right direction. If limitless funds are made available in this area, we would still have limited success because of our present stake of knowledge about deviant human behaviour and almost unskilled persons employed to combat this challenge, both at preventive as well as control levels. Similarly, limitless funds are not likely to have any impact upon other vital variables which influence results e.g., public attitude towards delinquents, mass media's attitude towards corrections, other community based alternatives and national economy.

It is only the workers engaged at different levels in the correctional establishment which includes social workers, psychologists, probation officer, warders and other professionals who can effectuate the basic changes necessary to improve correctional youth programmes. The quality and quantity of correctional management, presently engaged in corrections in Punjab, cannot provide better results whatever may be the amount put at their disposal. Absence of good pay scales is one basic reason that talented and professionally competent person do not offer their services for such jobs. Additionally, there is acute shortage of vocational training avenues in correctional centres. The funds
allocated to different correctional centres are just sufficient to maintain their present standards in the area of professional personnel, food and clothing as well as vocational training, if any. If we want to manage these correctional centres at this level, it will be better if they are closed and some other alternatives are found to deal with the problem of delinquency. A look at the Table VIII-9 is a sufficient indicator towards the financial position and out-put level of different Observation Homes in the State.

Table VIII-9
Showing Year-wise Financial Allocations and number of beneficiaries for the year 1985-86 to 1988-89

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of Institution</th>
<th>Budget Allocation (1985-86)</th>
<th>Expenditure</th>
<th>Number of Beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Observation Home Amritsar</td>
<td>77,400</td>
<td>77,400</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>Bhatinda</td>
<td>82,600</td>
<td>80,660</td>
<td>7</td>
</tr>
<tr>
<td>3</td>
<td>Gurdaspur</td>
<td>70,600</td>
<td>71,950</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>Hoshiarpur</td>
<td>64,400</td>
<td>71,345</td>
<td>10</td>
</tr>
<tr>
<td>5</td>
<td>Jalandhar</td>
<td>94,213</td>
<td>1,02,365</td>
<td>8</td>
</tr>
<tr>
<td>6</td>
<td>Patiala</td>
<td>54,087</td>
<td>51,057</td>
<td>4</td>
</tr>
<tr>
<td>7</td>
<td>Ropar</td>
<td>83,000</td>
<td>80,450</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>Ludhiana</td>
<td>54,000</td>
<td>55,600</td>
<td>6</td>
</tr>
</tbody>
</table>

1986-87

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of Institution</th>
<th>Budget Allocation</th>
<th>Expenditure</th>
<th>Number of Beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Amritsar</td>
<td>1,11,800</td>
<td>81,760</td>
<td>Nil</td>
</tr>
<tr>
<td>2</td>
<td>Bhatinda</td>
<td>91,800</td>
<td>90,125</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>Gurdaspur</td>
<td>69,900</td>
<td>68,265</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>Hoshiarpur</td>
<td>74,900</td>
<td>65,525</td>
<td>6 (conted.)</td>
</tr>
<tr>
<td></td>
<td>Location</td>
<td>Boys 1987-88</td>
<td>Girls 1987-88</td>
<td>Total 1987-88</td>
</tr>
<tr>
<td>---</td>
<td>---------------</td>
<td>--------------</td>
<td>---------------</td>
<td>---------------</td>
</tr>
<tr>
<td>5.</td>
<td>Observation Home Jallandhar</td>
<td>1,08,800</td>
<td>1,066,65</td>
<td>12</td>
</tr>
<tr>
<td>6.</td>
<td>&quot; Patiala</td>
<td>1,12,700</td>
<td>88,400</td>
<td>Nil</td>
</tr>
<tr>
<td>7.</td>
<td>&quot; Ropar</td>
<td>1,09,300</td>
<td>92,125</td>
<td>2</td>
</tr>
<tr>
<td>8.</td>
<td>&quot; Ludhiana</td>
<td>1,06,000</td>
<td>98,560</td>
<td>13</td>
</tr>
</tbody>
</table>

1987-88

<table>
<thead>
<tr>
<th></th>
<th>Location</th>
<th>Boys 1987-88</th>
<th>Girls 1987-88</th>
<th>Total 1987-88</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Amritsar</td>
<td>1,29,400</td>
<td>1,10,940</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>&quot; Bhatinda</td>
<td>96,100</td>
<td>1,02,370</td>
<td>4</td>
</tr>
<tr>
<td>3.</td>
<td>&quot; Gurdaspur</td>
<td>85,500</td>
<td>91,170</td>
<td>4</td>
</tr>
<tr>
<td>4.</td>
<td>&quot; Jallandhar</td>
<td>1,54,500</td>
<td>1,47,715</td>
<td>2</td>
</tr>
<tr>
<td>5.</td>
<td>&quot; Patiala</td>
<td>1,36,400</td>
<td>1,31,385</td>
<td>4</td>
</tr>
<tr>
<td>6.</td>
<td>&quot; Ropar</td>
<td>1,37,200</td>
<td>1,30,685</td>
<td>5</td>
</tr>
<tr>
<td>7.</td>
<td>&quot; Ludhiana</td>
<td>1,12,600</td>
<td>1,11,225</td>
<td>3</td>
</tr>
</tbody>
</table>

Note: Observation Home Hoshiarpur has been notified as Special Home, Hoshiarpur for delinquent boys (convicts) with effect from 2nd October, 1987.

1988-89

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Amritsar</td>
<td>1,65,300</td>
<td>1,23,830.50</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>&quot; Bhatinda</td>
<td>1,43,200</td>
<td>1,01,981.68</td>
<td>5</td>
</tr>
<tr>
<td>3.</td>
<td>&quot; Gurdaspur</td>
<td>1,44,400</td>
<td>1,07,868.88</td>
<td>3</td>
</tr>
<tr>
<td>4.</td>
<td>&quot; Jallandhar</td>
<td>1,60,100</td>
<td>1,38,349.81</td>
<td>5</td>
</tr>
<tr>
<td>5.</td>
<td>&quot; Patiala</td>
<td>1,49,000</td>
<td>1,37,678.90</td>
<td>2</td>
</tr>
<tr>
<td>6.</td>
<td>&quot; Ropar</td>
<td>1,54,900</td>
<td>1,64,965.18</td>
<td>Nil</td>
</tr>
<tr>
<td>7.</td>
<td>&quot; Ludhiana</td>
<td>1,88,700</td>
<td>1,42,946.48</td>
<td>7</td>
</tr>
</tbody>
</table>
Similarly if we look at the head wise expenditure for each year it will be evident that most of the budget allocation goes for salaries and other non-proceductive expenditures. For vocational training almost no expenditure is year marked. Even allocation for good, clothing and other necessities for children are much below the prescribed standards. Thus institutions are financed just to exist and not to serve and these institutions exist much for the staff employed to run them then for the beneficiaries. Table VIII-10 below make these assertions quite evident.

Table VIII-10

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of Observation</th>
<th>Salary</th>
<th>T.A.</th>
<th>O.E.</th>
<th>M.S.</th>
<th>Rent</th>
<th>Medical Staff</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Amritsar</td>
<td>8841.80</td>
<td>1476.00</td>
<td>2990.90</td>
<td>22999.50</td>
<td>11943.30</td>
<td>123830.50</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Bhatinda</td>
<td>63167.70</td>
<td>400.50</td>
<td>1998.35</td>
<td>23999.28</td>
<td>11998.65</td>
<td>408.20</td>
<td>101981.68</td>
</tr>
<tr>
<td>3</td>
<td>Gurdaspur</td>
<td>79131.16</td>
<td>744.30</td>
<td>2038.00</td>
<td>17996.72</td>
<td>7958.20</td>
<td>107868.88</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Jalandhar</td>
<td>98421.26</td>
<td>1454.40</td>
<td>3498.65</td>
<td>32999.30</td>
<td>653.00</td>
<td>1323.20</td>
<td>138349.81</td>
</tr>
<tr>
<td>5</td>
<td>Patiala</td>
<td>98441.00</td>
<td>7081.20</td>
<td>3482.80</td>
<td>14527.00</td>
<td>14000.00</td>
<td>136.90</td>
<td>137678.90</td>
</tr>
<tr>
<td>6</td>
<td>Ropar</td>
<td>113643.00</td>
<td>768.00</td>
<td>3497.63</td>
<td>27000.62</td>
<td>19757.00</td>
<td>299.63</td>
<td>164965.18</td>
</tr>
<tr>
<td>7</td>
<td>Ludhiana</td>
<td>95243.00</td>
<td>1212.06</td>
<td>3499.50</td>
<td>29999.27</td>
<td>11509.35</td>
<td>1483.30</td>
<td>142946.48</td>
</tr>
</tbody>
</table>

Note: T.A. means Travelling allowance, O.E. means Office Expenditure, M.S. means Material and supply that includes food, clothing, maintenance and material purchased for juveniles.
In view of the almost wasteful expenditure being incurred in the running of these Observation Homes specially with professionally incompetent personnel to manage these institutes, it calls for a whole-sale recasting of financial management. Financial management should be result-oriented and that is possible only if total set-up is changed with the dominant consideration of rehabilitation of the juveniles staying in these institutions.

V. Juvenile Homes

Under the Juvenile Justice Act, 1986 the Punjab Government has made a separate provision of Juvenile Homes for treatment and rehabilitation of neglected juveniles in the State. Earlier to the coming into force of Juvenile Justice Act, 1986 (i.e., 2nd October, 1987) there was a provision of a Certified School at Hoshiarpur for neglected juveniles (Boys) who were above the age of 12 years, and Bal Bhawan Jallandhar used to cater to the needs of neglected juveniles (both boys and girls) below the age of 12 years. This system was working under the East Punjab Children Act, 1949. However, after the coming into force the Juvenile Justice Act, 1986 in the state the nomenclature of the above School/Bhawan has been changed and they have been renamed as Juvenile Homes. The present set-up of Juvenile Homes is as under:

99. Section 2(1) of the Juvenile Justice Act, 1986 defines neglected juvenile as 'a juvenile who-

(i) is found begging; or
(ii) is found without having any home or settled place of abode and without any ostensible means of subsistence and is destitute; or
(iii) has a parent or guardian who is unfit or incapacitated to exercise control over the juvenile; or
(iv) lives in a brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution, or is found to associate

(contd)
<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of the Home</th>
<th>Jurisdiction</th>
<th>Category of Juveniles</th>
<th>Established/Not Established</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Juvenile Home, Jallandhar</td>
<td>All the 12 Districts of the State</td>
<td>Neglected Juveniles below 12 years of age (Boys and Girls)</td>
<td>Established</td>
</tr>
<tr>
<td>2.</td>
<td>Juvenile Home, Hoshiarpur</td>
<td>-do-</td>
<td>Neglected Juveniles (Boys above 12 years of age)</td>
<td>-do-</td>
</tr>
<tr>
<td>3.</td>
<td>Juvenile Home, Rajpura</td>
<td>-do-</td>
<td>Neglected Juveniles above 12 years of age (Girls)</td>
<td>Not Established</td>
</tr>
</tbody>
</table>

Thus, only two Juvenile Homes are presently working and the third has been notified though not yet established. These Homes were already there under the East Punjab Children Act, 1949 and except name, nothing has been changed after the coming into force Juvenile Justice Act, 1986 in the State i.e. 2nd October, 1987.

(A) Juvenile Home, Jallandhar

It will not be out of place to mention here that East Punjab Children Act was passed in 1949. The Rules under the Act were framed in 1960. The Act came into force in the state in 1969 and the Bal Bhawan (now known as Juvenile Home) was established in 1978.

with any prostitute or any other person who leads an immoral, drunken, or depraved life; or

(v) who is being or is likely to be abused or exploited for immoral or illegal purposes or unconscionable gain.
The Juvenile Home is situated in a large complex of about 15 acres of land. There are four more institutions along with Juvenile Home which are presently housed in this complex. Earlier to the coming into force of Juvenile Justice Act, 1986 this home was known as Bal Bhawan and it was meant for neglected juveniles (girls) under the age of 12 years. Other institutions located in the complex are Home for widows and destitutes, work-cum-production unit, Government High School, and Anganwadi Training Centre. Now the Juvenile Home is admitting both boys and girls under the age of 12 years who are neglected. Until January, 1988 only girls juveniles were being admitted in the institution. From February, 1988 male juveniles too are being admitted in the Home.

(i) Building and Maintenance

The Juvenile Home consist of 21 rooms but most of the rooms are being used for purposes other than for the stay of inmates. The detailed information regarding the building is as under:

1. Two rooms measuring about 20' x 14' for girls.
2. Two rooms measuring about 20' x 14' for boys.
3. These four rooms are separated by a gallery measuring 6' to 8' wide.
4. Two small rooms are occupied by the attendant.
5. Two rooms are occupied by Assistant Superintendent out of the three small rooms.
6. Out of the three small rooms one room is occupied by cook, one by supervisor, one by Mali.
7. Two room set is in the possession of Superintendent.
8. One big room measuring 22' x 16' is being partly used as dining room and partly for dumping newly purchased furniture including Dinning Tables & Chairs.

100. This unit is attached with Home for Widows and Destitutes. It has provision for vocational training in Hosiery, leather and plastic work, tailoring, sports items and embroidery etc.
9. Five rooms are being used as stores to keep discarded and broken articles, firewood and furniture.

10. One big dining hall and kitchen is being used as store by and other institution training cum production unit.

11. One room is being used as kitchen.

12. There are six lavatories with a wall to separate a block of three each for girls and boys.

13. There are eight bathrooms.

14. There are two playgrounds measuring about 30' x 20' each, one for girls and other for boys. The playground for girls has a slide and equipment for swings but no swings are there.

The entry to the Juvenile Home is through a huge iron gate which separates juvenile home from other institutions situated in the complex. However, boys and girls do roam around freely in the whole complex as there is no gate on the backside of the home which leads to other institutions. One side of the boundary wall too was seen broken and was reported to be done by the inmate boys, indicating lack of discipline and control.

It is apparent that the building of the Home is being misutilized. Most of the accommodation is in the possession of staff members and is being used as residence. Thus only four rooms measuring about 560 sq. feet of area is being used by about 90 to 100 inmates. This is contrary to the Rules dealing with accommodation which provide that the minimum standard of accommodation should be 40 square feet per child besides the place for classroom, sufficient work place and play grounds. As per the Rules the area for residence alone should have been around 4000 sq. feet while in fact it is just 17 per cent of the prescribed standards. Thus the residential area for juvenile is highly congested.

101. Supra note 21, Rule 18.
and can be described as a dumping place for unfortunate inmates. Similarly in the kitchen and dinning hall of the home is in illegal possession of another institution and is being used as a store. Out of the six lavatories only girl inmates are permitted to use three out of them and the remaining three which are for boys are being used by staff members for their own personal use. Boys are made to use two lavatories which are situated outside the Home but in the complex. A visit to outside lavatories gave a proof that these lavatories are seldom cleaned. They were striking and without water facility. Their roofs were leaking. The bathrooms for boys, were another sight to see. None of the bathrooms had taps and floors were covered with layers of moss. Heaps of clothes of children were lying on the floor to each of the bathrooms and adjoining areas. The pipes, in the absence of taps were over flowing with water. there was one place earmarked for girls to take bath which had no roof, no door and no water tap. There was a 6 to 7 feet wall around the enclosure which was being used as a bathroom by girl inmates. Families with male members of the staff and resident boys stay in the same complex where the girls have to take bath almost in open. The general cleanliness of the home was grossly inadequate. There was a dump of garbage spread around the room which is being used as a kitchen. Furniture supplied by the Social Welfare Department was lying dumped in the store as there was no space to use it. The ventilation system was also poor.

When we compare what ought to be there with what actually is there we reach at a very pessimistic conclusion regarding the working of the institution. Staff is concerned with their residence than the inmates. The whole set-up depicts the most callous and indifferent attitude on the part of the staff at home level as well as at the headquarter level. There is no supervision in

102. Id. Rule 17. This Rule provides detailed provisions for sanitation and hygiene in the institution.
the practical sense of the term. In the inspection reports by the Chief Inspector not even an indication could be found regarding the poor accommodation and sanitation. It appears that the system is just existing not working and is waiting for its collapse.

(ii) Staffing Pattern and Their Perceptions

Human resources are the most important instrumentalities for the success or failure of any system or programme. Their quality, quantity and devotion has the ultimate say in the evaluation of any social welfare scheme. So the staffing pattern aspect is quite material in the examination of the working of any institution. The staff pattern of the Juvenile Home, Jallandhar is shown in Table VIII-11

Table VIII-11
Showing Staffing Pattern of Juvenile Home, Jallandhar

<table>
<thead>
<tr>
<th>r. No.</th>
<th>Name of Post</th>
<th>No. of posts</th>
<th>Filled/ Vacant/ Officiating</th>
<th>Qualifications</th>
<th>Pay-scale</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Superintendent</td>
<td>Nil</td>
<td>Officiating</td>
<td>Matriculation</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Asstt. Superintendent</td>
<td>1</td>
<td>Filled</td>
<td></td>
<td>1500-2640</td>
</tr>
<tr>
<td>1</td>
<td>General Supervisor</td>
<td>1</td>
<td>Filled</td>
<td></td>
<td>950-1800</td>
</tr>
<tr>
<td>1</td>
<td>Clerk-cum-Storekeeper</td>
<td>1</td>
<td>Vacant</td>
<td></td>
<td>950-1800</td>
</tr>
<tr>
<td>2</td>
<td>Attender</td>
<td>2</td>
<td>One Filled</td>
<td>Illiterate</td>
<td>750-1350</td>
</tr>
<tr>
<td>2</td>
<td>Cook/Langri</td>
<td>2</td>
<td>Filled</td>
<td>Primary</td>
<td>750-1350</td>
</tr>
<tr>
<td>1</td>
<td>Sevadar</td>
<td>1</td>
<td>Filled</td>
<td>Illiterate</td>
<td>750-1350</td>
</tr>
<tr>
<td>1</td>
<td>Sweeper</td>
<td>1</td>
<td>Filled</td>
<td>Illiterate</td>
<td>750-1350</td>
</tr>
<tr>
<td>1</td>
<td>Mali</td>
<td>1</td>
<td>Filled</td>
<td>Illiterate</td>
<td>750-1350</td>
</tr>
</tbody>
</table>

*There is no Superintendent, however, the Superintendent of the home is officiating as Superintendent and she is matriculate.
The Juvenile Justice Act and Rules framed thereunder prescribe institutional programmes which each juvenile correction should ensure within its working. These Rules read as:

Rule 20(3): Case work services will be provided in all institutions to deal with the individual problem of inmates. The service of psychologist or psychiatrist shall also be availed of preferably by establishing linkages with child guidance clinics, counselling and guidance centres, psychiatric departments or similar agencies in the community or by appointment on part-time or full-time basis as per requirement.

Rule 20(4): The educational programme shall be developed as an integral part of the educational routine, emphasising on the academic health, social, moral and ethical aspects. The educational programme shall be organised on the pattern recognised by the education department of the State Government/Administrator concerned including non-formal adult education techniques. The inmates shall be provided facilities of specialised education in the community on a selective basis. The educational programmes shall be organised under the supervision of trained staff.

Rule 20(5): A diversified programme of vocational training shall be organised in all juvenile and Special Homes with special reference to employment opportunities available in the community so as to facilitate their rehabilitation. The courses shall be designed on the lines approved by the technical departments of the State Government/Administrator concerned. The trained vocational instructor shall be appointed for 103. Supra note 31, Sec. 9(3); Supra note 21, Rule 20.
the purpose. Vocational training facilities in the community shall also be availed for inmates on a selective basis by providing linkage with welfare institutions, placement agencies and industrial and other production units.

Rule 29(6): A well rounded programme of pre-release planning and follow up of cases discharged from Juvenile and Special Homes shall be organised in all institutions in close collaboration with voluntary welfare organization.

All the above mentioned services can be provided with the help of a specialised personnel but none of them exists in the Home. There is no case worker, no vocational instructor, no psychologist and no psychiatrist nor any sanctioned post for their appointment is there. Law does not possess self-propelling system. Its quality and quantity depends upon the quality and quantity of persons who manage it. Making of provisions in the legal set up is not the end but means for the end. But juvenile justice system as it is currently working in the state rests in statute books alone. In the absence of professionally trained staff and scientific knowledge of the child psychology the standard of services can be very well imagined. It is just dumping neglected juveniles from one neglected place to another neglected place.

So far the perception of the staff regarding juvenile justice is concerned it is grossly inadequate. It was found that most of the staff members were not aware of even Juvenile Justice Act, 1986, its objectives and its legal framework. On questioning it was found that they have never complained about the inadequacy of services in the home. Reason is obvious - the fear of replacement by professional and qualified staff. Self interest being the biggest interest among the human beings and that dominates the behaviour of the staff. Their attitude is 'status quo' so far the internal working
of the home is concerned. Staff is not interested to involve itself in controversy by making any annnovative suggestion or engaging in experimentation. They are more worried about their comforts in the Home and their pay scales etc. Inmates welfare is the last priority of the administration. The general attitude of the staff is not encouraging towards the inmates. The indifferent approach of the administrative staff makes the inmates realise that they are social outcasts and are unwanted both inside and outside the Home.

The staff members admitted that the present facilities available to the inmates in the home are far from adequate. But no written suggestion has ever been made to this effect. Though the members claimed to have made oral suggestions at the time of inspections but it is very much doubted. There was visible lack of co-ordination between the members of the staff. Rather they were accusing each other for non-cooperation. They reported problems of children like disobedience, stealing, lying, aggressive and destructive behaviour, etc. However, none of the staff members ever previously considered these aspects of inmates personality or scientific methods of treating such ailments among the juveniles. Punitive methods like beating, scolding abusing and denial of food etc., were frequently resorted to deal with such situations. Even juveniles complained of discriminatory and inconsistent approach of officials in dealing with the inmates. The general attitude of the staff towards the inmates is authoritative. The inmates are afraid of being discharged from the institution in case they try to be more open and active in the management of the institutions. Staff members are cognizent of the fact that most of the inmates are not neglected in the real sense and this fact is exploited by the staff to their own advantage in conducting the affairs of the Home.
Neglected children admitted to the Home do show behavioural disturbances. They require constant attention and professional handling to make them acquire self-reliance and skills of independent living within a group. For this they must be taught certain social skills for which family therapy counselling and involvement of community based agencies must be an integral part of their life style in the institutional living. This will help them in their reintegration into the society and thus make the rehabilitative process easy and successful. For this there is immediate need of professional staff necessary for the successful working of the institution.

(iii) Juvenile Inmates

As it has been mentioned earlier, this Juvenile Home, earlier known as Bal Bhawan, was established under the East Punjab Children Act, 1949 in the year 1978 at Jallandhar. Till January, 1988 this Home was receiving only neglected girls. But since Feb., 1988 this Home is being used to cater the needs for neglected juveniles of both the sexes under the age of 12 years. However, in the absence of any juvenile Home for neglected (girls) juveniles above the age of 12 years this Home is also being used for neglected girl juveniles above the age of 12 years as indicated in Table VIII-12. Neglected juveniles in the age group of 7 to 12 in case of boys and between the age group of 7 to 17 years in case of girls are presently putting up in the Home.

(iv) Intake Procedure

The intake procedure of the Home is limited to only those juveniles who are sent to the Home by the Observation Homes. There were some juveniles in the Home who were directly admitted under the orders of the court before the coming
into force of Juvenile Justice Act, 1986 in the State. But now neglected juveniles have been taken out of the purview of criminal justice system and their cases are processed by Child Welfare Boards.\textsuperscript{104} It is only on the recommendation of the Board that neglected juveniles are admitted into Observation Homes and then ultimately transferred to Juvenile Home for treatment and rehabilitation.

(v) Number of Juveniles and Their Profiles

The number of juveniles in the Home has been reasonably good. Before Feb., 1988 only girl juveniles were being admitted into the home so their number never exceeded 60 at any given time since the inception of the Home. Now that neglected boys too are being admitted into the Home (since February, 1988) the number of inmates has considerably increased. since 1988 the number has always been nearer to one hundred.

\begin{table}
\centering
\caption{Showing Age-wise Distribution of Juveniles as on 20th May, 1989}
\begin{tabular}{|c|c|c|c|}
\hline
Age in Years & Boys & Girls & Total \\
\hline
1 & 2 & 3 & 4 \\
\hline
6 & 0 & 0 & 0 \\
7 & 1 & 4 & 5 \\
8 & 2 & 3 & 5 \\
9 & 13 & 2 & 15 \\
10 & 10 & 1 & 11 \\
11 & 16 & 5 & 21 \\
12 & 7 & 4 & 11 \\
\hline
\end{tabular}
\end{table}

\textsuperscript{104} Four Juvenile Welfare Boards have been established in the State at Patiala, Roper, Jallandhar and Gurdaspur (all District Headquarters).
The boys above the age of 12 years are either transferred to Juvenile Home, Hoshiarpur or restored to parents/guardians and are shown as discharged in the records. The neglected girls above the age of 12 years continue to stay in the Home as there is no Juvenile Home for neglected girls above the age of 12 years as at present. Majority of the girls staying in the Home were above the age of 12 years (27 girls). It is quite strange that even after two years of the enforcement of Juvenile Justice Act, 1986 no such Home has been established nor any effort in that direction has been made.

Table VIII-13
Showing Parental Status of Juveniles as 20th of May, 1989

<table>
<thead>
<tr>
<th>Sex</th>
<th>Both parents alive</th>
<th>Both parents dead</th>
<th>Single parent (one parent dead)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boys</td>
<td>24</td>
<td>2</td>
<td>23</td>
</tr>
<tr>
<td>Girls</td>
<td>21</td>
<td>5</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>45</td>
<td>7</td>
<td>43</td>
</tr>
</tbody>
</table>
During the examination of files it was found that in more than 90 per cent cases parents are instrumental in getting their child admitted into the Home. Parents of all these juveniles were engaged in one or the other job as disclosed by the inmates. However, the records were indicating other reasons for their admission, like drunken father unemployment and large family to support. The inmates confided that they have been sent to the Home to have the education in the city free of cost and it is a planned effort of their parents. For this purpose support of some influential person was also sought. As it is clear from the above Table 92 per cent of the juveniles admitted in the Home are from only IIIrd category of neglected juveniles. Only 8 per cent juveniles were from IInd category. The files made it quite clear that no effort has been ever been made to find out whether the neglected juvenile really deserved to stay in the institution. Parents of all these inmates regularly come to the Home to meet them and to give them eatables, clothes, and small money. On the other hand, those who really deserve this treatment but could not manage admission find their place in Orphanages established by voluntary institutions like Pingalwara at Amritsar, Golden Temple or Durdiana Mandir. But in most of the cases they can be found roaming in the streets of urban centres. Fifteen such young children were found residing in these institutions on the day of visit to the city. Additionally, some even shift to Orphanages of adjoining states as it has been reported that some small kids from Punjab are being treated and rehabilitated in a voluntary institution at Panchkula (Haryana).

105. Juvenile Justice Act, 1986, Section 2(1)(111) mentions this category as a child who has a parent or guardian who is unfit or incapacitated to exercise control over the juvenile.

106. Juvenile Justice Act, 1986, Section 2(1)II mentions this category as a child who is found without any Home or settled place of abode and without any ostensible means of subsistence and is destitute.

107. Indian Express (Chandigarh) (August 27, 1989), p. 5, under the news caption, "Rehabilitating Orphan Children".
This assertion is further strengthened by the fact that about 99 percent girls and 73 per cent boys admitted in the Home are ultimately taken back by parents/guardians. Table VIII-14 and VIII-15 makes this fact quite clear.

Table VIII-14
Showing Number of Juveniles(Girls) admitted and discharged since 1978

<table>
<thead>
<tr>
<th>Total Admission since May,1978</th>
<th>Total Discharged</th>
<th>Guardian/ Parent Took Back</th>
<th>Ran away</th>
<th>Total Girls present in the Home on 20th May,1989</th>
</tr>
</thead>
<tbody>
<tr>
<td>193</td>
<td>147</td>
<td>191</td>
<td>1</td>
<td>46</td>
</tr>
</tbody>
</table>

Table VIII-15
Showing Number of Juveniles(Boys) Admitted and Discharged

<table>
<thead>
<tr>
<th>Total Admission since Feb.1988</th>
<th>Total Discharged since Feb.1988</th>
<th>Parent/ Guardian took back</th>
<th>Transferred to Juvenile Home Hoshiarpur</th>
<th>Total Boys as on 20th May, 1989</th>
</tr>
</thead>
<tbody>
<tr>
<td>115</td>
<td>66</td>
<td>48</td>
<td>18</td>
<td>49</td>
</tr>
</tbody>
</table>

It is evident that most of the inmates in the Home are not truly neglected. They are there to avail the facilities of better education in an urban centre. Thus, the Home is serving the purpose of Free Boarding School for those who can manage to secure entry into the Home. Even with a liberal estimate not more than 10 per cent of the children presently residing in the Home can be described as neglected in the real sense of the term. On the other hand we can see score of children of this category begging at public places like
Cinema Halls, Railway Stations Bus stands and even in the University complex.

All the inmates in the Home are enrolled in the adjoining High School.

Table VIII-16

Showing Education Status of Juveniles as per Records as on the Date of Visit (20th May, 1989)

<table>
<thead>
<tr>
<th>Class</th>
<th>Boys</th>
<th>Girls</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>1st</td>
<td>10</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>2nd</td>
<td>13</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>3rd</td>
<td>6</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>4th</td>
<td>10</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>5th</td>
<td>6</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>6th</td>
<td>3</td>
<td>7</td>
<td>10</td>
</tr>
<tr>
<td>7th</td>
<td>1</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>8th</td>
<td>0</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>9th</td>
<td>0</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>10th</td>
<td>0</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>49</td>
<td>46</td>
<td>95</td>
</tr>
</tbody>
</table>

Another peculiar fact that was noticed regarding the inmates is that the Home is by and large catering to the needs of particular area or its adjoining area. Around 40 per cent of the total inmates belonged to Jallandhar District and another 20 per cent to the district adjoining to Jallandhar (Gurdaspur). In case of girl juveniles the position was more favourable to the above assertion as about 59 per cent of the total girl inmates belonged to Jallandhar district alone. Even in Jallandhar district itself the juveniles
were either from the Jallandhar city itself adjoining areas. Thus the Home is not catering the needs of whole of the state in fact though legally speaking its jurisdiction extends to whole of Punjab. May be, due to lack of knowledge of the institution and its programmes, people are not aware of its services. In fact nobody is interested in passing on this information to the masses. Table-VIII-17 shows the high concentration of juvenile inmates from particular area.

Table VIII-17
Showing Place of Residence of Juveniles as on 20th May, 1989

<table>
<thead>
<tr>
<th>Jallandhar</th>
<th>Ludhiana</th>
<th>Amritsar</th>
<th>Kapurthala</th>
<th>Hoshiarpur</th>
<th>Gurdaspur</th>
<th>Faridkot</th>
<th>Bhatinda</th>
<th>Ferozepur</th>
<th>Ropar</th>
<th>Sangrur</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>6</td>
<td>7</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>16</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>49</td>
</tr>
<tr>
<td>27</td>
<td>4</td>
<td>4</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>46</td>
</tr>
<tr>
<td>38</td>
<td>10</td>
<td>11</td>
<td>6</td>
<td>1</td>
<td>2</td>
<td>16</td>
<td>4</td>
<td>2</td>
<td>0</td>
<td>3</td>
<td>95</td>
</tr>
</tbody>
</table>

In one way rehabilitation of the juveniles is easier in case they belong to an area near to the Home. But this amounts to a kind of discrimination to other areas. Multipurpose institutions appear to be the only answer to this peculiar problem. Instead of having different institutions for different categories and at different places it would serve the purpose better and in a more economical manner to have a multipurpose institution at divisional levels with different wings for different categories.

(vii) Food, Clothing and Shelter

The food and clothing scales for inmates of all the juvenile corrections are same as discussed in the Observation Homes. As disclosed by the Superin-
tendent the Budget allocation under the heading material and supplies, which also includes expenditure for clothing and books, is Rs 9000.00. Excluding the expenditure for books and clothing, the budgetary allocation comes to Rs 79.00 per child per month for 95 inmates for food. Out of this three meals are provided to inmates in a day. Breakfast is served at 7 A.M. which includes one salted paratha and tea. At 2.30 P.M. children get 4 chappatis each with dal and at 8.30 P.M. they get 4 chappatis with vegetable. At 9.00 A.M. a glass of milk is served to the inmates. No tea is served in the afternoon. There were general complaints regarding the quality of food. Inmates complained that chappatis are hard and burnt. Dal contains stones and only 2-3 vegetables are cooked which are cheaper in the market. Officials justified the quality and quantity of food while dismissing the complaints of inmates on the ground of funds in their hand for the purpose. In such a situation it is very difficult to say as to who can be blamed.

Children in the Juveniles Home, especially girls and boys below 12 years of age were found to be shabbily dressed. Some were wearing torn pants or frocks for days together. There was absolutely no supervision with regard to their cleanliness. Many of them were found to be barefoot and attending school in the same shabby condition. Many children had not taken a bath for days together. It was pathetic to see them. Older boys were reported to steal articles of smaller boys. Older boys had occupied almirahs each though each almirah is supposed to be shared by four children. Only few children had the uniform. Most of the children had no soap (washing or bathing) for the last nearly a week. The general condition of living was unhygienic in the home. However, older girls above 14 years of age were neatly dressed. Officials
blamed all this on the ground of lack of financial support which cannot be brushed aside.

There were 40 cots for 95 inmates, ten each in four rooms. Two children sleep on each cot. The inmates disclosed that older boys try to indulge in homosexual behaviour with younger boys. On such incident took place in March, 1989 and the boy, aged 10, was treated in civil hospital Jallandhar. No attendant sleeps with children (boys) during night. There was almost no supervision in the home regarding to the bathing, dressing, eating, sleeping and discipline. Younger children suffer the most in such a atmosphere. Besides, the financial constraints, lack of commitment, shortage of adequate staff and lack of proper supervision are some other reasons for themal-functioning of the Home.

(vii) Medical Facilities

Juvenile Home as such does not have any dispensatry of its own nor any doctor is permanently assigned to the Home for medical check-up or treatment. However, doctor, dispensary and nurse of the Widow Home which is situated in the same complex, also takes care of the medical requirements of the Juvenile Home. Except at the time of initial admission no regular check-ups are made of the inmates. The staff hardly takes cares of sick children unless the condition of the child is serious. In most of the cases children are directed or they themselves go to the dispensary to get medical treatment. Some children reported that sometimes there are no medicines in the dispensary and they have to wait for days do get medicines. When outdoor medical treatment is sought, money for medicine etc., is deducted from the children's pocket money which is kept with the supervisor. Most of the children are reptrted to suffer from scabies, boils or vomiting. The oral hygiene of the inmates is very poor.
The most fundamental objective of the juvenile justice system is treatment and rehabilitation of the neglected juvenile and his reintegration into the society as a productive member. For this objective various steps, like vocational training suitable to the talent of particular juvenile, constant assessment of his progress during his stay in the institution, his ultimate induction into the social set-up of his origin and follow-up services after his discharge from the institution to see that he successfully faces the problems in the initial stages of his re-entry into the society, are prescribed under the Juvenile Justice Act, 1986 and Rules framed thereunder. But is sad to point out that no such effort has ever been made in case of any juvenile either during his stay in the institution or after his discharge from the Home. Files are incomplete and do not contain even ten per cent of the information desired under the Rules. 109 No periodical assessment report is prepared. Case history is too brief and is recorded only from the information given by the juvenile or his parens/guardians. No verification of this report is made nor is there any person to do this job. The only facility available, which in fact is the only attraction for admission into the home, is education with free boarding and lodging in Government High School situated in the complex. The school is co-educational upto 5th class but from 6th to 10th class only girls are admitted. However, boys below the age of 12 years are permitted to continue even beyond 6th class in case some such juvenile is there. Around 40 juveniles were roaming in the home even during school hours on the day of visit. Many of the children

109. Supra note 21, Rule 30.
were attending the school without books. They were shabbily dressed and barefoot having not combed their hair or taken bath. Some of the inmates who were quite serious in their studies reported that they study after school hours. School timings are 7.15 A.M. to 12.30 P.M. for primary classes and 7.15 A.M. to 1.30 P.M. for secondary and high classes. After school hours there is no fixed daily routine for the juveniles regarding studies or play. There is no one to guide the inmates regarding their studies after school hours.

There is no vocational training provided to the inmates of the Home. This is so inspite of the fact that good facilities exist in the Training-cum-Production Unit situated in the complex. This unit is run under the control of Social Welfare Department of the Government and is attached with Home for widows and Destitutes. It has the facility for providing training in hosiery, leather and plastic works, tailoring, hand machine and embroidery work, sports equipments. There is a trained staff for these purposes. It is surprising that these facilities have not been extended to the inmates of Juvenile Home inspite of the fact that both the institutions are run by the same department. It shows lack of planning and co-ordination at the headquarter level. With a very little efforts these facilities can be made available to inmates of the Home.

Rehabilitation programmes are conspicuous by their absence. No effort is made to see that juveniles inmates are prepared to meet challenge after their exit from the Home. In most of the cases discharged juveniles are taken away by their parents/guardians and the rest are transferred to juvenile Home at Hoshiarpur. Inspite of the provision for contacts with voluntary organizations and other community based agencies, every effort is made to avoid any such public

110. Id. Rule 20(2).
contact. Fear of exposure appears to be the only reason for this watertight-compartment working of the home. Rather the staff members expressed the opinion, to their sheer ignorance, that involvement of voluntary agencies in the working of government institution shall be contrary to the Rules and detrimental to the working of the institution. There is no provision for follow-up action after the discharged of the juvenile from the home. No help is provided to secure loans for self-employment or to get them registered with employment exchange. Children after discharge are left at their fate unless they opt to shift themselves to After Care Authority of the State where they can stay for few more years, at the state's expenses.

(ix) Recreation and Leisure Activities

Idleness and full liberty after school hours is the only recreation facility available in the Home. Children freely roam about after school hours and even during school timings when they do not go to the school. They climb trees, walls or roam about in the complex even during summer heat. Children long for watching television as there is no television in the Home. They try to make friends around with some residential staff, inmates of Widow Home (Widow Home has a Television) etc., and watch television programmes. However, children below 10-11 years feel quite miserable as they are unable to manipulate this facility. No outings or excursions are arranged for the inmates. Except the facility of education the Home is custodial in nature.

(x) Visitors Committee

As it has been observed in the case of Observation Homes Visitors appointed by the Home have not visited the Home even once. That shows that there is
something glaringly wrong in the selection of persons appointed for the job. Persons with a commitment for the cause can only discharge this responsibility in an effective manner. Since even the Department is not interested in the involvement of outsiders in the affairs of the Home that is why till date, even after two years of the enforcement of Juvenile Justice Act 1986 in the state, no effort has been made reactivate the duties of these Visitors. The approach is purely status quo and indifferent at every level.

B. Juvenile Home Hoshiarpur

The Juvenile Home established under the Juvenile Justice Act, 1986 for neglected juveniles (boys) above the age of 12 years, was earlier known as certified school. This Home is situated in Hoshiarpur and was established after the East Punjab Children Act, 1949 was enforced in the State in the year, 1969. With the coming into force of Juvenile Justice Act, 1986 i.e. from 2nd Oct., 1987, this certified School has been renamed as Juvenile Home for neglected boys above the age of 12 years.

(i) Building and Situation

The Juvenile Home is a part of large complex consisting of an area of about 20 acres. This complex is housing three more institutions besides the Juvenile Home. They are Special Home for delinquent boys, Home for Aged and Infirms and a Government High School. All the institutions are run under the general control and supervision of Department of School Welfare Punjab.

The Home is situated outside the main city on the Chandigarh Road about 5-6 Kms from the city But Stand. The area is known as Ram Colony camp, a place which was used after partition as a camp for the displaced persons. The building of the Home is consisting of two parts. One part is consisting of old
buildings which are being used for the purposes of office of the Home and residential houses of the staff members. This part of the building is in a dilapidated condition and has long been declared unsafe by the P.W.D. But it is still being used for office and residential purposes. The other part of the building which is being used for the residence of the inmates is newly constructed, though the construction has not yet been completed. As reported by the senior officer of the Social Welfare Department the construction is going on for the last more than a decade.

The building of the Home is consisting of 15 rooms, 36 lavatories, 4 store-rooms and one kitchen. There is a big playground opposite to the Home. Thus the building is quite spacious and location is suitable for the Home activities. There is no boundary wall around the complex, nor any entrance gate to the complex is there. The passage passing through the complex is used by the villages of the adjoining area as a common way. The green area of the Home is not being properly cultivated. Huge grass could be seen all around the area. Since the area falls under the jurisdiction of four institutions so nobody bothers to maintain it. It goes by the saying everybody's responsibility is nobody's responsibility. The maintenance of the building is also very poor. The roof was found leaking from many places and the leakage was effecting the electrical installations like fans. Officials blamed it on the poor quality of construction material used in the building. The bathrooms and lavatories were found to be stinking and dirty. One hall of the home has been occupied by the Central Reserve Police Force and all the efforts to get it vacated have failed. On the whole it can be said that the location and building of the Home is suitable to the objectives of the Home and there is substantial scope for further expansion.
(ii) **Staffing Pattern and Their Perceptions**

The quality of services of any institution largely depends upon the quality and quantity of its management officials. The staffing pattern of the Homes is as under:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of Post</th>
<th>Number</th>
<th>Filled/Unfilled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Superintendent</td>
<td>One</td>
<td>Filled</td>
</tr>
<tr>
<td>2</td>
<td>House Master</td>
<td>One</td>
<td>-do-</td>
</tr>
<tr>
<td>3</td>
<td>Clerk</td>
<td>One</td>
<td>-do-</td>
</tr>
<tr>
<td>4</td>
<td>Watch and Ward</td>
<td>Two</td>
<td>-do-</td>
</tr>
<tr>
<td>5</td>
<td>Gateman</td>
<td>Two</td>
<td>-do-</td>
</tr>
<tr>
<td>6</td>
<td>Cook</td>
<td>Two (one part-time, one full time)</td>
<td>-do-</td>
</tr>
<tr>
<td>7</td>
<td>Peon</td>
<td>One</td>
<td>-do-</td>
</tr>
<tr>
<td>8</td>
<td>Sweeper</td>
<td>One</td>
<td>-do-</td>
</tr>
</tbody>
</table>

Besides the above administrative staff, some other staff is there to provide professional services to the inmates.

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Name of Post</th>
<th>Number</th>
<th>Filled/Unfilled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Craft Teacher</td>
<td>One</td>
<td>Filled</td>
</tr>
<tr>
<td>2</td>
<td>Craft Instructor</td>
<td>One</td>
<td>-do-</td>
</tr>
<tr>
<td>3</td>
<td>Lady Attendant</td>
<td>One</td>
<td>-do-</td>
</tr>
<tr>
<td>4</td>
<td>Psychiatrist or Social Worker</td>
<td>One</td>
<td>Unfilled</td>
</tr>
</tbody>
</table>

* Craft Teacher is working in After Care Organization, Amritsar, but draws his pay from Juvenile Home Hoshiarpur.

Superintendent of the Home is holding Master's Degree in Political Science and Diploma in Physical Education. He too does not possess adequate
knowledge of the Juvenile Justice Act, 1986. None of the staff members have received any special training to work in the institute for juveniles. Knowledge about causes and compulsions of the conduct of these juveniles and necessary preventive measures to deal with their problem was absolutely nil. Alternative provision for the post of Social Worker or psychiatrist is not understandable as functions of both are quite different. The nothing of the office clerk at Headquarter about the provisions of this post was carried out to the final sanction without any questioning at any level about this alternative arrangement. This shows not only lack of knowledge but also lack of interest in the special problems of these socially marginalized children.

The general attitude of the staff towards the children is indifferent. There is no constructive involvement of the staff in the problems of the juveniles. Reports of sexual exploitation of young children by the watch and ward staff were found. One such incident took place in July, 1989 and one watch and ward staff member has been placed under suspension on this allegation. The report in this regard was given by the Headmistress of the school where these juveniles attend classes. Senior staff members try to adopt protective approach in such cases unless it becomes public from any other source as in this case. Involvement of voluntary organizations or other important personalities of the area is not only discouraged but opposed by the authorities, just because of the fear of exposure. Nobody is aware of the importance of community based agencies in the rehabilitation of these juveniles inspite of a clear provision to that effect in the Rules. 111

In violation of statutory provisions the inmates are used for working as peons of the office and are used as domestic servants for doing household jobs in the houses of officials. Those who do not oblige the staff members are

111. Supra note 21, Rule 20(2) and 20(3).
suffering many restrictions like refusal of leave, restriction on outside movement and cut in diet. Some of the inmates reported that they are made to sign the receipts of pocket money without any actual payment. Such kind of treatment not only hampers the treatment process but also inducts contempt in the minds of inmates towards the system as a whole.

(iii) Juvenile Inmates Intake Procedure

Under the Juvenile Justice Act, 1986 on the directions of Juvenile Welfare Boards. The four Observation Homes for neglected juveniles are meant for the temporary stay of neglected juveniles till their cases are disposed of by the Juvenile Welfare Board. If the Juvenile Welfare Board is of the opinion that a particular juvenile needs treatment and rehabilitation in the Juvenile Home, it passes orders accordingly and in consequence of these orders such neglected juvenile is transferred from Observation Home to Juvenile Home. Besides this, children are admitted in the Home by transfer from Juvenile Home, Jallandhar (Home for neglected juveniles below 12 year of age) when they attain the age of 12 years. Thus presently intake procedure is indirect and transfer either from the Observation Homes or Juvenile Home, Jallandhar. Earlier to the coming into force of Juvenile Justice Act, 1986 (2nd Oct., 1987) there was only one agency for the processing of cases of neglected as well as delinquent juveniles i.e. Juvenile Court, which incidently has not been established even after forty years of the enactment of children statutes in the state. So under the system prevailing before the coming into force of Juvenile Justice Act, 1986 in the state this Home, which was earlier called

112. Four Juvenile Welfare Boards have been established in the State at district Headquarters of Ropar, Patiala, Jallandhar and Gurdaspur.

Certified School, was admitting neglected and delinquently juveniles on the directions of the courts directly i.e., Magistrate 1st class, Chief Judicial Magistrate, Session Court or High Court.

The intake procedure followed in the cases of neglected juveniles was quite faulty and guidelines for sending the juveniles to the institutions had never been followed. Although institutionalization is the last choice in the juvenile justice system as a mode of treatment and rehabilitation but to utter surprise it was found that most of the juveniles admitted to the institutions could do so only with the help of some influential person of the area who had the access to the management. In most of the cases children were brought by parents for admission to the institution. Free education, boarding and lodging appeared to be the only attraction. Since Juvenile Home did not admit the juveniles directly after the coming into force Juvenile Justice Act, 1986 so the fault regarding the selection of deserving cases took place at the Observation Homes Juvenile Welfare Board level at the initial stage of admission. The case files of juveniles in the Home indicated that no enquiry had been made with regard to social, economic, cultural and other background of the admitted juvenile before the recommendations for admission to the Home were made. The following Two Tables make the point quite clear.

Table VIII-18
Showing Parental Status of Juveniles as on 26.7.1989

<table>
<thead>
<tr>
<th>Both Parents Alive</th>
<th>Both Parents Dead</th>
<th>Single Parent Alive</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>11</td>
<td>29</td>
</tr>
</tbody>
</table>
Table VIII-19
Showing Total Discharge of Juveniles from
1982-83 to 1988-89

<table>
<thead>
<tr>
<th>Type</th>
<th>Total Discharged</th>
<th>Guardian/Parent took back</th>
<th>Ran Away</th>
<th>Transferred to After Care Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neglected/Destitute</td>
<td>134</td>
<td>103</td>
<td>10</td>
<td>21</td>
</tr>
<tr>
<td>Delinquent</td>
<td>59</td>
<td>10</td>
<td>7</td>
<td>42</td>
</tr>
<tr>
<td>Total</td>
<td>193</td>
<td>113</td>
<td>17</td>
<td>63</td>
</tr>
</tbody>
</table>

* 42 Delinquent undertrial juveniles were transferred to Observation Homes for delinquents.

An analysis of these two tables makes it quite clear that only about 13 per cent juveniles inmates were really destitutes. The fact that parents were visiting these juveniles quite often further shows that these juveniles were there just for the sake of free education in urban area. As and when these juveniles attained the age of 18 years they were taken back by parents in most of the cases.

Number of inmates in the Home had never been to its full capacity which is 200. It has always remained half or less than that in the past five years. Since till 2nd Oct., 1987 delinquent and neglected juveniles were being kept in the Home together so the number till 2nd October, 1987 includes both. However, under the new arrangement Special Home, a separate institute in the same complex, has been established for delinquent juveniles.\(^{114}\)

Except for a very small period of 6-0 months in the year 1987(April to Sept.)

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114. On the directions of the Pb.and Har.High Court all delinquent juveniles detained in jails were transferred to Certified School, Hoshiarpur(un reported case), See Indian Express, March 7, 1987, p.7.
the number of delinquent children had been very small ranging from 2 to 5 at a time.

Table VIII-20

<table>
<thead>
<tr>
<th>Type</th>
<th>1982-83</th>
<th>1983-84</th>
<th>1984-85</th>
<th>1985-86</th>
<th>1986-87</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delinquent</td>
<td>7</td>
<td>5</td>
<td>5</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Neglected</td>
<td>119</td>
<td>36</td>
<td>15</td>
<td>17</td>
<td>26</td>
</tr>
<tr>
<td>Destitute</td>
<td>11</td>
<td>36</td>
<td>15</td>
<td>17</td>
<td>26</td>
</tr>
</tbody>
</table>

* Discharged here means restored to parent/guardian, transferred to Aftercare Organization, ran away and released on bail or acquitted by the Court in case of delinquent juveniles.

** Admission figures here indicate opening number of inmates as on 1st April, 1982.

*** Information regarding admission and discharge relates up to 1st Oct., 1987 as from 2nd Oct., 1987, Juvenile Justice Act, 1986 came into force in the State and major changes in the Juvenile correctional set up were introduced.

**** Sudden increase in the admission of delinquent juveniles was in consequence of direction of the Panjab and Haryana High Court in ending March, 1987 (unreported) to shift all delinquent children from Jails to certified school, Hoshiarpur.
Table VIII-21

<table>
<thead>
<tr>
<th>Type</th>
<th>1987-88 Ad.</th>
<th>1988-89 Ad.</th>
<th>1988-89 Dis.</th>
<th>Number of intimates on the Date of Visit i.e. 26th July, 1989</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neglected/Destitute</td>
<td>73</td>
<td>18</td>
<td>10</td>
<td>78 (including four juveniles admitted during April to 26th July.)</td>
</tr>
<tr>
<td>Delinquent</td>
<td>-</td>
<td>42</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

* Admission figures here indicate opening number of inmates as on 2nd Oct., 1987.

** 42 delinquent juveniles were transferred to Observation Homes for delinquent juveniles and Special Home for Delinquents.

Another feature which was noted after examining the records was that most of the inmates belonged to the area in which Juvenile Home is situated or from the areas of districts in which Observation Homes are situated. That showed that these Homes are catering the needs of only specific pockets of the districts and their adjoining areas (See Table VIII-22). On questioning the staff, both at the headquarter as well as Home level, gave the same answer that due to shortage of finance they discourage admissions in general and no publicity of this programme is made in the rural areas in order to contain rush of aspirants for admissions. It is most interesting to note that although institutionalization is the least desired option for treatment and rehabilitation still the parents/guardians make every effort to secure a place for their child in the institution for reasons other than real social and economic compulsions.
It was also observed that most of the inmates belong to the weaker sections of the society. Unable to pull on because of large families or because of comparatively better facilities in the institutions the parents/guardians of most of these inmates have preferred to put their children into the juvenile home. The parents or other members of these inmates are working with persons through who's efforts they have managed to secure admission in the institution. Thus stay in the institution is taken more or less as a privilege than the duty of State. Perhaps this is the reason that most of the inmates do not prefer to open up with the outsiders regarding the working of the institution. Table VIII-23 makes this fact clear;

Table VIII-23
Showing Caste-wise position of inmates as on 26th July, 1989

<table>
<thead>
<tr>
<th>Scheduled Castes</th>
<th>Backward Class</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>41</td>
<td>27</td>
<td>10</td>
<td>78</td>
</tr>
</tbody>
</table>

On the examination of facts and figures mentioned in the above
we can reach at some inevitable conclusions with regard to the working of Juvenile Home Hoshiarpur. This incidently is also true with regard to other juvenile corrections. In brief these conclusions are:

1. That substantial majority of admitted juveniles are not destitutes or otherwise do not deserve stay in the institution as per the real objectives of juveniles justice system.

2. That substantial majority of inmates have got themselves admitted in the institution through the efforts of their parents/guardians and that too with the help of some influential person of the area.

3. That free education, boarding and lodging appears to be the dominant attraction of the institution.

4. The most of the juveniles belong to certain specific areas of the State where Juvenile Home is situated or some Observation Home is working.

5. That in most of the cases parents/guardians take away their children after the completion of their education or after they attain the age of 18 years.

6. That most of the juvenile belong to the weaker sections of the society and better educational and residential facilities were the only attraction for the parents/guardians to secure the admission of their child in the institution.

(iv) Absenteeism of Juveniles

To abstain from the Home or long delayed return after leave, are common features of the working of the Home. Out of the total strength of inmates on any given day about 15 per cent to 25 per cent juveniles always
are either on leave or absent from the Home. However, during school vacations this percentage goes upto 70 per cent or even more. This absenteeism among the neglected juveniles indicates that there was something glaringly wrong at the time of selection of juveniles at the time of their initial entry into the Home. Nobody has ever bothered about this aspect of the working of Home. One of the reasons which I could make out for this large scale absenteeism can be that inflated figures are shown in the records than the actual strength of the Home. This fact can be confirmed by looking at the number of beneficiaries shown in the annual financial statement of the Home.\textsuperscript{115} In these reports the actual number of beneficiaries has always been shown as more than two hundred for the past five years which actual strength has always remained at less than one hundred at any given day of the year. On the date of visit only 78 inmates were shown as residing in the Home though their actual strength on that day was 66. The remaining 12 were shown as either on leave or absent from the Home. It appears from the above facts that the problem of absenteeism is not as simple as it appears to be. There is something culpably wrong with the working of the Home on this count.

(v) Food clothing and other Facilities

The scales of diet and clothing is the same as in the cases of other Homes. Most of the children were found to be wearing their own personal clothes given by their parents/guardians. Some of the inmates were having terry-cotton night suits which were being used as normal dress during free hours The uniform as prescribed under the Rules is not being given to the inmates. Some of the children were found to be wearing torn trousers and shirts. Older boys

\textsuperscript{115} See later pages relating to financial position of the home.
were found to be adequately dressed. Children were observed while taking food. They were having the food in steel utensils provided by the Home. However, the manner in which the food was being served and the attitude of the staff serving the food gave an impression as if it is a pure charity. No arrangements were available for them to sit on durries or on tables for eating purposes. They were taking the food while standing and in a crowded manner. This is so inspite of the fact that furniture for serving the food is available in the Home. It is lying dumped in the store in a most casual manner. The quality of food on the date of visit was reasonable. However, older juveniles were not happily with the quantity of the food. The timing of serving dinner at 6.00 P.M. or 6.30 P.M. as reported is too early. This is so as employees preparing and serving the food are in a hurry to go to their own homes.

There is adequate provision for bathing and washing of clothes. But soaps are not being regularly issued to inmates as reported by the juveniles.

(vi) Medical Facilities

There is a dispensary on the premises of the Home. But due to non-cooperative attitude of the Superintendent and medical officer these facilities are not properly availed of. There is a ego conflict between the two as the medical officer considers himself more educated and in higher pay scale. So he feels uneasy in accepting the requirements of the Superintendent. On the other hand the Superintendent too is not innovative and practical. He feels it insulting to visit the medical officer with a request. In this ego conflict juvenile inmates suffer. Resultantly, the majority of the inmates suffer from minor infections like scabies etc. There is no regular medical check-up of the inmates, nor any medical history of the inmates is kept in the Home. Due to reasons best known to the Superintendent, he prefers to get inmates treated
from outside and private medical practitioners. On the other hand due to almost non-availability of medicines in the dispensary the daily attendance in the dispensary is poor. Doctor's advice in cases of diet for sick juveniles is not properly followed. Only in cases of serious ailments the official staff takes the inmates to the doctor. In minor cases inmates themselves visit the Home dispensary. In the absence of a doctor, dispenser does the necessary job. It is sad to note that in spite of the facility of medical care available at the doors of the Home it is not being properly utilized.

(vii) Educational Facilities

As pointed out earlier, the facility of free education is the major attraction for the inmates. A High School run by the Social Welfare Department is attached with the Juvenile Home which not only caters the needs of inmates of the Home but also serves the children of adjoining villagers. All the neglected juveniles putting up in the Home are getting education in the School. The student inmates learn disciplines prescribed for their respective class by the Punjab School Education Board. They appear in the examinations of the Board. The general performance of the inmates is just mediocre. The problem of absenteeism in the school too is noticeable. The attitude of the inmates is not very serious with regard to their studies. Most of the inmates admitted that they have been persuaded by parents to join the Home for education by giving the impression that in the Home Public School educational facilities are provided. On the day of visit about 35 per cent school children were absent which included inmates of the Home also.

After the school hours inmates are free to do what they desire. This time is spent in playing, roaming around and in idleness. At times juveniles are allowed to go outside the campus on request. No constructive involvement
of the inmates is there in any creative work. There are no facilities for teaching after school hours. Thus educational facility is confined only to school and during school hours.

(viii) **Assessment, Training, Rehabilitation Programmes and Maintenance of Files**

On examination of files it was found that the information contained in the files was grossly inadequate to make any proper assessment of the juveniles. The files contained only a brief case history describing the family background and financial position of the juvenile besides a list of articles brought by the child when admitted to the home. The brief history too was obtained from the concerned juvenile or the person who was instrumental for his admission in the Home. No effort is made to verify the information at any level. Even sample survey information is not conducted. It is most desirable for any successful treatment and rehabilitative process to record information concerning the juvenile in terms of educational, behavioural, socio-cultural and economic aspects, so that correct foundation decisions could be taken at the initial stages. It is well known fact the proper diagnosis alone is half of the treatment.

There is only one vocational instructor (craft teacher) presently working in the Home. The other instructor, though drawing his pay from the Hoshiarpur Juvenile Home but is working in the After Care Organization at Amritsar. This is nothing but playing fraud with the rules. The instructor presently working in the Home conducts tailoring classes for the inmates after school hours. Due to lack of interest among the resident inmates his services are not being properly utilized. Only 10 per cent boys are interested in this trade. The rest spend

116. *Supra* note 21, Rule 30 has prescribed detailed guidelines for the maintenance of case files running into 23 points.
their time playing or in idleness. In any urban centre there is no shortage of vocational training avenues provided some one takes pains to tap these resources. The short term training courses like scooter, tractor, tubewell repairs, electrician, masson, welding, plumber, hari-cutting, carpenter, catering, shop attendant etc., can be very easily managed for the inmates with the involvement of community based agencies and voluntary organizations. Mere educational facility is not sufficient for the rehabilitation of the inmates in the society which is the ultimate goal of juvenile justice system. Unless these inmates are trained for any specialised vocational job they will become a part of the labour force of the country. The frustration which these juveniles will face after their discharge from the institution will lead to discontentment and ultimately these juveniles will be pushed into delinquency. In view of the prevailing situation in the state it becomes more pertinent to seriously think about this aspect of the institutional programmes.

The absence of psychiatric cum social worker and the general environment of factionalism among the staff, seeking support from the inmates, no time is being devoted by the Superintendent or the House Mistress with the inmates. There is a general feeling of victimisation among the inmates due to personal rivalries of the staff members.

There is nothing like rehabilitation of the inmates after their discharge from the Home. They are not prepared to face the realities of life after they quit the Home environment. Although in the records all the discharged inmates are shown as rehabilitated but there is no record to that effect. If the training and treatment these juveniles are provided in the Home is any indicator we can say that these juveniles are left on their fate. There is no community contact during institution life. No follow up are carried out after the juvenile walks out of the Home. Thus rehabilitation of these juveniles is
only a matter of chance, which is not that frequent in today's competitive society. The involvement of banks, employment exchange and social workers can help to a very great extent in the rehabilitative process.

(ix) Leisure and Recreation Activities

The inmates have sufficient time for play. The grounds of the High School are used for playing football, volleyball, hockey and Kabbadi. All play is unsupervised as there is no trained coach to conduct these activities after the school hours. There is no time schedule for play or other activities. Older juveniles dominate the activities and the younger ones only watch and enjoy. There is a provision for T.U. in the Home. There is no provision for indoor games. Most of the inmates spend their time gossiping or in idleness and inactivity. There is an urgent need to organise recreational activities so that all the inmates can enjoy the facility.

(x) Visitors Committee

As observed earlier there was no Visitors Committee before the coming into force of Juvenile Justice Act, 1986, though under the East Punjab Children Act, 1949 it was required to be therefor every children institution under the Act. Now under the Juvenile Justice Act, 1986 constitution of Visitors Committee has been again statutorily provided. Each appointed member shall visit the institution for which he or she is appointed at least once in three months and send a quarterly report to the State Government/Administrator containing his or her comments or suggestions in regard to the institutional management and the quality of institutional services. But in spite of the fact that visitors have

117. Sec.47(1).
118. Sec.54.
119. Supra note 21, Rule 49.
been appointed for the Home nobody has taken the pains to visit the Home except once that too only one member. On that occasion too no report has been sent as required under his term of appointment. The visit was of a casual nature without any interest in the affairs of the Home. The Superintendent accompanied the Visitor on the round of the Home and there the matter ended. It is evident that persons who are eager to have social recognition but do not have any aptitude towards social work have been appointed as visitors for the Home. They are as good as none. As observed earlier visitors can play a very healthy role in the successful management of the Home besides making the rehabilitative process more easier.

(xi) Financial Position

The financial position and management of juvenile Homes is no more different from the position existing in Observation Homes. There is an emergent need to pay proper attention towards not only adequate allocation of funds but also their maximum utility for the benefits of young neglected children who happens to stay there. A bird's eye view of the financial position of juvenile Homes make these assertions more compelling.

Table VIII-24
Showing the Financial Allocation for Juvenile Home

| S. No. | Name of the Institution | Budget Allocation (Rupees) | Expenditure (Rupees) | No. of Beneficiaries*
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1987-88</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Bal Bhawan, Jallandhar</td>
<td>212000</td>
<td>462600</td>
<td>227</td>
</tr>
<tr>
<td>2.</td>
<td>Juvenile Home, Hoshiarpur</td>
<td>471300</td>
<td>219671</td>
<td>43</td>
</tr>
<tr>
<td>1988-89</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Bal Bhawan, Jallandhar</td>
<td>487700</td>
<td>423710</td>
<td>224</td>
</tr>
<tr>
<td>2.</td>
<td>Juvenile Home, Hoshiarpur</td>
<td>212000</td>
<td>219671</td>
<td>94</td>
</tr>
</tbody>
</table>

* Number of beneficiaries has been calculated taking into account all juveniles who stayed in the Home during the year irrespective (conted)
of their period of stay, which in some case had been less than one month, two months and three months. The actual strength at a time had never been that high.

Table VIII-24-a

Showing Headwise expenditure of Juvenile Homes for the year 1988-89

<table>
<thead>
<tr>
<th></th>
<th>Salary</th>
<th>T.A.</th>
<th>O.E.</th>
<th>M.R.</th>
<th>MSSS</th>
<th>Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Juvenile Home</td>
<td>171923.45</td>
<td>712.20</td>
<td>3998.50</td>
<td>-</td>
<td>199998.09</td>
<td>-</td>
<td>376632.14</td>
</tr>
<tr>
<td>2. Juvenile Home</td>
<td>179218.85</td>
<td>2259.10</td>
<td>3494.54</td>
<td>-</td>
<td>333995.06</td>
<td>1995.90</td>
<td>55246.45</td>
</tr>
</tbody>
</table>

By and large the position of financial allocation and its management is almost similar in all the corrections. It needs result-based orientation so that the real benefits of institutional programmes reach at the lowest rung of socially marginalized juveniles, who need it most. Financial management in its present state will not serve any useful purpose so for the juveniles are concerned.