CHAPTER - NINE

Juvenile Justice and Correctional Institutions for Delinquent Juveniles

I Special Home at Hoshiarpur

Before the coming into force of Juvenile Justice Act, 1986 in the State of Punjab there was no separate provision for Special Homes for delinquent juveniles. Certified School, situated at Rampur Colony, Hoshiarpur, which was established under the East Punjab Children Act, 1949, was the only institution taking care of delinquent juveniles in the State i.e. delinquent, destitute and neglected children. In the cases of delinquent children court had the discretion to send such children to certified school established under the Act.

However, in actual practice the position remained quite different till the beginning of 1987. Delinquent children both under trial and convicts continued to be kept in jails along with adult criminals, inspite of the directions by the Supreme Court to the

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1. Section 29(1) of The East Punjab Children Act, 1949 reads as:
"Where a child is found to have committed an offence punishable with transportation or imprisonment, the court if satisfied on inquiry that it is expedient so to deal with the child may order him to be sent to a certified school."
Similarly section 8(4) concerning neglected and destitute children reads as:
"If the court is satisfied on inquiry that such person is a child to whom any of the clauses of sub-section(1) applies and that it is expedient so to deal with him, the court may order him to be sent to a certified school until such child attains the age of 18 years or for any shorter period.

2. Under Section 27(Proviso) a child of 14 years or above could be committed to prison if the court finds him unruly or of so depraved a character that it will not be fit to send him to certified school. Section 35(h) also provides for this alternative.

3. See Indian Express, (Chandigarh) (7th March, 1987), P.7 under the news caption "Punjab Admits 21 Kids detention"
contrary in the case of Sheela Barse v. The State of Maharashtra. It was only on the writ petition filed by Mr. Balwinder Singh Bhaunnder, an Akali leader, that the Panjab and Haryana High Court directed the State Government to transfer delinquent juveniles detained in different jails in Punjab to the certified school at Hoshiarpur. However, within few days of their transfer to the certified School, 7 juveniles under-trials escaped from the School. A serious note of the situation, from security point of view, was taken by the administration and within few months after this incident a separate high walled enclosure was demarked from the main building of the certified school with iron gate and barbed-wire around the building. It otherwise continued to be a part of the Certified School till the enforcement of Juvenile Justice Act, 1986 in the State. This building has now been renamed as Special Home and is meant for those delinquent juveniles who are ultimately found guilty of an offence by the court. Under-trial delinquents are presently being kept in Observation Homes for delinquents.

The Juvenile Justice Act, 1986 provides that the State Government may establish and maintain as many Special Homes as may be necessary for the reception of delinquent juveniles under the Act. Every such home shall not only provide the juvenile with accommodation, maintenance and facilities for education, vocational

5. See Indian Express (Chandigarh), (27th April, 1987), P. 1. under the News Caption "7 Juvenile Undertrials Escape".
7. Id Sec. 10(3).
training and rehabilitation, but also provide him with facilities for the development of his character and abilities and give him necessary training for his reformation, and shall also perform such other functions as may be prescribed to ensure all round growth and development of his personality. The State Government has in the Rules framed under the Juvenile Justice Act, 1986 provided for the standards and nature of services to be maintained by the Special Homes. Besides this the Rules provide for the classification of delinquents on the basis of age and nature of offence committed by them.

In Punjab, only one Special Home for delinquent juveniles (boys) has been established. State Government intends to establish another Special Home for delinquent girls at Amritsar. It has already been notified but due to financial constraints it has not yet been established.

(1) Location and Building

The Special Home is situated at Rampur Colony camp about 4-5 Kms from the main city on the Chandigarh-Hoshiarpur Road. It is housed in a complex measuring about 20 acres along with three

8. Sec. 2(e) of Juvenile Justice Act, 1986 defines Delinquent Juvenile as “any juvenile who has been found to have committed an offence.”


10. Id. Sec.10(4), and Id. Rule 21.
other institutions, namely, Juvenile Home for neglected boys above 12 years of age, Home for aged and infirm and Government High School run by the Social Welfare Department, Punjab. The complex is not having proper boundary wall, nor any main gate. The way that passed through the complex is being used as a thorough fare by the people of adjoining villages.

Buildings now being used for the Special Home can be divided into two categories, i.e. office and residential building for staff and other for the stay of delinquent juveniles. The building for office and residence of staff members is in a delapidated condition and has long been declared unfit for human dwelling by the Public Works Department of Government. Due to this reason no repair work is being undertaken and the condition of the building is turning from bad to worse. So for the building for delinquent juvenile's stay is concerned it is quite spacious. It has been separated by high walls from the main building of the institution earlier known as hostel for the juveniles of Certified School. The ground floor of the Special Home is consisting of 3 big halls measuring about 35'x20'. There are 10 bathrooms and 12 lavatories for the juveniles. It has within its boundary a huge gate, one cemented ground measuring 60'x40'. This ground has a net to play Volleyball. Two police guards with stenguns are always on guard duty inside the building in the lobby area. One television has been kept in the lobby. There is one huge iron gate used as entry point into
the building and this gate is always kept locked. Thus the Home has all the semblance of a jail.

Thus the accommodation for the juveniles is quite spacious and comfortable. Three big tables with 24 chairs were placed in one big hall of the building for dining. But due to very small number of inmates food is served in the rooms from the mess which is common with Juvenile Home. There is a provision for playing Volleyball, but that too is of little use due to very small number of inmates, which ranges from 2 to 3 at a time. However, the maintenance of the building was very poor. The roof of two halls was badly leaking and affecting the furniture and electric instalations, like fans etc. Similarly toilets were not kept clean as there is no post of sweeper for cleaning the rooms and lavatories. Juveniles inmates are made to do all these odd jobs. The accommodation presently available is being grossly under utilized.

(ii) Staff Pattern and Their Perceptions

There is one lady Superintendent of the Special Home who is qualified upto matric standard. Besides her, the other staff includes one senior clerk, two watch and ward, one cook and one sweeper.

None of the staff members have received any special training to work in the institution for delinquent juveniles. Knowledge about delinquency, its causes, prevention and treatment was found to be non-existant. Similarly, knowledge about the Juvenile Justice Act, 1986 and Rules framed there-under was highly inadequate. The
general attitude towards the delinquent juveniles was highly inflammatory and derogative. Even in the records children are being mentioned as Kaidi Bachha (convicted child). There was a general atmosphere of fear among the juveniles. The juveniles inside the home were unreasonably docile and were unwilling to speak either in the presence or absence of the staff members.

(iii) Intake Procedure

Admission to the Special Home is regulated by the Juvenile Court or in its absence by any other court having the powers of a Juvenile Court. ¹¹ Where a Juvenile Court is satisfied on inquiry that a juvenile has committed an offence, then, notwithstanding anything to the contrary contained in any other law for the time being in force, the Juvenile Court may, if it so thinks fit make an order directing the juvenile to be sent to a Special Home, -

(I) in the case of a boy over fourteen years of age or a girl over sixteen years of age, for a period of not less than three years;

(II) in the case of any other juvenile, for the period until he ceases to be a juvenile. ¹²

However, the Juvenile Court has a power to reduce this period in deserving cases after recording reasons. ¹³ But the maximum

¹¹ Section 21(d).
¹² Section 21(d) (Proviso).
¹³ Aja note 6.
In comparison to neglected juveniles the delinquent juveniles by and large belonged to agriculturist communities of rural areas. Only 25 per cent of the total number admitted in this category since 1982-83 were from the weaker sections of the society (See Table - IX-3). Thus delinquency in the State is not largely due to social or economic compulsions but is because of personal enemity, lust or association with elders.

Table - IX-3
Showing Castewise Classification of inmates from 1982-83 to 1988-89

<table>
<thead>
<tr>
<th>Total admitted since 1982-83</th>
<th>Scheduled Castes</th>
<th>Backward Castes</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>68</td>
<td>10</td>
<td>7</td>
</tr>
</tbody>
</table>

(V) Food, Clothing and Other Facilities

The scale of diet, clothing and bedding is the same as in case of Observation Homes. In fact these scales are meant for all types of correction, under the Juvenile Justice Act, 1986. Breakfast is served quite early in the morning at about 7 A.M. which includes one portion of dalia. Lunch is served at about 12.30 P.M. and dinner is served between 6.15 P.M. to 6.45 P.M. The quality of food is reasonable but not as per the prescribed standards. Boys reported that they feel hungry in between and they get things from
outside with their own money with the help of watch and ward staff or police guards. Delinquent boys get the food from the same kitchen from which neglected juveniles do. The inmates did not have any soap for washing or bathing for the last few days as confided by them. There was a general feeling of gratefulness and thanks towards the system because of the sole reason of cutting down their term of confinement, which in the absence of juvenile justice system would have been quite long. Since all of them had the experience of police brutality in police lock-ups and very uncomfortable stay in jails, so they appeared happy and cheerful to live in the Home. However, the impression of fear and regimental behaviour of the staff was lit large on their faces.

There is a provision of dispensary on the premises of the complex which cater to the needs of inmates of Special Home. However, due to lack of co-operation and co-ordination between the medical officer and superintendent the facilities are least used. Suprintendent prefers to get the juvenile treated from private nursing homes. No periodical check-ups take place.

(IV) Assessment, Intervention Programmes, Rehabilitation and Maintaining of Files

Records indicated that the assessment of the delinquent juvenile was most inadequate. A brief history regarding the family background of the juvenile was found recorded by the Superintendent himself which was based upon the information obtained from the juvenile himself. There was not even a trace of assessment at trial or conviction level. The court after finding the child guilty directed him to be detained
In the Special Home. On the first page of the file the term 'Kaidi Bachha' (convicted child) with his name was mentioned which indicates a poor perception level of the staff regarding the juvenile justice system and its objectives. Columns dealing with age were either blank or age in years was mentioned. No date of birth was mentioned even in those cases where the child was school going at the time of the commission of the offence. There was no medical assessment reports, nor any report pertaining to behavioural aspects of the child was there. However, educational level of the juvenile was mentioned in most of the cases. One boy had appeared in the matriculation examination and was waiting for his release which was due in the middle of August, 1989. Other juvenile had just joined in School in the 9th Class. Earlier also, it was noticed, that delinquent juveniles were attending the school which is situated in the complex itself.

There was no provision for vocational training which is very much essential for rehabilitation of delinquent juveniles. There is no provision for preferential employment, loans/grants to encourage self-employment for the inmates. Receiving feed-back from the released inmates is not even in the knowledge of managerial staff nor any practice exists to that effect. After release is the most sensitive period of rehabilitation process and unless the juvenile is not ultimately reintegrated into the society of his origin, he will feel isolated and rejected. In such a situation his chances of resuming the life of crime become stronger. The association of employment exchange, banks and social workers officials in the activities of the home can prove to be fruitful and is likely to help in the rehabilitation of juveniles.
Since most of the juveniles were from the rural background, thus they were not worried about their future as they were sure to join their parental occupations without any difficulty. The general pattern and nature of delinquency in the state is still rural based thus the need for vocational training has not been given a serious thought. But things are fast changing and planning has to be there to meet the inevitable future challenges.

Another new trend in delinquency which is peculiar to the State of Punjab is the terrorist crime. So for no such juvenile has come to the Special Home, but it is just a question of time. Unfortunately, no planning has been done to meet this new but most dangerous challenge of delinquency in the State. It is being taken as purely law and order problem, which in fact it is not. It is time to prepare the juvenile corrections to meet this challenge squarely. For this extensive study of the problem and lot of spade work is necessary. This problem is likely to stay in our political system, so it appears from the current trends. So serious thinking must take place without any further delay so that juvenile justice system could be made capable of sustaining its pressure. Repression as the sole way out to deal with the problem of terrorism, specially the terrorism with political over-turns, is an indication of total lack of faith in correctional set-up. It is a device of a sick mind. We cannot succeed when we make failure as a starting point. Innovation, experimentation and deep faith in the system has to be inducted for improvement and ultimate success.
(vii) Recreation and Leisure Activities

The only source of entertainment available in the Special Home is Television set (colour). This entertains not only inmates but also watch and ward and police personnel stationed inside on guard duty. There is also a provision for playing volleyball inside the home, but due to very small number of inmates (between 2 to 3) this facility cannot be properly used. Newspaper is supplied to the inmates but it reaches very late as it is first read by Superintendent then police personnel posted there and then it reaches the juveniles. Still it is better late than never. Special home being purely custodial in nature and functioning, so no other recreation facility is available even though Rules made a very detailed provision for institutional programmes, which includes library, music, indoor games etc. Outside contact, except meeting of parents or relatives, is absolutely non-existent in spite of provisions for cultural meets, parents-inmates-staff meetings, community contacts, visits to outside institutions, excursions, etc., in the Rules. Idleness and inactivity is the major feature of Special Home which has its inevitable demoralising effect upon the inmates.

17. Id, Rule 20(2).
(viii) **Visitor's Committee**

As it has been observed earlier inspite of statutory provision to that effect no visitor's committee was constituted before the coming into force of Juvenile Justice Act, 1986 in the State. Although Visitor's Committee is presently existing for the Home but only one inspection has so far been made by only one member of the Committee. In that case too no report has been submitted either to the government or to Social Welfare Department under which the Home function. This shows that quality of persons appointed for the job and their commitment towards their duty. It is most urgently needed to revamp the legal and regulatory set-up dealing with the appointment of members and their role in the functioning of the Home. Active involvement of the Committee in the functioning of the Home will be quite beneficial, specially for duties connected with discipline among the inmates and staff, involvement of community based agencies in the rehabilitative and treatment process, decision for parole and licencing out of inmates, financial management including voluntary contributions, transfer of inmates from one institution to other etc.

(ix) **Classification Committee**

The Rules provide for constitution of a Classification committee in the Home to classify juveniles on the basis

18. *Id*, Rule 21(1).
of age, physical and mental health, length of commitment,
degree of delinquency and his character. Besides the above
factors the committee is required to take into consideration
factors like sequence of the juvenile's delinquent behaviour,
contamination risk, requirements of custody, his educational
and vocational training needs, his total background, possibility
of his social adjustment, his prospects after release and his
rehabilitation needs. "In view of the very small number of
inmates there is no urgency in the constitution of the committee",
opined the Superintendent of the Home. Moreover, the persons
mentioned in the Rules as members have not yet been appointed,
thus except the superintendent and vocational teachers there is
no other person who can be the member of the committee.

19. Id, Rule 21.

provides that the members of the committee shall consist
of superintendent(Chairman), Deputy Supdt. Case Worker/
Psychologist, medical officer, Workshop supervisor,
Instructor in vocation, teacher, Head of Care taking staff,
Officer-in-charge of the Reception Unit.
Borstal Institute, Ludhiana

(6) Introductory

Borstal is a village in Kent, on a Hill above the Midway two miles from Rochester in England. The word "Borstal" was originally used for a "juvenile adult prison" which was established in this village for providing reformatory treatment to young offenders who had been committed to prison before they were 21 years of age. These experiments started in Bedford Prison and then a wing was allocated in Chatham Prison in Kent which later on became popular by the name 'Borstal' because it was situated near the village with the same name. In 1902, the new method was recognised by the name "The Borstal System" and is being used for correctional institutions intended for the treatment and rehabilitation of youth-ful offenders between the age of 16 to 21 years.

The original object of the ordinary penal institution was "to isolate its members who have been defined as refractory and threatening to the social order". But later on it was realised that the young offenders can be made to prove

good members of the society more easily if they are properly treated and trained during their stay in the institution.

Youth is a time when a few bad decisions can lead to delinquency and few lucky breaks can get the individual off to a good start in programming a future. This was perhaps the moving reason for the segregation of youthful offenders from the general mass of adult offenders. Since these people have a whole life before them which they have to ultimately live in the society so it was thought, both from the angle of social protection as well from the angle of social duty towards youthful offenders, that they should be treated, trained and paired for their socialization.

Borstal institution, established by the State Govt. under the provisions of Punjab Borstal Act, 1926, is an institution aimed at the treatment of young offenders to save them from the ill-effects of prison life and rehabilitate them in life. The object of the Act is to provide for segregation of adolescent prisoners from those of mature age,


24. Sec. 2(1) of the Act reads "Borstal Institution means a place in which offenders may be detained under this Act and give such industrial training and other instruction and subjected to such disciplinary and moral influences as will conduce to their reformaton".
and their subsequent training in separate institution. Accordingly, one such institution was set up at Lahore, shifted after independence to Hisaar. With the reorganisation of Punjab in 1966 the institution was shifted to Faridkot and now since November 1981 the institution has been shifted to Ludhiana. Since then the institution is working at Ludhiana. All through this history of the institution, it remained a part of the jail and is popularly known as 'Children's jail'.

The Borstal institute in Punjab is presently housed in the New Jail on the Dhanansu link road on Jallandhar bye-pass, about 11 Kms. from main Bus Stand, Ludhiana. The institution is a part of the main jail building, though separated from the jail by demarcation of boundaries. The institution functions under the administrative control of Inspector General of Prisons at the State Level. This is not in the spirit of the Act. The same norms which are


26. Section 4(1) provides:
   The State Government shall appoint any person, not being a police officer to be the Director of Borstal Institutions, and he shall exercise subject to the orders of the State Government General control and superintendence of all Borstal Institutions.
applied in managing the Jails are applied for the management of Borstal institution. Even the post of Superintendent is transferable with the superintendents of other adult jails.

(ii) Scope of the Act

Borstal institution is a post conviction treatment and rehabilitation place for youthful offenders. The Punjab Borstal Act, 1926 requires two conditions for the application of its provisions. Firstly, the person should be less than 21 years of age on the date of conviction. Secondly, he must have been found guilty of an "offence" other than the offences punishable with death or punishable under Chapter V-A or VI of I.P.C. or any offence under Public Gambling Act, 1867 or Opium Act, 1878 or Punjab Excise Act, 1914

Thus it is apprently clear that the provisions of Borstal Act, 1926 shall be applicable only in case of those offence where the maximum punishment for the offence has been fixed by law as transportation (life imprisonment) or rigorous imprisonment. Any offence which is punishable with death or which falls under some spesific Acts has been expressly excluded from the scope of the Act.

27. Punjab Borstal Act, 1926, Section 5(1)

28. Chapter V-A and Chapter VI of I.P.C. deal with the offences relating to Criminal Conspiracy and offences against the State respectively.

29. Section 2(4).
The Supreme Court, overruling its earlier decision in Hava Singh's case has excluded all those offences from the scope of beneficial provisions of the Act which are punishable with death or life imprisonment in the alternative. The Supreme Court has built up its argument on the sole ground that since "one of the punishment of the offence of murder is death and, therefore, the offence of murder would be covered by Section 2(4) (1) (a) of the Punjab Act and to such a conviction the Punjab Borstal Act

30. **Supra Note. 25.**


32. The Act is application to any person who has been convicted of an "offence". The word offence has been defined by Section 2(4) of the Act. Offence means -

I. an offence punishable with transportation or rigorous imprisonment under the Indian Penal Code other than -

(a) an offence punishable with death
(b) any offence punishable under Chapter V-A or Chapter VI of I.P.C.

II an offence punishable with imprisonment under the Public Gambling Act, 1869;

III an offence punishable with imprisonment under the Opium Act, 1878;

IV an offence punishable with imprisonment under the Punjab Excise Act, 1914.
would have no application. In support of its argument, the Supreme Court cited cases of different High Courts which are old by 60 years or more. Though some of the cases are of post-independence era also, but they all relate to an era when "hands off" was the ruling jurisprudential concept in our penological philosophy. Subhash Chand's case certainly cannot be regarded to be a revival of the same "hands off" philosophy, but it can be taken to be a small step towards the same or similar direction. The Court has shown its preference to "technical justice" than justice in the "real sense".

In the Subhash Chand's case, the conclusions reached at by the Supreme Court excluded the application of Punjab Borstal Act, 1926 to any offender less than 21 years of age who has been convicted for an offence punishable with death as one of the alternatives as in case of offence of murder where the other alternative is life imprisonment. The court coming to this conclusion has acted as a court of law rather than a court of justice. It has permitted itself to be swept by technicalities of law rather than the spirit of it.

33. Id Para 4.
34. AIR 1928 Bom. 244; AIR 1927 205; AIR 1928 Lah. 920; AIR 1932 Lag 130.
35. AIR 1959 M.P. 291; AIR 1956 ALL 326; AIR 1950 Raj. 28.
Looking into the historical perspectives the Punjab Borstal Act was passed some 64 years ago when we were under a British rule and when patriotic movement (which at that time was described as terrorism) was at its peak. Even during such critical period the Government of the day thought it proper to introduce reformative philosophy in its penal system but our courts while interpreting the same Act after 41 years of independent living seek conclusive guidance from the "original intent" of the Act. Should the court dig the graves of original lawmakers to seek guidance for exploring the relevance of any law and its philosophy to the human problems of present day, irrespective of the progress the human society has made?

So for the definition of term 'offence' in the Punjab Borstal Act, 1926 is concerned which in fact is the sole reasoning for the decision in the Subhash Chand's case, it is submitted that no legislature is competent to frame a legal system capable of meeting all the challenges for all the times. The courts have very constructive role to play by way of interpretation to make the existing law suitable to meet the prevalent social and scientific realities relating to human nature and behaviour. Whatever may be the strength of logic on the other side, the courts cannot absolve itself from their inevitable legislative functions in the administration of justice. By this process the court
not only serves the ends of justice, it also lessens the avoidable burden of the legislature.

It is not practically possible to exactify the punishment, with the help of limited human instrumentalities at the disposal of legislature, for all offences of the same category committed under different circumstances by different human beings. Thus offences are broadly compartmentalised for the purpose of convenience and practical necessities. The legislature always leaves an interplay between the maximum punishment provided for an offence and the minimum that the court may deem fit in any particular case. The same is true to the offence of murder which is punishable with death or life imprisonment in the alternative. All the murders can never be put on the same footing so far the gravity of criminality involved in the case is concerned. Death punishment is awarded only in those rare cases where the criminality involved is of a higher degree and the case is of 'rare of the rarest'. As a matter of rule life imprisonment is the punishment for murder and death punishment is confined only to microscopic minority of murder cases. So in fact it is the life imprisonment which practically is the punishment for murder offences, death punishment being very rare. In interpreting the punishment part of the offence of murder in the context of Punjab Borstal Act, 1926 we must go by general rule and not by exception. Hence, the restrictive
interpretation of the term 'offence' in the Subhash Chander's case is not a very healthy trend.

The exclusion of offences from the beneficial provision of the Borstal Act which are punishable with life imprisonment as an alternative to death sentence is nothing but an overreaction to the technical requirements of the law. This could have been avoided with the equal logic in support of the retention of offences punishable with life imprisonment as an alternative to death within the scope of the Act. This interpretation would have been more in consonance with the spirit and object of the Act, besides being nearer to current penological philosophy of 'treatment and cure' rather than 'deter and punish'. The purpose of excluding the offences punishable with death from the purview of Punjab Borstal Act, 1926 must be due to the reason that it by implication will exclude the imposition of death punishment in case of any offence on a young offender below the age of 21 years, with the legislature was not intending.

Another interesting aspect of this decision comes into light when this judgement is examined in the context of an earlier decision of the Supreme Court in the case of State of Andhra Pradesh v. Vallabhapuram Ravi. In this

36. AIR 1985 S.C. 870; See also C. Elumalai V Tamil Nadu, 1985, 510 (S.L.)
case the Supreme Court had observed that "a person detained in a Borstal School under Section 10-A (Andhra Pradesh Borstal School Act, 1925) has to be released after he has served the full term of 5 years of detention or on his competing the age of 23 years of age. He cannot be retransferred thereafter to prison. Such a transfer would defeat the very object and purpose of the Act of providing for detention of young offences in Borstal School for the purpose of reformation and rehabilitation of such offenders". Since the Andhra Pradesh Borstal School Act, 1925 does not have the definition of "offence" and there is no exclusion clause as provided in the Punjab Act so adolescent offenders even in the case of murder shall be entitled to the beneficial provisions of Andhra Pradesh Borstal School Act, 1925. It is quite paradoxical that adolescents in the State of Andhra Pradesh are entitled to the beneficial provisions of the Andhra pradesh Act while adolescents of Punjab and Haryana to which Punjab Borstal Act, 1926 applied do not deserve this treatment, simply because of strict technical requirements of the Law, as the Court looks at it. This deferential treatment of young offenders simply because they happen to live at a particular place does not appeal to the sense of justice and fairplay. This is more so when the beneficial provisions of the Punjab Borstal Act could have been extended
just by logically overcoming the technical demands of the law.

Another point from which this judgement needs consideration is that murder is not the only offence punishable with death as an alternative to life imprisonment. There are other offences like abetment of murder (Sec. 109 to 114), criminal conspiracy for murder (Sec. 120-B), abetment of mutiny (Sec. 132), abetment of suicide (Sec. 305) attempt to murder by life convict (Sec. 307) which are having similar prescribed sentence as is there in the case of offence of murder. This decision, by implication, will also exclude the beneficial provisions of the Punjab Borstal Act in their application to all those young offenders who have been convicted for any of these offences. Thus the Act shall have a very restrictive application to the young offenders in the State of Haryana and Punjab. These young offenders require special consideration in the light of their transitionary period of maturation. In view of their young age they have better potentials for improvement and should not per se be regarded as chronic cases. This becomes more pertinent in view of the fact that there is lack of scientific research in India in connection with youth crime and treatment.

The judgement of the supreme Court in the case of Subhash Chand is just expression of a lack of confidence in the system's capacity to reform and detenue's ability to
improve. It forecloses hope for improvement and prohibits new experimentation in the penal system. To apply the law as old as sixty years to human problems of today by referring to "original intent" of the legislature is legalism, pure and simple and not justice. The decision in the Subhash Chand's case is a leap backward and that too at a time when we are looking very ambitiously to enter in 21st century.

(iii) Intake Procedure

The male delinquents below the age of 21 years are sent to the Borstal institution in lieu of rigorous imprisonment or transportation. The Court of Session, a magistrate specially empowered under section 30 of the Code of Criminal Procedure 1898 or a Judicial Magistrate of the first class amy, in lieu of passing sentence of transportation (now life imprisonment) or rigorous imprisonment, pass an order of detention in Borstal Institute for a term which shall not be less than two years and shall not exceed seven years when the order is passed by a Court of Session or a Magistrate specially empowered under the Criminal Procedure Code, and shall not be less than two years nor exceed three years, when the order is passed by a Judicial Magistrate of the First Class not so empowered. Any male person less than twenty one years of age who has been

37. Supra note 27, Section 5(1)
committed to or confined in prison and no appeal has been preferred, can also be transferred to Borstal institute by the District magistrate, if it is expedient in the opinion of the District Magistrate to do so. In such cases detention cannot be less than two years and cannot be more than three years. The District Magistrate on the request of a Superintendent of Jail can also transfer any person of a less than 21 years of age from jail to the Borstal Institute after making necessary inquiry as he may deem proper.

However, it has been observed from the case files that the transfer of inmates to the Borstal Institute from other jails is a matter of routine and it is done without any intervention of the District Magistrate as required under Section 6 of the Act. Since Jail Manual permits transfers from one jail to another jail without any sanction from persons outside the department, so the transfer of "Youthful offenders" too is taken as a matter permitted by law, as for all practical purposes Borstal Institute is being considered as a "children jail". Similarly, transfers of inmates to the Borstal

38. Id., Section 6
39. Id., Section 8
institute whose appeals are pending is a matter which is taken casually though it is prohibited under the Act. Many such cases where noted from the records. On the other hand it was observed that generally courts feel very shy in sending the youthful offenders to the Borstal Institute because the words used in the Act, which imposes this obligation on the courts, is "many" and not "shall". Thus many youthful inmates have come to the Borstal Institute by transfers from other jails. As revealed by one of the inmate "for this transfer from jail to Borstal you must grease the palms of jail authorities". This is not as simple a matter as it appears to be from the records. Therefore, it appears to be most desirable that the courts must be put under a positive obligation to send youthful offenders to Borstal.

(iv) Number and Classification of Inmates

The strength of inmates in the Borstal Institute has remained normal and less than its capacity at any given time. Thus it is not practically difficult to manage the institution provided there is a will to do so.

40. Id., Section 9
# Table-4

Showing the number of Borstal Institutes, Their Location, Capacity and daily average population during 1983-84 to 1988-89

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Year</th>
<th>Name and Location of the Institute</th>
<th>Number of Institute</th>
<th>Total Capacity</th>
<th>Daily Average Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1983-84</td>
<td>Borstal School, Ludhiana</td>
<td>1</td>
<td>300</td>
<td>247</td>
</tr>
<tr>
<td>2.</td>
<td>1984-85</td>
<td>-do-</td>
<td>1</td>
<td>300</td>
<td>227</td>
</tr>
<tr>
<td>3.</td>
<td>1985-86</td>
<td>Borstal School, Ludhiana</td>
<td>1</td>
<td>300</td>
<td>211</td>
</tr>
<tr>
<td>4.</td>
<td>1986-87</td>
<td>-do-</td>
<td>1</td>
<td>300</td>
<td>216</td>
</tr>
<tr>
<td>5.</td>
<td>1987-88</td>
<td>-do-</td>
<td>1</td>
<td>300</td>
<td>203</td>
</tr>
<tr>
<td>6.</td>
<td>1988-89</td>
<td>-do-</td>
<td>1</td>
<td>300</td>
<td>221</td>
</tr>
</tbody>
</table>

Note: The spurt in terrorist in the State in which mostly young persons are involved has not effected the inmates population because most of these young persons are under-trial prisoners and are kept in high security jails, specially established for this category.
Table-5

Showing number of Inmates admitted in and discharged from the Borstal Institute during the Years 1983-84 to 1988-89.

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Year</th>
<th>Number of Inmates at the beginning of year</th>
<th>Inmates admitted during the year</th>
<th>Total Inmates Released During the year</th>
<th>Inmates Remaining at the end of the year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1983-84</td>
<td>236</td>
<td>273</td>
<td>509</td>
<td>223</td>
</tr>
<tr>
<td>2.</td>
<td>1984-85</td>
<td>286</td>
<td>315</td>
<td>601</td>
<td>387</td>
</tr>
<tr>
<td>3.</td>
<td>1985-86</td>
<td>214</td>
<td>201</td>
<td>415</td>
<td>207</td>
</tr>
<tr>
<td>4.</td>
<td>1986-87</td>
<td>208</td>
<td>233</td>
<td>441</td>
<td>218</td>
</tr>
<tr>
<td>5.</td>
<td>1987-88</td>
<td>223</td>
<td>197</td>
<td>420</td>
<td>213</td>
</tr>
<tr>
<td>6.</td>
<td>1988-89</td>
<td>207</td>
<td>251</td>
<td>458</td>
<td>209</td>
</tr>
</tbody>
</table>
Majority of the inmates are in the age group of 16-18 Years of age. This indicates that keeping in view their young age they should be provided with proper training during their stay in the institution. Since mostly these young persons are in good state of health thus they can be trained very easily in the vocation of their liking so that as and when they walk out of the institute after their release they do not face frustration. This fact also stresses the need for a proper research as to why so many young persons opt for a life of crime. This will help in finding out proper preventive measures. For all these facts see Table IX-6.

Table IX-6.

Showing classification of inmates admitted in Borstal School by their age group, state of health and Marital Status during the years 1983-84 to 1988-89.

| S. Year | Age Group 15-16 | 16-18 above 18 | Good | Avg | poor | Separated | Divorced/Married | Widowed
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 1983-84</td>
<td>19</td>
<td>178</td>
<td>76</td>
<td>273</td>
<td>163</td>
<td>102</td>
<td>8</td>
<td>212</td>
</tr>
<tr>
<td>2 1984-85</td>
<td>15</td>
<td>212</td>
<td>88</td>
<td>315</td>
<td>208</td>
<td>103</td>
<td>4</td>
<td>244</td>
</tr>
<tr>
<td>3 1985-86</td>
<td>27</td>
<td>147</td>
<td>27</td>
<td>201</td>
<td>159</td>
<td>40</td>
<td>2</td>
<td>169</td>
</tr>
<tr>
<td>4 1986-87</td>
<td>24</td>
<td>161</td>
<td>48</td>
<td>233</td>
<td>139</td>
<td>83</td>
<td>11</td>
<td>180</td>
</tr>
<tr>
<td>5 1987-88</td>
<td>5</td>
<td>133</td>
<td>49</td>
<td>197</td>
<td>131</td>
<td>62</td>
<td>4</td>
<td>138</td>
</tr>
<tr>
<td>6 1988-89</td>
<td>-</td>
<td>179</td>
<td>73</td>
<td>251</td>
<td>174</td>
<td>69</td>
<td>8</td>
<td>161</td>
</tr>
</tbody>
</table>
In Punjab young offenders detained in Borstal institution are mostly involved in serious offences. This involvement is because of personal enimity, due to disputes pertaining to land or female honour. Mostly the young delinquents were found repenting over their over-hasty conduct which ultimately made them commit the offence. Most of the inmates belonged to agricultural back-ground and hailed from rural areas. So for the religion is concerned the inmates are evenly divided in accordance with the strength of their population in the state, though the number of inmates professing sikh faith was slightly more and inmates belonging to muslim religion was slightly less. Perhaps the reason for this is that mostly inmates come from rural areas where sikh population is comparatively more. Table IX-7 and Table IX-8 make these assertions quite clear.
Table - IX-7

Showing classification of inmates admitted in the Borstal School by their occupation, Religion and Education during the years 1983-84 to 1988-89.

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Year</th>
<th>Occupation</th>
<th>Religion</th>
<th>Education</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Agriculture</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Business</td>
<td>Govt.</td>
<td>Pvt.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Service</td>
<td>Service</td>
<td>Oth.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Christians</td>
<td>Hindus</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Musulms</td>
<td>Sikhs</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>1983-84</td>
<td>191</td>
<td>23</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4</td>
<td>55</td>
<td>273</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>1984-85</td>
<td>214</td>
<td>21</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3</td>
<td>56</td>
<td>315</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>1985-86</td>
<td>142</td>
<td>15</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6</td>
<td>37</td>
<td>201</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>1986-87</td>
<td>173</td>
<td>17</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
<td>41</td>
<td>233</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>1987-88</td>
<td>138</td>
<td>16</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5</td>
<td>38</td>
<td>197</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>1988-89</td>
<td>182</td>
<td>22</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4</td>
<td>43</td>
<td>251</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>62</td>
<td>189</td>
<td>176</td>
</tr>
</tbody>
</table>

Education:
- illiterate
- literate
Showing classification of Inmates admitted in the Borstal Institute according to the nature of offences during the years 1983-84 to 1988-89.

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Year</th>
<th>Major I.P.C. Offences</th>
<th>Offences under Local and Special Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Culpable Homicide</td>
<td>Kidnapping and Abduction</td>
</tr>
<tr>
<td></td>
<td></td>
<td>not amounting to murder</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>1983-84</td>
<td>240</td>
<td>11</td>
</tr>
<tr>
<td>2</td>
<td>1984-85</td>
<td>261</td>
<td>19</td>
</tr>
<tr>
<td>3</td>
<td>1985-86</td>
<td>165</td>
<td>12</td>
</tr>
<tr>
<td>4</td>
<td>1986-87</td>
<td>187</td>
<td>14</td>
</tr>
<tr>
<td>5</td>
<td>1987-88</td>
<td>159</td>
<td>11</td>
</tr>
<tr>
<td>6</td>
<td>1988-89</td>
<td>199</td>
<td>17</td>
</tr>
</tbody>
</table>
V. Discharge of Inmates on Licence

Any youthful offender who has been detained in the Borstal Institute stays here till the completion of his term unless he has been released on bail and accordingly discharged from the Institute. Besides this most common mode of exit from the institute a youthful offender can be licenced out from the institute during the pendency of his detention period. Section 15 of the Borstal Act reads as:

Subject to any general or special directions of the State Government the visiting committee with the sanction of the Director of Borstal institute may at any time after the expiration of one third of the period of detention, or of two years, whichever is shorter, if satisfied that the inmate is likely to abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from the Borstal institution on condition that he be placed under the supervision or authority of any Government Officer or secular institution or person or religious society [professing the same religion as the inmate] name in the licence who may be willing to take charge of him. A licence granted under this section shall be in force until the term for which the inmate was ordered to be detained has expired unless sooner superseded, revoked or forfeited.

The Act further provides that the time during which an inmate
Provision for licencing out an inmate is perhaps one of the most important provision of the Act. But this provision has been most carelessly neglected in the actual working of the Borstal institute as is clear from Table IX-9. Otherwise also, there is no visiting committee\textsuperscript{43} to discharge its functions in this respect nor there is any Director of Borstal Institute though Inspector General of Prisons is exercising the powers of a Director of Borstal Institute to fulfil and legal requirements.

Table IX-9.

Showing number of Inmates Discharged from Borstal Institute by Different Modes of Discharge During the Years 1983-84 to 1988-89.

<table>
<thead>
<tr>
<th>Sr. Year</th>
<th>No. of Inmates discharged</th>
<th>Disc-</th>
<th>Disc-</th>
<th>Disc-</th>
<th>Uncon-</th>
<th>Trans-</th>
<th>Died</th>
<th>Escaped</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>on</td>
<td>char-</td>
<td>ditio-</td>
<td>ferred</td>
<td>Bail</td>
<td>Lice-</td>
<td>ndce</td>
<td>nature Insti-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>appeal</td>
<td>ed on</td>
<td>ed on</td>
<td>nal pre-</td>
<td>to</td>
<td>other</td>
<td>ndce</td>
<td>dis-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>on comple-</td>
<td></td>
<td></td>
<td>to</td>
<td></td>
<td></td>
<td></td>
<td>dis-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ting commit-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>ment period.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. 1983-84</td>
<td>159</td>
<td>42</td>
<td>12</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>223</td>
<td></td>
</tr>
<tr>
<td>2. 1984-85</td>
<td>233</td>
<td>54</td>
<td>41</td>
<td>-</td>
<td>-</td>
<td>59</td>
<td>-</td>
<td>387</td>
<td></td>
</tr>
</tbody>
</table>

contd.

\textsuperscript{41} Ib., Sec. 16.
\textsuperscript{42} JDI, Sec. 18.
\textsuperscript{43} Id., Sec. 4 Section 4 provide for the appointment of Visiting Committee to discharge many functions under Section 15 & Sec. 20.
<p>| | | | | | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>1985-86</td>
<td>130</td>
<td>34</td>
<td>34</td>
<td>-</td>
<td>9</td>
<td>-</td>
<td>-</td>
<td>207</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>1986-87</td>
<td>142</td>
<td>31</td>
<td>39</td>
<td>-</td>
<td>6</td>
<td>-</td>
<td>-</td>
<td>213</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>1987-88</td>
<td>153</td>
<td>28</td>
<td>25</td>
<td>-</td>
<td>7</td>
<td>-</td>
<td>-</td>
<td>213</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>1988-89</td>
<td>147</td>
<td>36</td>
<td>21</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>209</td>
<td></td>
</tr>
</tbody>
</table>

In comparison to other States, who have a comparatively better and more developed juvenile justice system, the Borstal Institute, Ludhiana is lagging behind in making the use of this provision. Not even a single person has ever been released on licence in Punjab while in other states like Andhra Pradesh, Karnataka, Maharashtra and Tamil Nadu, 9, 17, 11 and 20 inmates respectively were released on licence during the year 1984-85. This provision is a kind of incentive to inmates to maintain good conduct during their stay in the institution and if they constantly maintain good behaviour for one third period of their detention, they can be released from the institution. On one hand it saves unnecessary expenditure incurred in keeping the inmate in detention, on the other hand it saves the inmate from unnecessary detention which may be more harmful than useful. It is, therefore, desired that visitors committee should be immediately appointed so that this provision could be implemented properly and usefully.

(VI) Transfer of Inmates to Jail

Another legitimate outlet for the inmates is transfer to other Jail during the pendency of their detention period. Transfer of juveniles to other jails is permissible only when an inmate is reported to the State Government by the Visiting Committee to be incorrigible or to be exercising a bad influence on the other inmates.

44. This number constitutes 6 per cent to 30 per cent of inmates of the total inmates in the respective Borstal Institutions of these States at the termination of the year 1984-85. See, Social Defence, Vol.XXV, No. 91 (Jan. 1988) p. 43.
of the institution or is convicted under Section 19 of this Act, or is reported by the Superintendent to have committed an offence which has been declared to be a major Borstal Institute offence by rules made by the State Government in pursuance of the provisions of sub-section 14 of Section 34 of this Act, the State Government may commute the residue of the term of detention to such term of imprisonment of either description not exceeding such residue as the Government may direct, and may order the transfer of the inmate to any jail in Punjab in order to complete the said term of imprisonment.

However, in practice inmates undergoing life imprisonment or imprisonment for a term which exceeds the maximum age limit prescribed for stay in the Borstal institution, are transferred to other jails as a matter of course even though their conduct does not fall within the scope of section 20 which deal with such transfers. This is not only a gross violation of the legal provision of the Act but is also contrary to the objectives of the Act. This practice was noticed from the records of the institute inspite of contrary provision to such practice. Supreme Court, in the case of Hava Singh v. State of Haryana, has observed, "on a plain reading of Sec.5 [of the Act] it is clear that adolescent convict under twenty one years of age after expiry of his period of detention has to be released from detention and he is not to be transferred to Jail for

45. Section 19 deals with inmates who escapes while on licence.
46. Supra note Sec. 20.
47. Id. Sec. 5.
48. Supra note, 25.
undergoing the unexpired period of his sentence of imprisonment. Thus the inmate can be transferred to other jail only if his conduct falls under section 20 of the Act. Similar observations were made by the Supreme Court in the case of State of A.P. v. Ballabhapuram Ravi. The Court observed, "a person detained in a Borstal School under Section 10-A has to be released after he has served the full term of 5 years of detention or on his completing 23 years of age. He cannot be retransferred, thereafter to prison. Such a retransfer would defeat the very object and purpose of the Act of providing for detention of young offenders in Borstal School for the purpose of reformation and rehabilitation of such offenders." The Court further observed that "Section 433-A Criminal Procedure Code would not operate where a person is detained by an order under Section 10-A of the Act. Section 433-A of the Code was introduced not to set at naught provisions like 10-A of the Act which dealt with a special class of offenders like 'adolescent offenders' but only to regulate capricious and arbitrary decisions under Section 432 of the Code and the remission rules sometimes reducing the sentence of imprisonment for life imposed upon persons who had been convicted of capital offence but had been sentenced to imprisonment for life to short periods like five to six years.

Daily Routine of Inmates

The daily routine for the inmates in the institution is based on the simple idea that keeping them busy helps in

49. Id. paras 3 and 4.
50. Supra note [This case was relating to A.P. Borstal Act, 1925].
51. Id., p.
52. Id., p.
their reformation besides keeping them away from indiscipline. Moreover, the daily routine includes academic studies which opens their mind for better and constructive thinking. It also helps them know their inner self and realise that crime has no dividends. The vocational training and factory working is aimed at training them to face the real life situation with courage and conviction and thus helps in the suitable adjustment of inmates in their future life.

The normal routine of the inmates is not substantially different from those of the adults detained in the other part of the jail complex. Jail Manual is the basic guiding book in regulating the main activities which start with the rising of the sun and ending with the sunset both in summer and winter.

[a] In Summer

The rays of the rising sun give a call to the inmates, by way of the sounds of shabads, to be out of their beds. The inmates are locked out. After going through the early morning routines, for which good arrangement exists, inmates go out for Physical Training [P.T.]. Thereafter, they take their morning meals which may be called breakfast. All this work is over by 7.30 A.M. From 7.30 A.M. to 1.30 P.M., the inmates work in the factory. Some learn working in particular trades available therein, while others do manual work. From 1.30 P.M. to 3.00 P.M. usually is the rest time which
includes lunch period also. From 3.00 P.M. to 4.30 P.M., the inmates have free time. They can study books in library, do some purchasing in the canteen. From 4.30 P.M. to 5.30 P.M., there are school hours. Games are from 5.30 P.M. to 7.30 P.M. After games evening food is served which is also a signal for closing of the day and thereafter the inmates are locked in barracks similar to that of adult criminals in the other part of the jail complex. Some inmates study at nigh and prepare the examinations.

In winter

In winter also, the schedule starts with rising of sun and thereafter normal morning routines follows. By 9.00 A.M. all morning routine which includes P.T. and meal are over. From 9 A.M. to 10.30 A.M. are school hours. Factory hours are from 10.30 A.M. to 4.00 P.M. Games start at 4.00 P.M. land continue upto 5.30 P.M. Then meals are served and inmates are locked in the cells at the sunset.

Thus, the institute does not have any separate schedule for youthful offenders. These routines are followed even in adult jails. However, insignificant changes are sometimes made in the schedule of their working without any annovation in the nature of daily routine. The schedule is more or less mechanical in operation with very little time for studies. Vocational training is limited to only few trades like carpentry, smithy, canning the chairs etc.
More trades of current practical importance like electronic should be introduced. Moreover, the practice of locking the inmates in their cells in the evening and naming them as prisoners in the records and daily use is against the modern principles of correctional policy for the young offenders. The arrangement is dominated by custodial consideration inspite of the fact that not even single inmate has either escaped or attempted to escape from the institution. The inside management has all the similarities of an adult jail.

Although the authorities do not admit, but in fact there are many opportunities of mixing-up of young offenders with the adult prisoners. Both, young offenders and adult prisoners, have common work place [factory], common shopping place, common play ground and common dispensary. All this provides ample opportunities for young offenders to mix up with the adult criminals. This practice is opposed to the objectives of Borstal system.

[VIII] Services and Facilities available

[a] Educational: The Institute has a provision of High School on its premises, thereby enabling the inmates to continue their studies and appear in the examinations. The syllabus for studies is that of the Punjab School Education Board and inmates appear in the examinations as private candidates. As disclosed by the Superintendent of the
institute the examination results for Board classes are generally between 50 to 60 per cent.

Some inmates prepare for Gyani, Prabhakar etc. courses and facilities of books for these courses exist. Inmates are also permitted to continue their studies through correspondence course at their own expenses.

The following staff for the management of the school has been provided by the department:

- Head Master - One
- Social Study Teacher - Two
- Math Teacher - One
- Science Teacher - One
- Punjabi Teacher - One
- Hindi Teacher - One
- Craft Teacher - One
- J.B.T. Teacher - One
- D.P.I. - One
- Band Master - One

Keeping in view the number of inmates the staff appears to be adequate as only 40 to 50 per cent of the inmates study for examinations. However, it was quite surprising that science teaching continues in the school in the absence of laboratory in the school. This poses a serious hardship not only for the students but also for the science teacher. Moreover, the hours devoted for teaching purpose are very limited and it is not possible to do justice
to the students in such a small period of contact i.e. one hour.

Library facilities are there in the institute complex which is under the charge of one teacher. There are about 1400 books in the library on varied subject. Most of the books are pertaining to school examinations. The library also subscribes to some newspapers in English, Punjabi and Hindi.

[b] Vocational : The most important aspect of Borstal detention is to prepare the young offenders to face the realities of life boldly and successfully. Education alone can help in developing the personality of the young offender and to increase his general awareness. It can not provide him the necessary avenues for living and learning. Since most of the inmates are intellectually average and mediocre in studies thus on the basis of educational achievement it will not be possible for them to find out suitable job/profession for honest living. The most successful and practical way out for these young offenders is to impart them training in professions which can help them earn a good living after their release from the institute.

The institute provides for the training of inmates in the trade of carpentry, smithy, Band, tailoring, canning of chairs, making of leather goods and handloom. There are I.T.I. trained instructors for imparting training in these trades.
But from the correctional point of view these services are not sufficient because these trades have not been planned on the basis of the requirements of the area and attitudes of the inmates. Most of the inmates belong to rural areas so they want to acquire proficiency in the trade of their liking and of some practical value in the rural surroundings. It has been noticed that these trades are run keeping in view the requirements of the institute without any stress on rehabilitative philosophy. Marketable goods are produced by the inmates which are sold in the market earning profit for the institute. Moreover most of the inmates are used as labourers for doing ancillary work connected with the main trade. Accordingly, the inmates fail to acquire necessary expertise in the trade in which they are made to work. The net result is that when they are released from the institution they fail to establish themselves in that profession. Besides this new trades should be introduced in the institute which can help the inmates settle in life.

Another major problem faced by the inmates immediately after their release is financial. They are unable to make-up necessary finances to start their work. No help is rendered by the institute in arranging loans for the released inmates. The wages paid to the inmates for the work they do in the institute is not different from the wages paid in adult jails. They get Rs. 1/- per day as the wages. However, an inmates may earn more by doing work over and above his fixed target for the day. It will be better
if reasonable wages are paid for the work done by the inmates during their stay in the institute. This amount should be paid in lumpsum at the termination of the detention period so that the inmate does not face the financial difficulty in case he intends to start his own work after his release.

[c] **Diet:** The diet scale of inmates is same as is there in case of adult offenders except that in Borstal Institute inmates are provided with 250 ml milk per day per inmate. The scale of diet prescribed by the Jail Department is as under:

<table>
<thead>
<tr>
<th></th>
<th>Under 16 years</th>
<th>16-20 years</th>
<th>Inmates doing Hard Work</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3 Chapatis</td>
<td>3 Chapatis</td>
<td>3 Chapatis</td>
</tr>
<tr>
<td></td>
<td>340 gms.</td>
<td>430 gms.</td>
<td>470 gms.</td>
</tr>
</tbody>
</table>

In addition to this, Dal or vegetable is provided along with the chapatis. Generally Chapatis and Dal is the diet.

There is a provision for one cook and inmates assist in the kitchen work. Those inmates who have been placed in 'B' class get some better facilities as prescribed under the Punjab Jail Manual. This discrimination in the correctional institution is not conducive to good discipline and causes resentment among the other inmates. It will be better if all the inmates are served with the same scale of diet as is being prescribed for 'B' class inmates.
Medical : The institution has the provision of a dispensary with one M.B.B.S. doctor and one pharmacist. Work of the class IV employees, as in other jails, is discharged by the prisoners attached thereto.

The dispensary is common for the use of adult convicts as well as youthful offenders of the institute. The common disease amongst delinquents are diarhoea, fever, cough, cold etc. In case of some serious ailment, the inmates are provided treatment in the Civil Hospital of the city. The doctor visits the cells for the inspection of sanitary arrangements and general hygiene of the inmates.

There is no provision for the medical check-up of the inmates at the time of admission. No periodical general check-up of the inmates is made. No case of death has been reported for the last 6 years. No complaint of sexual abuse could be detected from the records. The general living conditions are adequate as 4-5 inmates are kept in one cell which is locked from outside at night.

In order to improve the things it is better if the doctor visits the institute to check the inmate as and when required as it will prevent the mixing-up of the inmates with the adult criminals. Besides, this medical check-up at the time of admission and six monthly general medical check-up at the time of admission and six monthly general medical check-up.

53. Rule 10[2] of Punjab Borstal Rules, 1932 provide for such medical check-up.
check-up system should be introduced in order to provide better medical care to the inmates.

[e] **Recreational**: There is a provision of T.V., Radio for the inmates. Since the inmates are locked up in the evening so they are unable to watch the T.V. programmes fully. However, some of them can watch the T.V. programmes from inside of their cell. But this gives a very shabby look keeping in view the lofty ideals for which Borstal institution is established. There is a provision for some games like football, Valley-Ball, badminton etc. Games like football and hockey are played in the grounds which are common for Borstal inmates and adult offenders of the adjoining jail. This provides an opportunity for mixing up of the inmates with adult offenders. Sometimes, there are cultural programmes and film shows for the entertainment of the inmates.

[f] **Rehabilitation**: The working and management of the institute is dominated by custodial considerations. Rehabilitation and treatment are the last priority. There is no provision for the psychological or social treatment of the inmates which is necessary in order to prepare them for successful beginning of their life after release. However, the general attitude of the official is comparatively polite but no compromise is made as and when it comes to discipline. The inmates carry the stigma of being criminal which renders their rehabilitation difficult. Generally the employment opportunities do not come their way when this fact is
disclosed. No institutional effort is made to make them acceptable for the employer. There is no provision for giving them loans in order to start their own business or trade. Thus the inmates feel isolated and alone at the time of his release. However, in Punjab this difficulty is not felt more as most of the inmates belong to rural areas and they get themselves adjusted in their hereditary professions without much difficulty. But in the cases of urban inmates, specially those who have no place of safety to go, this pinch is most felt.

Aftercare system has not yet been introduced in the cases of youthful offenders. Thus when they walk out of the institute they are left to make arrangement for their own living which is quite difficult in the cases where no one else is there to look after these young released offenders. Similarly there is no feedback system to provide information about the released inmates. This is absolutely necessary to evaluate the programmes being run by the institute. Annovation and experimentation can be based only on research findings of positive nature. Any programme or treatment process based on guess work is most likely to be counter productive.
III. After-Care Services:

The Years immediately following the discharge from the institution, specially in cases where the juvenile is destitute, are most crucial years for the juvenile. At this stage he needs constant and active guidance, support and advice in order to pick-up the threads of normal social life. In the absence of any follow-up system to monitor the behaviour pattern of discharged juvenile he is more likely to slip on the ladder of smooth social life-style in view of his stigmatised personal image and competitive social set-up which he is to face. In the absence of proper after care services the institutional care and treatment becomes meaningless because the real punch of incarceration is felt most when the child walks out of the institution after his discharge. The sudden transition from the sheltered life in correctional institution to the more active and competitive life in the community with the stigma of incarceration makes most inmates lose their sense of self-esteem which is basic for his/her readjustment in the community. The availability of an effective support after discharge from the institution can reduce the incentive to return to crime and delinquency.

It is, therefore, necessary that concerted efforts should be made to tackle the problem associated with discharge from correction. It needs a professional hand to deal with such individuals whose approach towards any person in authority is

contemptuous and indifferent. He finds the same image in any such person - magistrate, police, probation officer - which he had experienced during his institutional days. Thus involvement of voluntary organizations, social worker and other community based agencies becomes essential alongwith professionals in order to make his reintegration into the society a success. Aftercare is the last but most difficult step in the rehabilitation process. So it must be carefully planned and sincerely executed. It must start from the first day of institutional life and this spade work should constantly continue till the inmate is ultimately discharged and walks into the society. This will not let the released inmate feel isolated. He shall have some one to whom he can consult, with whom he can share his difficulties and from whom he can seek guidance and advice to start a new life. It has been rightly said that happiness when shared with others multiplies and sadness when shared with others is reduced to half.

There is no dearth of vocational training avenues of practical use with a wide scope which are available in our social setting provided proper cultivation is made of the skills acquired during institutional stay. The skills and occupational training acquired during institutional stay can be put into practical use, and Probation Officer alongwith voluntary organizations and social workers can help the young person to find a suitable vocation of job. This will success-

55. On visiting Industrial areas of Ludhiana, Jalandhar and Chandigarh it was found that almost every industrial unit had put up the board requiring helpers, wielders, mechanics and other trained persons.
fully complete the process of reintegration and rehabilitation of the young unfortunate lad and ultimately help him in standing on his own feet. The help and guidance the voluntary organizations and social worker can render in this connection will be of immense practical importance in finding a suitable vocation for honourable living. In the fast developing society of ours the following kinds of trainings can be of tremendous utility in reintegration of misguided young. This will also drive the youth population away from criminal way of life. To mention a few; barbaring, laundry, hairdressing, gardening, wood craft, carpentry cooking, plumbing, welding, tailoring, electric wiring, painting, typewriting, auto-driving, farming, auto-repair, radio-television-repair, knitting, canning of chairs, printing helpers, machinery operation of various kinds for road-building and construction, woodcraft, leather work, mason work, embroidery, massage, hotel attendant etc.

For successful operation of After-Care-Services it is essential to have residential facilities, for those who have no shelter to live after release. Professional management of such institution, close contacts with community based agencies, and trained and committed field staff (like probation officer, case worker) can monitor and co-ordinate the various programmes of after
After-care is the last lap in the correctional triple jump - careful intake for corrections; treatment, training and rehabilitation in corrections; reintegration and rehabilitation into the society as a useful member. Any fault at any point in the total process will diminish the outcome and its quality. Do we have all these essentials in our After-Care set-up? Let us examine the working of After-Care services in the State to find out the answer:

The Juvenile Justice Act, 1986 provides for the establishment of After Care Organizations for each state according to its needs and requirements. The comprehensive scheme of after care shall have the following objectives to serve:

(a) to extend help, guidance, counselling, support and protection of all released juveniles wherever necessary;

(b) to help a released juvenile to overcome his mental, social and economic difficulties;

(c) to impress upon the juvenile the need to adjust his habits, attitudes, approaches and value schemes on a rational appreciation of social responsibilities

56. Sec. 12.
57. Supra note 16, Rule 31(1).
and obligations and also of requirements of community living;

(d) to help the juvenile to make smooth adjustment to his past-release environment;

(e) to encourage the juvenile in making satisfactory readjustment with his family, neighbourhood and community;

(f) to assist the juvenile in functioning as a self-dependent and self-reliant socially useful citizen;

(g) to assist in the process of the juvenile's physical, mental, vocational, economic, social and attitudinal post-release readjustment and ultimate rehabilitation; and

(h) to complete in all respects the process of the juvenile's final adjustment, resettlement and rehabilitation.

It is further provided that every aftercare home to which a juvenile is sent shall not only provide the juvenile with accommodation, maintenance, and educational and vocational guidance but also provide him with facilities for the development of his character and abilities to ensure allround development of his personality as well as opportunities to enable him to reintegrate into the community as law-abiding citizen and shall perform such other functions as may be prescribed from time to
The necessary feedback at the initial stage for the above objectives shall be provided to the Superintendent of After Care Organization by Probation Officer/Case Worker, shall suggest the necessity and nature of after care assistance required by each juvenile discharged from Juvenile Home/Special Home. The Superintendent shall constantly remain in touch with the juvenile in accordance with the suggestions of Probation Officer/Case Worker and shall submit periodical detailed report of the juvenile to the Chief Inspector till the juvenile is reintegrated into the community.

Thus the Rules framed under the Juvenile Justice Act, 1986 has prescribed many lofty ideals to be achieved by the after-care Organisation. The two important functionaries beside the Superintendent of After Care Organization are Probation Officer and Case worker. They are the necessary link between the After Care Organization and the earlier institution from which the juvenile has been referred to the after care agency. In addition to this, Probation Officer and Case Worker

58. *Id.* Rule 31(4).
59. *Id.* Rule 31(5)
shall also be working as connecting agency between voluntary organizations or community based agencies and After Care Organization's activities in its rehabilitation and reintegration process of the concerned juvenile. Thus quality and quantity of after care services largely depend mainly upon the quality and quantity of these two functionaries, besides the other staff.

This is what is desired under the juvenile justice system currently administered in the State. What actually is there in store can be guessed only after careful examination of the working of after care organizations presently operating in the state. The following After Care Organizations set-up is there in the State of Punjab (See table IX-10).

Table IX-10

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of the Organization, Amritsar.</th>
<th>Category of Jurisdiction</th>
<th>Established/ Not Established</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>After Care Organization, Amritsar.</td>
<td>Neglected and Delinquent Girls Discharged from Juvenile Homes/Special Homes</td>
<td>whole state Established</td>
</tr>
</tbody>
</table>
2. After Care Organization, Ludhiana

Neglected and Delinquent Boys Discharged from Juvenile Homes/Special Homes.

Earlier to the coming into force of Juvenile Justice Act, 1986 in the State i.e. 2nd October, 1987, these two institutions were known as After Care Homes and were established under the East Punjab Children Act, 1949. In fact East Punjab Children Act, 1949 does not mention the word 'After Care Home' anywhere either in the Act or Rules framed under it. The term 'Auxiliary Homes' used in the Act gives an indication of something in the nature of After Care Homes, though the term has not been explained anywhere nor any clear rules have been laid down in connection with its objectives and functions. Except changing the nomenclature from After Care Homes to After Care Organization no other visible change has been introduced either in the building or in the working.

60. Sec. 55 provides: "The State Government may establish Auxiliary Homes for the reception of inmates or any class of inmates of certified school". The Punjab Children Rules, 1960 also do not mention about Auxiliary Homes or their purpose.
of the institutions even after two years of the enforcement of Juvenile Justice Act, 1986, in the state. These two institutions are aimed at the rehabilitation of juveniles released after institutional treatment in Juvenile Homes/Special Homes. These institutions serve as the last phase in the rehabilitation process and are accordingly of vital importance as a necessary component of the correctional cycle. After care is the released child's convalescence. It is a bridge which can carry him from artificial and restricted environment of institutional custody, from doubts and difficulties, hesitations and handicaps to satisfactory citizenship, resettlement and to ultimate rehabilitation in the community.

(i) After Care Organisation at Amritsar

After Care Home, Amritsar, popularly known as Nari Niketan, was established in the year 1960 under the East Punjab Children Act, 1949 by the Social Welfare Department of Punjab Government. As per the notification from Punjab Government, dated 1st of October, 1987 under the Juvenile Justice (Punjab) Rules, 1987, it came to be known as After Care Organization.

(a) Building and Situation

The building of the After Care Organisation is situated on Majitha Road, Amritsar. The complex is of about 2 acres and is owned by Social Welfare Department of the Punjab Government. There is a provision for the establishment of a Special Home for delinquent girls within the complex. However, the same has not yet been established. The building consists of 3 dormitories for the inmates, 3 lavatories, 3 bathrooms, 1 dispensary, 2 classrooms, a dinning hall, 1 kitchen, 1 hall, 1 auditorium and 2 stores. The Hall and auditorium are presently being used as stores. There is enough space. A front lawn is being well maintained with potted plants and flowers around. The backyard is being used as a small kitchen garden where vegetables are grown for use of the inmates.

On the whole the building is quite specious and well maintained. However, the bathrooms and lavatories were found to be dirty and stinking. But in view of the maximum capacity of the After Care Organization which has been fixed at 50, the building will not be sufficient to accomodate inmates to its full capacity. With the proposal to establish Special Home for delinquent girls in the same building complex, the position of accommodation will become further tight, and may even be grossly insufficient to cater the needs of both the institutions.
In view of the present strength of inmates the building is being under utilized.

6) Staffing Pattern and Their Perceptions

Any institution is what its staff makes it. Shortage of building, space and other articles in the institutions may not be as detrimental to its output as the qualitative and quantitative inadequacies of its management. This becomes more important in the case of an institution which has been established with special and specific purpose. The existing staff of the institution is as under: (See Table IX-II)

Table IX-II
Showing Staffing Pattern of After Care Organization

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Name of the Post</th>
<th>Qualification</th>
<th>Number of Posts</th>
<th>Filled/Unfilled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Superintendent</td>
<td>---</td>
<td>1</td>
<td>Unfilled</td>
</tr>
<tr>
<td>2.</td>
<td>Assistant Superintendent</td>
<td>Matric</td>
<td>1</td>
<td>Filled</td>
</tr>
<tr>
<td>3.</td>
<td>Music Teacher</td>
<td>B.A. with Music</td>
<td>1</td>
<td>-do-</td>
</tr>
<tr>
<td>4.</td>
<td>Teachers</td>
<td>2 Diploma in Art and Craft</td>
<td>4</td>
<td>-do-</td>
</tr>
<tr>
<td>5.</td>
<td>Nurse</td>
<td>---</td>
<td>1</td>
<td>Unfilled</td>
</tr>
<tr>
<td>6.</td>
<td>Part-time Doctor</td>
<td>---</td>
<td>1</td>
<td>Unfilled</td>
</tr>
<tr>
<td>7.</td>
<td>House Keeper</td>
<td>---</td>
<td>1</td>
<td>-do-</td>
</tr>
</tbody>
</table>
Mrs. Renu Arora, a teacher by profession with B.A., B.Ed., qualification is officiating as Superintendent. She is one of the four teachers.

Out of the four teachers one is a blind male teacher who is reported not taking up any teaching work, as he is afraid to teach girls being blind. The other teacher is officiating as Superintendent, hence does not take up any teaching work. None of the staff members have taken any special training in such set-ups. The knowledge of Juvenile Justice Act, 1986, Juvenile Justice (Punjab) Rules, 1987 and Operation Manual for Children act, 1982 is grossly inadequate. There is no post of Probation Officer, case Worker, Social Worker and Psychologist in the institution, except that Superintendent and District Child Development and Project Officer have been conferred with the powers of a Probation Officer. They cannot devote any time to this job on account of their preoccupations in their own jobs and lack of any special training for the job. The institution is by large custodial in its functioning with
only limited provision for vocational training.

There is no post of social worker, care
taker or probation officer. Superintendent of the
Institution along with District Child Development and
Project Officer has been conferred with the powers of
Probation Officer. They are neither aware of the signi-
ficance of this responsibility nor have they ever discharged
any function in that capacity. Infact probation officer
is a whole time service and it cannot be expected that
these officers will be in a position to discharge their
duties as probation officers in an effective manner even
if they try. It is purely a statistical twist to show
that probation system is working in the area of juvenile
justice system operation.

Comparatively speaking this institution is well
managed and serves at least some purpose. However, except
the officiating superintendent no body is sincerely involved
in their duties. There is discontentment among the staff
members on trivial grounds. This further hampers the
objectives of the After Care Organization.

No training has been imparted to the officials
in the field of social work or correctional services at
the time of initial entry into the service. Even after
entry into service no in-service orientation course
has been conducted for the staff. Thus the staff members
are not even clear about the provisions and purposes 
of the services they are dealing within the institutions 
NO one of the members could even tell as to what is the 
difference between After Care Organization and Juvenile 
Homes/Special Homes.
(c) **Inmates Intake Procedure:**

No institution exists for its own self. It is to cater some special social requirements. Inmates are the most vital part of any institutional set-up. Intake procedure, processing system and outlet channel designed for the institution has a special significance in the total set-up of institutional output.

With regard to intake procedure there is no clear cut practice being followed by the After Care Organization. As a logical deduction After Care Organization must receive inmates discharged from corrections for girls. Since, as at present there is only one such institution named Juvenile Home at Ludhiana (for neglected juveniles below 12 years) which can provide the feed back to this institution. There is no Juvenile Home for neglected girls above 12 years nor is there any Special Home for delinquent girls. Juvenile Home at Ludhiana, popularly known as Bal Bhawan, is taking care of neglected juveniles (girls) even above the age of 12 years as it has already been observed. So, only feed back agency left for After Care Organization is Juvenile Home at Ludhiana. But in practice this Organization is receiving girls/women on the direction of the courts or from other voluntary institutions without any regard
to the purpose this Organization is desired to serve. There is a provision for admission of children from state sponsored correctional institution and non-correctional voluntary institution like Pingalware etc. But the After Care Organization is being used as a custodial institution for girls/woman because no other state owned correctional institute is there. Thus, not being an After Care Organization in the real sense of the term, it serves the purpose of providing shelter to girls/woman in moral or social danger. There is a general attitude of discouragement on the part of the staff regarding new admissions. Thus only those girls are admitted who come because of direction of the court or in a very rare case a voluntary organization too succeeds in getting some girl admitted in the institution. Every effort is made to keep the number at the lowest possible.

(d) Number of Inmates:

The number of inmates at any given period of time has been less than 25 percent of the sanctioned capacity of the institute. The number has always been around 10-15 in the last five years, though the admissions were much more in any calendar year. The number of inmates discharged in a year too was equally high. As a result of this balancing
the number at a time never exceeded 15 (see Table X-12). Thus most of the inmates stayed in the institute for a very small period ranging from 3 months to 10 days. Even in the annual reports of the last five years this fact could be conspicuously noticed, as in column under work head it has been mentioned" that the work load remained the same as it was in the previous year".

Table IX-12

Showing Admission and Discharge of Inmates in the After Care Organization during the years 1984-85 to 1988-89.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Admitted</td>
<td>39</td>
<td>43</td>
<td>51</td>
<td>57</td>
<td>44</td>
<td>234</td>
</tr>
<tr>
<td>Discharged</td>
<td>35</td>
<td>40</td>
<td>52</td>
<td>55</td>
<td>42</td>
<td>224</td>
</tr>
</tbody>
</table>

On the day of visit there were 11 inmates. Few of them appeared to be visibly shaken. They lacked coherent thinking. One appeared to be mentally handicapped and one mentally ill. Five of them suffered from various degrees
of hearing impairment. One girl inmate was just 13 years of age. This shows that no care is taken in making the admissions as most of the inmates needed medical or psychological treatment in order to make them fit for social living. Even a girl aged 13 years was residing in the institution. On inquiry it was found that she is an orphan and due to the influence of a woman organization she has been admitted in the institute. When the superintendent was told that After Care Organization is not the proper place for this girl, she pleaded ignorance and helplessness. Thus the general attitude with regard to intake in casual, discouraging and indifferent.

(e) Food, Clothing and Other Facilities:

The same standard as is there in the case of other Homes has been prescribed for After Care Organization. Food was reasonable but not in accordance with the prescribed scales. There were no general complaints regarding the quality and quantity of food. All the inmates were neatly dressed and their sleeping provisions were also quite satisfactory. The inmates were happy with institutional working and its life style.
(f) Educational and Vocational Facilities:

Education is confined only to the institutional level and is most formal in nature. Teachers do not take much interest in taking regular teaching classes. Inmates appear in examination privately. But their number was very small. Only four inmates were engaged in studies. This kind of education has no practical meaning for the inmates. Education in a correctional institution or After Care Organizations does not mean imparting academic or literal education aiming at getting certificates or degrees, but education for such inmates must be functional and practical which can help them make independent living and face the realities of life bravely. For this class teaching in a formal manner may ultimately breed frustration and discontentment among the inmates when they walk out of the institution to meet the real life situations. As at present the only vocational training which is imparted is in the field of tailoring and embroidery. Inmates are paid for their work at fixed rates which are quite low and have been fixed long back. Even out of this earnings inmates are required to pay 10% of their earning to the Government. The carpet weaving handlooms setup by O.C.M. Mills are not presently working.
There is an urgent need to revamp the organisational set-up of the After Care Organization in order to make it serve the real purpose/successful reintegration of the inmates into the community and to see that they are not uprooted by difficulties which naturally come in their way. More trades need be introduced specially in the fields where ladies are known to excel like computer handling, dress designing, office receptionists, telephone attendant, management of creche, sales girls etc. These trades are in tune with the current needs of the community and will greatly help in the rehabilitation process. Music teaching appears to be of very little practical importance for the inmates in comparison to new trades. None of the inmates was interested in attending music classes but they were forced to do so in order to keep the music teacher engaged. This is nothing but a criminal wastage of public money while on other more important matters no one is even thinking of initiating steps in that direction.

(g) Assessment, Rehabilitation, Follow-up and Maintenance of Files:

Any thing in the name of assessment is non-existent in the After Care Organization. No reports are received regarding the various aspects of personality of the juvenile
from the institution in which the juvenile had stayed before he was shifted to After Care Organization. Even after his admission in the institution no effort is made to find out missing links in the personality development of the young inmate. In order to provide effective and positive after care services it is necessary to find out, understand and solve the problems of the inmate in its totality. Though not qualified to handle this sensitive aspect, still it is expected that staff members must have deep association and involvement with the inmates. But this aspect is totally missing in the working of the institute. Rather staff members generally avoid meeting the inmates.

Rehabilitation does not exist in vacuum. It is in fact the net result of treatment and training imparted to the juvenile. Rather rehabilitation is the touchstone of the quality and quantity of treatment and training the juvenile has been made to undergo during his earlier stage of institutionalization. Since the working of the After Care Organization is by and large custodial so very little scope is left for the rehabilitation of the inmates. No efforts are made to secure employment for the inmates which in fact is a major step towards rehabilitation. The only rehabilitation step worth mentioning is arranging marriages for the inmates with the help of the Red-cross. Besides
this efforts are also made to contact the families of the inmates and persuading them to take them home. In the words of the Superintendent, "We advice the father to treat her properly when she returns home". This is the extent of rehabilitation and treatment given to the girls before they are parcellled back.

Follow-up, after the inmates walk into the society is again one of the important aspects of the after care services. In order to prevent any relapse of these juveniles into the fold of their original difficulties it is necessary that contacts with the released juveniles be kept alive so that they can be provided with necessary help and guidance to meet any difficulty during their initial stages of rehabilitation. In view of very poor perceptions of public in general with regard to inmates, specially girls, follow-up efforts must be taken up with more vigour and sincerity in order to secure and maintain their social reintegration. For this planned and structured programmes need be conducted. Necessary follow-up records should also be maintained in the case of each juvenile. But there is nothing like follow-up in the After Care set-up nor any follow-up records of released inmates is kept. Every juvenile released from the institution is deemed to have
been rehabilitated and reintegrated and same facts are mentioned to decorate statistical records of the institutions and Social Welfare Department.

As mentioned earlier record files are brief and inadequate. Only that information is mentioned which is obtained from the inmate or the agency which helped the inmate to get in. In the absence of any assessment, any follow-up record and personal information the standard and quality of maintenance of files can be anybody's guess.

Some of the basic reasons for the almost failure of After Care Organization to deliver the goods in the desired manner can be briefed as unqualified and inadequate staff, absence of field and internal staff necessary for the job like case workers, probation officer, and lack of co-ordination with the community based agencies. Unless these loopholes are not plugged it will be unwise to expect the After Care Organization to serve its objectives. Thus it is the case of a shared blamed at different levels of organisational setup and the officials who manage them. Remedy lies in total re-organization of the whole setup. Adhocism and piece meal improvements will not work, rather it will be a financial wastage.
(h) **Recreation and Leisure:**

The recreation of the inmates is confined only to indoor activities and that too in a very limited manner. There is no provision for outdoor games. No organised outings are conducted. Thus the inmates have their own world to live in. There is no provision for even indoor games. The only source of amusement is Television which has been donated by someone. The inmates have arranged a small mandir on a table in the dining hall. Most of the free time is spent in idleness and gossiping.

(i) **Visitors Committee:**

In consequence of statutory requirements visitors have been appointed for the inspection of the After Care Organization and its functionings without going through the repetition as mentioned in the cases of other corrections, no member has so far visited the Home. Membership is taken more as a matter of social status than the discharge of obligations attached to the office. Thus the attitude of the visitors appear to be casual and their appointment has not been made carefully. This aspect needs serious consideration as the visitors can play a very constructive
role in the institutional management.

There is no classification committee as at present.

(j) **Financial Position:**

Finance plays a key role in the proper management of the institution, though it cannot be the only one. If we look at the financial position of After Care Organisation it appears that finance is just adequate to run the institution as it works presently. But if we want to introduce improvements in its working specially as desired under the Juvenile Justice Act, 1986, much more shall be needed.

**Table IX-13**

Showing the financial Position of After Care Organisation, Amritsar (1987-88 to 1989-90)

<table>
<thead>
<tr>
<th>Year</th>
<th>Budget allocation</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987-88</td>
<td>5,35,000</td>
<td>5,26,167</td>
</tr>
<tr>
<td>1988-89</td>
<td>5,21,806</td>
<td>5,21,167</td>
</tr>
<tr>
<td>1989-90</td>
<td>1,35,499</td>
<td>Not yet available</td>
</tr>
</tbody>
</table>
**Table - IX-14**

Showing Headwise expenditure of After Care organization Amritsar (Year 1988-89)

<table>
<thead>
<tr>
<th>Year</th>
<th>Pay</th>
<th>T.A.</th>
<th>M.R.</th>
<th>O.E.</th>
<th>MSS</th>
<th>RR</th>
<th>Other charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988-89</td>
<td>385015.15</td>
<td>729.00</td>
<td>2495.85</td>
<td>13650.20</td>
<td>111999.70</td>
<td>2916.00</td>
<td>4999.10</td>
</tr>
</tbody>
</table>

Total: 521806.00

M.R. means medical reimbursement of staff
R.R. means rent and other charges for electricity water etc.
MSS means Material and supplies i.e. food clothing and other articles for inmates.
O.E. means office expenditure

These Tables show that almost whole of the budgetary allocations is consumed by the routine working of the institution. There is no provision for vocational...
training, counselling, or other activities which are necessary for the rehabilitation of the inmates. The institute exists for the staff rather than for the inmates. Thus proper planning in budgetary allocation has to be made in order to make the institution serve its real purpose. For all this adequate allocation of funds has to be made which must be sufficient to recruit trained professionals for the job besides making other provisions necessary for vocational training and rehabilitation process. As it is quite clear from the Table X-14 that about 80 percent of the budget goes for the staff that too is neither professionally qualified nor equipped with proper material for the discharge of their duties. Out of the remaining 20 percent of the expenditure most of it goes for food, clothing and other bare necessities required for mere living in the institute. If we go by the scales of food and clothing as prescribed by the Rules even this amount appears to be grossly inadequate. As informed by the Superintendent the allocation for food per child per month is around rupees one hundred twenty five per month while the conservative estimate of prescribed food in terms of money cannot be less than rupees 250/- per month per child. With half than the required amount for food the quality of
food can be any body's guess. So there is an emergent need for not only adequate funds but also careful planning in its allocation in order to make the After Care Organisation work to its optimum level.

(ii) After Care Organization at Ludhiana:

Almost on the same pattern as is the case of After-Care Organization, Amritsar, another after Care Organization has been established at Ludhiana for juveniles (boys) released from the Special Homes or Juvenile Homes. Before the coming into force of Juvenile Justice Act, 1986 this After-Care Organization was called After Care Home. This Home was established under the East Punjab Children Act, 1949 in the year 1967-68 to admit orphan, destitute and neglected boys in the age group of 16-21 years discharged from correctional and non-correctional (voluntary) institutes. However, after the enforcement of Juvenile Justice Act, 1986 (2nd Oct., 1987) in the state the nomenclature and scope of this Home has been changed. Now it is called After Care Organization, and neglected as well as delinquent juveniles released from Juvenile Homes/Special Homes fall within its jurisdictional scope.
(a) Building and Location:

The building of the After Care Organisation is situated on Gill Road near Gill Chowk in Ludhiana city. The whole complex is known as Dera Kalsian and is situated in the busy locality of the city. The complex is an old semi-demolished building which has been donated to the department of Social Welfare by some religious organisation. The complex consists of three institutions i.e. After Care Organization, Observation Home for delinquent boys, and the Workshop for handicapped persons. The building is quite old and without proper light and water arrangements. The building has long been declared unsafe for human dwelling and according to rules of P.W.D. no repair work in any such building can be carried out. Thus the condition of the building is becoming bad to worse with the passage of time. The complex being in the interior of the city has high commercial value and by disposing it off a new complex outside the main city can be very easily constructed. However, as at present no efforts are being made in this direction.

The building presently housing After Care Organisation has four rooms. One room is having the
office of the Superintendent and another room is being occupied by the office clerk. Two rooms are being used for the stay of inmates. A new building for the After Care Organization and other social welfare institutions is being constructed on the Gill road with cost of Rs. 20 lakhs. It is under construction. When completed it will serve the multipurpose requirements of the correctional institutions being run by the Social Welfare Department.

(b) Inmates Intake Procedure:

The After Care organisation receives inmates from Juvenile Home, Hoshiarpur and Special Home, Hoshiarpur. Since there is no provision for the transfer of inmates from Borstal Jail, Ludhiana as it has not been recognised as a feeding agency by the Social Welfare Department of Punjab. However, before the coming into force of Juvenile Justice Act, 1986 the After Care Organisation was admitting inmates from non-correctional voluntary institutions also. Nevertheless, the inmates from institutions other than government managed corrections were admitted only as a special case. This was possible only if there was some influential
person or organization to push the young person into the institution. A very small number of juveniles released from Juvenile Home, Hoshiarpur seek admission into After Care Organization. No admission has either been sought or given to delinquent juveniles after their release from the Special Home. In most of the cases due to reasons discussed earlier juveniles released from these two corrections i.e. Juvenile Home and Special Home are taken back by their parents/guardians. Thus the number of inmates is coming down specially after the admission of juveniles from voluntary institutions has been stopped after the coming into force of Juvenile Justice Act, 1986 i.e. 2nd Oct., 1987.

(c) **Number of Inmates:**

The number of juvenile inmates has been very low. The maximum number at any given date has never crossed 13, which is just 26 percent of the sanctioned capacity. The low number is due to three reasons. Firstly, the attitude of the officials is very discouraging so far new admissions are concerned. A person has to pull many strings in order to land inside the institute. Since these efforts fall beyond
the capacity of any normal juvenile so a vast majority either do not try for admission or fails despite best efforts. Secondly, there is very little awareness among the people with regard to after care service and its objectives. So sheer ignorance keeps vast population of people away from the institutional services. The third reason is faulty intake procedure at the initial level of entry into correctional services. As a result of this substantial number of inmates in Juvenile Homes or Special Homes either do not need any aftercare help or at least do not seek this facility. In fact the really deserving juveniles fail to get the necessary support of after care services. The yearwise number of those admitted and discharged (shown as rehabilitated) during the period of last five years is given in the Table-IX-15.

Table - IX-15

Showing Yearwise admission and discharges of inmate during the period 1984-85 to 1988-89

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Admitted</td>
<td>6</td>
<td>8</td>
<td>9</td>
<td>6</td>
<td>4</td>
<td>34</td>
</tr>
<tr>
<td>Discharged</td>
<td>7</td>
<td>7</td>
<td>8</td>
<td>6</td>
<td>5</td>
<td>33</td>
</tr>
</tbody>
</table>
On the date of visit to the After Care Organisation there were 9 inmates staying in the Home. Most of them were already there before the coming into force of Juvenile Justice Act, 1986.

(d) Absenteeism:

Absenteeism is one of the grave problems of the functioning of the organisation. In fact there is no control of the officials upon the inmates so for their stay in the institution is concerned. They can walk out of the institute any time without seeking any permission from any authority. In case the inmate does not return for a month his name is struck off and he is shown as discharged. No effort is made to find out the absent juvenile nor any information of his absence is given to his parents/guardians. It has been observed from the records that absenteeism in the institution ranges from 30 per cent to 70 per cent. This reflects the wrong intake process and lack of proper facilities in the institute. The Superintendent reported that generally the inmates manage to get employment somewhere. Even juveniles having an employment were getting the facilities from the Organization.
as per the records. Only when a juvenile inmate gets a suitable employment he stops staying in the Home, taking it as disgraceful to stay. This was the feeling most of the inmates expressed during conversation with them.

(e) **Staffing Pattern and their Perceptions:**

There are no two opinions that child welfare is a specialized field. The effectiveness of institutional discipline and the impact of treatment mainly depend on the quality of the administrative staff and their commitment to their duties in that capacity. Untrained and uninstructed personnel are not only ineffective but quite often become detrimental to the proper implementation of correctional policies. It is, therefore, very important that special care should be taken in the appointment and training of persons who are to manage the corrections at the practical level. But it is sad to say that not even an iota of care has been taken either at the initial recruitment level or afterwards to ensure that persons with specialised qualification, knowledge and experience are given the charge of correctional management. The
present staff strength of the After Care Organization Ludhiana is as under:

Table-IX-16

Showing the Staff Pattern of the After Care Organisation, Ludhiana

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of the Post</th>
<th>No. of Posts</th>
<th>Qualification</th>
<th>Filled or Unfilled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Superintendent</td>
<td>1*</td>
<td>B.A., B.Ed.</td>
<td>Additional charge</td>
</tr>
<tr>
<td>2</td>
<td>Clerk-cum-Store Keeper</td>
<td>1</td>
<td>Matriculation</td>
<td>Filled</td>
</tr>
<tr>
<td>3</td>
<td>Peon</td>
<td>1</td>
<td>Illiterate</td>
<td>Filled</td>
</tr>
<tr>
<td>4</td>
<td>Cook</td>
<td>1</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>5</td>
<td>Sweeper</td>
<td>1</td>
<td>-do-</td>
<td>-do-</td>
</tr>
</tbody>
</table>

★ There is no permanent Superintendent for the After Care Organisation. District Child Development and Project Officer is holding additional charge of the Organisation.
Similar to that of After Care Organisation, Amritsar there is no post of case worker, care-taker and Probation Officer. So in this regard the position of After-Care Organisation, Ludhiana is common with Amritsar institution. This is one of the major drawbacks in the working of the institute and has far-reaching adverse effects in the fulfilment of its objectives.

The general outlook of the staff towards the institutional objectives and inmates is indifferent and full of ignorance. They may not be wholly blamed for all this as they have never been trained for this kind of specialised job. Staff is more bothered about their own jobs and benefits than the discharge of their duties in the real sense of the term. Perhaps they lack the aptitude and knowledge about their job.

(b) Educational and Vocational Training:

The After Care Organisation has no facilities of their own for imparting education to inmates. However, the inmates make their own efforts to acquire higher education while staying in the organisation
building. Some inmates have joined private schools/College. Two others are appearing privately in Gyani examination and they get part-time coaching in private coaching centres. Thus so far the academic education is concerned the organisation provides the inmates the facility of free boarding and lodging and free outings for joining educational institutions.

Four inmates were found engaged in acquiring vocational training. They were attending the workshop and were getting training in the profession of electrician, radio and scooter mechanic. However, there was lack of proper practical training in these areas in the workshop situated in the complex in which After Care Organisation is housed. The workshop is in fact meant for the training and rehabilitation of handicapped persons. But its facilities are also extended to interested persons from the After Care Organisation. The Superintendent or any other official of the institution has never taken any interest in guiding the inmates in the selection of the course. It is purely the discretion of the inmate to opt for any particular training available in the workshop. But the general standard of inmates regarding professional competency in any
trade is low which is partly due to lack of adequate facilities and poor guidance. The building of the workshop can be expanded and utilised for providing vocational training to inmates of all the institutions situated in the complex.

(g) Assessment and Rehabilitation:

The concept of periodical assessment of the inmates is non-existent. There is no record showing the educational, vocational, mental, physical intellectual or moral development of the inmates during their stay in the institution. Stray remarks could be found in files with regard to family background and previous institutional stay of the inmates. Most of this record was built up from the information obtained from the inmate himself or his parent/guardian. Although some of the inmates were being provided with vocational training in professions of practical utility but the quality of training was far from satisfactory. No efforts are made by the institution to make the inmates get some employment or to start their own work in the profession in which they had been given the training. After the inmate walks out of the institution no contacts
with him are kept now any system of getting feed-back from these inmates is in existence. All released inmates are deemed to have been rehabilitated and are shown in the records as such. Although the institute has been named as After Care Organisation but in practice it is not different from other correctional centres. In brief we can say that the institution is not serving the purpose for which it has been created. This is due to lack of proper facilities, employment of unqualified staff, lack of dedication and devotion of the personnel engaged in the job and poor administrative control and guidance.

Besides all this there are no facilities for sociopsychological treatment in order to prepare the child to meet the challenges of life after he leaves the institute. No counselling course is conducted either for the inmates or their parents/guardians in order to advise them about the proper course of future action and its planning for the discharged inmate. After all the problem of the inmate can not be looked in isolation. It has to be examined in totality including the social situation from which the child
had come and the social situation in which the inmate has to enter into after his release. Contrary to this basic need the After Care Organisation do not extend any such services to the inmate. The institutional personnel avoid meeting the inmates and there is no deep association among the two partners of the game.

(h) Visitors Committee:

Inspite of the statutory provision no visitor's Committee has been appointed for the After Care Organisation, Ludhiana. Visitors besides being public observers of the working of institution, can play a very constructive role in the management of the institution. They are unofficial local advisors of the institute and can work as a bridge between the institution and the community. It is well known fact that without the active association of the community rehabilitation process cannot be a success. If properly utilised the services of visitors can do the necessary spade work for associating the community with the rehabilitation process. They can educate the society about the significance of this work and thus can help

62. Supra Note, 6, Sec. 54.
63. Supra Note, 16, Rule 21.
in changing the notions and out-look of the community towards these social welfare programmes.

Similarly no classification committee has been constituted at the After Care Organisation. It may be due to small number of inmates or just ignorance or indifference of the management.

(i) Financial Position:

The financial position of After Care Organisation, Ludhiana is no different from the After Care Organisation Amritsar. A look at the Tables given below indicates that the financial position of the institute is sufficient to run it in the same state of affairs as it is today. If we want to induct qualified staff to bring about qualitative improvement in its working a lot of more funds have to be spared.

Table IX-17
Showing Budgetary allocation for the After Care Organisation, Ludhiana (Years 1987-88, 1988-89, 1989-90)

<table>
<thead>
<tr>
<th>Years</th>
<th>Budgetary allocation</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987-88</td>
<td>1,73,000.00</td>
<td>1,66,051.00</td>
</tr>
<tr>
<td>1988-89</td>
<td>1,54,727.77</td>
<td>1,54,727.77</td>
</tr>
<tr>
<td>1989-90</td>
<td>1,27,128.00</td>
<td>Not yet available</td>
</tr>
</tbody>
</table>
Table-IX-18

Showing Headwise Expenditure of
the After Care organisation
Ludhiana (Year 1988-89)

<table>
<thead>
<tr>
<th>Year</th>
<th>Salary</th>
<th>T.A.</th>
<th>O.E.</th>
<th>M.R.</th>
<th>MSS</th>
<th>Other Charges</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988-89</td>
<td>1,19,193.50</td>
<td>600.00</td>
<td>6855.95</td>
<td>295.30</td>
<td>27176.51</td>
<td>596.51</td>
<td>154727.77</td>
</tr>
</tbody>
</table>

Thus in the cases of After care organizations there is an immediate need for adequate financial support and object-based budgetary allocation so that the organization is in a position to deliver the goods.

IV. A Few Suggestions;

Hitherto, positive steps have been initiated towards improvement in the working of these state sponsored institutions. Even the voluminous Reports of National and State Jail Reform Commissions, on which huge public expenditures have been incurred, are gathering dust in the official racks of the bureaucracy. It is a pity that at national or state level no step
of practical significance has so far been taken towards the improvement of our corrections, inspite of horrible tales of woe suffered by the unfortunate lot of inmates who happen to stay in these institutions. Passing of laws and fixing high standards of institutional care is not the end, rather it is the beginning. But even after three years of passing of the Juvenile Justice Act, 1986, the state of affairs of our corrections is as it was earlier. Some of the improvements have taken place only inconsequence of some general judicial directions. Should we administer our corrections through the courts? It is a big question to which no answer is forthcoming as yet.

However, this does not mean that our corrections should be comfort resorts for those who have the guts to bypass the social norms due to varied reasons within or without their control. The need is that our corrections must be practical in operation and should be tuned to serve the desired objectives. For this there must be firm but fair; disciplined but decent; authoritative but affectionate handling of the juvenile inmates in order to make them realise that they are the concern of the community. The institu-
tional life must be to enlighten them from their inner-self the urge for improvement and honest living. Inspite of all this those who fail to respond or refuse to respond to these progressive efforts should be handled according to the individualized needs which may be stern if the situation so demands. Merely being philosophical and idealist will not result into any profitable outcome. Realities of human behaviour must be kept in mind in formulating policies and programmes and also in their implementation, otherwise the whole process will amount to wasteful expenditure of resources both material and man power, which we as a developing nation can not afford.

For the successful working of Corrections of any type three basic requirements must be fulfilled in order to obtain optimum results. These are competent and qualified staff at every level, proper infrastructure (Buildings, playgrounds and workshops) and adequate financial support and planned fiscal management. Besides this the correctional system can work in a satisfactory manner only if there are professionally competent persons to scrutinize at the intake level (Juvenile Court, Child Welfare Boards and Probation system),
processing units are functioning in a coordinated and efficient manner (correctional institutes), and outlet system is planned and absorbing (After Care system).

Intake $\rightarrow$ Processing system $\rightarrow$ Output.

Thus only those juveniles should be sent to corrections who cannot be treated and rehabilitated in any other manner. Then corrections must be equipped with necessary infrastructure to prepare such juveniles for real life situations. And last though not the least is the ultimate reintegration of the juvenile in distress into the society to which he ultimately moves in. Fault at any level will result into defective product. So quality of intake, processing and output will ultimately determine the success and failure of the system. All this in reverse depends upon the three basic requirements given in the beginning.

Now the question is, how far and to what extent our correctional set-up has these basic requirements. The facts and observations discussed in the above pages do not leave us with any option other
than that the observation homes are purely custodial and do not have even an iota of treatment or rehabilitative culture. If availability of accommodation, services rendered and perceptions of the staff is any indicator, it would be better to describe our Observation Homes for Neglected and delinquent juveniles as 'Observation Homes of Neglected and delinquent juveniles'. There is nothing like 'home' by any standards.

In view of the above it is considered desirable that immediate steps be taken for the improvement of the working of Observation Homes. The following steps require urgent concern of the Department of Social Welfare—the primary agency for the management of juvenile Corrections. Suggestions based upon the functional study of juvenile corrections and Borstal Institute are being abstracted under the two main heading, i.e. juvenile corrections and Borstal Institute.

(i) Juvenile Corrections:

(a) Buildings and Location: Suitable Complexes must be constructed which should be capable of meeting the diverse demands of the Homes like educational,
vocational, play grounds and recreations, residential, both for juveniles and staff members. Facilities for first hand medical attention be also provided in the Home.

(b) Professionalism in Management:

The traditional bureaucratic form of management currently adopted by our correctional agencies is grossly limited as a means for facilitating the process of social and personal change in the inmate which is conducive to rehabilitation and reintegration in the community. This bureaucratic organisation necessarily focuses on the orderly performance of established routines that often become ends in themselves. In order to bring about any visible change in the working of our corrections there is an urgent need to recast the whole of management personnel. A systematic approach needs to be developed to identify those individuals who can be most effective in working with the youngsters. Professionally qualified staff should be inducted to manage the affairs of Observation Homes. This is a specialized and social welfare oriented service, thus it needs a personnel who is having both the qualities...
and qualifications. Recruitment at the entry point should be streamlined and frequent inservice orientation courses be conducted to keep the members up to date and alert to meet the challenge.

(c) Public Relation and Public Support:

Public participation and co-operation is central in making the rehabilitation and reintegration process a successful conduct of rehabilitation programmes. After all the juvenile is to go back to the society after his discharge from the institution. If there he encounters a strong feeling of rejection it may totally dismental the change brought about in him during his institutional stay. This becomes more imperative in view of the problem of terrorism in the state as public opinion is likely to swing strongly against policies apparently considered lenient, often as a result of ignorance or distorted campaigns by certain sectors of the mass media. In such circumstances a well-informed public opinion is more likely to be a supportive element. Public relation department of the administration should be used to give wide publicity of the programmes and services of the Department to
educate the public and enlist their support and cooperation in the rehabilitation process.

(d) **Visitors:**

The role of visiting committee too should be expanded with maximum involvement of the committee in running the Homes. It should include participation in disciplinary actions against the staff and juveniles; sanction of leave; awards for good work; preparation of menu, budgetary preparations for the Home, motivation for voluntary services from outside for special lectures, medical check-up, legal guidelines, cultural or recreational programmes and community interactions; release on parole; licencing out juveniles. In order to make the visitor's Committee function effectively it should be provided that if any member does not visit the Home once in at least six months and does not submit his report to the Headquarter he shall cease to be a member of the committee. By this process only those members shall join the committee who have some social commitment towards the objectives of juvenile justice system.
(e) **Financial Support:**

Allocation of money is a reliable indicator of the worth attached by policy-makers to a given activity. With the resources presently available for correctional management it is not possible even to reach nearer to the desired standards of management and services. Ways must be found to pay for the resources required for good training programmes: qualified staff, imaginative curriculum materials, special equipments, and contacts with the people and environments which bring a new and different perspective to bear upon old problems. Adequate financial support should be provided to meet the standards of services and management of the Homes. Proper financial management at the institute level be ensured so that the funds do not go waste.

(f) **Case Files Maintenance:**

Case files must be properly maintained giving the maximum possible information regarding the juvenile. Besides this comprehensive annual report relating to all the aspects of the working of home should be sent to the Headquarter. This will help
in statistical and research work and in turn provide necessary guidelines for future planning and improvement.

(g) Leave Rules:

Provisions with regard to leave rules should be clarified and modified. The maximum leave at one time should be restricted to 10 days instead of 15 as at present. Besides this it should also be clarified as to how much leave in one year can be granted to any juvenile. Presently there is no such restriction. Thus, possibility of the misuse of this power shall be minimised by fixing the maximum limit in one year. Since Observation Homes are meant only for temporary stay so the maximum period of leave in a year in case of Observation Homes should be half in comparison to other correctional institutes. The maximum period of leave in year should be 30 days for all other correction and 15 days in the cases of Observation Homes.

(h) Period of Stay in The Observation Homes:

There is no limit on the stay of juveniles in the Observation Homes in cases of neglected juveniles. Maximum period of stay should be fixed at 3 months
and extent of stay should be permitted only in exceptional cases with the permission of Chief Inspector or Child Welfare Boards.

(i) **Translation of Rules and Regulations:**

When the law is in a language unknown to the average recipient, the system is alien to him, and its procedures are bound to be costly. This gives an impression to the recipient that the whole system is created to do injustice rather than justice to him. To remove this impression Rules and Regulations should be got translated into Punjabi/Hindi so that the inmates can understand their rights and obligations under the Juvenile Justice Act. This will help in the publicity of the social welfare programmes at grassroots level. Additionally, the staff at the lower rungs of establishment will be in a better position to know their obligations and duties under the Act.

(j) **Intake Procedure:**

Intake procedure in the cases of neglected juveniles should be further strengthened so that the
benefit of these programmes could reach to those street children who really deserve it besides saving the home from being overcrowded, though over-crowding is not yet a problem in the Observation Homes in the State, as in all the Homes only 10 to 16 per cent of the sanctioned capacity (Sanctioned capacity of each Observation Home under the Juvenile Justice Act, 1986 has been fixed at 50 each) is presently staying in these Observation Homes.

(k) Local Advisory Committees:

In order to fill the gap between corrections and community a provision for local advisory body for each correctional institution should be made in which respectable persons from the community should be associated. This advisory body will provide a necessary bridge for facilitating community involvement in the correctional programmes. Besides this it will serve the purpose of public relation between the two and thus will pave the way for correct understanding at the community level with regard to correctional services and their objectives. Success of any social welfare legislation or programme largely depends upon the
social support it manages to get. This is more so in cases of social welfare programmes which do not command general public sympathies due to sheer ignorance and closed working of corrections. In addition to this, black out of political support takes away the necessary thrust in the implementation of such sensitive social welfare programmes as political supports run very nearer to popular public instincts, right or wrong.

A meeting of the local advisory committee can be called at fixed periodicals so that members remain constantly intouch with the institution. This will also ensure that only those persons who really want to serve the cause will opt to associate with the institution. This will help in the ultimate induction of these juveniles into the society.

(6) **Autonomus Institute For Constant Review and Research:**

Strategies to meet the challenge of successful correctional management cannot be worked out on guess work or from research programmes of other countries.
To know the research results of other states may be of help but to introduce changes based upon them can be counter-productive as human behaviour do not respond in a uniform manner in different economic, political and social settings. Therefore, we must conduct research in our own correctional settings in order to determine which new techniques and programmes to undertake, and which on-going services to dispense with. For this there is a necessity of evaluation on the effectiveness of on-going operations, experimental trials of promising innovations and well developed feedback on the results of both on-going and experimental activities. This is possible only if an autonomous institute of national level is established which must make periodical review of criminal justice delivery system and social defence programmes. There must be a separate wing for the review of corrections and their working. This institute should also serve as a statistical bank regarding crime, delinquency, social defence and corrections. Free and liberal access to this material to the researchers must be ensured. It should give research grants for projects in the area of its jurisdiction. Similar Institutes can be established at the regional level also. The National Institute of
Social Defence, New Delhi and other Institutions must be integrated into one and its field of activity should be made more comprehensive to cover criminal justice system as a whole and Social Defence programmes. It should serve as the premier research centre in the area of criminal justice system as a whole.

(m) **Innovations and Experimentation:**

It has been observed that due to lack of official support innovative and experimental programmes are always discouraged. This hampers progress and development in the field. After all man learns from experience. Thus on selective basis innovative and experimental ideas should be tried. Rather incentives should be given for such efforts. Traditional management with dominant custodial aspect can at the most maintain status quo and will never provide any chance for improvement. Rather it will have an adverse effect upon the life of the juvenile.

(n) **Specialized Corrections:**

In view of the peculiar problem of terrorism involving young persons between the age
group of 14 to 23 it is desirable that a separate and specialized correctional institute should be established in the state. The problem of terrorist crime cannot be immediately controlled thus planning has to be made for the treatment and rehabilitation of at least those young persons who have fallen into this vicious circle unintentionally, without knowing the inside story of the terrorist life. This will greatly help in controlling the magnitude of terrorism.

Similarly, specialized corrections should be established to deal with juveniles who are drug addicts and girls who fall under Suppression of Immoral Traffic (in woman and Girls) Act 1956. Since these two are not very acute problems in the state, so the establishment of specialized corrections in their case can be planned in future as and when the situation so demands.

(o) voluntary Organizations:

The support and co-operation of voluntary organization should be enlisted. Such voluntary organizations and societies should be encouraged and provided with necessary financial and intellectual support.
It is a well established fact that the success of any welfare programme largely depends upon the quality and quantity of support voluntary organizations provide to such programmes.

(p) **After Care Services:**

After care services are closely linked with corrections and probation system. After care services should not operate in isolation as at present, rather after care should start from the day of institutionalization by conducting interviews with the detained inmates by a probation officer and the juvenile must be told of the community's real concern for him on his release. Thus there is an immediate need for recasting the whole after care set-up in the state. Professional social workers and motivated voluntary organizations should be associated with the after care operations. Only by the active help of the community juveniles can be rehabilitated and made acceptable to the society.

(q) **Semi-Custodial Institutions:**

It has been observed that cut in the liberty is the major pinching point of institutional life
for the juveniles. This problem can be solved partly by new innovations in the working of corrections. Two new types of corrections should be established for this purpose. Firstly, residential hostels should be established where neglected juveniles could stay during night and these juveniles should be free to work anywhere during the day. The probation service should help such juveniles in finding out job opportunities and training facilities in the trades of their choice. Secondly, day training centres should be established where neglected juveniles could be imparted training in trades/professions of practical utility. Such juvenile should be free to stay anywhere after their training schedule is over in the institute. Probation services should be used to help them finding jobs in private concerns. Loans should be arranged for them so that they can make a beginning of their own in the trade in which they have been provided with the training.

(r) International Co-operation:

Countries should encourage co-operation in the area of delinquency control and prevention. There should be free and frequent exchange of information,
experiences and results of research on the development and effectiveness of institutional, semi-institutional and community-based correctional and treatment alternatives. These experiences can be further evaluated in the context of prevailing social and economic conditions of particular state and necessary modifications and alternations can be made in their implementation and adoption.

Technical assistance programmes, including staff training, can be obtained for the benefit of countries needing advice from experts.

(s) **Licencing out and Parole:**

Provisions for licencing the juveniles should be effective by used. This would avoid unnecessary detention of the juveniles. Besides cost-benefit utility of this process, it will provide a good incentive to the juveniles to improve and come to the expectations. Similarly parole system too can be effectively used in this respect. However, to check arbitrariness some inbuild checking system should be introduced in the operation of licence and parole systems. Unchecked discretion is one of the fundamental problem in the working of juvenile justice system. It is therefore
necessary to provide proper safeguards in order to prevent discretionary powers as a means of enforcing personal prejudices and values. Parole and licencing out are decisions of tremendous significance in the life circle of the institutionalized juvenile. The future of the juvenile largely depends upon the objectivity with which such basic decisions are taken. It will be therefore necessary to let such decisions pass through the scrutiny of juvenile court or juvenile welfare Boards as the case may be. Amendments to this effect in the law must be incorporated.

(t) Flexibility in Juvenile Justice System:

Persistant and dangerous forms of delinquent conduct having dominant elements of incorrigibility should be tackled in a more firm manner than the normal juvenile justice system operation. Provisions should be there to transfer neglected juvenile of this category to delinquent category for the purpose of processing and treatment. Furthermore, a delinquent juvenile of such a nature should be sent to a Borstal institute for institutional treatment. A provision for transfer from Borstal to ordinary adult Jail is already there in such cases. Decision to transfer
Juveniles in this manner is a vital decision, thus it should not be left to the correctional management of the respective category alone to take such a decision. Some kind of judicial sanction from juvenile court/ Juvenile Welfare Board should be made a pre-condition before such decision is finalized.

(v) Enforcement of Laws having Considerable bearing on Juvenile Delinquency:

It has been well established that idleness is one of the causes that prompt juveniles to opt for means of livelihood which are least painful including delinquent acts. This parasitic attitude gets further encouragement when the juveniles bordering delinquency get no attention from law enforcement agencies. This attitude provides situations and opportunities where juvenile gets inclined to theft or some other such means for his subsistence.

One of the reason for the police not to enforce such laws is the lack of facilities or institutions where such juveniles could be kept. But this, perhaps, is no answer to the problem as such. There
is a need for establishing need-based facilities in order to meet this requirement. However, in Punjab almost all the corrections are under-utilized so the problem of facilities is not very serious in the state. Moreover, all such juveniles are not to be sent to corrections. Corrections are the last resort. It is therefore necessary to enforce Begging Prohibition Act in the State. Prohibition of Begging Act was passed in the State in the year 1971 but it has not yet been implemented.

(ii) **Borstal Institute:**

(a) The scope of the Act should be widened to include all offences punishable under Indian Penal Code or any other law. Thus the restrictive provision should be accordingly amended.

(b) The courts should be left with no option but to send all young offenders to the Borstal institute. Thus, the word "may" in the Act should be substituted by the word "shall". As it has been seen that the courts are sometimes reluctant to send the young offenders
to the Borstal institute. This leads to malpractices at the administrative level when such young offenders are transferred from jail to the institute by the department official.

(c) Visiting committee should be immediately constituted to play its desired role in the management of the institute. As it has been seen that Visiting Committee has a very important role in the management of the institute and in taking vital decisions concerning the inmates under Section 15 and Section 20 of the Act.

(d) Borstal institute should be taken out of the administrative control of Inspector General of Prisons and its management and administrative control should be handed over to Department of Social Welfare which is looking after juvenile correctional institutions.

(e) The cut-off age for the purpose of entitlement of the beneficial provisions of the Act should be increased from 21 years to 23 years. Besides this, the age should be taken into account not at the time of his conviction, but at the time of the commission of the offence.
This will help in providing chance to improve to more youthful offenders.

(f) It should be made clear that after the completion of the term of detention in the Borstal institute the inmate should be released and not transferred to some other jail. However, transfer to jail should not be closed in exceptional cases but it must be with the permission of the Session Judges of the district where the institute is situated besides the recommendation of the visiting committee as desired under Section 20 of the Act.

(g) Liberal use of releasing the inmates on licence should be made in deserving case. In order to check arbitrariness in making decision in such cases it is desirable that strict norms should be formulated. Appointing persons of integrity as visitors committee can be one such step in that direction.

(h) There should be more stress on the vocational training of the inmates. New trades should be introduced keeping in view the classification of inmates, their attitudes and requirements of the area.
(i) Mixing up of the inmates with adult convicts should be strictly prohibited and appropriate measures to ensure that should be taken.

(j) Management of the institute should be trusted in the hands of professionally competent persons who are not only well trained for the job, but have a missionary attitude towards the problem of young offenders. This needs vital changes in recruitment and training process of officials of the institute.

(k) Local advisory committee should be constituted in order to seek their co-operation, guidance and help in the rehabilitation process. Principle of a technical institute, Bank Manager of some nationalized Bank, President of Municipal Committee of the area, local M.L.A. and other prominent persons can be included in this committee. Such an advisory committee will also provide a vital link between voluntary organisations and the Borstal institute besides listing public support and concern for the cause.
(1) after care services should be provided for the released inmates. The process of after-care should start much before the actual release of the inmate. This will help in the rehabilitation and adjustment of the released inmate in the society. Probation services can be profitably used for this purpose.