In the wake of the founding of Juvenile Courts in Karnataka, a new work of Remand Homes began to appear in all district headquarters. The original goals of the Juvenile Courts were based on the concept that children needed the State to act as a kindly parent and protect them from severity of Adult Courts and penal institutions. The emphasis is on the child's need and not on the deed. Juvenile Courts are concerned primarily with rehabilitation and reformation, and not with punishment. The officers, known as probation officers, assist the Juvenile Courts in collecting needed information. As they set out to reform juvenile delinquents, the Magistrates should have full knowledge of juveniles delinquents, social and psychological conditions as well as their antecedents. The hearing in a Juvenile Court itself is informal. In the ordinary Criminal Courts, the proceedings are directed towards finding out the guilt or innocence of an accused; but in the Juvenile Court, the focus is on the appropriate disposition of the juvenile delinquents for rehabilitation.
The sittings of the Juvenile Court are held in camera. The scene as well as the atmosphere in the Juvenile Courts makes the juveniles come out with truth. The role of the Magistrates in a Juvenile Court is crucial. In the Karnataka Children Act, specific conditions are laid down that Magistrates are expected to function as friends, philosophers and guides of the juveniles. In short, the Magistrates of Juvenile Courts should be persons endowed with mature understanding of the psychology of juvenile delinquents and capable of instilling confidence in them. It may, therefore, be stated that the Juvenile Courts are an agency to help the juveniles in difficulty. Thus they function as the guardian of the juvenile delinquents.

Now, let us examine the working system of the Juvenile Courts in order to point out the flaw in administering justice to juveniles. The researcher observed that the statutory provisions made in the Karnataka Children Act and the notification issued under the Act, have established Juvenile Courts. There are 23 Juvenile Courts working at present in Karnataka State. The researcher selected seven Juvenile Courts viz., those in Dharwad, Raichur, Bagalkot, Bijapur, Belgaum, Karwar and Sirsi for observation and collection of data, so as to know the actual working of the system. It is observed that the Juvenile Courts hold their sittings in open Criminal Courts in Bijapur and
In Mangalore, whereas other five Juvenile Courts hold their sitting in Remand Homes. This is evidently not in accordance with the Karnataka Children Act and the Rules framed thereunder. Besides, open trial creates a nervous reaction and prevents the juvenile from opening his heart before the Court, and confess his guilt.

The Act provides for the establishment of a bench consisting of at least one woman Magistrate. The main object of providing a woman Magistrate in each bench of Juvenile Court is that she will deal with the juveniles with love and affection, so that the child may reveal its misdeeds. The Juvenile Court must have a homely atmosphere. But it is found that there is not single bench of Juvenile Court established, and that there is not a single woman Magistrate working; thereby the very purpose of providing a woman Magistrate was remains unfulfilled.

The Karnataka Children Act has laid down specific qualifications for the Magistrates. It has been emphasised in the Karnataka Children Act that Magistrates must have the specific knowledge of juvenile delinquency and child welfare. But actually, in all Juvenile Courts, the Magistrates are drawn from that State judiciary. It is astonishing to find that not a single Magistrate is having specific knowledge about juvenile delinquency or is specially trained in handling juvenile delinquency cases. The
purpose of Magistrate to have special knowledge in juvenile delinquency and child welfare is to help the juveniles who are in distress. If the Government of Karnataka provides special trained Magistrates, then justice may be properly meted out to them. Juvenile Courts should function in such a way so to safeguard the interest of the juvenile delinquents.

The only persons who are allowed by the Children Act to be present in the Court at the time of trial of the juvenile delinquent cases are, besides, the Magistrate, the probation officer, the parents and/or guardian of child, the child, other persons directly concerned with the case, including the police and such other person as the Court may permit to be present. But, in actual practice, it is found that hearing of juvenile cases is not conducted in accordance with the provisions of the Act. Many persons attend and observe the proceedings. Secrecy of Juvenile Court proceedings is violated and juveniles misdeeds are openly exposed to the public. In such circumstances, juveniles are overcome with fear. They do not disclose their misdeeds. Such a situation embarrasses their parents and/or guardians. Hence, members of the public unconnected with the case should not be allowed to be present in the Juvenile Court; otherwise JJS becomes both unwise and unjust.
The publicity of juvenile cases in any form is prohibited under the Children Act. But it is found that juvenile cases are published in newspapers. Fourth estate should not publish the proceedings of juvenile cases otherwise they should be punished.

In the Karnataka Children Act, there is a provision that, if the school certificates or birth certificate is not available, a medical practitioner is specially empowered to determine the age of the child. But in practice, in all cases in spite of availability of school certificate or birth certificate, only medical certificates are considered, and preference is given to them. In many cases, they misuse the medical certificates and make a mockery of JJS, if he is near the age limit of a "juvenile".

Usually, children are brought to Juvenile Court by police, parents/guardians, probation officer or other social agencies. The analysis incorporated in Table No. IV.1 indicates various persons who brought children to the sample seven Juvenile Courts during the year 1965-66.

The analysis of the Table No. IV.1 indicates that most of the juveniles are brought to Court by police. The investigation reveals that 55.0979 per cent of cases are reported by the Police to the Juvenile Courts. The police take the children into their custody, and, that is how the police first appear in the process.
### Table No. IV.1

**Distribution According to Sources of Reference That Brought Cases to the Juvenile Courts**

<table>
<thead>
<tr>
<th>No.</th>
<th>Sources</th>
<th>Magallanes</th>
<th>Baguion</th>
<th>Elpidio</th>
<th>Emelio</th>
<th>Eula</th>
<th>Renebennar</th>
<th>Simi</th>
<th>Total Number of Cases</th>
<th>Percentage of Total Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Police</td>
<td>34</td>
<td>54.76%</td>
<td>22</td>
<td>54.56%</td>
<td>91</td>
<td>57.23%</td>
<td>22</td>
<td>53.58%</td>
<td>053.68%</td>
</tr>
<tr>
<td>2</td>
<td>Parents or Guardians</td>
<td>32</td>
<td>22.75%</td>
<td>39</td>
<td>24.39%</td>
<td>24</td>
<td>19.83%</td>
<td>21</td>
<td>20.56%</td>
<td>053.74%</td>
</tr>
<tr>
<td>3</td>
<td>Probation Officers</td>
<td>15</td>
<td>10.94%</td>
<td>22</td>
<td>15.82%</td>
<td>16</td>
<td>13.72%</td>
<td>18</td>
<td>16.65%</td>
<td>053.64%</td>
</tr>
<tr>
<td>4</td>
<td>Social Workers</td>
<td>6</td>
<td>04.75%</td>
<td>12</td>
<td>07.25%</td>
<td>9</td>
<td>07.34%</td>
<td>11</td>
<td>09.48%</td>
<td>054.51%</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>107</td>
<td>100.00%</td>
<td>59</td>
<td>100.00%</td>
<td>109</td>
<td>100.00%</td>
<td>116</td>
<td>100.00%</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
The society recognizes police and allows them to pick up any juvenile delinquents. Needless to add that the bulk of juvenile cases generally pass through the police prior to their coming up before the Courts. Hence, the police play an important role in bringing juveniles to the Juvenile Courts.

22.6649 per cent of the cases are referred to the Juvenile Courts by parents/guardians. The study reveals that arrogant and uncontrollable children are brought to the Juvenile Courts by parents/guardians. In some cases, it was found that children were referred to the Juvenile Courts by parents/guardians, in the event of the family breaking up or mother being found immoral or there being none to take care of juveniles. It is observed that some of juveniles belonging to poor families are reported by their parents to Juvenile Courts under false excuse that the juvenile was found to be truant or uncontrollable. In such cases, it is incumbent on the probation officer to assist the Court to find out the real antecedents and family background of the juvenile. If poverty is the real criterion for referring a child to Juvenile Court, intending to get it detained in a correctional institution, the probation officer should not allow such a thing to happen or recommend such a case to the Court, so that only a genuine juvenile delinquent or neglected or victimised children get the benefits under the Act.
127

13.4052 per cent of the cases have been reported by the probation officers. It is the duty and responsibility of the probation officers who are in-charge of the Remand Home to find out the juvenile delinquents and report their cases to the Juvenile Courts. But, usually, probation officers do not take interest in identifying and then reporting the genuine delinquents to the Juvenile Court. The researcher collected information from the probation officer to find out their practical problems and the reasons why they hesitate to identify the juvenile delinquents and report them to the Juvenile Courts. According to the version of the probation officers, they do not get from the society the same recognition as the police do, and do not find it easy to pick up delinquents as the police are allowed to do. Secondly, the Karnataka Children Act fixes the jurisdiction of the probation officers, and they are empowered to pick up delinquents within the specified areas. So, many times, the probation officers find it difficult to pick up the child out of specified jurisdiction and refer it to the Juvenile Court. The list of jurisdiction of the probation officers is shown in 'Appendix F-A' as mentioned in the Karnataka Children Act. Evidently, this shows another drawback in the Act.

Lastly 07.3314 per cent of juveniles are referred to the Juvenile Court by the social agencies. It is observed that, in big cities, social agencies are somewhat active, and they try to take
care of the juvenile delinquents; whereas, in rural areas, the people, though they are sympathetic towards juveniles, are unable to report, because of their ignorance of the provisions of the Children Act, and they may not have the necessary social awareness. So, limited cases are referred to the Juvenile Courts by the social agencies. When children are referred to the Juvenile Courts, Magistrate scrutinises the material placed before him and tries to find out the truth about the juvenile delinquents. If he feels that the case is genuine, he orders the probation officer to produce material evidence; otherwise, he disposes of the case at the first sitting itself.

SCREENING STAGE:

The Juvenile Court proceeds to hear the case with the object of finding out whether the complaint filed against the juvenile is prima-facie true, when he is brought for the first time for the trial. The Court tries to see whether or not there is material for it to proceed with the trial of the case. If it considers that the material on record before it is not at all sufficient to show that the juvenile committed any unlawful act or an act suggesting that he is in need of supervision or control or he is neglected or discarded, it discharges him. This is the initial or screening stage of the trial in the Court.
At the screening stage, if the Juvenile Court finds that there is sufficient material to proceed with the trial, it directs the child to be produced again before it. The researcher took an opportunity of witnessing a trial in the Juvenile Court in Dharms. In that case, a complaint had been filed against a child. The probation officer produced the child before the Court. The charge against it was that it absconded from his house without the knowledge of his parents and was not found for some days. The parents of the child were not present. The Magistrate interrogated the child and put some relevant questions to the child, which confessed that it did leave the house without telling its parents and it was simply wandering about. It further told the Magistrate that it would never do such an act thereafter. The Magistrate was satisfied that the child was honest and sincerely admitted its fault. He admonished the child not to do such an act any more and sent it back to its parents. Such an attitude of Juvenile Court Magistrate goes a long way in the fulfilment of the object of the JJS. If there is an unlawful act amounting to a minor offence, and if the juvenile delinquent is not disposed of by the Magistrate as stated above, but is detained in the Remand Home pending a trial, the juvenile misses his school, parental care etc. Besides, the detention in the Remand Home in association with other inmates...
concerned in serious offences is bound to create adverse and unpleasant impression on the delicate and tender mind of such child. Consequently, the child, with little or no idea of an offence, develops tendencies which later on prompt him to commit serious offences. Hence, in the interest of such children, their cases are disposed of on the very day they are produced and they are sent back to parents/guardians with admonition.

But if, on the other hand, the child is a rowdy and indulges in violent acts, its release may be harmful to the society. In such cases, its detention is quite necessary. If, it is not released forth-with by the Magistrate, then it is sent to Remand Home for observation and social investigation by the probation officer.

At this stage, the Magistrates disposes of certain cases which do not require much attention and do not deserve to remain on record in the Court. If he disposes of such cases at the screening stage, the cases that pass that stage continue to remain for trial. This reduces the number of cases pending in the
Court, and the Magistrates may find it convenient to apply his
mind to cases of serious offences.

It is observed that, in several proceedings, before the
Juvenile Court, the process of initial screening suffers from
many defects. Factual mistakes are made by the police in charge-
sheeting the children under the Children Act. It is observed that
in the Juvenile Courts, to determine the Children's culpability,
Magistrates generally relies on the police charge-sheets, as, in
most cases, police are the first to initiate cases against children.
But, in many cases, it is found that, even though some children
commit offences, the police deliberately book them under neglec-
ted categories, with the result that the Juvenile Court Magistrate
releases them though they do not deserve such treatment at the
initial stage of the proceeding. Sometimes, at the request of
parents/guardians of the delinquent children, the Magistrate
releases them. This results in the delinquent children again
recorting to nofarious activities. Thus, the very purpose of the
Children Act is thwarted. Often times it is difficult to identify
a habitual juvenile offender. Appearances are often deceptive.
Sometimes a habitual juvenile offender may assume innocent appear-
ance, and, when questioned, deny the offence.

The researcher particularly met many delinquents who were
released by the Juvenile Court, to ascertain the truth. Too
samples of the interviews throw light on the role of police in getting the children released. The following conversation is quite significant, as it shows how the juvenile delinquents have to suffer because of misguided policy of the police.

Sample Case (i) of a Girl:

Date of Interview: 24th November 1985.
Place of Interview: Ranebennur, Remand Home.

Researcher: What were you doing?
Delinquent: Prostitution.
Researcher: What will you do hereafter?
Delinquent: Prostitution, as usual.

This illustration clearly indicates that the girl committed an offence under the SIT Act, but police charge-sheeted her under the "neglected category" as covered by section 38(1) of the Karnataka Children Act, and she was released on admonition at the time of the first hearing. The girl clearly informed the researcher that once again she would go back to her profession viz., prostitution.

Sample Case (ii) of a Boy:

Date of Interview: 27th October 1985.
Place of Interview: Dharwad, Remand Home.
Researchers: "Why did police take you into custody?"
Delinquent: "Because I had stolen a wrist watch."
Researchers: "Did you steal any articles in past?"
Delinquent: "Yes, many times."
Researchers: "Why did you steal?"
Delinquent: "I badly needed money to see cinema and to meet other expenses."

This clearly shows that the child was a habitual offender, but police charge-sheeted him under "neglected category" covered by section 33(1) of the Karnataka Children Act.

In order to avoid such a form of disposal, Juvenile Court Magistrates should not give much importance to the sections of the various Acts and laws mentioned by the police in the charge-sheets. The police charge-sheets should not be the only basis for knowing the type and nature of the offence. The Juvenile Court Magistrate should screen the case thoroughly, and take the help of a psychologist, if necessary, to examine the child. In order to get adequate information and to provide necessary treatment in the interim period, Juvenile Court Magistrates should send these children to Remand Home for observation.
The State Government may establish and maintain as many Remand Homes as may be necessary for the temporary reception of children during the pendency of any inquiry, trial or other proceedings regarding the delinquents under the Karnataka Children Act. All Remand Homes are maintained, financed and controlled by the Social Welfare Department, Government of Karnataka.

There are 22 Remand Homes in the Karnataka State. Of them, the researcher selected seven, viz., those in Dharwad, Panambur, Bagalkot, Bijapur, Belgaum, Karwar and Sirsi, for detailed evaluation of their working system. The primary object of establishing the Remand Home is to keep children in a place of safety where they can be provided with basic amenities. It is the function of the officer in-charge of a Remand Home to observe and diagnose evil propensities in delinquents. The probation officer has to get full information regarding the children. The aim of Remand Homes is to get a picture of the children’s personality, when they are kept there for a short period during their trial.

In the case of girls, in Karnataka, the delinquent girls are sent to state homes for women and reception centres, which are meant for housing women, in the absence of any institutions.
for housing female delinquents. So, in such institutions, these girls are associated with women of ill-repute, which may affect their behaviour. When these girls mix up with adult members of these institutions, they come under their influence which leaves a permanent impression on the delicate mind of the children. So, when the girls are remanded, they should not be sent to these institutions in order to protect them.

Remand Homes do not provide any long term facilities for education or vocational training. All other basic amenities are provided, so that the children may feel at home, and have trust and confidence. In the Remand Homes, besides providing basic amenities to the children, the probation officer has to play a significant role in the promotion of administration of juvenile justice. The Juvenile Court Magistrate relies on the social investigation report of the probation officer.

The Social Welfare Department provides personnel to administer the Remand Homes. These institutions consist of following personnel, viz., probation officer Grade II (Superintendent), teacher, a second division clerk, a matron, a cook and a guard. The researcher found all the above personnel working in the above sample Remand Homes. Exception to this is the Belgian Remand Homes which is having a Deputy Superintendent, in addition to the above said personnel.
The Powers and functions of the Director and other officers of the Directorate of Social Welfare as well as the qualifications, recruitment etc. of the probation officers of the Remand Homes are all discussed in the following chapter. All the seven probation officers and other respondents are not graduated in social work, correctional administration, child welfare or child psychology. They are graduates in Science and Arts faculties. Therefore, it is essential for the efficient administration of Remand Homes to select only such persons as are well-trained in correctional administration or social work in any other cognate subjects. Even though some are trained in correctional administration in a short period (three months), this is not sufficient for an efficient administration of Remand Home, in the opinion of the researcher.

In order to examine the net work of Remand Home organisations, let us analyse the roles, responsibilities, and practical difficulties of all these personnel. The Superintendent-sum-probation officer is the king pin of this machinery. Section 13(1) of the Karnataka Children Rules enumerates the duties of probation officer as follows:

(1) to make initial inquiries regarding the home and school conditions, conduct, character, antecedents and health of the children under his supervision;
to attend regularly the Court and submit his reports;

(3) to keep diary, case files, and registers;

(4) to visit regularly children placed under probation and supervision and also places of employment or school attended by such children, and to submit regular monthly reports;

(5) to take children, whenever possible, from Court or penal home to certified schools or fit person institutions;

(6) to bring before the Court immediately the children who have not been of good behaviour during the period of supervision;

(7) to advise and give guidance to the children placed under supervision or released on licence and to endeavour to find them employment;

(8) to run recreation clubs;

(9) to perform any other duty which may be specified by the Court or any releasing authority in respect of children under his supervision, and

(10) probation officer shall not employ a child or youthful offender placed under his supervision for his own private purpose or take any private service from him.
Besides, the department entrusts some other responsibilities to him, and they include maintenance of the Remand Homes and correspondence with the Social Welfare Department. As the probation officer has to perform various duties in relation to juveniles, it is found that in all Remand Homes the probation officers find practical difficulties in discharging their official duties. It is the duty of the probation officer to prepare the social investigation report, to attend the Juvenile Court, and to look after the institution, and hence he finds it difficult to discharge his duties.

I. Services and Programmes:

The first and foremost duty of the probation officer of the Remand Home is to get the health of a child examined by a doctor. Generally, the doctor does not visit the Remand Home. So, the probation officer has to take the children to a Government hospital and to get them examined. In many places, hospitals are far away from the Remand Homes. In some emergency cases, when any child becomes seriously ill, the probation officer tries to contact a doctor and requests him to attend to the patient in the Remand Home; but, unfortunately the doctor does not respond but insists on the patient - child being brought to the hospital itself. So, most of the time is spent in attending the hospital. There is a
transport problem in taking the children to the hospital. So, the
probation officer has somehow to arrange transport and has to
spend some of his time in getting the children treated in
hospital.

When the researcher visited the Dharwad Remand Home and
met children, he observed that most of the children were suf-
fering from infectious diseases, and some of inmates were pale.
In the Karwar Remand Home he found many children suffering from
dysentery, diarrhoea and skin diseases. This study revealed that
there was not adequate medical care for the children. However, the
general health of the children of Belgaum, Bengaluru, Sirsi and
Bijapur appeared to be satisfactory.

In order to take proper care of the health of the children
a doctor should visit the Remand Home at least once in a week and
also, if possible the Department may provide vehicle, so that in
emergent cases the children may be removed to the hospital imme-
diately. It may also be used for many other purposes for probation
officer.

The Job-Chart of the probation officer specifies that daily
routine in the Remand Homes is systematically organized and carried
out according to a time table, so that children learn discipline
and the staff is organized systematically. But, in practice, it
is found in all Remand Homes that time table is on the paper only.
It is learnt that the time table was prepared by the Director of
Social Welfare and circulated to all Remand Homes, but no one is
serious about it. It is given in Appendix-I-B. In the matter of
evaluation programmes in Remand Homes, very little is done, because
children stay there for a short period. The Remand Homes have to
be equipped with facilities for literacy training, so that chil­
dren can resume their schooling from the stage which they had left
at the time of their admission. In order to develop children's
whole personality, cultural and recreational activities play a
vital role. But most of the Remand Homes, except those in Calcutta,
Kanpur and Bharatpur, do not give proper attention to providing
recreational facilities. So, it is observed that children are dull
and morose. Usually, children are fond of playing, but the
authorities do not provide any encouragement to them for cultural
and recreational activities.

In all the Remand Homes, they are providing food and
clothing. But it is observed that food is not of good quality,
delicious and nutritious. For good health, nutritious food is
essential, but authorities are providing very sub-standard food.
The Government has specifically instructed all the Remand Homes to
provide food according to the diet-scale. The diet scale is given in Appendix I-C. This diet scale is the same that is provided to other correctional and after-care institutions. They provide four pairs of clothes every year, but it is found that, clothes are of a low quality and some inmates are in lettered clothes. The utensils provided by Remand Home to children are lacking in quality, and unclean, which is harmful to their health. It is observed that most of the plates are rusty, very old and having black spots on them. Further, the children exchange the plates among themselves. Sanitary conditions in kitchens and dormitories are conspicuous by their absence.

Next to the probation officer, the house-father (matron) plays an important role in the treatment of the children. All Remand Homes are having one house-father each. It is observed that the house-fathers are not amiable. They are harsh towards children. House-fathers are a dreaded lot to the children. So, children are constantly in fear and anxiety.

A guard is provided for each Remand Home. But only one guard cannot maintain day long vigilance. It is observed that many children escape from the Remand Homes because of improper vigilance. So, it is necessary that a sufficient number of guards are provided to maintain vigilance.
In the Karnataka Children Rules, it is clearly stated that probation officer should not employ any inmates, placed under his supervision, for his own private services. But in many Remand Homes, it is found that the probation officers are using children to do their household work.

For the successful functioning of Remand Homes, they should be inspected from time to time. The Director, Deputy Director, Joint Director, Assistant Director, Social Welfare Officer and Magistrates are empowered to inspect Remand Homes. It is observed that inspection is not done periodically, with the result that the erring officials go scot-free. If, at all, an inspection is held, it is only a sham and superficial ritual, making the Remand Homes personnel inefficient, indolent and callous.

SOCIAL INVESTIGATION:

The herculean task of a probation officer is to prepare a social investigation report, which is crucial for determining the truth or otherwise of the allegation against the juvenile delinquent. The future of a child is based in the social investigation. The probation officer should take great care in collecting information. He has to visit the native place of the child. He has carefully to observe the environment of its family, and contact
Its parents secretly. He has to gather all information of cases and submit his report to the Juvenile Court. For conducting social investigation, it requires patience and special knowledge of the social work etc.

In most cases, the probation officer does not collect adequate information for social investigation, as he has to leave the Remand Home for sometime. His heart and soul are always in the Remand Home, because he has to shoulder various responsibilities in the institution such as storing and supplying food and other articles, which are under his lock and key. So, his presence is always required in the Remand Home. In view of all these practical difficulties, he has to prepare the social investigation in a great hurry.

The probation officer has to face other difficulties in preparing social investigation report. For that purpose, he has to go over to far-off places to meet the parents and friends of the juvenile delinquents. His journey from one place to another is beset with transport problems. Much time is spent in travelling. Then, the parents/guardians are not prepared to reveal true facts about the children, their socio-economic background and their antecedents. Even their neighbours do not co-operate. This is all the more so in villages where it is very difficult to collect
first-hand information within a short time. So, the probation officer of Remand Homes perforce collects piece-meal information half-heartedly. On the basis of such sketchy information he prepares report and submits it to the Juvenile Court. Obviously, such a report is incomplete and inaccurate. Thus scanty time, transport problems, non-co-operation of parents, neighbours and friends etc., create problems to the probation officer. When the task of preparing a social investigation report is entrusted to the probation officer, he should be freed from other institutional work, so that, he gets sufficient time to travel and get information from the parents, relatives, neighbours, school authorities, friends etc. This information regarding the practical problems of the probation officers was gathered by the researcher when he spoke to them. If a person coming from the old Mysore region is posted as probation officer in any of the districts in the North Karnataka region, he faces difficulties of dialect, since it is well-known that the style of speaking Kannada by persons belonging to the old Mysore State differs very much from the manner in which persons in the North Karnataka speak it, with the result that the probation officer coming to the North Karnataka region does not become familiar with the local people, specially in villages and does not get full co-operation from them.

It is found that most of the probation officers are not acquainted with social work and child welfare, even though they
have undergone intensive training in this field. To establish rapport with parents of the children, a probation officer should have socio-dynamic personality and extraordinary grasping power to know the environments; then only effective communication is established with the families of children, which helps him get first hand information. In order to furnish the complete social investigation report a probation officer must work with dedication, devotion and intimate knowledge of social conditions of delinquent established with the families of children, which helps him get first hand information.

HEARING:

Normally, the Magistrate of the Juvenile Court holds the sittings in a part of the Remand Home premises. A Juvenile Court is to be hold in a very congenial and informal atmosphere in order to determine whether the child has committed a delinquent act or not. At the stage of hearing, the first item is the presentation of evidence in the presence of child or otherwise. In informal physical sitting of Juvenile Court a child is expected to disclose his inner complexes, which led him to commit the anti-social act. A social investigation report plays a significant role in arriving at an appropriate decision. The probation officer is expected to go deep into the antecedents of the child’s act or environment, so that Magistrate also makes inquiry with great care, to see
whether the child committed the act, which he is accused of. The Magistrate may ask the police, if necessary, to produce evidence. The Magistrate may also allow other evidence, if necessary. In a peculiar case, the Magistrate may allow a lawyer. On the whole, the Magistrate decides the case on the evidence produced before him.

Let us now evaluate the adjudicatory process. The Juvenile Court is a small decision-making body composed of, the Magistrate, the probation officer, police, lawyer and child (if necessary) and his parents/guardian. In most cases, parents and their lawyers are eager to get the child released. Further it is observed that the presiding officer of the Juvenile Court does not give much importance to the salutary principles underlying the trial of delicate juveniles. The presiding officers proceed to try the juveniles on the same lines that are adopted in the trial of adult culprits. They do not appear to consider that they are dealing with very delicate children, with the result that the trial proceeds in a grave and sombre atmosphere. In the opinion of the researcher, such a situation is undesirable and not at all conducive to effective rehabilitation of juvenile delinquents. In order to do justice to the case, they must assess the delinquents’ act and the implications of violation of law, the possibility of various factors causing the delinquent to act in the manner he did, as well as
rehabilitative measures for the child. Every one in the Juvenile Court has to play his role effectively. To know the act of juvenile the Magistrate may take the juvenile into his confidence. The juvenile delinquent has to be assured that he will not be punished and that no stigma will stick to his career, if he is found guilty. But, usually, he does not do so. A Magistrate in a Juvenile Court should act as a friend and guide and view the juvenile delinquent with sympathy and kindness. He is expected to act according to law and apply its provisions to the cases to be tried by him, but, since he deals with a delicate immature juvenile, he should approach such a case more with parental affection and care than with strict legal view and apply harsh principles of law. The aim object of JJS, of which the juvenile is a part, is to bring round the errant juvenile, and rehabilitate him in the society. Therefore, all the three wings of the JJS must act for fulfilment of the noble object of the JJS.

The fact is that, at the hearing stage, the probation officer produces the social investigation report. Most of the probation officers do not possess knowledge necessary for social investigation and preparation of such reports. So, the social investigation report prepared by him is usually faulty, defective and cannot form the basis of any trial in the Juvenile Court, nor can it help the Court in arriving at a proper decision. The
researcher opines that probation officers need experience, training and an objective but sympathetic mind.

Usually, the Juvenile Court uses its discretion in granting bail, on the basis that institutional contamination, even during a short period of detention, is to be avoided, as far as possible. Two conflicting views are expressed about the detention of the child in Remand Home; one view is that a delinquent, once apprehended, is not safe to be left out at home. His presence in the Remand Home, away from home, helps the probation officer to investigate his case as well as prepare him to come out with the truth. He is also protected from the unhealthy circumstances in which he committed the offence. Other view is that he is not safe in the Remand Home, because he has to live along with other juvenile offenders.

The parents generally, oppose the idea of putting the child in the Remand Home. They apprehended that their child is unnecessarily exposed to a social scandal. Further, their 'ego' is hurt. They also feel a yearning for their child to be among their midst. Hence, they request the Court through their lawyer to release the child on bail. It is argued that this happens because of wrong conception and lack of understanding of the whole problem. As researcher has already stated, Remand Home is an institution
where there are all sorts of safeguards. It is like a school with essential disciplinary functions and short-term educational facilities. No doubt, the child comes in contact with other offenders as discussed earlier, but, the child should be kept in such a way as he does not keep himself idle but engages himself in some literacy training which prevents him from being influenced by extraneous circumstances. They face the problem of control within the group. The dilemma of action system is that not one disturbance can be removed without creating another. (Butt Alice Scott, 1939:370-80).

It is desirable to discourage lawyers who help the parents/guardians get their child released. Lawyers are usually influenced by consideration of monetary gain, and, so, they attempt to get the child released. The Magistrate has to enquire and come to a decision. Therefore, the investigating agency of the JJA should take care to see that proper cogent and trust-worthy evidence is produced before the Court, which helps the Court draw proper inferences and arrive at a correct decision.

**DISPOSITION:**

Individual liberty is the most precious possession of a citizen of a democratic country. The constitution of India, as stated has, in the chapter on "Fundamental Rights" conferred such
a valuable right on every citizen of India. The Highest Court of Justice has scrupulously and jealously been safeguarding this invaluable right of the citizen. The Courts have, from time to time, viewed with disapproval long delays in the trial of cases in which accused are detained, without trial, in jail, for a long time. This, according to their considered view, is nothing but denying justice. In this context Justice Krishna Iyer of the Supreme Court has observed in Mira’sbala V. Public Prosecutor:

"Realism is component of humanism which is the heart of legal system. We come across where the parties have already suffered 3, 4 and in one case ... over 10 years in prison. These persons may perhaps be acquitted .... difficult to guess. If they are, the injustice of innocence long in incarceration inflicted by the protection of judicial process in an irrevocable injury..." (Supra note, 41).

The principles underlying the weighty observations made in the above case are also relevant to the trial of cases in the Juvenile Courts. Measures are undertaken to speed up trials in all the Juvenile Courts. The High Court of Karnataka directed the Juvenile Courts finally to dispose of the cases within three months of their filling. The Government of India asked the Law
Commission (Forty First Report of the Law Commission, Sept. 1960) to look into anomalies, and ambiguities of the judicial process and to suggest ways to speed up trials and avoid long delays in the trials. The report submitted by the Commission was mainly concerned with the following issues:

1) The accused should get a fair trial, in accordance with the accepted principles of natural justice.

2) Every effort should be made to avoid delay in investigation and trial, which is harmful not only to the individuals involved but also to the society.

3) The procedure should not be complicated, and should, to the maximum possible extent, ensure fair deal to the poorer sections of the community.

Ordinarily, at the trial, evidence - both oral and documentary - is produced before the Juvenile Court. On the basis of such evidence and circumstances attending the case, the Magistrate decides the guilt or otherwise of the delinquent, and finally disposes of the case by either acquitting or committing the delinquent to any of correctional institutions or release the delinquent on bond prescribed by the Karnataka Children Act.

While finally disposing of the case and ordering commitment of the delinquent to any correctional institutions, the Court may
take into consideration the antecedents of the child and factors, that may help his resocialization. But researchers come across some cases, in which, though the children committed unlawful acts, they were set free, for want of proper, adequate and cogent evidence before the Juvenile Court.

Social investigation report prepared by the probation officer is produced at the time of hearing and forms part of the proceeding before the Court. Indeed, it has some importance in the matter of determining whether a juvenile needs to be sent to a particular correctional institution. The Magistrate may take into consideration this report, along with other evidence on record before him, in passing the final order for releasing a juvenile on probation of good conduct or any other form of disposition. The report may help the personnel of the correctional institution to which the delinquent is committed.

But the fact is that many times the probation officer prepares the report in a hurry, furnishes untrue information and makes faulty recommendations. 82 per cent of the probation officers when interviewed, stated that, because of lack of time and heavy work load, they could not go into the detail the social investigation. Often times, faulty or inadequate information report tends to influence the final disposition by the Juvenile Court. Sometimes
the probation officer, under the influence of parents or any other important persons, gives an adverse report in order to get the child released to its parents/guardians custody. The researcher came across many examples, wherein the Magistrate released to the parents' custody the children who were in need of institutional treatment, chiefly on the basis of such a report.

In the matter of disposing of the juvenile cases, the Karnataka Children Act mentions the factors to be taken into consideration, while making final orders:

a) the character, religious persuasion and age of the child;

b) the circumstances in which the child is living;

c) the reports made by the probation officer; and

d) such other matters as may, in the opinion of the Court, require to be taken into consideration in the interest of the child.

It is observed that, in many cases, wherein final disposition was based on religious persuasion, on humanitarian grounds and, in the light of provisions of the Act, Magistrates allowed request of the parents or guardian and committed the child to such organization. In the Belgian Juvenile Court, most of the Christian
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<tr>
<th>No. Duration</th>
<th>Belgium</th>
<th>France</th>
<th>Spain</th>
<th>Sweden</th>
<th>Norway</th>
<th>Prussia</th>
<th>Silesia</th>
<th>Total Percentage</th>
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parents/guardians requested Magistrates to keep their children in correctional institutions run by the Christian Missionaries, and the Magistrates allowed their please. In many cases, the delinquent children belonged to slum and poor locality. In that case, the Magistrates passed orders to keep the children in Government correctional institutions, according to the provisions of the Act.

The researcher went through the records maintained in the sample Juvenile Courts for the period of one year from 1985 to 25, to collect the data regarding the time taken for the disposal of cases. Table No. IV.2 shows the time taken for disposal of cases.

An analysis of the above table shows that the on an average, 51.2345 per cent of the cases were disposed of within one month; 32.3683 per cent in two months and 15.3472 per cent in three months.

The Karnataka Children Act empowers the Juvenile Court to pass orders regarding final disposal as below:
a) Release on admonition;
b) Release on bond of good behaviour from parent or guardians and on probation;
c) Commit to correctional institutions;
d) Punish with fine;
e) Quit;
f) Reject.

Table No. IV.3 also shows how the cases were disposed of during that year.

Let us assess the circumstances which led the Magistrate to pass the orders in the cases referred to in the Table No. IV.3.

1) Juvenile Released on Admonition:

The Magistrates released juveniles on admonition, on an average, in 11.9988 per cent of cases tried. In all these cases, it was found that the children were involved in petty offences. For example, in one case a child threw a stone to drive away cattle from his farm, but the stone hit a car standing by and its wind-glass was broken. The owner of car lodged a complaint against the child. The Magistrate warned the child, asked his parents to watch it carefully and relesed it on admonition.
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Case Disposal</th>
<th>Total of Cases</th>
<th>Total of Disposal</th>
<th>Percentage of Total of Cases</th>
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</thead>
<tbody>
<tr>
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<td>Released on Admission</td>
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<td>12,000</td>
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<td>2</td>
<td>Good Behaviour</td>
<td>25</td>
<td>22,000</td>
<td>1.00%</td>
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<tr>
<td>3</td>
<td>Committed to Correctional Institutions</td>
<td>68</td>
<td>54,400</td>
<td>2.00%</td>
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<tr>
<td>4</td>
<td>Punishment of Fine</td>
<td>3</td>
<td>04,000</td>
<td>0.00%</td>
</tr>
<tr>
<td>5</td>
<td>Acquitted</td>
<td>5</td>
<td>04,000</td>
<td>0.00%</td>
</tr>
<tr>
<td>6</td>
<td>Defected</td>
<td>5</td>
<td>03,000</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>123</td>
<td>109,000</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
2) **Good Behaviour Bond From Parents/Guardians and on Probation:**

21.7389 per cent of the cases, on an average, were disposed of by returning the child to their parents' or guardians' custody. In some cases, the Court released the juveniles for being taken care of by their parents on their executing a bond each. Some Magistrates, depending on social investigation report, felt that sending the child back home was always a safe decision. The Magistrates, while deciding cases such as theft or using deadly weapons, released the juveniles to the care of their parents, because in these cases, the juveniles involved were of a tender age and were amiable and well-behaved during their detention in the Remand Home. In certain cases, Juvenile Court Magistrate released the juveniles on probation, under the supervision of the probation officer on certain conditions. The Magistrates felt that this was an important condition directly put on the children as well as the parents.

3. **Committed to Correctional Institutions:**

53.6830 per cent of the cases of juveniles, on an average, were committed to the correctional institutions by the Magistrates.
in case where children were found loitering in suspicious circumstances, or were found amid unhealthy surroundings, especially in a house with persons of doubtful character or illrepute or without proper guidance, and it was felt that these juveniles should be protected and taken care of by the correctional institutions. The criterion which weighed with the majority of the magistrates in committing the juveniles to correctional institutions was the circumstance that the juveniles were on the point of becoming habitual offenders. In some cases, girls were clandestinely practicing prostitution. Correctional institutions provided places to improve these juveniles. For the destitute children, correctional institutions were the last resort and, hence, in such cases, the magistrates committed the destitutes to the correctional institutions.

4. **Punishment with Fine:**

06.0937 per cent of cases, on an average, ended in punishment with fine. The magistrates, on the evidence, and family background and the nature of the offence, fined the juveniles on different scales. If the children were above 14 years of age and were working
and if they committed any offence, the Magistrates directly fined such juvenile delinquents. Then the children were below 14 years of age and depended upon their parents/guardians for maintenance and committed offences, in such cases, taking into consideration the gravity of the offence, the economic and family background of the parents of such delinquents, the Magistrates fined them. The Magistrate felt that, in those cases, financial pinch to the parents or guardians was the best mode of punishment, since they would realise that, because of want of proper supervision or care on their part, their wards or children went wayward and therefore, they should exercise proper supervision and care over them, so that they would not take to unlawful and nefarious activities.

5. **Acquitted**

03.6088 per cent of the cases, on an average, ended in acquittal, when the juveniles were found to be innocent and not involved in unlawful acts, or when false charges had been filed against them or the evidence produced was quite insufficient. In some cases, police withdrew from the prosecution. Usually, while taking such decisions, the Magistrates scrutinised the evidence and observed the behaviour of the children.
6. **Rejected:**

02.6748 per cent of the cases, on an average, were summarily rejected, when Magistrates found that parents were purposely trying to secure admissions to correctional institutions through Juvenile Courts. Some parents, even though they were capable of maintaining their children, were trying to misuse the provisions of the Act, or, in some cases, parents of innocent children in poor families did not have the means to maintain their children. In such circumstances, the Magistrates rejected the cases and felt that the children did not deserve to be detained in correctional institutions.

The researcher examined the records of the Juvenile Courts, maintained for the year 1985-86, but did not come across any case in which a person was aggrieved by the order of commitment passed by the Juvenile Court and preferred an appeal to the Court of Session, against the order. There was not a single case in which the Honourable High Court of Karnataka called for the record of any proceeding in the Court and passed any order regarding the legality or propriety of the order.

The researcher has identified various factors which appeared to have influenced the judicial decisions regarding the disposition of children, and they are as follows:
1) **The Personal Values and Attitudes of the Magistrates:**

The Juvenile Court Magistrates, are, after all, human beings. Being heir to all human failings, they have their own likes and dislikes. They behave like any other ordinary person. Magistrates, who believe in community treatment, are inclined to apply the principles of "probation". Generally, Magistrates, who preside over the Juvenile Courts, are drawn from State Judicial Cadre, as stated earlier, and as such, their mental makeup is adjusted to trials of adult criminals, and they tend to be a bit harsh towards culprits, even though they are juveniles. In any case, no matter how objective a Magistrate may be, personal aptitudes and inclinations are likely to influence his decisions.

2) **The nature of offence, such as the extent of harm caused, more or less, influences the final disposition.** The Magistrates treat serious offences with severity, especially when they inflict grievous injuries on the victims.

3) **The past record of the juvenile also influences the disposition.** The Magistrates are inclined to be lenient, if a child comes before the Juvenile Court for the first time, and, tend to become harsh if it is produced for repeatedly committing serious offences.
4) The Magistrates may also take into account the psychological causes which led the juveniles to commit the offences, especially if the Magistrates accepted the "medical model" of behaviour. In some cases, when children were suffering from mental retardation, the Magistrates ordered that such juveniles be treated in mental health centres.

5) Experience also counts in the decision. If the Magistrates are well equipped with the requisite experience, regarding trial of juvenile delinquents, they are inclined to accept the plea of the probation officers.

6) The attitude of the children and their parents as well as the evidence of parental control and their responsibility also influence the decision of the Magistrates in releasing juvenile delinquents to their parental custody.

7) The gender of the delinquent, also, makes Magistrates take a differential view regarding the disposal of the case. It is observed in many cases that they applied a double standard in the matter of final disposal of the cases. They passed orders releasing girls to their parental custody though they had committed an offence but when male juveniles were alleged to have committed offences, the Magistrates ordered their detention in the correctional institutions.
Probation for a juvenile delinquent permits him to remain in the community under the supervision and guidance of a probation officer. The purpose of probation is to encourage good behaviour, develop individual responsibility, and check the tendency to commit an offence. A Magistrate may impose certain conditions, casting responsibility on the probation officer. The probation officer, should observe where a juvenile is obedient, regular in attending the school, punctual in going home early in the evening. He should communicate the conditions to the parents of the child, and help them implement conditions imposed on them. If the parents desire to avail of the services of the probation officer, he should help them. He should see the child and the parents at their home, or in the office, or in some other convenient place. The probation of the child becomes smooth and unhindered when the probation officer, who made the social investigation, also supervises the probationer, as he is already seized of his family circumstances and problems. Many probation officers, especially those who have training in social work, view their functions in broad terms, and help the children abide by the Court orders. But if actually they failed to do their duties, this results in ultimate failure of the probation system.
The nature of duties of the probation officers tends to interfere in their effective supervision. In each of the seven Remand Homes, a single probation officer discharges his normal duties, maintains Remand Home and carries on social investigation, besides being entrusted with the work of probation. So, the probation officer finds it difficult to carry out all these functions. Close contacts with the children are difficult to maintain, because of lack of time and work load.

The researcher interviewed the probation officers and gathered information regarding the number of probationers ordered by the Magistrates during the year 1985-86. In the Bhavnad Juvenile Court, not a single case ended in the order of probation.

Now let us examine how far the probation has produced the desired effect. In Bijapur, Bagalkot and Karwar Juvenile Courts, the probation officer does not properly supervise mostly due to the high number of probationers i.e., 26, 6, and 19 respectively. But, in Belgaum, Naneshnur and Sirsi Juvenile Courts, there were only 6, 4 and 2 respectively. The result of probation is as follows: On an average, orders for revocation were passed in 9 cases; in
one case, a probationer absconded, 8 probationers found employment and were leading a useful life, and 47 probationers were continuing their further education.

The effectiveness of probation of a juvenile depends upon the role of the probation officer and parents in supervising and guiding him on the right path. Revocation of order indicates that the probationer does not fulfil the conditions of the bond. This implies that the probation officer, whose duty it was to supervise and watch the activities of the probationer, has failed in his duty. Similarly, parents/guardians of the probationer have shirked from their responsibility of keeping a watchful eye on the probationer and have allowed him to behave in any way he likes. This position cuts at the root of the correctional process. Hence, the probation officer and parents/guardians of a probationer should act in co-operation for his benefit, and see that they enforce the conditions of the bond in letter and spirit, and should not give cause for revocation of the order of probation.

The researcher interviewed Juvenile Court Magistrates, lawyers and social workers and sought their opinion regarding the operation of the system of releasing juvenile delinquents on probation. 63 per cent of social workers, 31 per cent of Juvenile Court Magistrates and 67 per cent of lawyers expressed their opinion that
probation officers did not supervise the probationers periodically and sincerely, and thus want of proper and adequate supervision of the probation officers was the cause for the failure of the system of probation. Further, 69 per cent of the Juvenile Court Magistrates, 33 per cent of lawyers and 37 per cent of social workers opined that due to lack of proper care, control and supervision by parents/guardians, and also probation officers, the probationers did not improve in their behaviour.

The above discussion regarding the failure of probation indicates lack of responsibility on the part of probation officers and parents/guardians. The superior authorities in the Social Welfare Department should hold periodical inspection of the offices of the probation officers and enforce effective control over them. In course of their inspection they had better scrutinise the work done in obedience to the Court orders and see that the probation officers discharge their legitimate duties strictly. They should also call for periodical reports from the probation officers regarding the working of the probation system. If they come across cases of revocation of probation orders, they should probe into the causes for such revocations and call upon the probation officers to account for the revocation. Then only the system works properly. Simply allowing the probation orders to be revoked, without taking any further action, does not make the probation
system efficacious, nor does it serve any useful purpose. The researcher has, indeed, pointed out the shortcomings in the operation of the system. It is for the authorities concerned to take remedial measures for the avoidance of the defects.

The researcher came across cases in which juvenile delinquents who were released on probation for a certain period, again committed offences. Such offenders were apprehended by the police and were produced before the Juvenile Court. It appears to the researcher that the police, who apprehended juvenile offenders, did not fully collect the evidence whether he had previously committed any offence and whether he was released on probation or not, with the result that on the material available, the Magistrate released the juvenile on bail.

The above discussion leads the researcher to conclude that the laudable object of rehabilitation and resocialization by releasing a juvenile on probation has not produced the desired result. There may be various causes for this failure. But the chief cause for this unsatisfactory position is the improper or lack of supervision by the probation officers. They do not discharge their duties as required under the Job-Chart issued by the Directorate of Social Welfare. The grievance of the probation officer is that in the very nature of things, he cannot perform single-handed all the
duties as enumerated in the Job-Chart issued by the Director.
The researcher suggests that, if on due enquiry, the Directorate of Social Welfare, finds substance in the grievance of the probation officer, an assistant may be given to him to help him in his work. This may necessitate an amendment to the Karnataka Children Act and the Rules framed thereunder. This may be done in the interest of the smooth and efficient administration and for furtherance of the JJS.