The Juvenile Justice System (JJS) has, for some time past, been a subject creating much social concern and stimulating many research scholars to probe into its causes. The favourite line of research has been to assess functional structure of JJS. Juvenile delinquency is the most pertinent and pressing problem of the JJS today. It touches many homes, affects many juveniles. The JJS tries to remedy discordant social elements. The study seeks to establish a viable and creditable rapport with the advanced research by compiling, analysing and summarising the data, facts, principles and various drawbacks in administration. Opinions and observations are brought to a confluence, so as to provide a way out of the present chaotic conditions in the JJS. Specifically, it will be an informative and broad-based policy and will try to eliminate the oddities obscuring the JJS. It will usher in a new approach to the whole issue and enable it to reform the rudimentary rubric of the JJS. The study will help face practical problems and implement the salutary provisions of the Children Act. It will re-kindle and rejuvenate the interest in the judicial process and organisation vitally necessary for the growth and development of the existing JJS.
Juvenile delinquency is not a recent phenomenon, either in India or elsewhere in the world. It has been there for ages. However, the problem has assumed serious proportion in recent times. Despite the enactment of special laws and the creation of an elaborate machinery to solve the problems, the JJS in Indian society is still in its infancy as far as the prevention, treatment, rehabilitation of the juvenile delinquents are concerned.

No doubt remedial measures have been applied to the JJS to bring it in tune with the modern ideology. The State has stepped in to promote the system. The fact that this age-old system is still quite vibrant and robust shows that it still has its in-built strength to withstand the ravaging onslaughts of time.

Thus, very few major social institutions have attracted as little critical historical attention as JJS. It is considered as the saviour of the unfortunate children and a revolution in the achievement of the human sensibility. Therefore, the juvenile justice has applied specialized procedure and special skills to understand and help the needy juveniles. At the outset of the thesis, researcher makes an effort to define "delinquency" and attempts to understand the nature of delinquency.

The scholars who have studied JJS have tried to define juvenile delinquency in their own way. The term "delinquency" is
commonly used for misbehaviour by children. There is a rare agreement on who falls into the special category of 'delinquent children'. This term is a "label" applied to young people who commit acts that violate social norms (Geumura, P, Vito and Deborah C. Wilson, 1964:12). This is a very broad, general use of the term. "Delinquency" is basically similar to the term "criminality". According to Stephen Schafer and Richard D. Klumpel, it expresses relationship between the existing law-breaking power structures and the law-breaking by some members of the society. (Stephen Schafer and Richard D. Klumpel, 1961:13). Burt states that "juvenile delinquency is no sharp line of cleavage by which the delinquent may be marked off from non-delinquent. Between them no deep gulf exists to separate the sinner from the saint, the white sheep from the black. It is all a matter of degree, a brighter or darker grey. This graded continuity, the normal melting into the abnormal by a most imperceptible shade is entirely in accordance with what we now know of most other forms of mental deviation" (Burt Cyril, 1945:15). He concludes "a child is to be regarded as technically a delinquent when his anti-social tendencies appear so grave that he becomes or ought to become, the subject of official action". According to Griffin and Griffin "this 'action law' definition of delinquency indicates that it is not statutorily prohibited behaviour that determines what delinquency is but the priorities established by the justice system" (Griffin B.S. and Griffin, C.T., 1978:20).
Obviously, the other concept of delinquency differs from legal concept. Stephen Schafer and Richard D. Floud have quoted: "theoretically, it can be predicted that a juvenile will commit a crime if he is subjected to criminal pressures with which his socioethical resistance is insufficient to cope" (Stephen Schafer and Richard D. Floud, ed., 1964:15).

It is common knowledge that social manners and customs undergo changes with the passage of time. The society, which fondly hugged certain mores as beneficial and sacrosanct at one time, rejects them later on as harmful and sacrilegious. As the society evolves from the primitive to the civilized state, many of its cultural and traditional values undergo metamorphosis, beyond recognition. Innocent, innocuous, sacred and inviolable acts are discarded as dreadful, harmful and impious. Normal conduct becomes abnormal. Much valued rituals are devalued and ridiculed. In such circumstances, the State, representing the collective will of the society, steps in and enacts laws, declaring such acts criminal, prohibiting commission of those acts, and laying down punishments for the transgression of those laws.

There are, in society, many elements who are so accustomed to doing certain acts, that they find it difficult to deviate from their normal conduct, even though those acts are declared criminal and punishable. Still, in the eye of law, they
are law-breakers. Again, there are persons who, owing to pressures of socio-ethical norms and out of frustration or desperation, are driven to commit acts prohibited by law.

In these days, when the horizons of States are ever-expanding, the nations are brought closer and closer and the world is becoming quite compact. Societies (both indigenous and foreign) are forced to mingle with considerable rapidity, different and conflicting social values and ideas are interacting and influencing one another, different spheres of life are exploited and exploited, science and technology are marching ahead with astonishing speed throwing up values which are different from those which the indigenous society is normally accustomed to but which it is forced to adopt, in the name of modernity, the State enacts laws making criminal many acts which were formerly accepted as healthy and beneficial. Many civil acts, beyond a certain limit, are made criminal, calling for penal action.

It is also common knowledge that, in a democratic country, the majority and ruling party thrusts its whims, fancies and fads on the unwilling society, through laws enacted by it, though the society does not either need them or is not ready to accept them, but it has to yield to them out of utter helplessness, and suffer in silence the consequences of the unwanted laws.
Criminality and delinquency are similar terms. "Criminality" means guiltiness or state of violation of law. "Delinquency" according to the Chambers Twentieth Century Dictionary, is failure in or omission of duty. According to the Webster's Third New International Dictionary (1969:597), "Delinquency" is the quality or state of being a delinquent as failure, omission or violation of duty, transgression of law or tendency to commit misfeasance, malfeasance or misdeemour.

Hence, "Delinquency" may be defined as a state which a person is reduced to, when he commits an act which is prohibited by law, or fails in or omits to perform the duty enjoined by law, for the time being in force. "Delinquency" may also be defined as transgression of some social norms incorporated in a law, which is in force at a specified time or place.

The Devadasi system is an example in point. It was religiously and socially accepted, until the enactment of the Devadasi Act of 1952 in Karnataka State. Similarly, the "Juvenile Smoking Act" is in force in Maharashtra State, whereas it is not found in some other States.

The special class of children, who are influenced by certain pressures or circumstances or due to any other cause, become the victims of deviant behaviour. In spite of emergence of so many theories by Criminologists, Sociologists, Psychologists,
Psychiatrists, Jurists, Social Workers, Anthropologists and others, on the causative factors of crime and delinquency, the causes of delinquency and crime have not yet been identified, though many factors are found to be associated with delinquency. Whichever cause is responsible for delinquency, the juvenile delinquents are to be corrected and then allowed to be absorbed by the society. This responsible task has been assigned to the JJS, which comprises of Police, Juvenile Court, and Juvenile Correctional Institutions, so that it can play a significant role in the reformation and rehabilitation of juvenile delinquents.

The high incidence of delinquency casts a very heavy burden on the public exchequer and public security. It constitutes a growing threat to the national welfare, requiring immediate and comprehensive action by the State to reduce or prevent delinquency. To prevent delinquency and to rehabilitate those who have become delinquents, certain measures are adopted. The control of juvenile delinquency is effected through the administration of JJS. JJS means administration and enforcement of juvenile laws and reinforcement of delinquent behaviour of juveniles into pro-social being (Sinhadri, Y.C., 1974: 17-23). The objective is to create an order wherein society is protected from the delinquents and to correct them. It is considered as a welfare problem. Hence, welfare policy is pledged to end the juvenile delinquency through special procedure.
The concept of separate treatment was derived from the ego factor of the juvenile, who, due to immaturity and force of circumstances, tends to act in a way which is harmful to the society. The reformers felt that separate treatment and training in correctional institutions could help children acquire skill, which they could use for productive and beneficial purposes. The establishment of separate treatment aims at the reformation of delinquents, thereby diminishing the likelihood of future criminality. This system is a legal process exposed to public reaction. This system also keeps options open to place the child under the care of an agency within the community itself.

Judicial Codes and related enactments concerning the juveniles not only contain provisions that define policies and procedures of Courts and their personnel, but also define the role of many Governmental and private agencies in preventing delinquency. Juvenile Statutes and judicial decisions provide primary normative contents of contemporary justice system. It is interesting to know how substantial differences in the Juvenile Courts affect the ways these juveniles are handled by the JJS. This process is not only legal in nature but also social in character. The present study of administration of juvenile justice probes into the procedures adopted for the prevention and rehabilitation of juvenile delinquents.
The most important task of this process is to make the best effort to curb delinquency and isolate juvenile delinquents from adult criminals for rehabilitation and for preservation of future social order. The success or failure of rehabilitation of juvenile delinquents depends partly on the administration of JJS. The juvenile correctional institutions administered by this system, have several responsibilities for preparing them for their rehabilitation.

"The United Nations" has passed "Declaration of Rights of Children". In our Constitution, there are provisions for the protection and welfare of children, i.e., maintenance, education and training of children. In the Five Year Plans, several schemes for the destitutes have been included. The present view relating to "Children" emphasises the fact that children are indeed valuable and should be protected and educated properly. The protection of children, until they become adults, is the underlying philosophy of the JJS. This invites the intervention of the State as a parent to care for and treat the child to effect changes in its behaviour. The JJS is composed of units to accomplish this goal. Thus, rehabilitation of delinquents is the goal of the entire system. The procedure adopted for the prevention and treatment of delinquents has been influenced by the decisions of the Juvenile Courts.
The object of administration of justice is the protection of the society at large. Freedom of the individual is limited to such an extent that it does not adversely affect the protection of the society. Penal Codes were drafted with the view that the punishment should be deterrent. Private revenge by one individual against another, who caused the injury, has given place to the idea of retribution enforced by the society as a whole through Courts of law. The theory of retribution has given weight to deterrence. At present, the prevailing notion regarding punishment is reformation. Attempts have been made to probe into the historical development of JJS, with a view to bringing this system up-to-date and enabling it to meet the needs of the modern society.

HISTORICAL PERSPECTIVE:

The origin and development of JJS, over the past years, have not been channelled in a single direction, and its problems today reflect, to some extent, the multiple purposes it has been asked to serve. As each innovation in JJS manifested, it appeared to be a very salutary reform, badly needed to resolve a burning problem in the society. But taken together, the reformative motives have contributed to the development of the JJS. A close scrutiny of these developments indicates many changes made in them from time to time. To have a better perspective of these changes,
we have to explore briefly the ramifications of the reforms sought to be introduced in the JJS in the past.

The change in the treatment of children represented a revolutionary departure from the general principles that assumed equality of all offenders before the law, irrespective of age. The existing Court procedures and penal sanctions were applied to all those who committed offences. Perhaps, the first departure from this practice which occurred in the examples of the English versions of the Chamberlain's Courts, is considered to be the fore-runner of our modern Juvenile Courts (Clifford E. Simonsen and Marshall S. Gordon III, 1979:8). Marine Society was established in 1756 with the object of recruiting the active boys to serve on the board of kings ships as servants. Judges were sending delinquent boys to this society, instead of sending them to jail. These workshops may be called our present industrial schools. A prototype of these workshops was later called the 'House of Refuge for Orphans and delinquents. Under the old English laws, a diversity of methods was used by Courts to handle children. The English Court of Chancery dealt with neglected and destitute children.

Various "Child-saving societies" took orphan and destitute children of slum area, and put them systematically in places of
Corrections for penal treatment. Such an institution as the London Bridewell was founded in 1557. Two famous institutions viz., the Hamburg York House and the Ghent House of Correction were established in 1669 and 1775 respectively. Jails and work houses were established in America soon after settlement (Bromley and Katzen, 1964: 370).

The Church played a major role in influencing the American JUS. The Connecticut Code of 1650 prescribed lesser punishments for juveniles than adults. Later, New York Society proposed to establish House of Refuge to prevent the growing pauperism. These houses separated children from adults for imprisonment and to provide work.

Though the idea of separate juvenile correctional institutions was realised, the treatment of delinquents was severe till the 19th century. It was Elizabeth Fry and Mary Carpenter who felt that the treatment of delinquents was inhuman. This led the British Government to enact the Reformatory School Act of 1854, and the Industrial School Act of 1857, for neglected children. When such laws were made, it became necessary to establish separate Courts. The creation of separate Courts for children was basically an American idea. The Parkhurst Act of 1858 authorised the institutional care for vagrant and depraved children. The
idea of establishment of Juvenile Courts was developed in America by passing the Juvenile Offenders Act of 1897. In the year 1970, the first modification of Court procedure took place in Boston, when separate hearings were found essential for the trial of juvenile delinquents. The New York Society for the prevention of cruelty to children prohibited, in 1977, the placing of any child under 16 years in any prison or any place in company with adult criminals.

The first totally separate Juvenile Court in United States was created by law on July 1, 1899, in Chicago, as a result of Women's Club and the Catholic visitation and aid society (Charles L. Chute, 1934:4). The need for Children Act was felt also here to regulate the treatment of neglected juveniles with special Court procedure.

No provision was made for paid probation officers until 1905, although probation was initiated by John Augustus in 1841. By 1909, special institutions were established for delinquents and offered a scientific approach to treat them. At this stage of the historical development of JCC, different types of Courts came to be established. The Juvenile Court permitted hearing of cases against parents, who were charged with contributing to the delinquency of their children. Four general types of specialized
Courts for children have developed, "(i) independent courts in city, county, or state wide jurisdiction and probation services supplied by the courts or by city, county, or state agency, (ii) family courts, - with jurisdiction over specified offences and various types of family situation, including jurisdiction over children and with separate or attached services, (iii) juvenile and domestic relations courts either independent court or of other courts with attached or independent services and solidarity with jurisdiction over divorce and separation. These are mainly found in urban centres, (iv) Juvenile courts as parts of courts with more general jurisdiction - these are found chiefly in the non-urban areas" (Paul Tappan, 1952:25). These separate juvenile courts took somewhat a fatherly and protective attitude towards children, whether or not to offer humanitarian assistance or parental punishment.

Specialized system of treatment was aimed at reforming the "child" rather than deliberating over its past delinquent acts. Thus considered, a juvenile court acts as a social agency to help the child get over all the difficulties. The welfare of the child was held foremost in taking decisions. The demand for social justice is involved in the objective not so much to punish as to reform, not to degrade but to uplift, not to crush but to develop, not to make him a criminal but a worthy citizen. Thus,
the purpose of the establishment of a juvenile court is served, if its decisions confer benefits on the delinquent child.

The constitutional privileges and rights in the criminal justice are incorporated in JJS for the benefit of children also. JJS is the collection of private and public agencies, attempting to cure social pathology of "child" through a systematic method of making it adapt to social environments. The United States Supreme Court upheld in 1950 specific procedural rights for children. These procedures have been developed to check the discretionary power in the JJS.

Developments in India:

During the ancient period, we do not find any clear reference to judicial institutions to deal with juveniles. Before the British rule, both the Hindu and Muslim customary law were in operation in India. But these laws had no specific reference to the juvenile delinquents. However, there used to be certain Hindu ethical codes concerning the treatment of children:

"A parent should not administer any punishment for any offences to a child who is under five years of age. Children of such tender age should be nursed and educated with love and affection only. After the age
of five, punishment may be given in some suitable form, such as physical chastisement or rebuke by the parents. Towards the later phase of childhood, however, punishment should be gradually withdrawn and replaced by advice. From the age of 16 upwards, sons and daughters should be treated as friends by the parents" (quoted in, report, N.I.S.D. 1979: 18-19).

During the British period, an attempt was made in India to reform the administration of justice which played an important part in accelerating the evolution of the special legislation for dealing with children. Along with the improved services of prisoners, those concerning the juveniles were also improved as a result of recognition of the need to give differential treatment and the emergence of the problem of the destitutes and neglected children consequent on urbanization.

The idea of improving the conditions and the need for the specialized treatment of children was felt by the authorities to be more effective than the committing of children to jails. Such an idea inspired the foundation of the David Sassoon Industrial School in Bombay in 1843 to encourage apprenticeship. This institution was similar to that of Ragged School of England. Juvenile delinquents were committed to this school for treatment. The success in the treatment of delinquents at this school encouraged
the starting of juvenile reformatories in the enclosure of each central jail. The special law enacted for the first time for providing separate treatment to juvenile offenders was the Apprentices Act of 1850. It was intended for the benefit of the convicted, the orphan, the poor children, for treating them in various crafts and vocations by which they might earn their livelihood when they became adults.

The Indian Penal Code of 1860 provides complete protection to the children under 7 years of age. It also affords exemption from all the criminal responsibility to the children between 7 and 12 years as they are not deemed to have attained sufficient maturity of understanding or judging the nature and consequences of their act. The Criminal Procedure Code of 1861 provided for the separate trial of an accused under the age of 15 years, for offences not punishable with death or imprisonment for life. It also empowered a Court to release a person under 21 years of age on a bond of good conduct for an offence not punishable with death or imprisonment for life. The Government of India enacted the Reformatory School Act of 1870 to provide special treatment for delinquents. This Act provided for discharging of the children on admonition, restoration to parents/guardians on bond and release on licence. The special feature of this Act was to facilitate transfer of children from State to State. It also introduced a
separate channel for processing neglected and destitute children through the child welfare boards.

Several Jail Committees played an important role in passing special laws for the children. Notable among them was the Indian Jail Committee of 1919-20. One of its recommendations was:

"the creation of Juvenile Court for the hearing of all cases against children and young persons is desirable and the procedure in such courts should be as formal and elastic as possible".

It further recommended to adopt the British Children Act of 1908 in India. The result was that the Madras, Bengal and Bombay States enacted their Children Acts in 1920, 1922 and 1924 respectively. These Acts made provisions for Juvenile Courts, probation services, and institutional and non-institutional treatment of delinquent children. With the initiation of the Montagu-Chelmsford Reforms in 1920, the Jails and allied services became the responsibility of the local State Governments. This checked the development of the JJC.

For the implementation of Bombay Children Act of 1924, the Children Aid Societies were established in Bombay Presidency which included the Tharwaad, Bijnur, Belgaum and Nenwar Districts of
present Karnatak State. Than to assess the practical difficulties in working of the Act, a committee was appointed in 1935 under the Chairmanship of Mr. Stavely. Its recommendations did not entirely eliminate the difficulties in the implementation of the Children Act. The Government appointed a committee of five members with Mr. Stavendfield as its Chairman in 1945, to suggest modifications in the Act.

The first separate Court was started in Madras in 1939 in the premises of the "Children Aid Society", and, then, other States followed suit in starting separate Courts in their regions. The Government of Mysore enacted its Children Act in 1943.

After Independence (1947), the Child Welfare Movement was accelerated by both Government and private agencies. A distinct provision is made in the Indian Constitution for the Social Welfare of the juveniles. In the year 1951-52 Dr. W.C. Beekless, an American expert, recommended, inter alia, the segregation of juvenile delinquents from adult jails.

In view of the increase in offences connected with girls and women, the Central Government enacted in 1956 a law named the Suppression of Immoral Traffic in Women and Girls Act, (SIT Act). In the purview of this Act both girls below the age of 18 years and also women apprehended and this Act are brought with the
The All India Jail Manual Committee of 1957 recommended the establishment of "Central Bureau of Correctional Services", which ultimately was created in 1961. The Government of India enacted the Central Children Act of 1960 and made it applicable to the Union Territories. In 1971, the National Conference on "Probation and Allied Measures" attended by the Inspector-General of Police advised the Government to accelerate the development of the correctional institutions along the modern lines. The "Working Group" of 1972 recommended strengthening and improving the jail and correctional administration.

Besides the Central Children Act, many States in India have their own Children Acts. A progressive step was taken by the Central Government by passing the Juvenile Justice Act of 1985. Unlike Children Acts, it has prescribed a separate procedure for handling the neglected and delinquent juveniles. Under this Act, various dispositional alternatives are open to the Juvenile Welfare Board or Juvenile Court i.e., the family and community-based placement. The special feature of this Act is that Government may create a fund for the welfare and rehabilitation of juveniles.

Devolution in Karnataka:

Till the reorganization of the Karnataka State on linguistic basis, it was called the "Mysore State". The State of New
Mysore came into existence after the Reorganization of the States in 1956. Some parts of the old Hyderabad, Bombay, Andhra Pradesh, Madras and Old Mysore States were integrated into the new Mysore State, which was subsequently named as the "Karnataka State" comprising twenty districts. There were more than one Children Act in the new State of Karnataka. The Hyderabad Children Act, the Madras Children Act and Bombay Children Act were already in force in the newly integrated territories from the States of Hyderabad, Madras, Bombay, Andhra-Pradesh and Old Mysore respectively. Further, to enforce the various Acts in different regions, different administrative setup had been organized to establish correctional and after-care services.

In the Old Bombay Karnataka area, the Criminal Tribes Settlement Department was converted to the Backward Classes Department. The work of administering the Bombay Children Act of 1924 and the Beggars Act of 1945 was entrusted to this department. In 1947, the Juvenile and Beggars Department was created under the Education Department with the Chief Inspector of Certified Schools as its "Head". In 1953, this department was transferred to the Social Welfare Department. The administration of juvenile correctional institutions was brought under this department.

Under the Probation of Offenders Act of 1956, one probation officer was appointed in each district to implement its provisions.
The industrial and agricultural settlements were functioning under the Habitual Offenders Act of 1917. The Special Schools for training the deaf, dumb, and blind children were functioning under the Education Department, and, in 1966, these schools were transferred to the Social Welfare Department.

A substantial network of institutions under social defence and Moral Hygiene was introduced in the Karnataka State. The Department of Probation and After-care Services was functioning under Social Welfare Department. The Director of Social Welfare, as Ex-officio Chief Inspector of Certified Schools, was in the overall charge of this Department. Some juvenile correctional institutions were established under the after-care programmes for administration of discharged inmates to enable them stand on their own legs.

The newly created Department of Scheduled Castes, Scheduled Tribes Welfare Department, and Backward Classes and Minorities Department were also brought under the Social Welfare Department. The Director of Social Welfare was in over-all charge of the administration, direction and supervision of programmes for the Welfare of Backward Classes. Thus, the Department was called "Department of Social Welfare and Probation and After-care". In order to give a new shape to the administration for implementation
of the Karnataka Children Act, 1954, the whole administrative machinery of correctional institutions and after-care services was re-organized and placed under Social Welfare Department. Further changes were made to make administrative machinery more effective.

In the year 1975, the Department of Probation and After-care Services was named as the "Department of Women and Children Welfare". The Government of Karnataka, after accepting the Backward Classes Commission report in the year 1975, established separate Directorate of Scheduled Castes and Scheduled Tribes Department and Backward Classes and Minorities Department, to implement the schemes more vigorously. In the year 1984, the Department of Women and Child Welfare was named as "Department of Social Welfare" to implement the various social legislations and Welfare Schemes for the welfare of women, children and the handicapped. Thus, the Social Welfare Department has now been entrusted with the task of implementation of Karnataka Children Act. The Social Welfare Department has formulated some guidelines and established its own administrative machinery in order to implement the Children Act.

LITERATURE REVIEW:

There is scarcity of literature on administration of JJO in India. Much of it is found on juvenile delinquency. The
researcher has reviewed whatever literature on JJS is available and has drawn certain conclusions in the light of the data collected.

William H. Morley's investigation of the basic from work and features of administration of justice during the British regime is simply a record of all important provisions of the enacted and published law and actual judicial system from the time of Lord Clive to the year 1858 (William H. Morley, 1859:1-357). Dr. Padma Agarwal proposes in her paper the remodelling of the functioning of juvenile justice set up on psychological lines (Agarwal Padma, 1971:203-207). Dr. Bhattacharya, S.K. states that many States enact their Children Acts, but difficulties arise owing to the differences in the definition of the "child", and inter-State transfer of delinquent children (Bhattacharya S.K., 1971:4-6). Chohan B.R. finds a new group of children recently pouring into the JJS, and consisting of those whose parents both father and mother, go to work (Chohan B.R., 1972: 13-14).

Justice V.A. Naik, a retired Judge of the Bombay High Court, observes that the probation is to rekindle the spark that is latent in every human being (Justice Naik V.A., 1974:75-77). Ehemani G.D., with his personal experience, notes that, while dealing with delinquency, every police-man should consider himself
a combination of a good teacher and social worker (Phadnis C.D., 1971: 1-12). A pioneering effort to blaze a new trail in exploring the administration of juvenile correctional institutions is made by Dr. Mukherjee S.K. His work is exclusively devoted to a detailed study of the organization of juvenile correctional services for delinquent children in Union Territory of Delhi and State of Maharashtra. It also throws some light on the administration and organizational aspects of juvenile correctional institutions with special emphasis on administrative technique, mechanism and personnel. It further demonstrates how administrative techniques have been used or misused and what difficulties they face in the functional procedure. It is found that the staff of JJC plays a major role in the effectiveness of the treatment programmes (Mukherjee S.K., 1974: 1-12). Sethi, D.P., in his paper mentions that citizen's participation which does not entail any increase in the expenditure on staff and such other relative matters should be encouraged for effective rehabilitation of the juvenile delinquents (Sethi D.P., 1975: 29-31). Prof. (Sat.) Daya Agarwal, in her scientific paper in Lucknow, finds that delinquents in the majority cases are not culturally refined, which may be attributed to such inter-related factors as poor educational standard of their parents. Poor economic conditions of the family imply poor housing and surrounding conditions. Young persons aspiring for high standard of living become delinquents, the moment they realize...
that their needs cannot ordinarily be fulfilled. Thus, she
expands the important role of women in the treatment of delin­
quents while processing them through the JJS (Agarwal Poys, 1975:
11-14). Gokhale, V.G., who conducted research, finds that the
effective administration of justice by the Magistrates and proba­
tion officer helps re-socialise the inmates in the society through
the vocational training (Gokhale V.G., 1975: 1-120). Kulkarni D.M.,
discusses the extensive use of the voluntary probation services in
the effective functioning of the JJS. (Kulkarni D.M., 1979: 5-8).
Munn T.K., in his case study, attempts to present the growth and
expansion of the judicial system in the Punjab State from the time
of the advent of the British in India to the present day. Pointing
out the defects of the judicial system he suggests the remedies,
which eliminate the flaws that crept into the system (Munn T.K.,

Mohammob Bin Muhammad concludes that police have an important
role in dealing with juvenile delinquency and probation officers
have great responsibility for bettering the lot of the errant
juveniles (Mohammob Bin Muhammad, 1979: 32-43). Niseta Adhikary,
who conducted general survey, in West Bengal State, observes the
pitiable conditions of the juvenile delinquents and believes that
in administering justice to juvenile delinquents and other children,
a combination of legal approach and social and humanitarian approa
is likely to achieve the purpose of the Act and ensure rehabilitation of juvenile delinquents as useful members of the society (Acharyya Manata, 1979: 44-53). Srivastava S.P. critically analyses the role of non-institutional programmes for delinquency control and suggests the use of community-based alternatives for juvenile correction. He concludes that by opening the non-institutional services and providing some recreational facilities like radio, television, movies and literature, opening the playgrounds etc., better control of juvenile delinquency can be achieved.

(Srivastava S.P., 1979: 15-51). Gupta J.P. highlights, in his paper, the present practices and programmes to deal with neglected and delinquent children in the Union Territory of Delhi. He states that the juvenile offences account for 3.4 per cent of all cognizable offences in India. Its rate is estimated to be 5.4 per cent for one lakh population. There seems to be a strong relationship between poverty and the incidence of juvenile offences. He suggests that the neglected juveniles detained in the correctional institutions should be sent back to their homes for proper care, love and affection of their parents and guardians (Gupta J.P., 1979: 24-73). Dr. Chockalingam analyses the Central Children Act of 1950 and enumerates the extent of implementation of State Children Acts in various States in India. He concludes that there are legal provisions in most of the States to establish Juvenile Courts, but very
few States have corresponding provisions for neglected children. Non-institutional services such as probation and after-care have to be closely linked with the functioning of Juvenile Court. Now, we are heralding a new era for the children, and what is expedient would be enactment of uniform legislation and strengthening of relevant services all over the country along the lines of the Central Children Act of 1950 (Chocklingam K., 1981:20-31). Cst.

Kaldet S.V. in her published thesis, studies the role of Juvenile Court in checking the recidivism, and analyses interaction process with the JJS. She finds that Juvenile Court and probation officers play a vital role in the prevention of delinquency (Kaldet S.V., 1982: 1-157). Ved Rumari, in her study of a small number of inmates and the staff of juvenile correctional institutions chosen by stratified random sampling, finds that the rehabilitative objects of the institutions are only partially achieved (Ved Rumari, 1983: 106-117).

That there is need for more studies on this aspect of administration JJS is apparent. Good administration plays a vital role in the rehabilitation of juvenile delinquents. While accounting for the success or failure of the JJS, this aspect has practically been ignored so far. The processing of a juvenile by police, the Court and the correctional institution makes a great impact on
him. Handling of a child by a particular agency depends on how
the staff of that agency is oriented. Moreover, administration
varies in terms of treatment programmes etc. which again may
reflect variation in correctional objectives. It is, therefore,
appropriate that more research should be conducted to examine
the administration of JJS and its deficiencies. This is the main
theme around which this study is built.

STATEMENT OF PROBLEM:

Indian society is beset with innumerable problems, and
juvenile delinquency is one of them. The incidence of juvenile
delinquency is on the increase. This fact has alarmed many social
scientists and made them sit back and think of ways of prevention
and/or checking of such unlawful acts of children. To achieve this
end in view, the concept of establishing separate institutions for
correction as well as after-care, gained ground and led to the
establishment of Juvenile Courts to cater to the needs of the
juvenile delinquents. These Courts offered an alternative, humane
treatment to the unfortunate children.

The development of the JJS can be understood best in the
historical context that focuses on perception, maintenance of the
social order and the adoption of various methods to achieve its
object. Adjudication on juvenile delinquency is a complex process.
Unlike the proceedings before the establishment Adult Courts, the JJS is supposed to be marked by a high degree of informality. Technicalities connected with the ordinary Criminal Court processes are, to a large extent, dispensed with, to ensure speedy disposal of cases and to cut down expenditure involved in the litigation. The legislation confers authority on the officials to safeguard the interests of children, even though the affected party himself may not activate the administrative agency in a formal manner. The existing administrative framework rests on the assumption that it adopts effective means for re-socialization or rehabilitation of the juvenile delinquents, so that the salutary social purpose of the Children Act is fulfilled.

It is admitted on all hands the fact that juvenile justice is an important aspect and that the care for the juvenile delinquents must be regulated to ensure that future generation should not be exposed to such criminality. The legal procedure associated with the treatment of "children" varies from time to time. This variation depends upon a set of cultural beliefs and values about the children at that particular time. It requires a great amount of administrative capacity on part of juvenile administrative personnel to plan programmes to suit the individual juvenile. Hence, it is necessary to study the administration of JJS in Karnataka State, because the enactment of the Children Acts differs from State to
State. Obviously, the problems in the implementation of the Children Acts may vary. It is, therefore, worthwhile to study the implementation of the Karnataka Children Act. The researcher has noticed that in practice, JJS has been facing many problems in its day-to-day work. These problems need a thorough investigative study in order to suggest remedial measures.

Efficient administration plays a vital role in the implementation of programmes under the various provisions of law. But, while implementing these laws, sometimes, the administrators find it difficult to achieve the end in view. Therefore, it is useful to study the variance between the "Legislative Structure" laid down in the Karnataka Children Act and the actual "Operational Structure" of the JJS.

OBJECTIVES OF THE STUDY:

The present study is not aimed at exploring the causes of delinquency, but it is chiefly devoted to the analysis of the organizational and administrative aspects of JJS. The policy and the legislation are subjected to in-depth scrutiny with the object of finding out the difficulties and problems that arise in the implementation of the Karnataka Children Act. An attempt is made to put forth some possible solutions to these problems. The points taken up for consideration are:
1) Study of the organization and administration of JJS in Karnataka State.

2) Study of the administrative difficulties and the manner in which they can be resolved.

3) Exploration of the lag between legislative structure and operational structure of JJS.

4) Examination of the problems and suggestions of some remedial measures.

The researcher has attempted to probe into the working system of JJS to see whether or not it has achieved its noble objectives. This is a pioneering work made by the researcher to explore the ways and means adopted by the social reformers and the Government to deal with the juveniles delinquents. This study is also, an attempt to present the procedure, organization and administration of JJS in the Karnataka State. The aims and objectives of this work are to find out the drawbacks in the administration of JJS and suggest measures to remedy them.

Further, the object of the study of the Reform Homes, correctional and after-care institutions, and follow-up service is not to deal with the financial or other material aspects of these services as to pin point the problems and difficulties faced by the working personnel of these services.
SCOPES OF THE STUDY:

The scope of this study in the field of administration of JJS, which consists of three wings, viz., (i) Police, (ii) Juvenile Court, and (iii) Correctional Institutions and After-care Services, is to probe into the functioning of its each wing, to ascertain the problems faced by the personnel manning it, to see whether the functioning of the JJS is in conformity with the intention of legislature and to evaluate the success or failure of the JJS on the basis of adjustment or rehabilitation of the juvenile delinquents after their release, in the society.

The scope of this study further encompasses the follow-up services. The researcher has attempted to contact the ex-inmates of correctional institutions to know the role played by the sub-systems in the rehabilitation of the delinquents and certain non-delinquents. Thus, the scope of the study includes an evaluation of the working of the JJS and the implementation of the provisions of the Children Act. The researcher has also made certain suggestions to eliminate the shortcoming in the administration of the JJS.

METHODS AND PROCEDURE:

With a view to obtaining first-hand information and observing administration of JJS, the researcher has adopted the
"interview schedule" - method, and collected data on administrative difficulties etc. This method has furnished information and feedback about the progress of the schemes and thus helped the researcher draw conclusions and make suggestions to develop effective programmes. In order to probe into the actual functioning of the JJC, the researcher prepared six sets of Interview Schedules and interviewed the following personnel:

(i) Police (vide Appendix II-A); (ii) Juvenile Court Magistrates and Lawyers (Appendix II-B); (iii) Superintendents, Probation Officers of Government Correctional, After-care Institutions, Managers of Private Fit Person Institutions and Probation Officers working under the Probation of Offenders Act (Appendix II-C); (iv) Social Workers (Appendix II-D); (v) Inmates of Correctional and After-care Institutions (Appendix II-E); and (vi) the Ex-inmates released from the Correctional Institutions (Appendix II-F).

The researcher interviewed 200 police personnel including constables and head constables, 22 Magistrates of Juvenile Courts, 200 lawyers, 250 probation officers Grade I, II (Superintendents of correctional and after-care institutions, and Remand Homes), Probation officers (Grade II) working under the Probation of Offenders Act and managers of private fit person institutions, 150 social workers, 350 inmates (juveniles) including 100 juveniles from Remand Homes, 50 juveniles in the police custody, 150 inmates in the correctional institutions and 50 inmates in the after-care institutions, and
100 ex-inmates who were released from correctional institutions and discussed with them various matters concerning the administration of the JJS. The interview-schedules were not pre-coded. However, some of the questions in each interview-schedule were pre-coded. The field survey having been completed, their replies were coded and compiled in the form of master tables, under the heads of 'Police', 'Juvenile Court Magistrates', 'Lawyers', 'Superintendents', 'Probation Officers', Probation Officers working under the Probation of Offenders Act', 'Managers', 'Social Workers', 'Inmates', and 'Ex-inmates'. Further, many of the replies obtained in the interview schedules are incorporated in the comparative tables and the rest are dealt with in the descriptive part of this thesis.

The researcher also went through the official records to know various aspects of the JJS in practice. For example, the period of time taken for the disposition of a juvenile case.

Selection of Samples:

Each and every section of the respondents was selected at random. The number of samples differed from unit to unit, as some of the units had a relatively small number of members. For example, the number of Magistrates of Juvenile Courts is small, as compared to that of lawyers. Similarly, the number of ex-inmates available is small as compared to the inmates in the correctional and after-care institutions.
The researcher selected four districts of Karnataka State (viz., Dharwad, Karwar, Bijapur and Belgaum, for collecting the necessary data. In each district, the researcher visited some police stations and interviewed about 200 police, who were in contact with juveniles. The police included constables, head constables and Sub-Inspectors. The researcher discussed with them various issues regarding the JJS, and these included apprehension, detention, escorting, investigation and attending Juvenile Court.

In order to get first-hand information for observation, the researcher selected seven sample Juvenile Courts, the observations are recorded in the concerned chapter. Apart from this, attempts were made to collect information in 22 Juvenile Courts through the interview-schedules. Juvenile Court Magistrates and lawyers responded to the questions, and the researcher discussed with them the important issues relating to the administration of justice to juvenile delinquents and other forms of juveniles, who were referred to the Juvenile Courts. The researcher witnessed the trials of various juvenile cases and took notes of proceedings and behaviour of the delinquents during their trial.

Further, to evaluate the success or failure of the system of releasing a delinquent on "probation" and on "final date" the researcher carried on a detailed analysis of the data collected for the period of one year (1985-86), during which the delinquents
were released on probation and final date; collected their addresses from all the seven sample Juvenile Courts; visited their houses for observation and collection of their opinion and the opinions of the persons concerned with the JJS such as police, Juvenile Court Magistrates, lawyers, probation officers, managers, social workers, inmates and ex-inmates were also obtained.

The researcher visited Remand Homes, and correctional institutions viz., Government and private fit person institutions and government certified schools and after-care institutions in the four districts stated earlier. These institutions are mentioned in the concerned chapters. The researcher also stayed with them for days together, in order to observe the officers-inmates relationship within the premises of the Remand Home and correctional institutions. This gave the researcher first-hand information about the administrative problems of the probation officers, Superintendents, managers and also inmates undergoing long-term treatments or were under trials. Efforts were also made to know the role of the probation officers and these institutions in imparting education and vocational training to inmates and evaluate their impact on them. Further, efforts were also made to know the role of the probation officers working under the Probation of Offenders Act in follow-up service.

The social workers have been interviewed to seek their opinion regarding the implementation of the Kormatak Children Act
and the role played by various agencies in the process of rehabilitation. This view on the short-coming and the impact of the various measures adopted during the treatment of the juvenile delinquents are also dealt with in this study.

In the selection of the inmates staying in correctional and after-care institutions, factors such as period of the institutional life served and to be served by them were taken into consideration. 30 per cent of them were those who had served only first 6 months, 35 per cent were those who served approximately half of their institutional life, ranging from one year to four years, 35 per cent were those who had served almost the entire period of their correctional life and had to serve only three months to complete the period of their incarceration, till the date of their final release. This selection of samples of inmates, who were in the correctional institutions, relates to both the Government and the private correctional institutions, o for both male and female. But the selection of samples of inmates in after-care (both for male and female) institutions is different. 50 per cent of the samples of inmates selected were those who had served only the first year of their institutional life and 50 per cent of sample inmates selected were those who had served almost the entire period of their after-care institutional life, and had to serve only 3 months to complete the period of detention till
the date of their final release (for male). This classification was made, owing to the fact that these categories of the inmates enjoyed several privileges of varying nature. Their difficulties in the institutions were also of different dimensions.

The interview of the ex-inmates was comparatively a difficult task. The researcher faced many problems in collecting the addresses of the ex-inmates who were released on licence. The Superintendents of all correctional institutions did not maintain records of addresses of those who were released on licence. In view of this, the evaluation of success or failure of the system respecting delinquents released on licence could not be undertaken.

The researcher had to consult the probation officer to collect the addresses of the ex-inmates, who were released on the final date. But the records of the ex-inmates maintained by the probation officers did not give the correct addresses, present occupation, family affairs and other necessary particulars. However assistance was taken from the probation officers in locating such ex-inmates as were under their supervision. Further, the Superintendents of correctional and after-care institutions, also, rendered help to the researcher in contacting the ex-inmates.

The researcher gathered addressed of 150 ex-inmates from the probation officers and availed himself of the opportunity of
interviewing some of them. The researcher visited the homes of
the ex-inmates particularly and, in some cases, ex-inmates,
accompanied by probation officers. In the correctional
and after-care institutions, too, the researcher interviewed
the ex-inmates who visited such institutions for the purpose of
meeting their friends.

The researcher could interview only 100 out of 150 ex-
inmates, whose information was collected from the probation
officers. 35 per cent of them were in the free community for a
year, 50 per cent, for two years, and 15 per cent for a period
ranging from one year to three years. Those hundred ex-inmates
were those released from correctional institutions on the final
date. Of them, fifty ex-inmates were released from the Government
correctional institutions (both the certified schools and fit
person institutions) and fifty ex-inmates were released from the
private fit person institutions and they were interviewed for the
study.

The researcher interviewed 150 social workers who were
directly or indirectly dealing with the JJS.

The field work was undertaken during the period of two
years from first of January 1984 to end of December 1985 to know
the operational structure of entire JJS.