CHAPTER XIV

JUVENILE AFTER-CARE

14.1.1. The child welfare programme is incomplete if no provision is made to include the services for rehabilitation and in fact it is the aim of our entire welfare programme. Therefore, an organised effort has to be made for the reclamation of social deviants. After care is a necessary and important period in completing the programme of treatment of a juvenile delinquent. It is a helping process. It presupposes the completion of a period of correctional treatment. Therefore, it is an indispensable phase in completing a programme of treatment. The concept of after-care of prisoners is derived from the penological thought that regards reformation and rehabilitation as the ultimate aim of penal administration. Theoretically, the difficulties of a prisoner are over after his release since not only is his personal freedom recovered but his prison training makes him a fit person to start a new life on a clean slate. In practice, it is rarely the case. As the Central After-Care Association of England put it succinctly "many a prisoner approaches at the end of a long sentence in a state of bewilderment and fear as to what the future will hold for him." This is evident in view of the stigma, loss of job, loss of family ties and alienation from friends which may directly flow from the imprisonment. The Maxwell Committee on Discharged Prisoners Aid Societies described the plight of many persistent offenders thus: "such offenders often have no home or family ties, or no such home or family ties as will supply the support and stimulus they need: no trustworthy friends; no niche in

1 Annual Report, 1959.
society to buttress any legitimate self-esteem; there is merely a bewildered and frustrated malcontent floundering in a sort of social limbo between prison and a world with which he cannot come to terms; a man not confirmed in criminality but with no strength or standards upon which to build a useful and honest life.\(^2\)

14.1.2. The need and philosophy of after-care programmes has been convincingly summed up by J.P. Martin in these words: "An effective penal system must aim for the re-integration of prisoners into society. In the last resort this is because there is a moral argument for after-care. It is simply that no man is so guilty, nor is society so blameless, that is justified in condemning anyone to a lifetime of punishment, legal or social. Society must be protected but this is not done by refusing help to those who need it far more than most of their fellow citizens.\(^3\)

14.2.1. After-care—Its characteristics and objectives

The term 'after-care' is generally used to refer to the programmes and services organized for the rehabilitation of ex-prisoners and delinquent juveniles. The concept of 'after-care' is a broader one and need not be limited to the specific programmes and services organized for the rehabilitation of individuals discharged from correctional institutions.\(^4\) After care has two connotations. In its narrower sense, it is somewhat like probation i.e., the released person is put under the care of a probation officer performing the role of a social worker. In its wider sense, after-care implies all efforts to enable the prisoner to overcome all the various social, economic and

\(^2\) quoted in McClean and Wood: Criminal Justice and Treatment of offenders, p-142.
\(^4\) A.N. Desai: Juvenile Delinquency in India, (1979), Mahajan Brothers (Bombay), p-144.
psychological problems after his release. Under the treatment philosophy, the after-care work, in a way, should commence as soon as the convict begins his prison life. In its rudimentary form, it simply means that at the time of departure the prisoner is given some money by the State or his savings, made out of the wages earned in the prison, and a set of clothes to equip him for the 'new life'.

14.2.2. In England, the Central After-Care Association (Men's Division) is responsible for statutory supervision, primarily of prisoners serving sentences of imprisonment of four years and over, and sentences of corrective training and preventive detention. Under the Criminal Justice Act, 1961, supervision will be compulsory for prisoners under a sentence of four years and over and also for those serving sentences of imprisonment of six months or more who are recidivists or under twenty-six years of age at the date of sentence. The association is completely financed by the State. An important recommendation of the Maxwell Committee for the guidance of aid societies was that aid societies should be more concerned with 'after-care' and less with 'aid on discharge' and that to assist in this process prison welfare officers should be appointed at local prisons to 'submit' to the appropriate aid society recommendations for the after-care of such prisoners as are willing and able to benefit from their services and appear suitable for special attention and assistance. Two more developments in the prison system may be noted here which have some bearing on the question of after-care in England. One is the home-leave system and the other is the establishment of pre-discharge hostels. Home-leave may be granted to prisoners on corrective or long sentences. The leave is upto

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five days and gives an opportunity to the prisoner to contact those responsible for his after-care and also the potential employers. The pre-discharge hostels are meant for carefully selected men serving sentences of preventive detention. The hostels are in the campus of the prison, the inmates go out to work in the local establishments and they have to pay for their upkeep out of the wages earned.

14.3.1. Genesis of the existing programmes.

After-care programmes for discharged prisoners were begun as far back as the end of the 19th century. In 1904, a Discharged Prisoners' Aid Society was organised in Uttar Pradesh and similar societies were later set up in Bengal (1907) and Bombay (1914). A Released Prisoners' Aid Society was organised in 1915 at Bijapur for the welfare of the then 'Criminal tribes'. These earlier efforts, however, gradually faded away in the absence of community support. It was the report of the Indian Jails' Committee (1919-20) that first stressed the need for a shift in emphasis from the punishment of the offender to the prevention of further crime and restoration of the criminal to society as a reformed character. This emphasis on rehabilitation gave a fresh impetus to the organisation of after-care programmes. In response to this challenge in Madras a Prisoners' Aid society was formed in 1921. Similar societies were organised in Central Provinces (1925), Punjab (1927), Bengal (1928), Bombay (1933), Delhi (1935) and United Provinces (1937). Some of these societies also formed District Committees for the implementation of their aims and objects. The aim of these societies was to render aid to discharged prisoners and also establish after-care hostels for these released prisoners who had difficulty in returning home. However, it is to be pointed out that some good work was done
only in Bengal, Uttar Pradesh, Madras and Bombay. In order to provide such services on a large-scale, and on scientific lines, the Central Social Welfare Board appointed an Advisory Committee on After-Care Programmes in 1954 to look into the conditions of present services and suggest certain measures for their improvement. The Committee, after reviewing the work of present societies, has suggested a comprehensive plan for the after-care services, including after-care services for orphan children, physically handicapped, the delinquent children, the widows and beggars. The Committee has discussed two aspects of the after-care programme i.e., vocational rehabilitation and social rehabilitation which are mutually interdependent. No doubt some after-care homes have been set up for various types of persons in some of the States, but few of them relate to services for ex-prisoners and the work has not been entrusted to voluntary agencies. The Study Team on Social Welfare rightly remarks: "It is a matter of regret that voluntary efforts of these agencies have not been effectively utilised in the execution of the programme." 7

14.3.2. Various Jail Committees in their reports emphasized the need for having effective after-care programmes but hardly anything was achieved. The All India Jail Manual Committee, 1957 observed: "After-Care is the released person's convalescence. It is the process which carries him from artificial and restricted environment of institutional custody to satisfactory citizenship, resettlement and to ultimate rehabilitation in the free community .... Institutional training, treatment and post-release assistance is a continuous process. After-care service,

8 All India Jail Manual Committee, 1957.
therefore, should form an integral part of correctional work."  
After-care services mostly by probation officers exist in India in many states. In some States there are also a number of non-official organisations in the field. Data supplied by the States shows that Delhi, Maharashtra, Madras, Orissa have two After-Care homes each, whereas Kerala has three such homes. Besides these, there are about 9 shelters in Kerala and 10 Prisoners' Aid Societies in Gujarat. In West Bengal, there are two After-Care Homes which were established in early in 1970's though not functioning separately but are functioning as a part of Kasimbazar Raj and Gope Reformatories and Industrial Schools. These two units function only for the purpose of accommodating boys and girls after the terms of their study at the Reformatories or Industrial Schools are over. Gope is meant for girls and Kasimbazar Raj is meant for boys. Gope has a capacity of 50 whereas Kasimbazar Raj has a capacity of 15 such cases. No further addition has been made so far.

14.4.1 After-Care as an integral part of Borstal training.  
After-care is an integral part of Borstal training. A well thought out After-Care organisation has contributed largely to the success of the Borstal experiment. Borstal training is a misnomer without a planned after-care programme. The planned care and organisation of after-care in England find only a nominal counterpart in India. The pathetic weakness in after-care in the Indian system is one of the chief objections to the extension of the Borstal system. Public and state apathy are mainly responsible for this state of things. The Bengal After-Care Organisation was inaugurated in 1928. Its programme of

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9 Source: Directorate, Social Welfare, Govt. of West Bengal, Writers' Buildings, Calcutta.
supervised rehabilitation not only for ex-borstal lads but also juveniles released from home was seriously handicapped owing to insufficient number of associates and probation-staff. In the absence of an efficient and paid probation staff and helpful associates this task of rehabilitation became almost an impossibility. A hostel which was previously managed by the Bengal After-Care Association for Juveniles and Adolescents was opened for them in 1957. This Association was amalgamated on 1st September, 1957 with the West Bengal Probation and After-Care Association, with a separate wing for Juvenile and Adolescent. After amalgamation the Association maintains the following staff: Superintendent, Probation Officer and Weaving Instructor, who are whole-time officers, and a part-time Book binding Instructor. This hostel receives lads from all jails and borstals and reformatories and feeds them free of cost till they obtain work and are able to stand on their own feet. As they find work they leave the hostel, though they are not turned out at once if for some time more they want to stay on. The hostel maintains a night school where boys are taught to read and write and receive lessons in elementary hygiene. Attendance at this class is compulsory. The Industrial section was organised in 1958. Book-binding, weaving and tailoring mainly constitute the Industrial Section. Gardening and horticulture are encouraged. The boys are paid on a graduated scale according to their efficiency and the three best boys earn over Rs.95 monthly. But too much attention should not be paid to the hostel, for it is not desirable that young lads should be kept under constant supervision and tutelage after release from Borstals or reformatories. The fundamental aim of after-care should be to make the lads self-supporting and to help them to tide over the initial period of transition from
well-regulated life to the life of freedom and hard competition. Moreover, it is unwise to keep in the same place ex-Borstal lads and ex-prisoners and others. This strange mix-up is bound to have deleterious effect on the younger and the better type of inmates. Experience has shown that destitute lads who are released from hostels do not stay in the city of their adoption but tend to disappear.

14.4.2. It is essential that there should be a net-work of voluntary organisations throughout the urban as well as the rural areas of each state in order to provide probation service and after-care supervision for licencees. It is desirable that District Associations should be formed in all districts. The standard of supervision in existing areas has also to be raised.

One of the most important tasks of an After-Care Association is to find employment for the released lads. On release it is very necessary to find honest work for the delinquent lads, as otherwise there is always the danger of their relapsing into old vicious ways. Work has been found for boys, despite various difficulties, as domestic servants, peons, carpenters, painters and mill-hands. The task is not an easy one, as employers of labour do not come forward eagerly, on account of the stigma to accept these young persons in spite of their training. Social consciousness must be roused. Government’s attitude to after-care must be more helpful. Borstal training is meaningless without planned after-care.

14.4.3. One of the great problems that has long been with us is to secure the reintroduction into society and resettlement to free life of those who have served long sentences of detention. The object of supervision, it should be kept in view, is not limited to seeing that the offender does not go wrong again or
begin to slip, but also to help those supervised to go straight and secure re-settlement in civil life, not merely to fetter the person with restrictions but to provide him with a friend or counsellor, usually the probation officer. The idea of after-care for released offenders is very greatly frustrated by the shortage of probation officers.

14.5.1 After-Care Organisations under the Children Act, 1960.

The Children Act, 1960, represents a tremendous advance in the history of correction of juvenile and youthful offenders in India. The Children Act provides for the following correctional institutions: Children’s Homes for the reception of neglected children have been provided for in Section 9. Section 10 deals with Special School for the reception of delinquent children. Section 11 provides for Observation homes for temporary reception of children. Section 12 deals with after-care organisations. After-care organisation is meant for the care of the child on release from a children’s home or special schools with a view to enabling him to lead an honest, industrious and useful life. The Administrator, may, by rules made under this Act, provide (a) for the establishment or recognition of after-care organisations and the powers that may be exercised by them for effectively carrying out their functions under this Act; (b) for a scheme of after-care programme to be followed by such after-care organisations for the purpose of taking care of children after they leave children’s homes or special schools and for the purpose of enabling them to lead an honest, industrious and useful life; (c) for the preparation and submission of a report by the Probation Officer in respect of each child prior to his discharge from a children’s home or special school, as the case may be, regarding
the necessity and nature of after-care of such child, the period of such after-care, supervision thereof and for the submission of a report by the probation officer on the progress of each such child; (d) for the standards and the nature of services to be maintained by such after-care organisations; (e) for such other matter as may be necessary for the purpose of effectively carrying out the scheme of after-care programme of children.

Therefore, the Children Act, 1960, represents a tremendous advance in the history of correction of juvenile and youthful offenders in India, if the provisions of this enactment are viewed in the backdrop of the practice lately in vogue in many states.

14.6.1. After-Care Organisations under the West Bengal Children Act, 1959: The West Bengal Children Act, 1959 is not an act containing only penal provisions. This Act like other such acts prevalent throughout India is a modern legislation, with an emphasis on correction rather than detention. It relates to custody, protection, treatment and rehabilitation of children. The Act not only contains provisions for neglected children for dealing with general problems of juvenile delinquents, but also in the Act, the necessity of social rehabilitation has also been stressed. Great stress has been laid down to establish or recognise after-care organisations for the welfare, training, social and economic rehabilitation of juvenile delinquents and other children discharged from reformatory, industrial or borstal schools. Section 20 of the Act provides that the State Government may, in accordance with such rules as may be made in this behalf, establish or recognise after-care organisations for the welfare, training and social and economic rehabilitation of juvenile delinquents and other children discharged from reformatory,
industrial or borstal schools. \textsuperscript{11} Sub-Section 2 of Sec. 23 provides that the powers and duties of after-care organisations established or recognised under sub-Section (1) shall be such as may be prescribed. For the welfare of the child, the State assumes great responsibilities. It is really unfortunate that the persons who can play a positive role are not well-conversant with the provisions of the Act.

14.7.1. Development of After-Care Services.

Some of the after-care institutions have also been opened in the country. The Central Social Welfare Board has played an important role in encouraging voluntary agencies to take such type of programmes. In April, 1965, the Planning Commission appointed a Study Group under the chairmanship of Smt. M. Chandrasekhar to examine the problem of begging, vagrancy and juvenile delinquency and formulating schemes for its control for the Fourth Plan. This Study Group drew pointed attention to the three specific objectives of Fourth Five Year Plan: (I) no child should be without food and shelter or exposed to physical danger; (II) no child should be allowed to live in conditions of moral danger, cruelty, exploitation or without a guardian; and (III) steps for prevention of situations leading to maladjustment and delinquency in children should be taken.

14.7.2. Between 1925-47 several after care associations (official, semi-official or non-official) were started in the country. Before the First Five Year Plan, in India, total number of after-care homes or hostels, Borstals, certified schools etc. was 42, Madras having the largest number of 15. During the Second Plan period as many as 37 Remand Homes, 21 certified Schools, 3 Borstal Schools, 8 probation hostels, 15 Boys' clubs were

\textsuperscript{11} Section 23, The West Bengal Children Act, 1959 (Act XXX of 1959).
established all over India. In the Third Plan, the Ministry of Education, Government of India, gave serious consideration to the scope of such services. The Planning Commission ultimately provided for Rs.1 crore for After-Care Services in the Third Plan. The share of the States was Rs.57,000. The Ministry of Commerce and Industry provided an additional grant of Rs.52 lakhs for attaching production units to the after-care homes, primarily meant for discharged prisoners. The State wise anticipated physical target under after-care programme in the Third Plan itself was extremely poor and much below the requirements.12

14.7.3 Pursuant to the constitutional directives, in the Fifth or Six Five Year Plans, child welfare was accorded the highest priority. The Central Social Welfare Board and the Department of Social Welfare organised a number of programmes for care and protection of destitute children. Social defence programmes for the reformation and rehabilitation of social deviants were planned. The National Institute of Public co-operation and Child Development and the National Institute of Social Defence initiated studies on the coverage of programmes under the Children Act, Suppression of Immoral Traffic Act and the Anti-Beggary Act. Since 1986-87, Ministry of Welfare, Government of India, is implementing a centrally sponsored scheme for prevention and control of juvenile special maladjustment. Under this scheme, assistance is provided for setting up/upgradation of observation homes, juvenile homes, special homes, and after-care facilities as well as training of functionaries. Expenditure is shared between Central and State Governments equally. During 1989-90, provision under the scheme

12 Source: Central Bureau of Correctional Services, Govt. of India.
was Rs. 340 lakhs as against Rs. 300 lakhs in 1988-89.13

Institutional services for children in need of care and protection will be expanded. Also foster-care and other non-institutional services will be encouraged to provide congenial atmosphere for the growth of children. Compared to countries of the West, institutions for the delinquent children in India are extremely meagre and the measures of prevention, inadequate. The Centre and the State Governments are unhappily aware that the problem of juvenile delinquency has not yet received the attention it deserves. The Government of India is trying to co-ordinate and consolidate the study of juvenile delinquency to its utmost. Voluntary organisations are also contributing their mite to combat this social menace.

14.8.1. After-Care under the Juvenile Justice Act, 1986.14

The State Government may, by rules made under this Act, provide -

(a) for the establishment or recognition of after-care organisations and the powers that may be exercised by them for effectively carrying out their functions under this Act;

(b) for a scheme of after-care programme to be followed by such after-care organisations for the purpose of taking care of juveniles after they leave juvenile homes or special homes and for the purpose of enabling them to lead an honest, industrious and useful life;

(c) for the preparation or submission of a report by the probation officer in respect of each juvenile prior to his discharge from a juvenile home or special home, as the case may be, regarding the necessity and nature of after-

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13 India, 1990, A Reference Annual, Research and Reference Division, Ministry of Information and Broadcasting, Government of India, p230

14 Section 12. The Juvenile Justice Act,1986
care of such juvenile, the period of such after-care, supervision thereof and for the submission of a report by the probation officer on the progress of each such juvenile;

(d) for the standards and the nature of services to be maintained by such after-care organisations;

(e) for such other matters as may be necessary for the purpose of effectively carrying out the scheme of after-care programme of juveniles.

The Government of West Bengal made rules for the establishment, management and functions of after-care organisations; the circumstances in which, and the conditions subject to which an institution may be recognised as an after-care organisation and such other matters as are referred to in Section 12 of this Act. Rule 31 provides that -

(1) The State Government shall provide a comprehensive scheme of after-care with the following objectives:

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

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

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

(d) to help the juvenile to make smooth adjustments to his post-release environment;

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

(f) to assist the juvenile in functioning as a self-dependent and self-reliant socially useful citizen;
(g) to assist in the process of the juvenile's physical, mental, vocational, economic, social and attitudinal post-release readjustment and ultimate rehabilitation, and

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

(2) The State Government may establish and maintain as many after-care homes as may be necessary for the reception of the juvenile discharged from the juvenile homes and special homes for the purpose of enabling them to lead an honest, industrious and useful life:

(3) The internal management, functions and responsibilities of the after-care home and the standards and nature of services to be maintained by it shall be regulated by the instructions issued from time to time. It is really unfortunate that the juvenile legislations, both Central as well as State, set a limit to the period of detention or to the age up to which juveniles may be detained in institutional care. Thereafter, the Acts are silent. It does not appear to have been appreciated that the sudden and automatic withdrawal of protection at any stage is fraught with grave consequences to the future of the juvenile on whom so much effort and money have been expended over a considerable period. A little care with supervision and follow-up, provision of additional facilities is necessary. It would be better if a percentage of apprenticeships and employments are placed at the disposal of the Juvenile Courts or Fit Persons Institutions for children in order that they may readily place deserving cases. The absence of stabilized After-Care societies or Hostels is another very serious drawback in India. When the
delinquent juveniles are unable to obtain employment and encounter fear and distrust after release, they suffer much and drift back to crime. Each reformatory, therefore, should approach the employment authorities prior to his release from the institution and prepare his or her case for job.

14.10.1. In conclusion, After-care is not a continuation of a care or treatment programme. Rather, it is the end of a treatment programme of care. It is absolutely indispensable to have a release plan in which the discharged person must be allowed to take full participation. A definite job must be readily found for him. He must be helped to keep himself away from undesirable contacts or associations. The basic need of a discharged person is a shelter which he can call his own and where he can make a new start in life. To a discharged offender who has no home to live in or go to or who finds it difficult to confront his people who, he feels, may disown him, an after-care hostel is a happy home. It provides an opportunity for him to reorganize himself, to meditate on his past actions and look forward to a new life with confidence and hope. The after-care hostel helps in giving this shelter for a time, during which the person can move around, finds a job and be helped to settle down on his own.

After-Care hostel should be developed as an important and essential community project. It should have an organization and administration under direct control of a voluntary agency. This should be a joint responsibility of Government and the voluntary organization. There should be direct control and supervision over it as may be necessary to ensure its smooth and efficient working and to provide adequate scope for its growth.

14.10.2. Every after-care project must be run on sound,
economic lines. It should be properly worked out before initiating it. If it is likely to involve too great an expenditure, it may be possible to ask the institution where the inmates have completed their training to continue to keep them for a temporary period, until alternative arrangements are made. Actually, no training or care institution can also serve as a permanent hostel for its inmates.