PART - D

PROBLEM
CHAPTER 9

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The main thrust of the research is to study the problem of juvenile delinquency in Amravati District and to study the manner in which it was tackled by the Juvenile court. The foremost task, to accomplish the object, is to introduce the commencement of the problem in the District and also to introduce the institutions, which have dealt with the problem. It is also to evaluate as to what extent they became successful in dealing with the problem. Appreciation of the work already done in the field by the institutions and the persons running the institutions would encourage the next generation to put service in the cause of needy juveniles.

In Maharashtra, the Bombay Children Act 1948 was in force till the implementation of the Juvenile Justice Act 1986. The Juvenile court was established in Amravati in accordance with the provisions of the Bombay Children Act 1948\(^1\). The powers of Juvenile court were exercisable by the following courts, whether trying any case originally or on appeal or in revision as the case may be-

a) The High Court  
b) A Court of Session  
c) A Salaried Presidency Magistrate  
d) A Salaried Magistrate of the first class\(^2\).

The juvenile court had power to try all cases in which a child was charged with the commission of an offence. But the juvenile court had no

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1. Sec 7 of Bombay Children Act 1948.  
2. Sec 8, Ibid.
power to try any case in which an adult was charged with an offence under part VI of the Act 1948, in relation to the offences in respect of children that is cruelty to children, employing children for begging etc.

Which court would try these offences?

The Bombay children Act 1948, the Juvenile Justice Act 1986 or the Juvenile Justice Act 2000 do not provide for the authority (i.e. juvenile court, Judicial Magistrate first class, the chief judicial magistrate, or the sessions judge) which will try the special offences in respect of juveniles mentioned in chapter VI of juvenile justice Act 1986, or under sec 23, 24, 25, 26 of the juvenile justice Act 2000. The code of criminal procedure is therefore applicable to these cases and the magistrate of the first class will try these offences.

In Bombay Children Act 1948, there was no provision for establishment of Juvenile Welfare Board. But this provision was made in the Juvenile Justice Act 1986.

The cases of delinquent juveniles and neglected juveniles were dealt with by the juvenile court till the commencement of J.J. Act 1986. The provision for establishment of juvenile court is made in the Juvenile Justice Act 1986 and the provision for the constitution of Juvenile Justice Board in lieu of juvenile court has been made in the Juvenile Justice Act 2000.

Institutions for treatment of juvenile delinquents in Amravati District

The study of the functioning of juvenile court shall be incomplete unless we study the institutions for treatment of juvenile delinquents in Amravati District. The provisions under which the juveniles are treated by the juvenile court are discussed in the following.

On satisfaction on inquiry by the juvenile court that the juvenile has committed an offence, the juvenile court may release the juvenile on
admonition or direct the juvenile to be released on probation of good conduct or placed under care of any parent, guardian or other fit person on their executing the bond for good behaviour and well-being of juvenile or make an order directing the juvenile to be sent to a special home, in case of a boy over 14 years or of a girl over 16 years of age for a period not less than three years, and in case of any other juvenile for a period until he ceases to be juvenile. The juvenile court may reduce this period having regard to the nature of the offence and the circumstances of the case, or order the juvenile to pay a fine if he is above 14 years of age and earns money.\(^7\) This provision of J. J. Act 1986 has been amended to some extent and added to the above provision that the Board (juvenile court), on satisfaction on inquiry that the juvenile has committed an offence, may allow the juvenile to go home after advise or admonition following appropriate inquiry after counseling to the parent or guardian and the juvenile or direct the juvenile to participate in group counseling and similar activities or order the juvenile to perform community service or order the parent of the juvenile or juvenile if he is above 14 years of age and earns money, to pay a fine or make an order directing the juvenile to be sent to a special home in case of juvenile over seventeen years but less than 18 years of age for a period not less than two years and in case of other juvenile for a period he ceases to be juvenile. The Board shall obtain the social investigation report on juvenile through probation officer.\(^8\) Now we shall examine the institutions that exist in Amravati District for implementation of the above provisions for treatment of juvenile delinquents.

**Observation Home at Badnera for boys**

The observation home for boys was established in 1960 at Badnera for Amravati District for reception of boys neglected or delinquent that have not completed the age of 16 years. The institution, "District probation and

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7. Sec. 21(1) of J. J. Act 1986.
protection of children organization Amravati" ran this observation home. The collector of the District was the ex-officio chairman of the institution. Other office bearers were, vice-chairman (one), Secretary (one), Joint secretary (one), Treasurer (one) and six members. Thus the body consisted of eleven members. The term of office bearers was five years except the post of chairman. The office bearers were elected by process of election after a term of five years. In 1968 Advocate, Gajnafar Khan Ali – Rizvi was the secretary of this organization. The secretary used to manage the affairs of the organization. Superintendent of the observation home was government servant.

This organization was controlled by the Government organization, “Probation and protection of children organization Maharashtra Pune.” The function of this district organization was to collect 25% of funds from public for the expenditure on children in observation home. The State Government granted 75% of fund for expenses on children in observation home. In this observation home all the juveniles neglected and delinquents were received and kept together. The juvenile court conducted the cases of children in this observation home weekly on Friday. The juvenile court had authority to conduct the cases of neglected children and delinquents under the provisions of the Bombay Children Act 1948.

Various ‘homes’ established and maintained by the State Governments are often referred to as ‘jails’ by all within and outside the juvenile justice system created by the Juvenile Justice Act.9 We need to brush aside a conception about homes as jails by making improvements in the living conditions of homes.

Juvenile Court and Juvenile Board from 1988 at Amravati

The juvenile court’s functions were divided under the provision of the Juvenile Justice Act 1986. The cases of neglected juvenile which were

conducted by the Juvenile Court were entrusted to the Juvenile Board and the cases of delinquent juveniles only were conducted by the juvenile court under the Juvenile Justice Act 1986. The working of Juvenile Court and Juvenile Board had begun from 1988 in Amravati district in accordance with the provisions of Juvenile Justice Act 1986. The Juvenile Board used to conduct the cases of neglected juveniles weekly on Thursday and the Juvenile Court conducted the cases of delinquent juveniles weekly on Friday in the observation home at Amravati. The observation home was shifted from Badnera to Amravati in the year 1988.

The building of observation home is taken on rent from private person. The state Government could not provide observation home. For some time the observation home was situated in rented building near Hindu Smashan Bhumi Amravati. For some time it was situated in Mangilal Plot Amravati. Now it is situated in Rukhmini Nagar Amravati. The same place is also about to be changed in near future. Looking to the juvenile justice activity, the non-availability of building for observation home or special home owned by the State, along with office for the employees to work, reveals that the juvenile activity is being given secondary importance.

**Juvenile Welfare Board / Juvenile Welfare Committee**

The Juvenile Welfare Board consists of a chairperson and two members. Smt. Chandraprabhati Boke is the chairman of the Board since long. Other two members of the Board are Dr. Shirbhati and Adv. Bhopale. The District women and Children Development Officer is Class - I officer and institutions i.e. observation homes, juvenile homes are working under his control.

The expression, "Juvenile Welfare Board" in the Juvenile Justice Act 1986 has been changed and it is substituted by the expression, "Juvenile Justice Committee" in the juvenile justice Act 2000. But this committee is yet

10. Sec 4(1) of J.J. Act 1986
to be established under the Act 2000. The Juvenile Welfare Board under the Juvenile Justice Act 1986 has been working. The Juvenile Welfare Board deals with the cases of neglected juveniles only.

Observation Home for Girls at Amravati

The observation home for girls was established in the month of May 1980 at Amravati. This observation home is established for Vidarbha region. Observation home for girls is not even established at Nagpur although it is metropolis of Vidarbha.

This observation home for girls is situated at Gadgenagar Amravati in a rented house. It is within the thickly populated area of Gadgenagar Amravati. The juvenile girls delinquent or neglected are received in this observation home, in accordance with the directions of the Juvenile Court or Juvenile Welfare Board as the case may be. The sanctioned capacity of this observation home is 100. The juvenile girls up to the age of six years are transferred from this observation to Shishusadan (Home for kids) situated at other places. This observation home is run with 100% Government grant.

When the girl child is received in the observation home the superintendent makes efforts to call her parents and to deliver the custody of the girl child to the parents. Happy home is the place of bliss and blooms and the child develops its qualities and in grown up age achieves the enlightenment which is useful to the society with a torch of morals, ethics, the virtues in the life of a human being. The efforts to give the girl child in the custody of parent who are the members of happy home, is boon for the girls indeed but the return of girl child in broken home is her return to hell, the hell on the earth and not in the space.
Conclusion

From the above discussion of the institutions of treatment of juvenile delinquents in Amravati District and the nature of law for implementation of treatment to them, we find that the building and infrastructure available for the institutions for treatment of juvenile delinquents is insufficient and the improvement such as building for observation home for boys, for girls and other infrastructure in such institutions is the need of the day. This data also can be made applicable to whole state.

The juvenile court is not the court to impose punishment as it is imposed upon the adult offenders by the ordinary courts. Conversely, it is the institution acting for the welfare and rehabilitation of the juvenile delinquents and this aim cannot be achieved without the own building for the observation home and without providing necessities to it.

The question may arise that, can the building on rent not satisfy the need and facilities required for the juvenile? The private buildings may be having more facilities than the Government’s own building. The repeated change of the building of observation home for boys reveals the shortcomings and necessities of building for observation home. The fact is there is no special home in Amravati. Can we take care and protect the children without sufficient accommodation to meet the needs of the children? Juvenile justice implies the law relating to welfare of children, the machinery to employ it and the means required for the working of juvenile welfare machinery. The individual, society and the State are responsible for the welfare, protection and rehabilitation of the children. If they fail in their duty we cannot blame the child for his / her vagrant behaviour. The data makes it clear that the state has to share the responsibility of the delinquent juveniles and neglected juveniles and uncontrollable juveniles with utmost care and earnest, and facilities will have to
be provided to the children in need of care and protection and the children in conflict with law.

The problem of girls in observation home is delicate and they require special treatment and discipline in the observation home. The girls particularly form broken home are to be cared substantially. These girls have no hope. They have the ray of hope of assistance and lovely treatment from the state and society. Whom they expect the love from? In a broken home mother does not feed them or father does not allow them inside house. The observation home has to play the significant role in the welfare of the children came from broken home.