

Rehabilitation through education for juveniles in conflict with law

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It really doesn't take much imagination to understand how a vulnerable child growing up in sub-standard conditions without a safety net can succumb and come in conflict with law. It is with this realization that the Juvenile Justice Act, 2000 (JJA) was passed in India. Like its international predecessors (Convention on Rights of Child, Beijing Rules, Riyadh Guidelines), the JJA stresses on the importance of the rehabilitation of Juveniles in Conflict with Law (JICL) in a manner so as to promote their 'dignity and self worth'. But as is idiosyncratic to India, much was lost in translation from drafting legislation on paper and implementing it in the real world.

In accordance with the Act the Department of Women and Child Development set up two Juvenile Justice Boards (body responsible for adjudication and disposition of cases), three Observation Homes (for reception of Juveniles during pendency of a case) and one special home (for the ultimate rehabilitation of JICL) in Delhi. However if the delivery mechanism itself is flawed, then the very objective of setting an alternative system for JICL is defeated.

Judicial Proceedings

The Act in the spirit of minimum institutionalisation lists a set of alternatives to imprisonment. However dispositional orders for community services or settling by paying fines are rarely passed. Most juveniles are either admonished and released with directions for counselling or released on probation. The role of the Juvenile Justice boards (JJBs) and the Probation Officers (P.Os) thus, become inimitable to the rehabilitation JICL. However the JJBs and the P.Os seem to act as advisory bodies at their best. Most JICL have had little or no prior education and limited interest. So there is a dire need for innovative forms of schooling. Besides this there is also need for psychological intervention. Lastly while the Act talks about sponsorship programmes for their reintegration no such scheme has been introduced yet.

The system of probation is also flawed. There is a dearth of probation officers. Underpaid and overworked they do a shoddy job. 'Probation' seems to constitute simply of the JICL in question coming down to the POs office for 15 minutes every 15-30 days. Beyond this there seems to be no system of corroborating the progress by going to her/his home, school or place of employment.

Institutions

A significant number of JICL are also sent to Observation and Special Homes. Some of these 'child friendly' homes are in deplorable condition and exude a distinctive jail-like atmosphere. Institutionalisation has therefore been reduced to a mere punitive measure which is against the very spirit of the Act.

Only those JICL who can be entered into age appropriate classes are given formal education, while the others are made to work in kitchens, laundry etc or made to pursue 'gainful' vocations like candle making and book binding. Tailoring is the only serious vocation offered. Moreover while the Model Rules lays down the provision for two full time counsellors most of them do not work full time.

Records

Another major problem is the absence of a centralised system of keeping computerised records. Checking for repeaters therefore becomes a problem and has obvious implications for the rehabilitation process which cannot be upgraded accordingly.

Conclusion

In light of the above observations the following measures could be adopted:

- The legislation should be revised to incorporate explicit standards for non-institutional services including sponsorship and community services
- Identifying the risk prone areas and setting up alternate schools, vocational centres offering a range of certificated vocational courses, drug de-addiction centres and psychological intervention centres.
- Having tie-ups with *Jan Shikshan Sansthan*s, ITIs, corporates and NGOs to provide for the educational, vocational, psychological needs in institutions and ensure that the tie-ups are formalised by signing MOUs. The posts of full time counsellors must be filled.
- Having a separate cadre of Juvenile POs
- Having a proper centralised computerised system of keeping records