

Vol 4 Issue 10 July 2015

ISSN No : 2249-894X

*Monthly Multidisciplinary
Research Journal*

*Review Of
Research Journal*

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RNI MAHMUL/2011/38595

ISSN No.2249-894X

Review Of Research Journal is a multidisciplinary research journal, published monthly in English, Hindi & Marathi Language. All research papers submitted to the journal will be double - blind peer reviewed referred by members of the editorial Board readers will include investigator in universities, research institutes government and industry with research interest in the general subjects.

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JUVENILE TREATMENT AND THE BEIJING RULES



Mohammed Subhan Attar¹ and R.N. Mangoli²

INTRODUCTION :

Children are the most important asset of a nation. The growth and decline of civilization is determined by its degree of concern for the children. Government in general and society in particular must recognize that children need protection and care. These innocent lives neither demand for services, nor exercise right to franchise. In era of computers and highly advance technology, we are searching the mysteries of the universe on the one hand and neglecting the human factor on the other hand. The crimes by the juveniles are usually serious and may sometimes represent an important proportion of the total criminal activity in a society. It is universally presumed that juveniles deserve and require special handling because they are in a growing period and criminal tendencies at this stage of life will not necessarily be continued into adulthood. Therefore, rehabilitation has particular appeal for use with juveniles. Objectively, rehabilitation is the focus of corrections programs for juveniles who are committed or indulge in an offence. In practice, however, as occurs with adult programs, juvenile

ABSTRACT

Juveniles are the vulnerable and innocent section of the world. United Nations formed to uphold the rights of the every section of the society. It has many conventions and policies which clears it stands that to protect the rights and responsibility of the juveniles. In this paper the author tries to look some of the laws and treatment of the juveniles who have committed the offences and how they have been treated by the stakeholders. There are many laws has been implement in pre-independence and post-independence in India. One of the best law is been in force is Juvenile Justice (Care and Protection of Children) Act, 2000.

KEYWORDS: Juvenile, United Nations, treatment.

SHORT PROFILE

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rehabilitation programs may be poorly implemented. Strengthening implementation of existing rehabilitation and delinquency prevention programs could substantially reduce future criminality (jbulletin).

This paper studies to understand the different types of treatment measures and implementations of Beijing rules. Objectives:

- 1.To know the treatments provided at the juvenile institution.
- 2.To check the implementation of Beijing rules.
- 3.To suggest means and ways to enhance the treatment for juveniles.

Adopted by General Assembly resolution:

Part one of the general principles and fundamental perspective of United Nations resolution states that "member States shall seek, in conformity with their respective general interests, to further the well-being of the juvenile and her or his family"(1.1). Member States shall endeavor to develop conditions that will ensure for the juvenile a meaningful life in the community, which, during that period in life when she or he is most susceptible to deviant

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behavior, will foster a process of personal development and education that is as free from crime and delinquency as possible(1.2). Sufficient attention shall be given to positive measures that involve the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools and other community institutions, for the purpose of promoting the well-being of the juvenile, with a view to reducing the need for intervention under the law, and of effectively, fairly and humanely dealing with the juvenile in conflict with the law(1-3). Juvenile justice shall be conceived as an integral part of the national development process of Each country, within a comprehensive framework of social justice for all juveniles, thus, at the same time, contributing to the protection of the young and the maintenance of a peaceful order in society(1.4). These Rules shall be implemented in the context of economic, social and cultural conditions prevailing in each Member State(1.5). Juvenile justice services shall be systematically developed and coordinated with a view to improving and sustaining the competence of personnel involved in the services, including their methods, approaches and attitudes(The Beijing Rules). These rules have been signed by the India as one of the signatory.

Commitment:

The fundamental perspectives refer to collective social policy in general to the stakeholders and aim at helping juvenile welfare to the greatest possible extent, which will minimize the necessity of intervention by the juvenile justice system, and in turn, will reduce the harm that may be caused by any intervention. Such care measures for the young, before the onset of deviancy, are basic policy necessarily framed to follow the need for the application of the Rules (The Beijing Rules). The rules are the base for the juveniles to have a human treatment. In India the caretakers of theses juveniles lacks material and technical credibility to provide all the basic requirements to the juveniles. Besides

this it tries hard to hold the interest and welfare of the juveniles.

What you mean by “Treatment”?

Treatment is term and concept borrowed medical science. Treatment is mode of dealing with a person in need or in distress or one with serious problem, or one placed in difficult situation. When the term used in context of a consciously planned, skilled efforts to satisfy the persons felt or perceived need, or to change or modify he (or her) personality or behavior, or to resolve the problem he (or she) faces, or the situation he (or she) confronted with, it assumes a configuration which is similar, in its broad sense, to that to which is medical treatment assumes in relation to patient's ailment or problem.

If the use of the term in the field of correction is to convey any significant meaning, which is implicit in medical treatment of patient for his ailment and affliction, the implication of the processes, skills and the insight of accompany, or go into, the treatment need to be properly comprehended. Mere repetition of the therapeutic jargon of its terminological or conceptual clichés by the doctor or the surgeon in dealing with the patient will be no more efficacious or effective than 'a procession of saint' before an epidemic'. This line of reasoning is equally valid in correctional treatment. Like the medical specialist, the correctional therapist or practitioner must first try to comprehend the implication of the various skills, processes and procedure of correctional treatment to which a clinic-processed or a legally juvenile deviant or youthful offender is to be exposed with a view to modifying his personality, to bringing about desirable attitudinal changes in him, to training him to live an order life and, thereby, ultimately to rehabilitating him in society.

Who is Juvenile? What you mean by “Juvenile is in conflict with law”?

According to Juvenile Justice (Care &

Protection of children) Act, 2000, A “Juvenile” or “child” means a person who has not completed eighteen years of age. “Juvenile in conflict with law” means a juvenile who is alleged to have committed an offence and has not completed eighteenth year of age as on the date of commission of such offence.

According to International Law, a ‘Child’ means every human being below the age of 18 years. Today this is a universally accepted definition of a child which comes from the United Nations Convention on the Rights of the Child (UNCRC).

Juvenile Institutions

A Juvenile in conflict with law shall be dealt by Juvenile Justice Board. The JJB (under sec.4) Juvenile Justice (care & protection) Act, 2000 is consisted of a Metropolitan Magistrate or Judicial Magistrate of the first class, as the case may be, and two social workers of whom one should be a women, forming a Bench shall have powers conferred by the Code of Criminal Procedure.

The institutions under JJ Act are to be established by the State Government, or along with any voluntary organization. Under the category of Juvenile who is in conflict with law, the institutions that are:

Observation homes: “Observation home” means (under sec.8) states, any State government may established and either by itself or agreement with voluntary organizations, observation homes in every district or a group of district, as may be required for the temporary reception of any juvenile in conflict with law during the pendency of any inquiry regarding them under JJ Act, 2000. The observation homes, where the juvenile with accommodation, maintenance and facilities for medical examination and treatment but also provide them with facilities for useful occupation. The most important function of the observation home is to closely observe and diagnose the juvenile. Apart from medical examination,

psychological tests are also conducted. Detailed interview with the probation officers also provide necessary help in chalking out the programs for the juveniles. Probation officers play a vital role in carrying out the functions of an observation home. All the relevant information about the juvenile is pooled in observation homes so as to determine appropriate methods and treatments for him.

Special Home: “Special home” means (under sec.9) states, any state Government established and maintain either by itself or under an agreement with voluntary organization, special homes in every district or group of districts, as per the required for reception and rehabilitation of juvenile in conflict with law under JJ Act, 2000. If a special home has not been established or certified in a State, the juvenile are sent to a fit institution. A juvenile can't be kept in any police station or jail. The juvenile are sent to special homes where they are provided not only accommodation, maintenance and other facilities for education, vocational training and rehabilitation but also provided with facilities for their development character and abilities and give them necessary training for their reformation. The special homes also perform such others functions as may be prescribed to ensure all around growth and development of their personality.

Prayas Observation Home for Boys-I

Prayas Juvenile Aid centre is a society registered under provision of the Societies Registration Act, 1860 and since its inception on 14th Nov 1988 has been working as a non-governmental organization for the neglected and street children. Prayas through its seen project in Delhi and outside and programs pertaining to education, vocational training, health and nutrition, counseling fulfillment of basic needs of shelter, clothing etc, has so far been able reach out to several thousand's among the 4 lack street children of the city of

Delhi.

The major collaboration of Prayas is Delhi Police, Delhi School of Social Work (DU) and Shramik Vidyapeth (Ministry of Human Resources & Development, Government of India). The other important collaborations are the Government of India through Ministries of Welfare and HRD, Government of NCT National Labour Institute, National Institute of Public Cooperation & child Development Delhi NGO Forum, Candian International Development Agency, & various other and International organizations.

The Prayas Observation Home Feroz Shah Kotla Delhi Gate is Government home but is being handed over to Prayas since 1997 first as home for neglected children under section and second as an observation home for juveniles in conflict with the law under section 8 of the Juvenile Justice (care & protection of children) Act, 2000 from 11th July, 2003.

It has been an experiment for the Government, as well as Prayas, Whereby as model of Government NGO partnership has evolved in management of the Homes as directed by the High Power Committee Constitutional by the Chief Minister.

FINDINGS

The main objective of the study was to find out the various treatments provided at the Institution for the benefit of the children and is these services apt. And it was found out that there were many services like Education, Vocational Training, Recreational Activities etc provided to all the juveniles.

It was observed that children were satisfied from all the facilities like vocational Training, Education, Bedding, Cloth and Toileting and mainly they were happy as well satisfied from the vocational Training Facilities provided.

Non formal Education is provided at the observation home. Because in observation home the juveniles will be there for the temporary basis till the time of their inquiry of the case is

completed.

It was found that all the children share cordial and fair relation with each other brawls and heated arguments do take place among them no one gets injured.

According to the juveniles, the officials give proper attention on them and their behavior towards juvenile is appropriate but very few of the children believed that the Officials are Caring and Sober where the Officials said that they are very helpful.

Juveniles get proper Medical Facilities at the Observation home and if any juvenile gets seriously ill or injured then he is taken to nearby Lok Nayak Jya Prakash (Irvine) Government Hospital in Delhi Gate.

Staff members properly knew the reasons responsible for children coming at the observation home. And they had proper knowledge of provisions laid in JJ Act, 2000.

All the necessary programs are conducted for the Rehabilitation and social reintegration.

CONCLUSIONS AND SUGGESTION

The main aim of the Observation Home is to counsel & rehabilitate the juveniles.

The life outside the Observation home is very harsh and Juveniles don't know what they have to do after going out of here. So Guidance & counseling sessions should be taken for all the children above 15 years of age.

Major problem faces by the children in the Home is of Restoration and Rehabilitation. So a proper after care organization should be set up for children who will prove beneficial and helpful for the betterment of their lives.

Though the services are good, and apt enough, but then also juvenile repeat the offence. Proper steps should be taken for checking out this problem and also the concerned Authority should work for better functioning of the observation home.

Though the officials do follow up of the juvenile but then also it seen that juvenile

repeat the crime.

The juveniles get all the basic needs such as food, cloth etc fulfilled but then also they not satisfied and happy.

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