

Reformation of Juvenile in conflict with Law: An Indian Study

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ABSTRACT

Juvenile delinquency is a major challenge to the present society all over the world. Societal views and response towards it is changing from time to time. Reformation of the juvenile delinquents through educational and vocational training, and psychological counseling in the Remand home is one of the methods currently practiced in India. Present study on thirty inmates and thirty ex-inmates of Remand home indicated that the reformatory method had some positive influence on their social life, for bringing back them to main stream of the society.

Key Words: Juvenile delinquent, Juvenile in conflict with law, Remand home, Reformation, Rehabilitation

INTRODUCTION

Juvenile delinquency has posed problems from the time immemorial, and what has changed is the nature and definition of behavior considered undesirable, from time to time. Definition of Juvenile Delinquency differs from sociologist's point of view as well as legal point of view. Again, the legal definition differs from country to country and from time to time.¹

In Indian context, as per Juvenile Justice Act (1986), juvenile delinquency means commission

of offence (any act or omission punishable under law in force at a given time) by a boy less than 16 years of age or a girl less than 18 years of age. However, the amendment brought to Juvenile Justice Act, 1986 that came into force as the Juvenile Justice (Care and protection of Children) Act, 2000 defines juvenile as a person who has not completed eighteen years of age irrespective of gender and the term Juvenile delinquent has been replaced by Juvenile, in conflict with the law.^{1,2}

Number of Juvenile delinquency is increasing year by year in India. In the years 2001 and 2002, the total number of juveniles apprehended in India for cognizable crimes under the Penal code were 16509 and 18560 respectively, besides 5154 and 8332 cases reported under Local and special laws in the same corresponding years.^{1,2} Involvement of female juveniles in crimes was also increasing. The ratio of girls to the boys arrested for committing offences under IPC was 1:12 for the year 2001 against 1:16 in the year 1978 in spite of the fact that since the year 2000 the upper age limit of boys had been raised from 16

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to 18 years, that means inclusion of more number of male offenders under juvenile delinquents than before. The number of violent crimes like murder, rape, robbery and rioting were quite substantial though much smaller compared to non-violent crimes like theft. Similarly, taking the juvenile delinquency in the state of Maharashtra for the years 2001, 2002, 2003 and 2004 the figures were 4990, 5379, 5070 and 5496 respectively. On the year 2004, in Maharashtra, 117 juveniles apprehended for murder, 73 for attempt to murder, 63 for rape, 96 for robbery, 1195 for theft, 6 for criminal breach of trust, 22 for causing death by rash and negligent act and 148 for gambling. During that year, the number of juveniles apprehended under various crimes in the Pune district under the regions Pune city, Pune railways and Pune rural were 523, 4 and 88 respectively.³ In that year, 939 juveniles were admitted to Remand homes situated at Pune.⁴

Again, it is worth to mention here that the above-mentioned figures are not the true figures and represent only the tip of iceberg as many cases might have went unreported due to various reasons.

The basic logic behind putting the juvenile delinquents in Remand home are: 1) To isolate them away from influencing other youngsters who are on the proper paths along with rest of the law abiding society 2) To reduce their interface and relationship with serious adult offenders and 3) To isolate them from stigma and negativity of being incarcerated.^{5,6}

Traditionally, the juvenile justice system has emphasized the goals of treatment and rehabilitation of young offenders, while protecting them from punishment, retribution, and stigmatization.⁷

A youth entering the Juvenile Justice System has the opportunity to receive intervention assistance from the state. In the care of the state, a youth may receive drug rehabilitation assistance, counselling, and educational opportunities. The success of the Juvenile Justice System is measured by how well it prepares youth to re-enter the community without committing further crimes. Optimally, all juvenile detention facilities would catch youths up on their education, provide them with job training,

give them the experience of living in a safe, stable environment, and provide them with assistance to break harmful habits.⁸

In the Remand home at Pune, inmates were given regular educational and vocational training and psychological counseling on weekly basis. When they became offensive, they were given additional tasks like cleaning of the Remand home, serving food to all other inmates and gardening. The present study was an attempt to know the effects of reformation at Remand home, considering it is a small step towards making crime free society.

AIMS AND OBJECTIVES

- i. To know the effects of present approach of reformation upon the inmates of Remand home, Pune.
- ii. To study the effects of reformation upon the ex-inmates of Remand home, Pune who were released at least two years ago.

MATERIALS AND METHODS

For the present prospective study, necessary written permission was obtained from the District Judge, Pune, the higher authority of Remand home. Thirty male inmates and thirty male ex-inmates of Reformatory School run by the District Probation and After-Care Association, Pune were individually interviewed using two separate predesigned open ended, structured questionnaire formats from May 2005 to November 2005. As there were no female inmates at the Remand home, no study was conducted upon female juvenile delinquents. Prior to interview, informed consent was taken from the individuals/ competent authorities after gaining their confidences. Ex-inmates who had been released from the Remand home at least two years back were only considered for the present study. The Remand home authority helped us to trace them. Those who were reluctant to participate were excluded from the present study. While evaluating the alleged juvenile delinquents, especially the ex-inmates of Remand

home, the effects of reformation and post reformation social life were also assessed to know the advantages, disadvantages of such reformation and rehabilitation programmed.

RESULTS

Table 1: Age and nature of juvenile delinquency of inmates of Remand home

Age of inmates of Remand home	Ticketless traveling	Theft	Robbery	Physical assault	Gambling	Murder	Rape	Total
7-10 years	0	0	0	0	0	0	0	0
10-12 years	0	3	0	0	0	0	0	3
12-14 years	0	2	1	0	0	1	0	4
14-16 years	0	5	1	0	0	1	1	8
16-18 years	1	5	1	2	1	5	0	15
Total	1	15	3	2	1	7	1	30

Table 1 shows out of thirty inmates interviewed at Remand home, 50% (N=15) were involved in different types of thefts, followed by involvement in serious offence like murder in 23.33% (N=7) cases. Rests of them were involved

in offences like ticket less traveling, robbery, physical assault, gambling, and rape. Age group 16-18 years were responsible for 50% (N=15) of juvenile delinquency, followed by age group between 14-16 years, who were responsible for

Table 2: Duration of stay of inmates at Remand home on date of interview according to nature of offence

Duration of stay	Ticket less traveling	Theft	Robbery	Physical assault	Gambling	Murder	Rape	Total
1-15 days	0	4	1	0	0	3	0	8
15-30 days	0	2	1	0	0	2	1	6
1-3 months	0	5	1	1	0	2	0	9
3-6 months	0	3	0	0	0	0	0	3
6months-1 year	0	0	0	1	1	0	0	2
1-2 years	1	0	0	0	0	0	0	1

26.66% (N=8) of juvenile delinquency. No single case of juvenile delinquency could be found in the age group between 7-10 years.

Table-2 shows range of duration of stay at Remand home by the inmates on the date of interview that varied from 1 day to more than 3

years. Nine inmates (30%) were staying since last 1-3 months whereas 8 inmates (26.66%) were admitted recently within 1-15 days. Out of 30 cases, one inmate admitted under the offence of theft had spent more than 3 years at different Remand homes with history of running away from the Remand homes on several occasions.

Table 3: Opinion of inmates about effects of reformation at Remand home distributed as per nature of offence

Opinion about reformation	Ticketless traveling	Theft	Robbery	Physical assault	Gambling	Murder	Rape	Total
Good effect	1	9	1	1	1	4	0	17
No effect	0	2	1	0	0	2	1	6
Un-determined	0	4	1	1	0	1	0	7
Total	1	15	3	2	1	7	1	30

Table-3 shows seventeen inmates (56.66%) had opinion that the undergoing reformatory process at Remand home was beneficial for them. Six inmates (20%) said it had no effect and one out of them admitted 22 days ago under the offence

of theft, and previously involved in offence of murder, expressed his desire to continue criminal activities in future. Seven inmates (23.33%) were undetermined about the effects of reformation.

Table 4: Age and nature of juvenile delinquency of ex-inmates of Remand home

Age of juvenile delinquency	Theft	Robbery	Physical assault	Attempt to murder	Murder	Rape	Rash & Negligent Act	Fraud	Total
7-10 years	0	0	0	0	0	0	0	0	0
10-12 years	2	0	0	0	0	0	0	0	2
12-14 years	2	1	2	1	1	0	0	0	7
14-16 years	1	1	0	1	1	1	0	1	6
16-18 years	0	3	2	2	5	2	1	0	15
Total	5	5	4	4	7	3	1	1	30

Table-4 shows out of thirty ex-inmates of Remand home, 23% (N=7) were admitted under the offence of murder, 16.66% (N=5) were admitted for theft, 16.66% (N=5) were admitted for robbery, 13.33% (N=4) were admitted for physical assault, 13.33% (N=4) were admitted for attempt to murder, 10% (N=3) were admitted for offence of rape. However, out of those thirty ex-inmates of Remand home, 13.33% (N=4) of them

claimed that they were not involved in the alleged offences. 70% (N=21) of them admitted to the Remand home during their age of 14-18 years.

Table-5 shows out of thirty ex-inmates of Remand home, except 10% (N=3) ex-inmates who were neither employed or nor studying on the date of interviews, 20% (N=6) were continuing their education, while the rest 70% (N=21) were engaged in some sort of job or work ranging from

Table 5: Current occupational status of ex-inmates of Remand home distributed as per their earlier offences

Current occupation	Theft	Robbery	Physical assault	Attempt to murder	Murder	Rape	Rash and Negligent act	Fraud	Total
Student	1	3	1	0	1	0	0	0	6
Part time job	0	1	0	2	0	0	0	1	4
Regular low profile job	2	1	1	0	1	0	0	0	5
Regular middle/high Profile job	0	0	0	0	1	0	0	0	1
Other works	2	0	2	2	3	2	0	0	11
Doing nothing	0	0	0	0	1	1	1	0	3
Total	5	5	4	4	7	3	1	1	30

unskilled labor to middle profile job. Out of those 21 engaged individuals, 10% (N=3) had been rehabilitated by the Remand home authority.

Table-6 shows 43.33% (N=13) ex-juvenile delinquents had undergone reformation at

Remand home between 6months to 1 year, 30% (N=9) had between 3 to 6 months, 23.33% (N=7) had between 1day to 3moths. Out of those thirty ex-juvenile delinquents, only 1 (3.33%) had

Table 6: Duration of reformation undergone by ex-inmates of Remand home distributed as per

Duration at Remand home	Theft	Robbery	Physical assault	Attempt to murder	Murder	Rape	Rash and Negligent act	Fraud	Total
1day-3 months	1	1	1	0	1	1	1	1	7
3- 6 months	2	3	2	1	1	0	0	0	9
6months-1 year	2	1	1	3	5	1	0	0	13
1-2 years	0	0	0	0	0	1	0	0	1
Total	5	5	4	4	7	3	1	1	30

undergone reformation at Remand home between 1-2 years.

Table-7 shows out of thirty ex-juvenile delinquents, except 10% (N=3), rests 90% (N=27) ex-juvenile delinquents opined that the reformation undergone at Remand home had positive influences in their later social life.

DISCUSSION

Regarding the efficacy of reformatory process, it has been said that human beings are not putty that can be remolded at will by benevolent intentions. The records of juvenile delinquents

Table 7: Opinion of ex-inmates about effects of reformation at Remand home distributed as per nature of offence

Effects of Reformation	Theft	Robbery	Physical assault	Attempt to murder	Murder	Rape	Rash and Negligent act	Fraud	Total
Good	4	4	4	3	7	3	1	1	27
No	1	1	0	1	0	0	0	0	3
Total	5	5	4	4	7	3	1	1	30

showed that reformation of even young offenders was not always possible.¹ In our present study, 76.66% (N=23) inmates and 70% (N=21) ex-inmates of Remand home were adolescents, between age of 14-18 years, either during commission of juvenile delinquency or admission to the Remand home.

A number of studies carried out by Hodges & Tait, and Gaig & Furst showed that there were no difference regarding future criminal careers

of juvenile delinquents given treatment and those not exposed to any treatment.¹ Urbaniok F et al. reported that overall, 71% of offenders reoffended, and 29% with a violent or sexual offence. Results of their study showed that young delinquents sentenced and committed to penal reformatory training had a high recidivism risk.⁹ Some authors claimed that one of the reformatory schools was 47% successful. That means some of these misled people had been taught the right

attitude to cope with society.⁵ Greenwood & Turner reported that aftercare programmed had a modest effect on post release arrest and behavior. Haghighi & Lopez found that 62.5% of the juveniles were rated successful in group home treatment programmed.¹⁰ Cheung CK et al. collecting data from 190 delinquents in Hong Kong reported that developmental group activities were beneficial to delinquents who spent less time with family and/or more time with friends. For delinquents in general, developmental group activities were helpful in diminishing delinquency.¹¹ In our present study, none of the ex-inmates of Remand home were involved in crime after their release from the Remand home. However, two inmates of Remand home were found admitted to Remand home on repeated occasions.

Alfred C. Schnur reported, psychotherapy time available to each inmate at reformatory school is very less, hence unable to bring any change in young minds. He also pointed out; lavish treatment at reformatory institution may cause the juvenile to return to crime again.¹ In the present study, it was observed that the duration of psychological counseling available to the inmates of the Remand home was very less.

Andrade RC et al. and Gosden NP et al. Reported, psychiatric disorders like attention-deficit/hyperactivity disorder, conduct disorder, oppositional defiant disorder, anxiety disorder and depressive disorder, illicit drug abuse, and regular alcohol use are more prevalent among juvenile delinquents.^{12, 13}

MacMahon JR reported, exercise can reduce anxiety, tension and depression, and increase self-esteem. Therefore, recreational sports in the remedial programmed for juvenile delinquents will impart desirable educational, social and personal values.¹⁴

Petrosino A et al. reported, 'Scared Straight' and other programmes involving organised visits to prison by juvenile delinquents designed to deter participants from future offending through first-hand observation of prison life and interaction with adult inmates have a harmful effect and increase delinquency relative to doing nothing at all to the same youths.¹⁵

In the Remand home at Pune, there was neither facility for recreational sports activities nor any facility for assessment and treatment of psychiatric disorders of inmates. They were never subjected to programme like 'scared straight'. However, 56.66% juvenile delinquents undergoing educational and vocational training, and psychological counseling at the Remand home and 90% ex-juvenile delinquents undergone the same reformatory process opined that reformation at the Remand home had positive influence on their life. However, one inmates of Remand home allegedly involved in theft and murder was adamant to carry out his criminal activities in future. This clearly indicates that juvenile delinquents need more quality and quantity of psychological counseling as pointed out by Alfred C. Schnur.

Ganga N. and Ravichandran P. reported that 62% of juvenile delinquents sought employment and resettlement with parents after being released from the Remand home, whereas 33% wanted to join their parents and continue studies.¹⁶ Lipton, Mortinson and Wilks in their study concluded that with few and isolated exceptions, the rehabilitative efforts have no appreciable effect on recidivism.¹ In our present study, 20% (N=6) ex-inmates of Remand home were continuing their education, while 70% (N=21) were engaged in some sorts of job or work ranging from unskilled labor to middle profile job. Out of those 21 engaged individuals, 10% (N=3) had been rehabilitated by the concerned authority. In our present study, none of the ex-inmates of Remand home were involved in crime after their release from the Remand home. However, two inmates of Remand home were found admitted to Remand home on repeated occasions.

Four ex-inmates claimed that they were innocent but wrongly implicated even under serious cognizable offences like rape and murder and put in the Remand home. If there was any truth, the law agency dealing juvenile delinquency must act cautiously so that no innocent juvenile is incarcerated.

CONCLUSION

1. As per the opinion of 56.66% inmates and 90% ex-inmates of Remand home, Pune, the ongoing reformatory process had some beneficial effects to divert them from delinquent path. Therefore, the reformatory programmed should be continued till better alternative method is available for correction of juvenile offenders.

2. Whatever may be observations of different workers in this field regarding reformation and rehabilitation of juvenile delinquents; it is responsibility of the state to keep trying the best available method for correcting juveniles in conflict with law for the betterment of society, as serious antisocial behavior does not develop spontaneously.

3. Under the process of reformation at Remand home, recreational sports, meditation, psychological counseling of the parents should be included for better results.

4. The exact nature and extent of benefits from such reformatory method can only be evaluated by involving large numbers of inmates and ex-inmates of Remand home for longer duration of study.

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