

# A Study of Education & Living Patterns of Inmates as juveniles with diverse needs under Restoration & Rehabilitation Practices in state of Haryana as per Juvenile Justice Act 2000 /2015

Dr.Shakuntla Devi.

[Former Principal, SRLCOE,Dhani Mahu] & Former Honorary Member, Juvenile Justice Board, Hisar

## ABSTRACT

"The Government of India have had for consideration the question of adopting a National Charter for Children to reinstate its commitment to the cause of the children in order to see that no Child should remain hungry, illiterate or sick. After the consideration, it has been decided to adopt the National Charter 2003 for children.....Article 15 (3), Article 21 A, Article 24, Article 39 e & f, Article 45 (National Charter). Restoration, Rehabilitation and protection to a child shall be the prime objective of any childrens' home or the shelter home (JJAAct,2000). The Homes for Juveniles in conflict with law and children in need of Care & Protection are functioning from separate premises as per Haryana Government Gazette (September 22, 2009) as per Juvenile Justice Act 2000. Fundamental Principles and presumption of innocence shall be respected throughout the process of Justice, care & protection including aftercare too. Juvenile in conflict with law has a right to be legally re-presented, principle of best interest of him or her be the primary consideration to ensure **all round development**. Non-stigmatism & use of accusatory words are totally prohibited. A case study of the **observation home** was carried out for the purpose. Structured SIRs (Social Investigation Reports) were used to take more information & to collect data about the inmates that are framed by the Legal & Probationary Officer personally from DCPU of the district. The researcher wished to hear the inmates' point of view about teaching provided to juveniles with diverse needs in the protective-custody. Data were collected by means of semi-structured interviews, observations, and document analysis. Semi-structured interviews were used because they provided firsthand information from the concerned teachers including other staff of the home as well as inmates also. Regular inspections were carried out as per recommendations of the concerned WCD Deptt. of state and District units regularly as well. During inspections, staff of the said CCI was also contacted to reveal the conditions that prevailing at home of the inmates and requirements as per JJAAct so for. Regular meetings were held between Management Committee of the said home. Education was one of the chief components of inspections and different visits of observations from time to time during investigator's fair working and stay in touch with observation home. Proceedings trace the arrangements made for the welfare of inmates of the concerned CCI (home). Responses were recorded in the form of report. After making analysis of data, findings were derived and evaluated in terms of objectives of the said investigation"

Key Words:---Observation- Home, Juvenile, JJAAct , CCI (Child Care Institutions) teachers, diversity, inclusive education, teaching-learnin, Diverse-Educational needs, barriers, support etc.

## 1) Introduction:-

The rehabilitation and reintegration of a child shall begin during the stay of the child in a children's home or special home. All efforts are being made to help the juvenile offenders to get rid of this misbehavior so that he or she may not turn to be a chronic or major/adult criminal of tomorrow or any further. Therefore, Women & Child Development Department, Haryana has joined hands with the legal authorities to escape the children from the clutches of crimes and to get rehabilitate them into the mainstream of being good citizens of tomorrow. A number of discussions, debates and seminars cum workshops have been made at the **National as well as International** level. The onus of implementation of the JJ ACT2015 is on the Ministry of Women and Child development for the entire country. In Delhi, it is the Department of Women and Child Development which is responsible for its implementation or to be more specific the Child Protection Unit. The governing scheme is the 'Scheme for the Prevention and Control of Juvenile Maladjustment' or 'A Programme for Juvenile Justice.' (Ministry of Women and Child Development). In 2009, the Government of India launched the **Integrated Child Protection Scheme (ICPS)**. One of the main objectives of this scheme is to improve the Delivery-mechanism of the Juvenile Justice System. The point of Institutionalisation has been stated as, 'To provide care; protection; education and vocational skills; with a view to assisting them to assume socially constructive and productive roles in society ('Beijing Rules2007). It is evident that the teaching of learners with diverse needs requires teachers with specific knowledge and skills to enable them to identify and help learners, thus cultivating a positive attitude and willingness to accept them in class and assist them. It is evident that the teachers do not conceptualize their roles clearly as the **Inclusive Education policy** requires them to perform some duties to which they were not accustomed.

### 1.1) Constitutional Provisions for the Protection of Children in India :

The Constitution of India in Article 15 (3) has clearly recognised that the condition of the children in India is such that they require Special Protective provisions. Article 15 (1) prohibits discrimination on the forbidden grounds and therefore, any "Special Provision" for children would not have been hit by Article 15 (1) at all. This has been clearly pointed out by Chief justice Chakravarti speaking during the Division Bench of the Calcutta High Court in Anjali Roy v. State of West Bengal [4]. But still, the framers of the Constitution, having regarded the dissatisfactory position of the "Child" in India, and thought it fit to make it fully alive to the grave necessity for special protective provisions for the children in India by including children in Article 15 (3). The Constitutional-protection for "special provisions" for women, in Article 15(3), was obviously necessary as "Sex" having been main forbidden grounds of discrimination under Article 15 (1), "Special Provisions" for Women, favouring women only, would have other been hit by Article 15 (1),[5]

### 1.2) Phenomenon of Diverse needs:

Students each have unique skills, abilities, and needs that need to be addressed. This lesson will explain several ways that students can be different from one another and how you can tailor your instructions to address their needs. Some studies argue that if teachers are able to cater for diversity in their classes, the vision of **inclusive education** will be realized. Inclusive education requires all learners with the diverse needs to be able to access education and succeed in their schooling careers. **1.3) Meeting with Diverse-Educational needs and Juvenility at Observation Home under study :-** As we know that diversity in the classroom does not just refer to cultural diversity but also refers to diversity in skills, knowledge, and

needs. This qualitative study which emphasizes interaction between the systems of education alongwith distinctive diverse needs and conditions prevailing in an **observation home**. It was well noted that between 1960<sup>s</sup> and mid 1990<sup>s</sup> a significant research demonstrated, that **Community based programs** were found more effective in comparison to **Traditional Training** schools or **Traditional Correctional programs**. In 1970<sup>s</sup> and mid 1980<sup>s</sup>, **alternative programs** for Juveniles were suggested to improve miserable conditions due to delinquency where as between 1985 and 1995, **detention centers (prisons/jails)** were raised. One of the problems with placing juveniles in a residential facility is over-crowded homes these days. **Overcrowding** creates dangerous situations in terms of facility management resulting into **detrimental to the rehabilitation and treatment to juveniles**. It was observed that two number of teachers(TGTs) are appointed on deputation basis in Observation Home, Hisar (on a strength that varies from 60 to 90 inmates usually) by the Education Department of Haryana. These two teachers are deputed from Secondary Wing of Education Department and are meant to teach all the inmates (10years to 20years+) residing there irrespective of their **age-group, grade, class or subject even stream etc**. In such Conditions, question of Systematic sort of Pedagogy and Quality never rises there. It was also noted that the said teachers are quite engaged with a much large class of children but of diverse needs in comparison to the parallel-class of a general school in the same state or elsewhere. This study also focussed on the factors that are considered in the study as barriers to catering of diverse needs of juveniles too.

## **2 ) Review of Related Literature:--**

The investigator made an attempt to study the related literature upon **Living & Education patterns** among Juveniles. As it is well known that review of related literature is an essential step to get a view or idea about the gaps and lacunas of research in a field or more respectively. Hence, an effort on the part of researcher is made to collect similar studies that had been conducted in India & abroad regarding the problems of **Restoration and Rehabilitation** of Juveniles as per JJAct 2000/2015. A few studies pertaining to the objectives of said research is given as below:--

2.1) Cavin (2001) conducted an investigation to identify and explore personality characteristics of juveniles committing offences. He found that MBTI ( introspective self-report questionnaire) can be useful in responding to **Education & Rehabilitation needs** of Juvenile- delinquents.

2.2) Sizer (2001) evaluated Juvenile Delinquency from an ecological perspective. It was concluded that family, peer & community influences together with Juvenile Delinquency. The investigation program aimed at the prevention of delinquency among Juveniles began as early as the start of the 20<sup>th</sup> Century. But these preventive offence programs among children are prevalent in almost all communities (Howell, 1995).

2.3) Dasgupta, M.(2010) also made an attempt to study the juvenies in relation to their rehabilitation, their safety, vocational needs and their Education too. After reviewing the related studies, the investigator framed objectives & tried to move in ones' investigation. However, many teachers in service have not had the benefit of being trained to teach learners with diverse needs and so often find it difficult (Phasha, Mahlo, & Maseko, 2013). The aim of this study was to find out how teachers cater for diversity in their respective classes when they are required to implement inclusive Education. The study on which it is based sought to investigate how teachers perceived their roles on the inclusion of learners with diverse needs in the early classes. The researcher argues that while some teachers in service were not initially trained in Inclusive Education, they should still take their responsibility seriously and have a more reasonable expectations as teachers.

### 3) Objectives of the Study :

- 1) To study the living -patterns as well as Education arrangements for juveniles in an observation home.
- 2) To delineate various aspects of Diverse needs to meet among juveniles.
- 3) To arrive at certain solutions to improve the behaviour of the juvenile while remaining at observation Home.

### 4) Significance of the study :

The said project undertaken would be beneficial for the future **inmates, community** to which they belong , **parents** of the juveniles, future **researchers** and the **present investigator** herself indeed. The present study was intended to seek the Educational- facilities alongwith ensuring possible measures desired for life and survival for the children. Children must be given opportunities & facilities to develop in a healthy manner. Young minds must be protected against exploitation, moral and material abandonment (Article 39 f ). As per recommendations of NPC,1974, we are committed to provide adequate services to the children to ensure their **all-round development**. Therefore, investigator made an attempt to study Educational- facilities along with living conditions of inmates of the Observation home. But due to certain limitations & time- constraints on the part of investigator, it was difficult to study all observation homes of the state of Haryana i.e. children homes and shelter homes respectively. It was made convenient to undertake the Observation home under investigation , Hisar in the light of laid objectives. Thus , fruitful efforts were intentionally made to come to the facts underlying the said problem.

### 5) Research Methodology:

A qualitative approach was used, and data were collected through semistructured interviews; this allowed the researcher to gain in-depth understanding of social realities and derive a comprehensive portrait of a range human endeavors, interactions, situations, and perceptions . A phenomenological design was undertaken, as it is based on the theoretical point of view that advocates the study of direct experiences taken at face value. The researcher wished to hear the participants' point of view about teaching learning arrangements for inmates with diverse needs in the very beginning. Data were collected by means of semi-structured interviews, observations, and document analysis. Semi-structured interviews were used because they provided firsthand information. As it is well known the fact that Delinquency and Juvenile-Delinquency comes under the field of "Inclusive Education" Education point of view.To take interviews with the Juveniles was troublesome. Depth-interviews along with counseling sessions were carried out as per recommendations of concerned Department of state and district units (DCPU) regularly as well. During inspections, staff of the said CCI was also contacted to reveal the prevailing Educational- Setup in the said home of inmates and further requirements if any. Regular meetings alongwith proceedings were also dealt to trace the arrangements made for the welfare of inmates of the concerned CCI. Responses were recorded in the form of report. After making analysis of data, findings were derived and evaluated in terms of objectives of the said investigation". A **register and a record of juveniles** in the form of recalling and revealing their own story on a given theme i.e. **man ki baat** was maintained by the teaching staff side by side. In this way , related details regarding their family background, Educational-details, friend-circle or peer group, hobbies, reasons for leaving schools and committing offences respectively were noted down in the form of report.Their various aspects such as social, economic, emotional etc. were discussed extensively. A case study approach was applied to arrive at factual details of **Rehabilitation process for**

**Juveniles** in conflict with law. A number of facts were also revealed during **face to face interviews that were** held with staff and inmates as from time to time by the investigator herself . A number of close inspections were also followed from time to time to assess the quality of living and facilities provided there so for by the Home & State as per JJAct 2000/2007/2015 during investigator's long working over there. **Data Analysis** was based on interpretative philosophy i.e. certain explanations, subjective approach that dealt with as data was collected through interviews, observations and related documents etc.The qualitative data was assessed through reasonable techniques to arrive at possible results of the study.

#### **6) Findings of the study :**

- 6a) It was also found that life skills & work experience are not up to mark except required meals in a day. Some of the children narrated about part-time music teacher and dance teacher fill their visits in observation home.
- 6b) It was observed that there is a provision of frequent visits of a Doctor & Compounder is there for regular medical check-ups etc.. Sometimes the injured juveniles were taken to civil hospital during emergency also.
- 6c) Standards of cleanliness of dormitories (inmates living rooms) were found average. Medical help to sick & injured children is available as per requirements in the observation home as narrated by the staff & observed the same personally.
- 6d) As for as guidance and counseling to inmates is concerned, provision of regular counselor must be found in an observation home as per issued guidelines & Juvenile Justice Act. But it remained one of the lacunas of this CCI under Government undertaking .
- 6e) A three times meal was provided to all inmates which is free of cost terms as per provisions of the Act.
- 6f) As for as recreational activities are concerned , all dormitories are connected with indoor arrangements such as installing LCD , common games say carrom boards, Ludo, snake and ladder etc.
- 6g) It was also revealed that there was an arrangement of visiting teaching faculty i.e. two number of high school teachers have been appointed by the Department of Education on deputation basis.
- 6h) It was also observed that celebration of National festivals and National Days was usually take place as per given recommendations in the annexure of the concerned Act.
- 6i) As for as clothing and personal belongings to inmates is concerned , it was provided seasonally. For instance , distribution of shoes and quilt to inmates is followed during winters only .observed during conversation to cocerned staff and inmates at the time of visits conducted by the investigator.
- 6 j) It was found that the study of students of Higher Secondary School (Plus one and plus two) suffers a lot as there are no arrangements of their Education. Therefore , it was also found that such students usually left their studies especially those inmates who opted commerce and science disciplines before committing an offense.
- 6 k) The investigator was of the opinion that Educational arrangements including vocational courses were not arranged satisfactorily as it should be there as per JJAct, 2000/2015

## 7) Conclusions :-

Teachers may need support to focus on the positive rather than the negative aspects of change, and should be sensitive to their own attitudes and feelings about Inclusion. They acknowledge that students with disabilities are likely to place higher demands on the teacher. Attitudes play an important role, therefore, and when necessary, those transmitting education should change from targeting a selected few to supporting all students. It is evident that attitudes and support cannot be separated, because if one has a negative attitude toward learners with barriers, one cannot provide that support to the learners. In a similar way, if one's attitude toward Inclusive Education is negative whatever effort is made to make Inclusive Education a reality will be shut down. If **Inclusive Education** practices are promoted while teaching-learning conditions, negative attitudes and perceptions will fade, perhaps much sooner than expected. And concluding that if teachers are provided with support having Learners with diverse needs, more learning will take place provided that a conducive environment must be there indeed.

## 8) Discussion and Suggestions:-

The preventive and rehabilitative methods have been suggested to deal with this problem. The work, area of work, mode of doing things can be channelized in desired directions to prevent the occurrence of offences or misbehavior by the juveniles in future. The same findings have been supported by National Curriculum Framework, 2005 (NCF, 2005) also. NCF specifies that **teachers should identify learners who are in need of enriched and support programs; require diagnostic help in specific aspects of a learning program; have a learning barrier; are overaged; have a mismatch between home language and the language of teaching, learning and assessment; have physical disabilities, such as with vision, speech, general health, hunger, and emotional stability due to harassment or violence; do not attend school regularly; and/or show signs of abuse or neglect.** The other measures are being suggested as:-

8(i) Creating and Inspiring inmates in a more positive way of life for doing, creating and having things.

8(ii) Providing Training regarding Inclusive ways (to adopt for the welfare of inmates ) to the staff and SJPU (special juvenile police unit), other members of all units, organizations, committees that are concerned with ICPS (Integrated Child Preventive Schemes) running at present in India.

8(iii) By Establishing guidance cells in schools, advisory groups etc. to minimize the probability of delinquency among children. Moral, Educational-lectures, Art of Living talks & Practicing-Meditation, Spiritual-talks etc.can be arranged at frequent intervals for the welfare of residents of CCIs

8 (iv)The study can be conducted with female Juveniles too. (female- Juveniles' number is very meagre as per office record & court cause lists at the place and time of investigation)

8 (v) All Observation Homes must be covered under such sort of investigations as this study was limited to only one Observation Home based at Hisar due to certain limitations of its very nature of being case study.

8 (vi) Sometimes the strength of the observation home get multiplies from existing number of it. Most of the crisis took place among juveniles/inmates while sharing of available facilities.

8(viii) A full time counselor must be appointed there for the welfare of its inmates.

8(viii) The Behaviour of staff & care- takers must be child-friendly. Sometimes they are very rude to inmates as observed during my long tenure over there.

8(ix) Short term Vocational courses must be run for inmates to bring them in mainstream.

8(x) Some sort of **collaboration** with NGOs, ITIs, other charitable institutions can be sought. In this regard new concept of Triple PPP Model can be followed for the Skill based Education.

8(xi) As per JJACT 2015/2000, it is managed, maintained and nourished by WCD of Haryana. As for as Education of juveniles is concerned, more arrangements regarding Education of **Secondary and Senior-Secondary** classes must be done with the involvement of Education Department of the State. The **juveniles of 10+1 and 10+2** (under protective custody due to serious crimes like murder or rape etc.) either they left their studies or remain idle for a fair period of their protective custody in the **observation homes** due to **lack of Teaching Staff for desired Subjects**.

## REFERENCES:---

- 1) The Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016), **Bare Act**, pp2-34, Professional Book Publishers, Delhi
- 2) Rai O.P. (2014), "**The Juvenile Justice Act, 2000 (56 of 2000 & JJ Rules, 2007**" pp6-10, PSPs, Pustak Sadan Perkashan, Allahabad UP.
- 3) The Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000), Bare Act, pp2-34, Professional Book Publishers, Delhi
- 4) Zollers, Nancy J.; Ramanathan, Arun K.; Yu, Moonset (1999) **International Journal of Qualitative Studies in Education**, Volume 12, Number 2, 1 April 1999, pp. 157-174(18) Routledge, part of the Taylor & Francis Group <https://doi.org/10.1080/0951839992362>
- 4) NIPCCD (2013), "**Reading Material for Orientation Workshop for MJJBs**", 23-24 Dec., 2013, New Delhi
- 5) Reading Material of District level consultative workshop on Juvenile Justice Act, 2000 (56 of 2000) organized by DCPU Hisar & MRYDO, supported by "**save the Children**" on 24 Nov., 2014
- 6) Government Gazette (September 22, 2009), Justice Act 2000.
- 7) Howell, C., James, (1995) "The Evolution of Juvenile Justice & Youth", Sage Publications Inc. US
- 8) Dasgupta, M, (2010), **Rehabilitation through Education for Juveniles in conflict with law, Internship Paper**, CCS Researching Reality Internships 2010
- 9) Sizer (2001), Cavin (2001), **Juvenile delinquency from an ecological perspective**. Study participants were referred by Lexington, Foreign Studies, 9 CITY, [www.eduacademia.co.in](http://www.eduacademia.co.in), UNIVERSITY OF CALOOCAN

**\*Annexures-- Can not be published as it possesses personal details about Juveniles as per strict provisions of JJ Act 2000/2015 i.e. to avoid stigmatization etc.**