

## **307 K: Rehabilitation of Criminals & Juveniles in Society & Law**

### **OBJECTIVES OF THE COURSE:**

It is impossible to imagine any civilized society without crime and criminals. At the same time we should not forget that the factor of punishment is necessary to maintain law and order in the society. For every law student it becomes necessary to study the causes of crime and socio-economic factors behind crime and different theories for causation of crime as well as theories of punishment, kinds of punishment and significance thereof. In the modern era, the object of rehabilitation of the criminals in the main stream is given prime importance and accordingly the legislations are enacted taking into consideration the rehabilitation criteria for the first offenders as well as juveniles. This has become the dire need of the society. It is expected from the law students to thoroughly digest the Constitutional as well as legislative aspects relating to criminal and juveniles and the process of their reformation.

### **Syllabus:**

#### **1. Introduction:**

##### 1.1 Crime Causation:

1.1.1 “Man is not born as a criminal, but circumstances compels him to do crime.”

1.1.2 Broken Home Theory, Neglected Juveniles’ involvement in crime

1.1.3 Various theories of causation of Crimes: Lombroso, Enrico Ferri, Taft etc.

1.1.4 Differential Association Theory of Crime (Sutherland’s Theory)

##### 1.2 Punishment:

1.2.1 Meaning, need and object

1.2.2 Different Theories of Punishment in civil Society

- Retributive Theory
- Deterrent Theory
- Preventive Theory
- Expiation Theory
- Reformatory Theory

1.2.3 Worldwide acceptance of Reformatory Theory of Punishment in civilized and cultural societies

- “Kill the crime, not the criminal.”

##### 1.3 Kinds of Punishment:

1.3.1 Various kinds of punishment

1.3.2 Punishments accepted under the Indian Penal Code

#### **2. Constitutional and Legislative Majors towards rehabilitation of Criminals on their good behavior:**

##### 2.1 Constitutional Provisions:

2.1.1 Powers of the President of India to tender the pardon the criminal

2.1.2 Powers of the Governor of State to tender the pardon to the criminal

2.1.3 Powers of the Supreme Court under Article 142 (Complete Justice)

##### 2.2 Criminal Procedure Code:

2.2.1 Chapter VIII: Security for Good Behaviour (Sec. 108-109)

- 2.2.2 Tender of pardon to accomplice (Sec. 306-308)
- 2.2.3 Order to release on Probation of good conduct or after admonition (Sec.360-361)
- 2.3 Indian Penal Code
  - 2.3.1 Commutation of Death Sentence and Life Imprisonment (Sec. 54-55)
- 2.4 Parole and Furlough to the prisoners: concept, facilities and rules
- 2.5 Probation of Offenders' Act, 1958
  - 2.5.1 Powers of the court
    - To release certain offenders after admonition
    - To release certain offenders on probation of good conduct
    - To require released offenders to pay compensation and costs
  - 2.5.2 Restriction on imprisonment of offenders under 21 years of age
  - 2.5.3 Powers and duties of the probation officer

### **3. Legislative Protection and care for Juveniles:**

- 3.1 Juvenile Justice (Care and Protection of Children) Act, 2000 (or any other legislation substituted for the time being in force)
  - 3.1.1 Object, reasons and salient features of the Act
  - 3.1.2 Definitions: child in need of care and protection, Juvenile, Juvenile in conflict with law
  - 3.1.3 Machineries for taking care and rehabilitation of Juveniles: Remand Homes, Observation Homes, Shelter Homes, Special Homes: Roles and functions
  - 3.1.4 Juvenile Justice Board, Child Welfare Committee: Constitution, Functions and Powers
  - 3.1.5 Provisions relating to escaped juveniles
  - 3.1.6 Provisions relating to protection, employment and rehabilitation of Juveniles (Sec. 23-26)
  - 3.1.7 Rehabilitation and social integration of Juveniles (Chapter IV - Sec. 40-45)
  - 3.1.8 Presumption and determination of age of Juvenile
- 3.2 Approach of the society towards rehabilitation of Criminals and Juveniles:
  - 3.2.1 Role of parents, society, Government and NGOs

### **Suggested Readings:**

1. Sutherland, H.W. and Cressey, D.R.: Principles of Criminology, 6th Edition, the Times of India Press, Bombay
2. N.V.Paranjape, Criminology and Penology, Eastern Book Co.
3. Ahmed Siddiki, Criminology & Penology, Eastern Book Co.
4. S.S. Srivastava, Criminology & Criminal Administration, Central Law Agency, Allahabad
5. J.P.S. Sirohi, Criminology and Penology, Allahabad Law Agency
6. S. N. Mishra, Code of Criminal Procedure, 1973 with Probation of Offenders Act and Juvenile Justice (Care & Protection of Children) Act, 2000, Central Law Publication

7. S. K. Bava, Law relating to Juvenile Justice, Probation of Offender, Allahabad Law Agency
8. K.S.Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Surver of Sociology and Social Anthropology 1969-179(National Report)
9. S. K. Bhattacharyya, Juvenile Justice : an Indian Scenario, Regency Publications, New Delhi
10. K.G.Balakrishnan J., Vijay Hansaria, P. I. Jose, Juvenile justice system : along with Juvenile Justice (Care and Protection of Children) Act, 2000 and rules, 2007 : working manual for stake holders, Universal Law Publication Co.
11. Universal's Juvenile Justice (Care and Protection of Children) Act, 2000
12. D. K. Ganguli, Commentaries on Juvenile Justice (Care and Protection of Children) Act, 2000, Dwevedi Law Agency
13. Asutosh Mookarjee, Commentaries on Juvenile Justice (Care and Protection of Children) Act, 2000, Kamal Law House,
14. Ke Pt Simha, Chitragada Singh, A Handbook on Juvenile Justice: With Commentary on the Juvenile Justice (Care and Protection of Children) Act, 2000 & the Juvenile Justice (Care and Protection of Children) Rules, 2007, Bright Law House
15. Prem Prakash Batra, The Probation of Offenders Act, 1958, Khurana Publication
16. N. K. Chakrabarti, Probation system, in the administration of criminal justice, Regal Publication (former Deep & Deep Publication), New Delhi
17. S. C. Raina, Probation : Philosophy, Law & Practice, Regency Publications, New Delhi