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Release juveniles after detention for three years: High Court

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Detention period in observation homes should be included while calculating total period of stay

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CHENNAI: The Madras High Court has ordered that juveniles staying in government special homes for more than three years should be released forthwith for rehabilitation. A Division Bench of Justices K. Venkataraman and M. Sathyanarayanan passed the order on a writ petition seeking a direction to release juvenile girls and

boys who have been detained for more than three years in special homes.

The Bench said the detention period in observation homes should be included while calculating the total period of stay of three years.

Juveniles detained before the 2006 amendment to the Juvenile Justice (Care and Protection of Children) Act, 2000, could not be denied a chance to be rehabilitated.

The court said a close reading of the provisions of the Juvenile Justice (Care and Protection of Children) Act, and the amendments made thereafter indicated that the procedural law pertaining to juveniles was substantially amended.

If a juvenile completed three years of stay, his case would have to be reviewed, and he should be released.

The amendments clari-

fied that the Act shall apply to all cases involving detention or criminal prosecution of juveniles under any law.

They also provided for alternatives to detention to achieve the aim of the Act.

Rehabilitation

Therefore, the rehabilitation of a juvenile being paramount, the intention of Parliament to release juveniles who had spent three

years in special homes would have to be given effect. The judges also placed on record their appreciation of petitioner V. Balachandrar, a member of the home welfare committee of the Vellore Government Special Home for Boys, Ranipet, who filed the public interest litigation and his counsel V. Karthik, who brought out the plight of the juveniles in the special home.