

ABSTRACT

This study conducted with a view of critically analyzing the shortcomings of the present system of handling juvenile delinquents and suggests steps to improve the way of implementing justice. It is a matter of national importance where the central government has to accept the responsibility and render special attention.

In view of the sensitive nature of growing children it is a delicate issue as unhealthy approaches will have highly detrimental consequences. Both in the West and East, therefore, there is an increasing awareness in the problem of juvenile delinquency and the ways of handling it. There is an increasing interest in treating children who come into conflict with law separately from adults. In Sri Lanka, treating juvenile delinquents with a separate law began in 1939, when the Children and Young Person's Ordinance (CYPO, No 48 of 1939) was introduced. The age limit of criminal responsibility, which was eight according to Sri Lanka Penal Code of 1883 was raised to 14 by CYPO. Those who are between the age of 14 to 16 were considered as young persons and the ones between 16 to 18 were categorized as adults. CYPO, as a matter of fact a right move towards juvenile justice, however, there was no reasonable improvement in the handling process of juvenile offenders.

The juvenile justice administration laws have not been subjected to any improvement for more than 60 years. Sri Lanka is still within the 38 countries which have not fully prohibited the corporal punishment for children, and 67 states not prohibited violent punishment of children.

In addition to analysing the present law and the current practices the views of some senior judicial persons were obtained in critically evaluating the inadequacy of juvenile justice practice in Sri Lanka. It was found that there is a growing dissatisfaction even within the judiciary for a revision of legal procedure.

According to the present practice, juvenile offenders are arrested and presented mostly to the normal courts by the uniformed police, sometimes together with adult prisoners and exposed to unfriendly circumstances. Unless discharged or sent for family or community care, they are sent for rehabilitation in an institution which do not seem to provide age-appropriate care or satisfactory education.

The conclusion is that the Sri Lankan legal mechanism for handling juvenile delinquency is inadequate and the most advisable remedial step in the correct direction is introducing new legislation.