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## UNIT 4 SOCIAL DEFENCE

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### 4.0 OBJECTIVES

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The aim of this unit is to acquaint you with the importance of Social Defence programmes in providing preventive, protective, corrective and rehabilitative services to individuals and groups who because of their vulnerability to exploitation and abuse, may turn to deviance, delinquency and crime. After studying this unit you will be able to:

- understand the rationale behind social defence measures;
- know the conceptual framework of 'Social Defence' ideology and practice;
- trace out the genesis and growth of social defence policies and programmes;
- critically appreciate the impact of programmes and services on the target groups;
- understand implementation problems and limitations of programme outreach; and
- formulate your own views to make the programmes more effective.

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### 4.1 INTRODUCTION

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The prevalence and persistence of problems of crime and deviance has been a matter of serious social concern in all societies. When these problems have crossed a threshold – the limit of social tolerance, and have assumed the proportions of a social problem, they require – interventionist mechanisms comprising prevention, control, reformation,

rehabilitation and reintegration, taken up by governmental and non-governmental organisations, agencies and institutions. The measures undertaken to combat these problems represent the society's "response", to defend itself from the threat these problems pose to the the balance between organisation and disorganisation. This indeed is the rationale of social defence. Therefore, an adequate understanding of the concept of social defence and programmes and policies is necessary to appreciate how the governmental and non-governmental organisations and agencies are responding to the problems of deviance, delinquency and crime.

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## 4.2 THE RATIONALE

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Society's concern for the protection of its social order lies at the root of all mechanisms of social control. This concern, in turn, leads to social action and, to find out solutions for problems, which disturb the orderly functioning of social institutions. Manifestations of crime and delinquency call for such control measures that require the application of threat, coercion, repression and other forms of punishment. The methods employed have had one central purpose to accomplish, namely, the preservation of safety and security of members and institutions of society against the dangerous consequences of law breaking behaviour. Though these methods of crime control have varied in terms of time and space, the purpose still remains the same: to hold the individual within the bounds of the accepted norms and expectations, including customs, rules and laws.

Viewed in this context, social defence appears to be a part of deviant behaviour management system, of crisis containment, and of rule-making and enforcing rule-conformity. Simply stated, Social Defence could well be taken as an art and science of defending Society against all odds, crises and problems which threaten to undermine, the very structure of societal institutions and agencies. The efforts to prevent, control or correct simple or bizarre forms of deviant behaviour are important aspects of social defence operations everywhere. The question in regard to the legitimacy or relevance of means and modalities of social defence have been discussed ever since the history of human civilization, often without expressly using the term. One significant indicator of this situation is the proliferation of literature on social defence and the steady growth of the movement throughout the world. It seems almost certain that the modern connotation of social defence has come to stay in the main body of criminological and correctional theory and practice.

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## 4.3 CONCEPT OF SOCIAL DEFENCE

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The term social defence is of Italian origin. It has been frequently used in the penal theory of Continental Europe and of Latin America. It gained popularity when it was adopted by the United Nations in 1948. Nevertheless, the term, as Marc Ancel (1965:1) said, "often appears strange and is frequently misunderstood, especially by lawyers brought up in the common law tradition or by the Criminologists of English speaking world". It has also not been completely absorbed into the terminology of Anglo-American criminological studies. The frequency and the variety of contexts in which the term has been used is often accompanied by a certain amount of misuse and distortion. Even those who use the term regularly do not always give it the same meaning. Many people in criminology, criminal law and penal policy do not know what the term exactly means. In such a situation, it is no wonder that the meanings attributed to the expression vary. For example, it was once fashionable to interpret the term 'social defence' as the protection of society against crime, to the extent that such protection justifies the ruthless repression of crimes and criminals irrespective of the means employed. Such an

interpretation of the term was accepted when repressive criminal law was considered to be the best possible instrument of social defence. Then the term social defence was synonymous repression. These were the days when the purpose of criminal law and penal policy was to ensure absolute protection of society irrespective of the methods used.

History bears witness to the fact that till the end of the nineteenth century every repressive method to control crime was justified in the name of social defence. Jerome Hall wrote that any measure needed to protect society is justified if it achieves the desired purpose. Hall's view brings the notion of social defence nearer to an authoritarian approach of criminal law. Thus viewed, the concept of social defence approves of an arbitrary system or punishment in which the judge or the magistrate becomes an agent of social defence through his manifest interest in public order and security.

Later, the ideas of Bentham and Beccarea brought out radical changes in the original meaning of the term. The positivists of the Italian School of Criminology called for the preservation of the moral basis of criminal law as part of the policy of social defence. Positivists gave a new philosophy of punishment as contrasted with the older notion of the protection of society by way of repressive punishment alone. Positivists emphasized a close relationship between criminal law and morality and asserted that the concept of social defence endeavour to establish the necessity and the relevance of a large number of preventive, curative and rehabilitative measures so as to reduce the relapse of offenders to criminal behaviour. In this sense, the concept of social defence involves the systematization of penal or correctional measures that is the measures of social protection against dangerous offenders.

The modern connotation of social defence clearly rejects the primitive measures for the protection of society, decries retributive system of punishment, introduces the element of humanity into the administration of criminal justice system and, establishes the need to treat crime as a social fact and a human act. In the light of this, social defence emerges as a new approach to the problem of crime and as a new trend in the decision-making, which organises the means of controlling crime. Marc Ancel reiterates that the modern concept of social defence often came to be a synonym for action of a non-penal nature, or at any rate, for the treatment of the offender that is less punitive and repressive.

In his elaboration of the concept, Ancel wrote that the concept of social defence covers proactive and preventive social policy which aims at the protection of society by protecting the offender as well. Thus social defence is designated to ensure that the offender should receive the treatment which is appropriate to his individual case within a legal framework and by legal methods. Thus conceived, social defence is largely based on the substitution of treatment for retributive punishment.

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## 4.4 CHARACTERISTICS

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Without attempting to provide a universally agreed definition, Marc Ancel enumerated the following characteristics of social defence approach:

- 1) Social defence presupposes that the means of dealing with crime should be generally conceived as a system which aims not at punishing a fault but at protecting society against criminal acts.
- 2) The intention of social defence is to achieve social protection by means of a body of measures that are outside the ambit of the criminal law and are designed to

‘neutralize’ the offender, either by his removal or segregation from the group, or by applying remedial or educational methods.

- 3) Social defence thus leads to the promotion of a penal policy which naturally favours the individual rather than the collective approach towards prevention of crime and the treatment of offenders.
- 4) Such a process of resocialization can take place only by way of an ever-increasing humanization of the new criminal law which will have to call upon all the resources of the person concerned, seeking to restore not only his self-confidence but also his sense of personal responsibility and the sense of human values. This perspective will safeguard the offender’s inherent right as a human being whether he is charged with an offence or has been convicted.
- 5) Such a humanization of criminal law and the criminal will not be merely the result of a humanitarian movement. On the contrary, the process will be based on scientific understanding of the phenomenon of crime and the offender’s personality.

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## 4.5 SOCIAL DEFENCE MOVEMENT

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Social defence is not a new dogma or establishes a single doctrine in place of all other theories of criminal law and criminology. It is a movement which seeks to bring together all those who are aware that the modern world and modern thought shatters the framework of preconceived ideas and it seeks to guide such persons in their search for a human renewal which goes beyond all technical considerations. It is an endeavour to breathe into criminal law a social spirit in harmony with the present trends. Social defence movement does not only opens up the fresh horizons in the control of crime by non-repressive methods, but also succeeds in getting rid of a certain number of obsolete elements that still encumber penal theory or are assigned importance disproportionate to their intrinsic value or usefulness. The aim of social defence movement is precisely to incorporate those methods of individual treatment into a comprehensive penal policy which will render it effective in achieving the protection of society through the protection of the individual. The movement does not hide the fact that there is a long way to go, nor does it seek to dissimulate that much remains to be done to educate not only the legislator, the criminal lawyer, the judge, and the prison administrator, who has to apply the sanctions imposed, but also, to educate public opinion itself. All this must be accomplished, not through a violent break with the past, but through a continuous process of evolution and reform.

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## 4.6 GROWTH OF SOCIAL DEFENCE MOVEMENT

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Though the idea of social defence is an old one, it could, however, be assimilated into the body of criminal law and criminology only in the beginning of the twentieth century. It is, therefore, treated as a modern phenomenon having its direct roots in the radical changes that characterized the penal policy at the end of the nineteenth century. It highlights the dominant role of prevention in the society’s struggle against crime, puts forward the utility of penal policy based on the reformation of the offender, and enunciates the principle of re-education of offenders. The “Age of Enlightenment” in Europe provided impetus to the evolution of the concept of social defence in the eighteenth century. It helped in spreading the consciousness of the notion of social protection and the need for preventive measures.

The modern connotation of social defence could become popular only in the beginning of the twentieth century when the ideas of the positivists like Lambroso, Ferri and

Garofalo received wider acceptance. The criminologists’ endorsement of the view that prevention of crime by means of preventive measures designed to reform the offenders helped the social defence movement accelerate its pace.

The new social defence movement developed in the years after the Second World War. The movement assumed significance between 1945 and 1949 when the Study Centre on Social Defence was founded at Geneva in 1945. International recognition was first achieved in 1948 with the institution of the social defence section of the United Nations which defined the purpose of the movement as the prevention of crime and the treatment of offenders.

The Second International Social Defence Congress held at Liegein, France in 1949 demonstrated extensive interest in the movement and resulted in the creation of the International Society of Social Defence. The subsequent congresses of the International Society of Social Defence in the past two decades provided sufficient evidence of the growing popularity of the concept and ensured the spreading of the message of movement to all parts of the world. It is now emerging as a social movement to combining the philosophy of law enforcement and corrections into an integrated concept. Accordingly, the **United Nations defined social defence as prevention of crime and treatment of offenders**. Today the term has a wider meaning referring not to an elaborate school of thought but to a vigorous movement sustained by a variety of organisations sharing certain values and method in dealing with the phenomenon of crime. In the present context, social defence as a unified approach, not only endeavours to perfect the system that protects society against criminal acts but also goes much beyond the ambit of criminal law in extending measures to forestall criminogenic situations and to treat offenders through appropriate remedial, educational and rehabilitative services. It aims to protect society from crime-generating factors and forces, not merely by treating and rehabilitating the offender but also by creating such conditions in the community which are conducive for a healthy and wholesome growth of human life.

**Check Your Progress I**

- Note:** a) Use the space provided for your answer.  
 b) Check your answer with those provided at the end of this unit.

1) What do you understand by Social Defence?

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**4.7 SOCIAL DEFENCE: THE INDIAN CONTEXT**

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Though no systematic account of the history of social defence movement in India exists at the moment, the idea of social defence could manage to reach India soon after it became popular in the West. The criminal justice system that Britishers introduced in India in the later half of the nineteenth century did not accept repression as an important measure of crime prevention and crime control. While drafting the relevant legislations like the Indian Police Act (1861), the Indian Prisons Act (1894), the Indian Prisoners

Act (1900), the Reformatory Schools Act (1876), the Indian Penal Code (1860), and the Code of Criminal Procedure (1884), the Britishers were aware of new ideas in the field of criminal justice administration. They did make efforts to reject some of those obsolete, inhuman and uncivilized methods and techniques of crime prevention and crime control which at that time had received wider criticism in their own country. The functioning of the police, judiciary and prison in Great Britain was so structured as to permit little scope for repression and sadism. The British criminal law and the penal policy decried vengeance and retribution as a general rule.

In the early years of the twentieth century, Britishers made a thorough of the texture of criminal justice administration in India and certain reforms. The Report of the Indian Jail Committee (1919-20) furnishes a strong testimony to this fact. Some of the important recommendations of this report go on to show that social defence era in matters of penal policy seems to have emerged in India in the first half of the twentieth century. The chronicles of correctional administration, particularly after 1970, are replete with a number of changes which were ushered in to emphasize that crime problem demands solution which must be in keeping with the ethos of the time. The recommendations of subsequent Commissions and Committees that went into details of new correctional policies and practices repeatedly emphasized that the new methods and techniques of prevention of crime and treatment of offenders offer the best hope for dealing effectively with the crime problem. These recommendations called for negating the old ideas, practices and traditions of dealing with juvenile and adult offenders. They sought to establish new measures to prevent crime and reform criminals.

While any new ideas of crime prevention and treatment of offenders gained currency, the term social defence did not become that popular in the official lexicon of criminal justice administration in India. Neither did the creation of a section of Social Defence by the United Nations in 1948 did alter the situation. Very few persons could meaningfully use the term in their lectures, speeches and writings. A noticeable change in the situation was witnessed with the setting up of the Central Bureau of Correctional Services by the Government of India in 1963. Many people connected with the police, judiciary and correctional institutions could then come to understand the term Social defence in its proper perspective. The use of the term gained more usage with the reorganisation of the Bureau into the National Institute of Social Defence in the year 1973.

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## **4.8 NATIONAL INSTITUTE OF SOCIAL DEFENCE**

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The National Institute of Social Defence started functioning as a subordinate office under the administrative control of the Ministry of Social Welfare (now the Ministry of Social Justice and Empowerment). It currently serves as the central advisory body in the field of prevention of crime and the treatment of offenders. The main areas covered by the Institute are: Juvenile Justice Administration; Welfare of Prisoners; Probation and Allied Measures; Suppression of Immoral Traffic; Beggary Control and Drug Abuse Prevention.

The main functions of the Institute relate to technical advice to the Central and State Governments; formulation of laws, rules and regulations; training of governmental and non-governmental functionaries; collection of statistics and promotion of research; dissemination of scientific knowledge; exchange of technical know-how; liaison with academic research and training institutions; awareness building towards social defence issues, and publication of scientific and popular material on social defence. Further, the Institute assists the Ministry of Social Justice and Empowerment in the exchange of

technical information with the United Nations and other International and foreign agencies in the field of social defence and drug abuse prevention.

The Institute has played a pioneering role in propagating and popularizing the idea of social defence in the country. In the initial years, under its new dispensation, the Institute had undertaken several programmes and activities which raised the hope of nurturing a strong social defence movement in the country. But, it did not happen on account of several reasons. It is true that social defence movement which began in the early eighties had lost much of its momentum, during recent times. Those engaged in the social defence sector are now disillusioned with the existing realities in the critical sectors of social defence. All this has happened because the lofty ideals of social defence has not percolated down to the formulation and implementation of existing social defence programmes.

**Check Your Progress II**

- Note:** a) Use the space provided for your answer.  
 b) Check your answer with those provided at the end of this unit.

1) Describe the functions and activities of the National Institute of Social Defence (NISD).

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## 4.9 SOCIAL DEFENCE PROGRAMMES

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The Social Defence Division of the Ministry of Social Justice and Empowerment, Government of India is implementing a variety of programmes for the neglected and marginalized people; abandoned, destitute, neglected and delinquent juveniles who need care and protection, children who are in conflict with the law, the street children; the drug addicts; the offenders, the aged and host of others who need special care and support. The programmes and policies aim at equipping them to sustain a life of respect and to become useful citizens. In this process, the government plays the role of a catalyst. The State Governments, autonomous bodies, NGOs and even the corporate world are involved in the implementation of these programmes. In brief the social defence programmes are meant to aid; prevent neglect, abuse and exploitation; and provide assistance to the deprived with an aim to bring them into the mainstream.

The following are some of the important programmes of the Social Defence Division.

### Care and Protection of Children

In order to provide care and protection to children who for various reasons require it, the Juvenile Justice (Care and Protection of Children) Act, 1986 (as amended in 2000) has come into force. The Act provides services for the care, protection, treatment, development and rehabilitation of juveniles who have not completed eighteen year of

age, by adopting a child - friendly approach in the adjudication and disposition of matters in their best interest and for their ultimate rehabilitation through various institutions established under the Act. It deals with two categories of children:

- 1) ***Children in need of care and protection*** – children without any home or settled place or abode and without any ostensible means of subsistence; mentally or physically challenged children or children suffering from terminal diseases or incurable diseases having no one to support or look after; children whose parents and guardians are unfit or incapacitated to exercise control; abandoned, missing, destitute and run away children; children who are being or are likely to be exploited for the purpose of sexual abuse or illegal acts and children who are found vulnerable or are likely to be inducted into drug abuse or trafficking.
- 2) ***Children (juveniles) in conflict with law*** – those who are alleged to have committed an offence.

The institutional measures for the above categories of children include observation homes, special homes, children homes and shelter homes. **Observation homes** provide temporary reception of juveniles in conflict with law during the pendency of inquiry regarding them. **Special homes** provide for reception and rehabilitation of juveniles in conflict with law. **Children homes** provide residential care, treatment and rehabilitation services for children who are destitute, abandoned, abused and exploited. **Shelter homes** (run by voluntary organisations) function as drop-in-centres for the children in need of urgent support.

Under the Act, special adjudication machinery has been established such as **Juvenile Justice Board** for juveniles in conflict with law and **Child Welfare Committee** for children in need of care and protection.

The process of rehabilitation and reintegration of children is carried out alternatively by (i) adoption, (ii) foster care, (iii) sponsorship and sending the child to an aftercare organisation.

### **Integrated Programme for Street Children**

The objective of this programme is to prevent destitution of children and facilitate their withdrawal from life on the street. The programme provides for shelter, nutrition, health care, education, recreation facilities to street children and seeks to protect them against abuse and exploitation. The target group of this programme is children without homes and family ties i.e. street children and children especially vulnerable to abuse and exploitation, such as children of sex workers and children of pavement dwellers. In addition to voluntary organisations, State Governments, UT administration, local bodies and educational institutions are also eligible for the financial assistance from the Government to run these programmes.

### **Inter-country Adoption of Children**

Considering the fact that there are about 30 million orphans in the country, of which 12 million are destitutes, and also keeping in view the malpractices indulged in by the voluntary organisations while offering Indian children in adoption to foreign parents, the Supreme Court of India in the year 1984 and also subsequently, delivered a series of judgements pertaining to child adoption. As per the directions of the Supreme Court regarding legal principles, norms and procedures to be followed in the inter-country adoptions, the Central Adoption Resource Agency (CARA) was set up in 1990. As an agency registered under the Societies Registration Act, CARA functions as an

autonomous body funded by the Social Defence Division of the Ministry of Social Justice and Empowerment. It facilitates the adoption of orphaned, homeless, abandoned, exploited, abused and institutionalized children.

Besides, the Ministry has also granted recognition to both Indian and foreign agencies which are engaged in sponsoring Indian children for adoption abroad. 77 agencies in the country have been given recognition for doing inter-country adoption. In addition, 293 foreign agencies have been enlisted in more than 25 countries to sponsor inter-country adoption of Indian children. The Ministry has also issued guidelines for 'Foster Family Care' as an alternative to institutional care of children awaiting adoption.

### **Care for Older Persons**

The population of older persons in India is increasing at a fast pace. The index of Ageing indicates that while in 1971, there were nearly 14.2 older persons for every 100 children, this figure rose to 24.7 per 100 children by 2001. Indian society has been witnessing a definite withering away of joint family system as a result of which the elders in the family are exposed to emotional neglect and lack of physical and financial support. The Social Defence Division of the Ministry of Social Justice and Empowerment, Government of India provides for the needs of older persons through its various programmes and activities.

In the year 1999 the Government has come out with a **National Policy for Older Persons** (NPOP) during the United Nations International Year of Older Persons. In keeping with the provisions contained in the NPOP, a National Council for Older Persons (NCOP) was constituted in 1999 to operationalize the action strategies as envisaged under the identified areas of intervention. The NCOP is the designated office for receiving suggestions, complaints and grievances from individual older persons. The Ministry has also commissioned AADHAR, as a secretariat for NCOP. This is being coordinated by 'Age well Foundation'. Aadhar is an initiative in the direction of empowering the elderly population to find satisfactory solutions to the problems as per their felt needs through the coordination of voluntary efforts and administrative initiatives. Since its constitution in December 1999, Aadhar is attending to requests for intervention received from all over the country by the Ministry and various other government agencies and functionaries. Aadhar is also identifying committed individuals and organisations across the country to undertake grassroots action programmes.

The Integrated programme for the Older Persons is about people above 60 years of age, particularly the infirm, destitutes and widows. Under this Scheme, grant is given for running old age homes, day-care centers, mobile medicare units and also non-institutional services for older persons. The aim is to improve the quality of life for older persons. As part of ongoing schemes of the Ministry, grants-in-aid has been provided to establish 44 New Old Age Homes, 16 New Day-Care Centres and 17 New Mobile Medicare Units in the country to provide services to the older persons. Besides, the Ministry is supporting 270 Old Age Homes, 403 Day-Care Centres, 57 Mobile Medicare Units and 3 Projects of Non-Institutional Services for older persons.

### **Prevention of Alcoholism and Substance Abuse**

The use of dependence-producing substances in some form or the other has been going on since time immemorial. In India too, the abuse of alcohol, opium and cannabis has been known for long. However, the consumption of drugs like heroin, hashish, LSD etc., is altogether a new trend. Within the last decade or so, the extent of usage of such drugs in various segments of Indian society has assumed alarming dimensions. Today, India is not only a transit country for illicit trafficking of drugs from the 'golden

triangle' or 'golden crescent', but it is also becoming a significant consumer in the global scenario. As long as addiction was a problem of certain individuals or socially alienated groups and as long as it was kept under control by informal social control mechanisms, it did not evoke much attention. However, with its spread amongst all socio-cultural and economic strata and an increasing perception of its disruptive influence on the individual, the family and society, drug abuse has emerged as a vital issue for planners.

In order to tackle the problem of drug abuse, a two-pronged strategy of supply control and demand reduction has been adopted. While the control of supply is taken care of by the Narcotics Control Bureau and the Police, the Ministry of Social Justice and Empowerment took the responsibility of looking after the educational and rehabilitation aspects of drug abusers. The Ministry of Social Justice and Empowerment is working towards:

- i) Building awareness and educating people about the ill effects of drug abuse.
- ii) Dealing with the addicts through a well rounded programme of motivation, counselling, treatment, follow-up and social reintegration of cured drug addicts.
- iii) Imparting drug abuse prevention and rehabilitation training to volunteers.

As the implementation of programmes of drug demand reduction required community-based efforts, the Ministry had been implementing the **Scheme of Prohibition and Drug Abuse Prevention** in collaboration with NGOs since 1985-86. Recently a comprehensive review of the Scheme has been undertaken. The Scheme has been modified to widen its coverage and was made more flexible to respond to the local needs and ground realities. The Scheme has now been renamed as the **Scheme for Prevention of Alcoholism and Substance (Drugs) Abuse** for running the following activities with the collaboration of NGOs:

- Counselling and Awareness Centres
- Treatment-cum-Rehabilitation Centres
- De-addiction Camps
- Awareness Creation Programmes
- Workplace Prevention Programmes

### **Drug Awareness, Counselling and Assistance Centres**

These centers provide community based services for awareness building, screening of addicts, counselling to addicts and their families, referral of hardcore addicts to Treatment-cum-Rehabilitation centers and follow-up assistance to former addicts.

### **Treatment-cum-rehabilitation Centres**

These centers provide community based services for awareness building for the identification, motivation, counselling, de-addiction, after care and reintegration of addicts into the mainstream society.

### **De-addiction Camps**

To give wider coverage, provision of de-addiction camps has been made in the urban and rural areas where there are no Treatment-cum-Rehabilitation Centres. These camps are organised only by the organisations which are running Treatment-cum-Rehabilitation Centres.

## Work Place Prevention Programme

In order to encourage work place prevention Programme, financial assistance upto 25% of the expenditure for the setting up of a 15 bedded or 30 bedded Treatment-cum-Rehabilitation Centre is provided to the industrial units/enterprises having at least 500 workers on their rolls.

## Awareness Generation Programmes

Awareness generation programmes which include holding of seminars, conferences, workshops, essay/debate competitions, publicity through mass media etc. have been promoted. Several radio and TV Programmes have been launched and films were produced to create awareness about the role of parents, teachers and opinion leaders in the prevention and control of alcohol and drug abuse. Voluntary organisations are being financially assisted to undertake educational work amongst the community and target groups.

The Ministry has identified three major thrust areas for priority intervention as follows:

**Rehabilitation:** To achieve Whole Person Recovery (WPR) which emphasizes physical, emotional and mental rehabilitation, culminating in physically, socially and economically self-reliant life for drug addicts.

***Socially and Economically Vulnerable Target Groups:*** Special attention is given to drug abuse problem among socially and economically vulnerable groups i.e. street children, commercial sex workers, destitute women etc.

The Ministry is also seeking the collaboration of Department of Education, Department of Youth Affairs and Sports, Ministry of Information and Broadcasting, Ministry of Health and Family Welfare and their subordinate agencies for imparting education on drugs through formal and non-formal education processes and for networking of services related to drug abuse.

In order to obtain international cooperation in the area of drug abuse prevention and treatment, the Ministry has launched the following three major projects in collaboration with the United Nations', International Drug Control Programme (UNDCP) and the International Labour Organisation (ILO). They are:

- Community Drug Rehabilitation and Workplace Prevention Programme all over the country.
- Comprehensive Programme on Community Drug Rehabilitation for North-East States in the country.
- National Survey on the extent, pattern and trends of drug abuse in the country.

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## 4.10 PROBLEMS CONCERNING SOCIAL DEFENCE PROGRAMMES

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The growth of social defence in India on sound-scientific lines has been hampered by the existence of certain problems in relation to the policy and its implementation. Some of those which deserve special mention are:

- Programmes and services in some of the key-sectors of social defence suffer from lack of uniformity of institutional structure, policy declarations, administrative rules and practices and also in terms of quality of services and scope of action.

- Compared with the complexity and magnitude of the problem under focus, the machinery of Social defence operations seems to be inadequate.
- Despite wider theoretical acceptance of new methods and techniques of social defence, old and counter-productive measures are often applied. It is a known fact that a good number of social defence institutions continue to function on traditional lines with little provision for individualized correction and rehabilitation of offenders.
- A great deal of social defence institutions suffer from the chronic lack of material and non-material resources essential, for the fulfillment of the avowed objectives of social defence.
- Social defence Schemes have a marked tendency to depend largely on institutional measures of crime prevention and treatment of offenders. As a result, non-institutional measures seem to suffer from lack of attention.
- Social defence being a State subject, States tend to ignore the directions of the central government. As a consequence, the progress made with regard to various social defence programmes is not symmetrical.
- Personnel engaged in social defence institutions and agencies have not been given proper recognition in terms of salary, conditions of service and opportunities for professional growth and development. As a result it was difficult to attract suitable persons with requisite qualifications and aptitude for social defence work.
- Research in social defence theory and practice is scarce. As a result there exists little data to provide empirical base about the success or failure of many social defence programmes and policies (Srivastava, 1981:224-239).

**Check Your Progress I**

**Note:** a) Use the space provided for your answer.

b) Check your answer with those provided at the end of this unit.

1) Briefly describe the nature and limitations of Social Defence Programme in India.

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## 4.11 LET US SUM UP

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In conclusion, it appears that social defence movement in India has thus far made only a modest beginning. It is beset with problems such as piecemeal programming, scarcity of funds, lack of public support and understanding and so on. Seldom has the growth of social defence been based on systematic planning. It is felt that the tardy growth of social defence is because of its inability to cope up with the magnitude of problems it has to deal with. In reality there also exists a hiatus between the theoretical expositions of social defence and the field realities. The challenges faced by social defence movement in India do not have easy solutions. It needs resources which are hard to

come by; it deserves a sort of planning of programmes and services which is easy as an intellectual exercise but difficult as a feasible proposition, and finally, it warrants realistic organisational structure which seems uncertain in the prevailing bureaucratic culture. Within these constraints, the social defence movement is struggling to achieve good results in its current thrust areas.

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## 4.12 KEY WORDS

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- Social Defence** : Protection of society through measures of prevention, control and correction, against such social problems which cause social disorganisation, create deviance and disorder, which disturb the orderly functioning of social institutions.
- Prevention** : Forestalling such factors and forces which cause various forms of individual and social pathology, i.e. problems of deviance delinquency, crime, exploitation and abuse.
- Control** : Use of social and legal measures to keep social problems within the manageable limits.
- Correction** : Interventionist measures comprising treatment, rehabilitation and social mainstreaming of persons with a background of crime and delinquency and are exposed to moral and social danger.
- Care and Protection of Children** : Institutional and non-institutional programmes and services envisaged (and provided for) under the Juvenile Justice (Care and Protection of Children) Act, 2000.

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## 4.13 SUGGESTED READINGS

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## 4.14 ANSWERS TO CHECK YOUR PROGRESS

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### Check Your Progress I

- 1) The term ‘social defence’ is of Italian origin. It has been frequently used in the peno-correctional theory of the European countries. It gained popularity when it was adopted by the United Nations in 1948. The United Nations gave a very broad definition of the term, describing it as measures undertaken for the prevention of crime and treatment of offenders. However, in recent years, the concept of

social defence has been enlarged to include a wide range of preventive, curative and rehabilitative measures of social protection for weaker and vulnerable sections of the society, frequently subjected to exploitation and abuse. Social defence has now emerged as a new approach to tackle the problems of such men, women and children falling prey to various forms of social deviance, delinquency and crime needing institutional and non-institutional measures of care, protection treatment, rehabilitation and social reintegration. In the Indian context, social defence not only endeavours to defend society against criminal acts but also goes much beyond to include a variety of remedial, correctional and rehabilitative measures to forestall criminogenic conditions in society.

### **Check Your Progress II**

- 1) The National Institute of Social Defence (NISD) at New Delhi is a subordinate office under the administrative control of the Ministry of Social Justice and Empowerment, Government of India. The main areas covered by the Institute are juvenile justice administration, welfare of prisoners, probation and allied measures, suppression of immoral traffic, beggary control and drug abuse prevention. In the recent years, the mandate of the Institute has been enlarged to cover areas relating to older persons; intercountry-adoption of children and mainstreaming of street children.

The objective of the Institute is to strengthen and provide technical inputs to Government of India's Social defence programmes. The main areas of activities covered by the Institute are collection of statistics, documentation, research and conducting training programmes pertaining to juvenile justice administration, welfare of prisoners, beggary control, drug abuse prevention and programmes for the elderly.

Through its varied activities, NISD caters to the requirements of neglected and marginalized people, abandoned and destitute children, neglected and delinquent juveniles (who need care and protection for want of support, or, are in conflict with the society or the law), children of sex workers, the street children, the drug addicts and offenders, the aged and host of others who need special care, protection and support. The programmes and policies of NISD aim at equipping them with capabilities that may ensure them a life of respect and dignity.

### **Check Your Progress III**

- 1) The major programmes of social defence in India until recently included programmes for the care and protection of neglected and delinquent children; welfare of prisoners, reformation and social reintegration of persons released on probation, suppression of immoral traffic, beggary prevention and control and drug abuse prevention and deaddiction/detoxification of drug dependent persons. Now the scope of social defence programmes has been extended to mainstreaming of street children; providing rescue and support services to children in emergency situations through child help lines; inter-country adoption of children and providing self-respect and dignity to dependent elderly persons. All these programmes have been initiated/sponsored by the Government of India through the Ministry of Social Justice and Empowerment and are being run by the central as well as State Governments, non-governmental organisations and local bodies. The services provided under different programmes include community-based services, family-based services, specialized services and emergency outreach services.