
Unit-11 □ Juvenile Delinquency

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11.1 Introduction

Contemporary Indian society is confronting a lot of serious problems of which Juvenile Delinquency is one. The nature of the problem is so acute that it has drawn the attention of all concerned including the common men. As the city becomes larger and the culture becomes complex, the problem of delinquency increases. In many cases it makes its appearance as corollary to rapid social change and inadequate planning and programme implementation to cope with the challenging new social issues. The present dimension of the problem warrants us to give proper thinking on the subject and to make all efforts to improve the situation right now.

11.2 Concept

In define a Juvenile Delinquent from strictly legal point of view, we can say he is 'a child who violates law and commits an offence for which he is punishable under law'. In other words, 'A delinquent is one whose activities cause concern and alarm to parents, teachers, and others responsible for its care and education'. In the language of Uday Shankar,

'Delinquency is a rebellion and an expression of aggression which is aimed at destroying, breaking down or changing the environment.' It is 'Juvenile misconduct that might be dealt with under the law'. (Friedlander) According to Cyril Burt, it is 'antisocial tendencies... that....becomes of ought to become the subject of official action'. William H Sheldon regarded delinquency 'as behaviour disappointing beyond reasonable expectations', It is 'commission of an act which, if committed by an adult, would be considered a crime'. Precisely to say, juvenile delinquent is one who acts in a way that is not consonant with the norms of the society. He plays the role that is injurious to the society. Officially it can be mentioned that these children, of both sexes, will be in the age range 7-18 years because after 18 years of age an individual is considered as adult, and a child below 7 years of age has no sense to judge what is right what is wrong. Of course, this age range may slightly from country to country, or even State to State.

In the present scientific age we do not call one a delinquent but we call his activities as delinquent behaviour. They are not a particular type of human being. They are normal individuals with normal hopes and aspirations. The only difference is that they are with some amount of maladjustment. The conception of delinquency has changed a lot in the recent times. Now it is proved that a delinquent is neither a biological product nor mentally disorder. They are the children with behavioural problems.

11.3 Nature and Incidence

Nature of Juvenile delinquency is various. All delinquents may not have same nature or the delinquency of different boys or girls may be reflected differently. For example, some may have the tendency of truancy. He/she may not find the classes interesting and can develop the habit of running away from the school. Some environmental factors as well as the school must bear some responsibility for such delinquent conduct. Elliot and Merrill pointed out that "one of the most frequent factors to clear forms of delinquency is truancy, which has been called kindergarten of crime." If the school fails to attract the students because of its no-system culture, poor performance, unpleasant appearance of teacher, uncomfortable sitting condition, etc. then the young mind of a child can develop the habit of truancy. Family environment, absence of good friend, strong desire of play in the mind, heavy load of studies are some other important factors which may make a child truant.

Vagrancy is another nature of delinquency. The concerned children develop the habit of wandering without any specific purpose. This nature can be marked as early as at the age of 8 years. They are generally ill cared and neglected by the family. In majority cases such children come from disorganised and broken families.

Gambling is another nature of delinquency. At early age one can start joining in gambling. Initially he can show that tendency occasionally but gradually this trait will be reflected more.

Besides the three nature of delinquency discussed in the previous paragraphs, some other nature or incidences can be market. For example, some may go for begging and ultimately becomes habitual beggar. Some delinquents may love to utter very filthy languages and behave wrongly with any member of the oppsite sex. Smoking, stealing, insulting visiting brothels, raping and getting involved in such other antisocial activities are also reflection of delinquency.

11.4 Characteristics

Characteristics of delinquents are many. Of them following are the pivotal.

- Don't care attitude
- Controlled emotion
- Selective in mixing and interacting
- Avoiding tendency to parents/family members/teachers/neighbours
- No liking for studies
- Unsystematic system of live
- No proper sleep
- Unpleasant look
- Closeness with small peer group
- Earning through illegal way and spending in smoking, gambling, drinking and sex
- Tendency to spend days and nights outside home.

11.5 Extent of the Problem

It is to be remembered that the delinquents are associated with multifarious unsocial and antisocial activities like traffic violation, stealing, assault, sex offence, truancy, etc. But all of these behavioural problems cannot deserve to be equally serious. Secondly, all delinquent behaviours are not performed equally. An analysis of the delinquent behaviour in USA reveals that number of stealing cases stands high leaving the last place to assault cases. Uday Shankar opines that 77.7% of the delinquents in Delhi (studied 140 cases) are associated with stealing cases.

However, the problem of juvenile delinquency has thrown a challenge before the Government as well as before the society. Many a people have taken it granted that the problem has gone to such an extent that it is absolutely impossible to solve. But sufficient logically this atmosphere of hopelessness can be removed. The problem is not insoluble.

Who could believe in and around 1970, that peacefulness will ever be restored in Calcutta? Did anybody expect that its physical, social and economic development is possible again? But what the reality says? It says a different story, which nobody dreamt even.

In the same way, the problem of delinquency is also soluble. If a country with about 65% literacy rate can make the family planning programme tremendous success in various parts of the country and if the same country adopt the most scientific methods of cultivation, when only about half of the cultivators are literate, would we not believe that by the joint efforts of Government, voluntary organisations and community as a whole this problem is also bound to be checked?

11.6 Factors responsible

There are actually various reasons, which give birth to this problem. Of them the following factors play the main role behind the causation of delinquency. Perhaps the most tragic fact about delinquency is that it grows out of the preventable failures and shortcomings of the home and the community.

1. Poverty

This is an important factor responsible for antisocial and unlawful behaviour. The range of poverty in our country is such, which has perhaps no parallel in the world. Mahatma Gandhi defined this poverty line in India as 'an external compulsory fast'. It is a fact that the problem of delinquency is alarming in the slum pockets, which are reasonably considered as 'poverty-ridden' areas. To quote Dr. R K Mukherjee, 'It is here that...childhood poisoned at its very source'. Glueck and Glueck opined that 65% of the delinquents come from the economically weaker families. However, in the age of present urban civilization delinquents do not come only from poor homes. Now they come from almost all the walks of life. Surprisingly, in the recent times the well-to-do families supply remarkably high number of delinquents, especially in the urban areas.

2. Unequal opportunities

For many reasons, opportunities to fulfil life's aspirations by legitimate means have not been equally distributed in the society. This creates frustration, which ultimately leads to deviant acts. Merton describes it as 'a symptom of dissolution between culturally prescribed aspirations and socially structured avenues for realising these aspirations'.

3. Disorganised family

An individual's pattern of behaviour is mostly formed within the home atmosphere. So, character formation largely depends on sound family relationship. Some psychiatrists opined that in the disorganised family setting an individual 'is in a

perpetual state of tension and may take up a life of crime in pure revolt against the injustice done to him'. For a child emotional side is more important than physical. If the emotional condition of the home does not suit to the child, he is very likely to be turned to delinquent. But we generally give more attention to solve the physical problems of bad housing neglecting the side of psychological problem of poor family relationship. Child without the sense of security cannot develop a normal personality. Naturally, the disorganised family produces children with behavioural problems. In fact, today the concept of the word 'Home' has changed its meaning and perhaps now we have reached a stage when we can replace the word home by house. It has been that nearly 50% of the delinquents come from broken homes. Where the community bonds are not sufficiently strong, there arises sense of insecurity, which ultimately brings forth many social problems including juvenile delinquency.

4. Damaging Companionship

Children are by nature fond of some companions of his own age. It is not sure that everybody will get good companion. The individuals with bad companions are naturally tended to be delinquents by the influences of their unruly companions. Glueck & Glueck found that 72% of the cases were operated jointly by two, there or more than that. In India also most of the offensive activities are performed by a gang or by a section of a gang. However, it is viewed by many that companionship alone cannot lead one to juvenile delinquency. There must have some defects in the character formation of the individuals concerned.

5. Cultural Degradation

Its another important factor responsible for the causation of delinquency. Maladjustments various levels and neurotic behaviour are moulded in the 'process of transition from one mode of life to another'. The sociologists regard this as one of the factors responsible for delinquency. To them, 'it is in the interaction of the particular individual with specific and social setting that deviant behaviour or delinquency arises'.

6. Rejection

Rejection by parents/guardians has very serious effect on children. Cruel behaviour, excessive strictness, punishment, etc, are some forms of rejection, which gives birth to hostility in children towards the parents/guardians, Subsequently, this spreads rebel against authority in general. He starts lie and becomes traunt. Thus, delinquency starts from rejection.

Lack of constructive recreation, unhealthy neighbourhood, problematic education system, and harmful employment at tender age are the other important factors behind the causation of delinquency. Besides the above mentioned social and economic factors there red individual factors also, which include mental deficiency

(average intelligence of the delinquents is far lower than the average intelligence of normal children. IQ is generally below 100), emotional problem, etc.

11.7 Methods of Treating Delinquents/Problem of Delinquency

Most voluntary organisation are providing various welfare services to the children in the international, national, state, district and even below district level. Government departments and organisations as well as police authorities also have stepped forward to prevent the growth of the problem. While these attempts are praiseworthy, at the same time it should be remembered that the problem of delinquency is not of a simple nature. It has the roots in the 'social patterns and economic conditions of the communities'. Therefore, it is not adequate to make attempt to solve the problem by the help of law (here Children's Act) or just providing some welfare services to the children. To control the problem in real sense, it is essential to make multi-pronged attack on the forefront of the problem as well as on the situation already prevailing.

Now a day, Social Defence Programme has also been undertaken. But it is an important problem in a social defence programme to prevent and control the delinquency. Only by conducting few research studies regarding the cause and extent of the problem, the problem cannot be solved. For a proper solution, a greater understanding of the problem is essential. Again, for such understanding sincere attempts to be made to prevent, treat and control the delinquent behaviour.

By administering some kinds of punishments also, society cannot be freed from the problem. The society's interest can best be served if the offenders are re-educated and provided with various vocational training. This will help the young offenders to rehabilitate themselves and to accept the normal way of life. A city life today is full of hazards. Especially, the metropolitan cities are seedbeds of many contemporary social problems of which juvenile delinquency is certainly the important one. The goal of a socialistic country must be to protect the children from being parasites of the society. To reach that goal all possible measures should be taken to check the growth rates of delinquents in the urban areas. Sincere efforts to this end will certainly be in a position to minimise the problem. Here are some points, which may help to tackle the problem.

- (a) The parents/guardians should make all endeavours to develop and create inherent qualities and talents in children corresponding to their psychosocial and physical needs.
- (b) Correctional services to be provided to the children as well as to the family members because it is fruitless to treat the delinquent keeping aside the family members who contribute much in the causation of his/her delinquency.
- (c) Society should take the responsibility to provide help and assistance to the families who are in the need of guidance.

- (d) To prevent delinquency it is necessary to ensure a good physical and emotional care as well as happy parent-child relationship. Efforts should be taken in this direction to train the parents.
- (e) The young offenders should not be considered as criminal. They need to be 'cured' and not 'caged'.
- (f) Character building activities to be promoted in the homes, communities and schools.
- (g) Education should be made compulsory. Education system needs to be modified so that children could feel that they are also responsible citizens. As well as the Education Curriculum must be interesting.
- (h) The adult persons who commit crimes against children should be heavily punished. All attempts should be made to protect the children from such people or group of people.
- (i) Environmental improvement to be emphasized.
- (j) Constructive recreational activities to be promoted in all spheres of life.

In conclusion, it may be said that the problem of juvenile delinquency calls for immediate and all comprehensive effort based on realistic appraisal of the problem and culture-bound approach. In fact, it is a challenge to planners, policy makers, social scientists, parents and other concerned parties. Unless the problem is tackled objectively at this stage the situation may get more complicated giving rise to the birth of violent activities as often can be found in many developed countries.

11.8 Custody in Juvenile Institutions

Once a juvenile delinquent is identified by police, he/she may be placed in the custody of some institutions stage by stage. The institutions are Juvenile Courts, Short Stay Homes, Remand Homes, Certified Schools, Auxiliary Homes, Foster Homes, Fit Persons Institutions, Uncared Children Institutions, Reformatory Schools and Borstal Institutions.

The Juvenile Court is a court with difference. The police will first produce a delinquent in this court within 24 hours after the child is apprehended. These courts are different because they deal only with children below 18 years of age. Secondly their procedure is somewhat different from the ordinary court. Here police personnel come in plain clothes. Besides, general public is not allowed to remain present during the hearing. The Magistrates are also specially trained in child psychology and problems of children. Number of such courts is, of course, very less.

The scheme of Short Stay Homes was launched in 1969. The same has been transferred to CSWB for implementation since April 1999. The objective of the scheme is to project

and rehabilitate the girls and women facing social, economic and emotional problems as a result of family stress, social ostracism and moral danger. In 2004-05 an amount of Rs. 10.20 crores was released for maintenance of such Homes in the country.

Remand Home is an institution where delinquents are kept till the investigations are completed. Besides keeping them safely, observation and classification is performed by the appropriate staff of this home. Sometimes the delinquents are kept for a short time in the Remand Home and then released. Number of such Homes is also very less and they are run both by the Government and the NGOs. Generally corresponding to each Juvenile Court there is at least one Remand Home.

Certified School is the third type of institution dealing with the delinquents. Such schools are meant for the treatment of children. Treatment may be short term or long term based on the situation. These are mostly run by Government aided private agencies or NGOs though there are schools, which are directly run by the Government. During their study here for some long time, which generally varies between 6 months and 3 years, the children get opportunity of attending general and technical education. Based on the decision of the School authorities they will be released from the school. However, Probation Officer will keep watch on their activities even after their release.

Auxiliary Home is another institution for taking care of the juvenile delinquents. It is almost similar to Remand Home. A delinquent who has been convicted is kept for sometimes in such home. It is attached to the Certified School. A social worker will study the aptitude and behaviour of the boy/girl and then send to the Certified School with a detailed report.

Foster Home is again a shelter for delinquents within 10 years of age. Children of such age can't be sent to any other kind of Institution unless the Juvenile Court is satisfied that the convict can't be dealt with otherwise. Such institutions are generally run by NGOs with Government support.

The Fit Persons Institutions are run by NGOs, which receive and protect the children, save them from cruelty, provide necessary facilities to bring up the children kept under their custody. In another kind of institution known as Uncared Children Institution children of near-delinquent or pre-delinquent stage are kept. These NGO-run institutions take care of such children so that they do not become delinquent.

Two other institutions namely Reformatory School and Borstal Institution also take care of the delinquents. The young offenders under 15 years of age sometimes commit serious crime. They are detained for their misdeed for a period from 3 to 7 years. They are kept in Reformatory School so that they can stay in a better environment and get chance to undergo educational and vocational training programmes. The Borstal institution, on the other hand, keeps the juvenile-adult delinquents (16-21 years). Here special treatment is given for correctional purpose. This can be of two types—open and close. The authorities decide date of release of the convicted delinquents from these institutions.

11.9 Prevention and Control of Delinquency

For better societal life problems like juvenile delinquency is to be minimised. Definite measures should be taken to prevent and control the problem by the national government, State government and NGOs. The laws that are there in the country is enough. It is necessary to implement the same with seriousness. The implementing bodies need to keep it in mind that there is no scope of showing any light attitude on this. The Children Act 1960 (amended in 1978) and Juvenile Protection Act 2000 have been adopted by all the States but there are lapses in its implementation. The social planners and administrators need to storm their brain to make the implementation system effective. Mental care clinics, counselling centres, child guidance centre, health care units are necessary to prevent and control the problem. Besides, the existing institutions should come out of their routine functioning to meet the challenge. The family also has a significant role to play. In the preparatory meeting of the Sixth United Nations Congress it was rightly stated that, “There is no substitute for strong family ties in relation to juvenile delinquency. It was emphasised that community-based actions were more successful than Government interventions...The endangered youngsters should be dealt with by their families, voluntary agencies and not by juvenile courts...”. Prof. Smt. J Shah has also pointed out that “prevention of delinquency...at the local neighbourhood level has a great potential.” Thus it can be said that the Government, the voluntary agencies, schools, neighbours and family members—all have some role to play in the prevention and control of delinquency through attractive educational programmes, organised recreational activities, love & care, counselling, etc. All have influence in the making of personality of a child. Hence “a community programme of delinquency prevention should be based on creating a happy home situation, harmonious social adjustment, proper facilities of education, training and recreation, while developing a proper sense of values and respect of laws.”

11.10 References

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| (v) Prevention of Juvenile Delinquency | Dr. V Jagannathan |

11.11 Exercises

1. Define the term 'Juvenile Delinquency'. What is the difference between delinquency and delinquent? Write about the extent of this problem in India.
2. What are the reasons behind the causation of delinquency? How this problem can be controlled?
3. Analytically describe the methods of treating delinquents.