

**JUVENILE DELINQUENTS AND SOCIETY: AN
INQUIRY INTO JUVENILE DELINQUENTS
IN CORRECTIONAL INSTITUTIONS OF
ASSAM**



**A Thesis Submitted to Gauhati University
for the Award of the Degree of
Doctor of Philosophy
1998**



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Kaustabh Sharma

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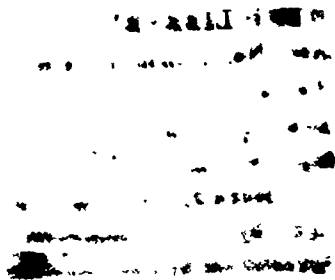
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This is to certify that Mr Kaustabh Sharma worked under my supervision while preparing his thesis entitled "**Juvenile Delinquents and Society : An Inquiry into Juvenile Delinquents in Correctional Institutions of Assam**". He has fulfilled the rules and regulations governing the preparation of a doctoral thesis of the University of Gauhati. The thesis contains the result of his own investigation. Neither the thesis nor any part thereof was submitted for any degree or diploma of this or any other university. The thesis may be accepted for adjudication.

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CHAPTER - I

INTRODUCTION

CHAPTER - I

DELINQUENCY, DEVIANCE, CRIME, CRIMINAL, CRIMINOLOGY, DEFINITIONS

Juvenile delinquency is a universal phenomenon. That, it is a serious problem needs no emphasis today. However, there are different views about the phenomenon. The definition of delinquency becomes complicated because of the various types of delinquents. The term has been used for a wide variety of undesirable behaviour on the part of children including adolescents. In certain cases it signifies misconduct whereas some have used the concept to refer to a child who is chronically truant from school; involved in burglary or rape or stealing or in pre-marital sex. Thus the term is applied to a wide variety of deviant behaviour ranging from misconduct to such offences which are punishable in a court of law. Therefore, for a better understanding of the phenomenon, it is necessary to examine the different views regarding delinquency and related concepts like deviance, crime, criminal. We start with the concept of deviance.

DEVIANCE

Although the word deviance has been employed for over hundred years, its sociological meanings are rather recent and distinct. Sociologists and criminologists have considered deviance to refer to behaviour that is banned, censured, stigmatised or penalised. It is considered more extensive than crime, crime

being no more than a breach of one particular kind of rules. Deviance includes crime but its outer margins are unclear and imprecise. What exactly deviance comprises, what it excludes and how it should be characterised are unclear. In everyday language to deviate means to stray from accepted norms. Many sociological definitions of deviance simply elaborate upon this idea. Thus "deviance" means non-conformity to social norms. It is always defined from the point of view of a particular normative structure. Another such definition is that deviant behaviour is not merely behaviour that happens to violate a norm. It is behaviour that violate a norm to which the actor is oriented at the time; it is motivated violation. This doesn't necessarily mean that the actor is alienated from the norm. He may wish to conform but may be unable to do so because of implicit or explicit coercion e.g. not all persons are prejudiced who violate the norms of fair play by discriminating against a particular race or sex, but do so because of the pressure exerted by others around them.

Deviance is culturally determined. There is no absolute way of defining a deviant act. It can only be defined in relation to a particular standard and no standards are fixed or absolute for ever. As such deviance varies from time to time, place to place. In a particular society an act which is considered deviant today may be considered as normal in the future. An act defined as deviant in one society may be seen as perfectly normal in another.

Deviance should not be confused with statistical rarity. People whose behaviour or characteristics are focussed only in a minority of the population are statistically unusual, but that does not necessarily make them deviant. The deviant behaviour of a few persons may be the beginning of a new norm. As more and more people join in, it ceases to be deviant and a new norm is established. However, the fact that a particular norm is often violated does not create a norm of evasion. It is only when there is a pattern of violation which is recognised and sanctioned by one's group that we have a norm of evasion.

Delinquency is a way of responding to the human situation. It involves the whole being—heredity, physical make-up, habits of emotional response, life history, interactions with other human beings, with nature. When a child's behaviour fails to conform to our social norms or when his or her acts connote a deviation from the established cultural usages, we call it delinquency.

LEGAL DEFINITION OF CRIME , CRIMINAL AND DELINQUENCY

Legal as well as non-legal definitions of crime, criminal and delinquency have been propounded. Let us first discuss the legal definitions:

CRIME

Crime or criminal behaviour is behaviour in violation of criminal law. No matter what the degree of immorality, reprehensibility or indecency of an act, it is not a crime unless it is

prohibited by criminal law. The criminal law in turn is defined conventionally as a body of specific rules regarding human conduct which have been promulgated by political authority, which apply uniformly to all members of the classes to which the rules refer and which are enforced and administered by the state. The characteristics which distinguish this body of rules are therefore, politicality, specificity, uniformity and penal sanction.

Politicality is regarded almost universally as a necessary element in criminal law. The rules of the trade union, the church or the family are not regarded as criminal law nor are violation of these rules as crime. Only violation of rules made by the state are crimes. Specificity is included as an element in the definition of criminal law because of the contrast in this respect between criminal law and civil law. The civil law may be general. The criminal law on the other hand generally gives a strict definition of a specific act. Uniformity or regularity is included in the conventional definition of criminal law because law attempts to provide even-handed justice without respect to persons. This means that no exceptions are made to criminal liability because of a persons's social status; an act described as a crime is a crime, no matter who perpetrates it. The law enforcement process shall be administered without regard for the status of the persons who have committed crimes or are accused of committing crimes. Penal sanction refers to the notion that violators will be punished

or at least threatened with punishment by the state. A law that will not provide a penalty, that will cause suffering is regarded as quite impotent and in fact no criminal law at all.

CRIMINAL

Who is a criminal ? An answer consistent with our previous discussion is : A person who commits a crime. However in the democratic legal tradition even one who admits to having committed a crime is not designated a criminal until his criminality has been proven by means of the accepted court procedures. Consequently, a prison warden would not be justified in receiving as a prisoner, a person who has not been officially convicted and sentenced. Similarly, criminologists cannot rightfully designate as " criminals" persons who have behaved in an anti-social manner but have not violated a criminal law.

JUVENILE DELINQUENT

The basic difference between delinquency and crime is that whereas delinquency is an act committed by a juvenile in violation of criminal law, crime is an act committed by an adult in violation of criminal law. Thus the generally accepted legal definition of delinquency is that a juvenile delinquent is someone who commits an act which would be a criminal offense if done by an adult and the juvenile has been officially convicted. In India the legal definition of delinquency is provided by the Juvenile Justice Act 1986(henceforth JJ act). The act defines a "delinquent juvenile" as a juvenile who has

been found to have committed an offence. A 'juvenile' according to the act means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years. 'Offence' means an offence punishable under any law for the time being in force. The JJ act like the Children's acts which it replaced is within the overall provisions of the Indian Penal Code (IPC) and Code of Criminal Procedure (Cr P). Section 82 of the IPC states that 'Nothing is an offence which is done by a child under seven years of age'. Under section 83 of the IPC 'Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion. Thus these two sections gives us the age of delinquents. Some social scientists have defined juvenile delinquency in terms of the legal definitions. Sellin and Wolfgang have suggested that the legal definition of delinquency is broad and reasonable and that other definitions lack uniformity. Therefore they have stressed that the legal definition must be considered (Sellin & Wolfgang 1964 in Skyes & Matza 1957:664-670 in Mishra 1991:17). Friedlander defines delinquency as a juvenile misconduct that might be dealt with under the law (Friedlander 1957:44 in Mishra 1991:17).

NON-LEGAL DEFINITIONS

The legal definitions of crime and criminal raises several questions. The criminal law does not specify the length of

time a person remains a criminal after he has committed a crime. Is one a criminal only during the time he is committing the crime; until he has paid the penalty; or during the remainder of his life. e.g. In U.S.A. a 60 year old man was released from prison after serving 34 years for stealing. The officials said he was mentally deficient. Is he a criminal? Another young man, convicted of rape was released after 3 years in prison, when his 'double' confessed the crime. Is the first man a criminal? Often those who have been acquitted and even those who are arrested but never brought to trial are labelled as criminals. A serious problem occurs when society refuses to erase that label. Most people violate the law with some frequency and even serious law violations occur more often than official data indicate. But many of these acts are never discovered; there is therefore no possibility that the perpetrators will be convicted. Further most 'crimes known to police' do not result in arrest or conviction; the 'criminals' who perpetrates them remain unknown. Who then should be the proper subjects for the study of 'criminals'. Thus in the final analysis, the term criminal is a social definition - a criminal is one to whom society assigns that label.

Similarly, in the strict legal sense 'crime' is definitional, that is acts becomes crimes when they are so defined. Thus a behaviour that was permissible (legal) at one time may at a latter time be declared illegal. Historically, criminologists have tended to restrict their studies to convicted or

even imprisoned populations. But convicts are most certainly not a representative sample of those whose crimes (that is, criminal behaviour) are known, much, less of those who perform acts that are legally defined as criminal but whose behaviour never comes to public attention. Besides scholars of crime and deviant behaviour must go beyond the study of how and why acts are defined as illegal. If they wish to study "crime" they must focus on actions that have been defined as "criminal" but are in fact only one category in a much broader class of deviant acts. Many acts are publicly considered deviant, abnormal or abhorrent that are not crimes, while some acts defined by law as crimes are not popularly regarded as wrong or abnormal e.g. gambling.

This state of affairs has led some criminologists and perhaps even more sociologists and psychologists to propose the use of non-legal definitions of crime. One of the best known proponents of a non-legal definition of crime is the criminologist, Thorsten Sellin. He emphasises that non-scientists should not be permitted to define the subject matter for scientists, lawyers and legislators should not be permitted to tell social scientists how crime must be defined. He does not claim that there is no place for legal definition in criminology. What he then claims

"is that if a science of human conduct is to develop, the investigator in this field of research must rid himself of shackles which have been forged by the criminal law"

Sellin then goes on to discuss the development of what he calls

conduct norms ways of doing things that are developed by group through social interaction.

"For every person there is from the point of view of a given group of which he is a member, a normal(right) and an abnormal(wrong) way of reacting, a norm depending upon the social values of the group which formulated it. These conduct norms are socially defined and differ from group to group and are not necessarily codified into law."

In the end Sellin prefers, rather than extend the legal definition of crime, to leave that as it is and refer to violations of conduct norms, which are not illegal as abnormal conduct (Sellin 1970 in Wolfgang 1970 :6 in Reid 1979:19).

An even broader definition of crime has been proposed by Herman and Julia Schwendinger, who propose that the term crime should include acts which violate basic human rights. They advocate the study of such issues as "sexism", "racism" and "imperialism" (Schwendinger & Schwendinger 1970 :123-157 in Reid 1979:19). Still others would expand the concept of crime to include acts that are "immoral". Criminologists generally have not embraced such broad definitions of crime and have taken the position that violations of conduct norms, "sins" or other forms of immorality should be studied as deviance but not called crime. However some would modify the strict legal definition of crime by expanding the use of the term to include people who commit acts defined as crimes but who are not apprehended or if apprehended are not tried or if tried are not convicted.

Criminology on the other hand has been traditionally defined as a body of knowledge aimed at the scientific

explanation of criminal and delinquent behaviour as social phenomenon. But criminology involves more than the etiology of criminal behaviour. It also includes the sociology of law by which we attempt to understand how and why criminal laws develop and change. The sociology of law is also concerned with the ways in which the criminal law is applied. Finally, criminology involves penology or corrections which entails an analysis of the ways in which society reacts to criminal behaviour.

DELINQUENCY

Several social scientists have given non-legal definitions of juvenile delinquency. Among them some have focused on too wide a sense to incorporate all forms of deviance in the behaviour of juveniles as delinquency while others have focussed only on law-breakers. The American lawyer-criminologist Paul B. Tappan states:

"The juvenile delinquent is a person who has been adjudicated as such by a court of proper jurisdiction though he may be no different up until the time of court contact and adjudication at any rate, from masses of children who are not delinquent. Delinquency is any act, course of conduct or situation which might be brought before a court and adjudicated, whether in fact it comes to be treated there or by some other resources or indeed remains untreated".

In his opinion the concept of delinquency should include two kinds of delinquents, the adjudicated delinquents who have been processed through the court and "in-official" delinquents who are handled officially by the courts, police and other agencies (Tappan 1949 :30 in Mishra 1991 :16).

Cyril Burt (1925) defines delinquency as occurring in a child

"When his anti-social tendencies appear so grave that he becomes or ought to become the subject of official action "

(Burt 1955 : in Chandra 1967:44 in Sharma 1990:4)

Edwin H.Sutherland quotes Paul B.Tappan as

"Whether a child be held delinquent, neglected or dependent may depend chiefly on the petitioner and his motive rather than either the child's conduct or his more basic problems of adjustment,"

in his discussion of the juvenile court. Further Sutherland states that a "broad" or "omnibus" definition of delinquency is based on the assumption that the results of contact with juvenile court are beneficial, not harmful or punitive and consequently precise definitions of prescribed acts are not necessary (Sutherland & Cressey 1968 Ed.). D.J. West indicates that the offences committed by the juveniles differ in kind and motive from the crimes of adults and therefore they have to be treated differently. According to him the familiar tags -

"a crime is what the law says it is and a criminal is a person convicted of crime" are not suitable to the definition of delinquency because it does not categorise the conditions of being beyond parent's control, or being in moral danger or of failing to attend school."

(West 1967:in Mishra 1991:17)

An analysis of the definitions of delinquency shows that delinquency encompasses not only violation of criminal law committed by persons below a certain chronological age, but also

such acts or courses of conduct that are forbidden for minors such as truancy, incorrigibility, association with immoral persons, running away from home, promiscuity, drinking, drug addiction and other such vices.

OPERATIONAL DEFINITION OF DELINQUENCY

Operational definitions must be clear and concise. But clearly defined concepts and precise operational definitions of those concepts, definitions which point to the important attributes and properties of the concept are for the most part lacking in research on crime and delinquency. The concept of juvenile delinquency in particular has been difficult for researchers to define because of the complexity and broadness of the concept. Another major problem in delinquency research is the definition of "incorrigibility" and "running away from home", two offences for which juvenile females are most frequently adjudicated. Keeping in mind the different definitions of delinquency, legal norms, objectives of the study, a child is considered or defined a juvenile delinquent in the present study if:

- 1) The juvenile is a boy in the age group of 7-16 years or a girl in the age group of 7-18 years, at the time of arrest/detention by police .
- 11) The juveniles are apprehended by police within the state of Assam for violation of criminal laws or association with

immoral/criminal persons or suspicious behaviour (loitering around), promiscuity or other such activities.

(111) Those who are produced in a court of law (produced before a magistrate), then sent to a correctional institution within the state of Assam and have resided there at least for a period of fifteen days.

Cognizance by police thus plays a major role in the definition adopted for the study. There is every likelihood that a serious act in a particular area may go unnoticed by the police due to the different pressures, social as well as political operating on the police while a less serious act may be taken into cognizance. As a result of this the juveniles thus apprehended and remanded to a correctional institution do not reflect the true dimension and volume of this phenomenon. But since, appropriate social agencies to keep a record of delinquent activities of juveniles are not present and due to limitations of time and resources and also in keeping with the objectives we have not included the other categories of delinquents.

STATEMENT OF THE PROBLEM

Among the various social problems which the modern society has to face, juvenile delinquency as one occupies an important place. The phenomenon is present in every area, group, class, religion or caste. Its manifestation is closely related to the nature of social order, pattern of social health, mode

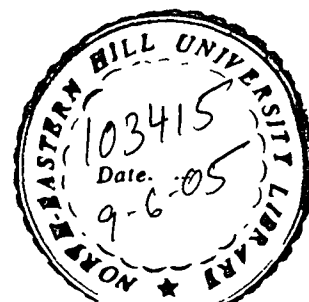
of upbringing of juveniles, level of tolerance, inter-generational gap, machinery to apply societal values and handle norm violators. The magnitude of the problem in modern times has been consistently on the increase in developed as well as developing societies. This is largely due to the fact that the forces of rapid social change in modern times have shaken the very fundamental basis of social order. Even a well-knit, compact family unit is shaken by these forces. These forces have also threatened the established standards of behaviour, norms and values, creating a need to change without replacing it, with effective direction and specific goals. This process has led to among other things increasing deviations and abnormalities in individual behaviour giving rise to criminality in adults and delinquency in juveniles.

The technological onslaught has speeded up the process of industrialisation and urbanisation. As a result of these twin processes more and more people are migrating from villages to towns and cities. Migration forces the break-up of joint and cohesive family system. It uproots the families from a viable rural community that provided emotional support and acted as conduct stabilizer. The impact of such a social disruption is greatly felt by the lower stratum of society. Therefore, it is they who have to bear the brunt of family disintegration the most. At home owing to the absence of parents who are busy earning a livelihood, the children are ordinarily left to

themselves, unsupervised and unguarded, ultimately creating conditions conducive to the rise of the problem of juvenile delinquency. The desire for upward mobility amongst families is thus a causative factor of delinquency.

It is however not to be supposed that delinquency amongst children was altogether non-existent in the country before. It might have been there but surely in a far less proportion. The joint-family system, the compact and self-sufficient pattern of the traditional Indian village, the vigorous social control of the local community and such other factors offered a kind of automatic check on the growth of delinquency in the past, at least in India. For this reason, the instances of children found to have indulged in delinquent behaviour were rare. However, the actual position of the delinquents came to be known to some extent only after the advent of legislative efforts to deal with the problem. At the same time, delinquency in present day India should not be thought of or considered a purely urban problem. Studies of juvenile delinquency in rural and semi-urban areas show that the problem of delinquency is equally serious in the rural areas as well.

In some developed countries particularly USA, the situation is such that law enforcement and public health officials described a virtual 'epidemic' of youth violence in the last few years. "We are talking about younger and younger kids committing more and more serious crimes ", says Indianapolis



prosecuting Attorney Jeff Modisett, (1993). The percentage of juvenile arrests for violent crimes, weapon's violation is increasing every year in USA. Attorney General Janet Reno says (1993) youth violence is "the greatest single crime problem in America today."

The most dreadful aspect of the problem is that delinquency is considered to be the widest gateway to adult crime, which affects every section of the society. Children are not born as delinquents. A delinquent child is exposed to many types of influences like chaotic and restrictive family type, quarrelsome family relationships, broken homes, poverty, illiteracy, bad companionship, which makes him delinquent. Delinquency is presently regarded as a psychosocial problem and in developing countries like India this problem is assuming complex dimensions. There is also a dearth of studies on delinquency in India. As a result of this the workers in the field are handicapped for the lack of scientific information.

Another important aspect of the problem is that today in criminology the importance of the punitive aspect of the law is on the wane. While dealing with criminals in general and delinquents in particular, the emphasis is on methods which have been found to be effective in preventing or forestalling offences. Corrections have also assumed an important place in criminology. Therefore the problem of delinquency, its inter-relations with social institutions, mental-makeup of the delinquents and the correctional system deserves systematic and scientific investigation.

REVIEW OF LITERATURE

The scientific approach to the problem of crime and delinquency has been occupying the minds of psychologists, sociologists, psychiatrists and criminologists since the end of the nineteenth century. A number of studies have been undertaken on the subject. We will discuss here, some of the important studies on delinquency.

CLASSICIST POSITIVIST AND CONSTITUTIONALIST APPROACH

Cesare Lombroso (1835-1909) has often been called the father of criminology. He was the first criminologist to attempt to explain criminal conduct in terms of empirical studies. Lombroso studied several criminals in prison and although he suggested several criminal types, he came to be known for his born criminal type. He believed that he saw in his criminals some of the same characteristics as savages. He called this 'atavism' or 'throwback' or 'reversion' to pre-human people (Lombroso 1911:365 in Reid 1979:136-137). (Lombroso is discussed in details in chapter II).

Charles B. Goring (1870-1919) headed a research project that examined some 3000 convicts on 96 traits. He then published "The English convict", which was hailed by his supporters as a complete refutation of Lombroso's work. Goring criticised Lombroso's methods, which he considered un-scientific (Goring 1913 :5,11 in Reid 1979:140-141). Hooton, an American anthropologist

describes Goring as a statistical genius but considered him prejudiced towards Lombroso. He thought that Goring's findings that criminals are inferior in physique compared to non-criminals, supports Lombroso's theories. Hooton found in his empirical studies that criminals of certain body types i.e. pyknic and leptosomatic commit some offences in different proportions (Hooton 1939:16-19 in Reid 1979:142). W. Sheldon measured physique and compared body types with temperament. He developed three body types (Sheldon 1940:7-9 in Reid 1979:157). Eleanor and Gluek said delinquents as compared to non-delinquents are more often mesomorphic, but they emphasize that physique is just one factor in explaining delinquency. What is required is a multiple factor analysis (Gluek, Sheldon, Eleanor 1950:2 in Reid ST 1979:158-159).

PSYCHOGENIC APPROACH

William Healy is considered to be a prominent member of this school. He is also regarded to be the founder of the case-study method. His best known work, "The Individual Delinquent" (1915) demonstrated his theory of concentrating on individual cases. His analysis involved organic, psychological and social environmental influences on the subjects. Healy and Bronner (1926) applied intelligence tests to understand delinquency (Healy & Bronner 1931: in Reid 1979:163). Salwson extended this investigation controlling other variables. His results show that

delinquents achieve a lesser score on verbal intelligence (Salwson 1926:23-35 in Mishra 1991:27). Sutherland analysed reports of different intelligence tests and reports that the proportion of delinquents diagnosed as feeble-minded has decreased from more than 50% in the average study made in the period 1910-1914 to 20% in the period 1925-1928, primarily due to alterations in the method of scoring the tests (Sutherland 1931:45-47 in Mishra 1991:27). MC Clure reports the average intelligence quotient of the delinquent boys to be slightly less than that of non-delinquents, but three times higher than the mean intelligence of the delinquent girls (MC Clure 1933:17,25-43 in Mishra 1991:27). In a rather remarkable piece of research on psychopathy, Lee Robbins traced the adult adjustments of 524 child guidance clinic patients. Most of these were sent by juvenile courts and over 70% for anti-social conduct. The juveniles sent for anti-social conduct showed adult careers filled with frequent arrests for criminality, drunkenness and also showed high incidence of divorce, psychiatric problems etc. (Robbins 1966 in Gibbons 1977:174).

SOCIOGENIC APPROACH

Fedric M. Thrasher studied 1,313 gangs in Chicago (1963) and saw the gang developing as a result of innocent play-groups that eventually came into conflict over space in the crowded areas of inner city. The gang is the result of the social disorganization of the slums (Thrasher 1963 in Reid 1979:183).

Clifford Shaw along with Henry McKay (1942), found that delinquency is not an isolated phenomenon. They found high correlations between crime and delinquency and areas where they occur. Rates of crime and delinquency are highest in areas of transition (Shaw, Clifford and Mackay 1972:21,106 in Reid 1979:201). Gluek and Gluek (1950) have extensively studied the social conditions of delinquents as compared with non-delinquents. The results show the delinquents home to be characterised by poor conduct standards, less cohesive and that there are more broken homes (Gluek & Gluek 1950 in Mishra 1991 : 28). Gittens (1952) from his study of delinquents found that broken homes amongst delinquents are more numerous than non-delinquents (Gittens 1952: 65-67 in Mishra 1991 :28). Walter Reckless and Simon Dinitiz (1958) found that amongst boys in high delinquency areas, a good self-concept is evidence of favourable socialization and the development of a strong inner self which directs a person towards middle class values. The poor self-concept is indicative of unfavourable socialization which in turn does not deflect the boy from bad companions and street corner society. In 1962 they found that bad boys had more contacts with the police than the good boys. (Dimitiz, Scarpitti, Reckless 1962:517 in Reid 1979:241). Travis Hirschi (1969) took a sample of urban respondents and postulated that delinquent behaviour becomes more probable as the individual's bond to society weakens. Most but not all of his findings

were replicated by M.Hindelang's rural sample in New York state.(Hirschi 1969:18 in Reid 1979:237).

New approaches to a personality theory of criminal conduct have also been attempted in recent years and investigators have identified a host of variables in relation to delinquency.The contemporary trend is not to stress on a single factor but several factors to account for delinquency.

STUDIES IN INDIA

In India the problem of juvenile delinquency has received systematic attention over the last few decades only. A brief review of the studies in Indian context is presented.

Hansa Seth's book on "Juvenile Delinquency" in an Indian setting (1961) is based on a study of 400 offenders and 180 non-offenders. Her work is divided into three parts namely : the legal setup ; offences and offenders;the social background of the juveniles.The study supports the idea that delinquency is associated with the social context in which a child is placed (Seth 1961:242 in Sharma 1990:48). S.S.Srivastava in his indepth study of the juvenile vagrants in the cities of Kanpur and Lucknow dealt with 300 cases.He pointed out a pre-delinquency phase of the juveniles (Srivastava 1986:210 in Sharma 1990:11). S.C.Verma selected a sample of 300 offenders in the age group of 7-21 years.The study explores the economic and social background of the delinquents (Verma 1969 in Chandraraj:50 in Sharma 1990:45). Equally significant is Sumitra

Pathak's study on the "Social Background of the Delinquent Child". The study suggests the entire social and cultural background of the delinquent behaviour as causative factors (Pathak 1967:60 in Sharma 1990:12). In 1970 K.S. Shukla conducted a study for his PH.D. thesis entitled "Adolescent Thieves: Family Structure". Based on this thesis he brings out the family structure of the adolescent thieves. (Shukla 1979). A clinical psychologist Arvindrai Desai's book "Juvenile Delinquency in India-A Psychological Analysis" is a clinical study of causation and treatment (Desai 1979 in Sharma 1990:12).

Thus most of the studies relate to the nature and typology of offences and offenders. While some of them imply a focus on cause-effect relationship, there are some studies which basically focus on the legal procedures and the justice system, relating to the delinquents. These include Sudha Kaldate's "Society, Delinquent and Juvenile Court", B.N. Mishra's "Juvenile Delinquency and Justice System" (1991).

One area where there has been very few research studies in India is correctional administration and institutions and their impact on the delinquents. R.E. Reuben (1973) attempts to assess the impact of institution on children. Modern correctional treatment methods with reference to the theory and practices in institutional child care has been discussed in a report (Indian Council of Social Welfare, 1975 Reuben 1973 in Survey of Research 1986:277). S.K. Mukherjee (1974) makes a comparative study of Juvenile Correctional Institutions in

Delhi and Maharashtra. Such studies are of great importance as the delinquents are taken away and put into the care of institutions for correction. The effects or the results of this should be studied. A recent study by Bharati Sharma, "Juvenile Delinquents and their Social Culture", (1990) deals with this aspect. Another area which has received comparatively lesser attention all over the world is female criminality and delinquency. The present study, apart from a study of the social background of the delinquents also studies the impact of correctional institutions on them. At the same time majority of the delinquents are females, so another important area is included in this study.

OBJECTIVES AND RESEARCH QUESTIONS OF THE STUDY

The aim of this study is to explore the phenomenon of juvenile delinquency in the state of Assam. The study is basically an exploratory one. The objective is not determination of causation or cause-effect relationship, although some variables have been included which may imply a focus on causation. The primary focus is on the delinquent, his/her relationship before and after institutionalisation, his/her perceptions, hopes and aspirations. The following objectives have been formulated for the study:

- (1) To study and analyse the fundamental social institutions with which the delinquents come into contact and which

influence their development and personality. These institutions are primarily family and peer group. The aim is to explore and study the inter-relation between the delinquents, their family and peers, before and after their stay in Correctional Homes.

- (11) To study the impact of the Correctional Home on the delinquents kept there, whether they have continued their deviant activities, their relationship with the staff and peers in the correctional Home, the facilities or amenities they get there, how they utilise them and the facilities they desire to have in the Home.
- (111) To study and analyse the attitudes of the delinquents towards society in general, towards their future, their perception of their place in society after release, towards the offences they have committed earlier and legal aspects of their lives. The ultimate aim is to understand whether the deficiency in their socialization is corrected or not or whether an attempt is made towards correction and the progress made towards the ultimate objective of rehabilitation of these offenders into society.
- (iv) To generate data about the problem of juvenile delinquency and correction.

HYPOTHESES

The following hypotheses were formulated for the study :

- 1) Most of the delinquents come from broken homes and poor

families.

- ii) The inter-personal relationships between their parents/guardians and between themselves and parents/guardians/siblings were not congenial, due to poor economic conditions.
- iii) Most of them had never gone to school.
- iv) A large number of them were employed before arrest.
- v) Most delinquents did not have cordial relations with their friends in school or in the neighbourhood. They fought frequently with their friends, in case of the boys weapons were used in these fights.
- vi) Most delinquents have continued their delinquent activities in the correctional institutions. They frequently fight with the staff and other inmates of the institutions.
- vii) Staff members frequently beat and abuse them.
- viii) The juveniles are very fatalistic as regards their future and don't have any goal or aim in life.

SIGNIFICANCE OF THE STUDY

Juvenile delinquency is one of the most serious problems which has attracted the attention of people from all walks of life. Every child has a unique personality and it is the responsibility of the society to see that children grow in a congenial atmosphere and become constructive and self-supporting citizens, but very often children go astray due to various reasons. As such issues concerning delinquency pose a challenge to everyone in society.

In 1924, the "Save the Children Fund International Union" promulgated certain rights of the child, popularly known as "Declaration of Geneva." These were five basic principles for child welfare and protection. The same year, the League of Nations for the first time attempted to codify the fundamental conditions to which the children had a right. It was further revised and amplified in 1948. That in turn formed the basis for historic ten point "Declaration of the Rights of the Child", adopted by the United Nations in 1959. The first principle gives the child the right to enjoy all the rights set forth without any discrimination. The second provides special protection, opportunities and facilities for the child by law for its total development. The third gives the right to a name and nationality, the fourth social security to a child. The fifth gives special protection to handicapped children. Principle six gives the child the right to parental care, seven lays down the right of the child to receive free and compulsory education, eight states the right of the child to protection and relief, nine provides protection from cruelty, exploitation and negligence. Principle ten provides the child the right to protection from social, religious or other forms of discrimination.

Ever since the United Nations started deliberations on the control of crime, juvenile delinquency—the focal point of juvenile justice operations became an important topic. In the sixth congress at Caracas in 1980, the resolution on the

development of Minimum Standards for Juvenile Justice was taken up. Finally in 1985, the United Nations Standard Minimum rules for Administration of Juvenile Justice known as "Beijing Rules" were adopted. These rules describe the aims of juvenile justice, age of criminal responsibility, details of procedure relating to investigation and prosecution, adjudication, disposition, treatment and also research as a basis for policy formulation and evaluation. In India, the constitutional provisions in articles 24, 39 and 45 is an expression of the country's commitment to the welfare of children. The national policy for children was adopted by the Govt. of India on August 22, 1974, which described children as 'the nation's supremely important asset and whose nurture and solicitude is the nation's responsibility.

However, despite the tremendous importance being attached to children's welfare, much remains to be done in practice to realise the goals. In India, child mortality rate is high, majority of the children suffer from many types of maladjustment——psychological, social and economic resulting from poverty, destitution, undernourishment, lack of education, recreation etc. Delinquency is nothing but symptoms of manifestation of the underlying maladjustments which a child suffers from. Ordinarily the great woes of childhood are held to be poverty, disease and destitution. But delinquency is a vicious problem, perhaps a wider and profound social evil, because it proves to be too stubborn and

persistent. Delinquency can be considered to be at the root of all crimes as it is in childhood and young age that majority of criminals commence their lawless behaviour . It may seem at first sight , a fault in procedure to treat delinquency in young age as a separate subject , a problem apart from criminality in adults . But it should be remembered that delinquency is easier to study and at the same time, it is much easier, far more helpful and infinitely more urgent to reform or atleast to seek to reform the juvenile offender.

The problem has assumed such dimensions that terms like pre-delinquent or potential-delinquents have come to acquire an important place in criminology. From the etymological point of view such terms are misleading, for every child is a potential delinquent and every able-bodied person who has passed the earlier years of childhood, commits delinquencies, more or less frequently. The terms however are used to refer to the children who are believed to be extraordinarily likely to become confirmed delinquents . These pre-delinquents are believed by certain psychiatrists and social workers to be children who manifest emotional problems such as enuresis , temper tantrums , sullenness, timidity and in later years difficulties in school and with companions . It is believed that if these problems can be corrected in early childhood by appropriate procedures , the child will develop into a more wholesome and less delinquent adult.

The study of delinquents requires criminologists and sociologists to consider the dysfunctional patterns of

behaviour , belief and organization rather than focusing primarily on their functions . Juvenile delinquency reflects specific inadequacy of the society for meeting a particular functional requirement . An analysis of delinquency provides a designated set of consequences of a designated pattern of behaviour , belief or organization , that interferes with a designated functional requirement of a designated social system. Sociological ideas get their significance from the phenomena to which they refer to in the empirical reality.

An empirical study of juvenile delinquency will thus have immense academic as well as practical value . Assam has 23 districts and comprise of hill areas as well as plains . The hill areas are inhabited by different tribes such as - Karbi, Garo , Dimasa . Besides there are some plain tribes like -Bodo, Tiwa, Mishing, Rabha. In the plains there are Assamese, Bengali, Nepali and Hindustani people which are divided into a number of castes and sub-castes . Hindus constitute 67% of the population , Muslims 27% and others 6% as per 1991 census . Thus Assam has a heterogenous society. Considering the fact that there is no known study of juvenile delinquency in this part of the country and the theoretical as well as practical importance of the topic, the problem deserves serious attention and scientific investigation . The study will thus generate data about the problem of delinquency in Assam.

RESEARCH DESIGN

A Research design is a plan comprising the research decisions about the procedures , sampling (if any) , collection and analysis of data for a given study, which aims to fulfil the purpose of the study without a wasteful expenditure of time, energy and money. The researcher in the process of making decisions must also evaluate the methodological basis for making such decisions. The present study is restricted to the delinquents residing in correctional institutions within the state of Assam. Juvenile delinquents has already been defined as those juveniles who are arrested in Assam for certain violations of the law and then sent to a correctioal institution in Assam.

SELECTION OF RESPONDENTS FOR THE STUDY

In Assam till March 1994, juveniles arrested/detained by police and then produced before a magistrate were sent to anyone of tthe following correctional institutions, depending on their sex and place of arrest. These institutions are :

-) Observation and Special Home for Boys, Jorhat.
-) Observation Home for Boys and Vagrants Home, Fatasil, Guwahati.
-) State Home for Females and Observation Home for Girls, Jalukbari, Guwhati.
-) State Home, Juvenile Home and Observation Home for Girls, Nagaon.

(A detailed description of these institutions is given in chapter-II) The Department of Social Welfare and Probation, Govt. of Assam has jurisdiction over these four institutions. Enquiries there revealed that the number of juveniles in these four institutions sent by court after arrest does not exceed two hundred and that the average strength of juveniles in them is between one hundred fifty to two hundred. As such it was decided that the entire population would be studied and no sample need be drawn for the study. It was also decided to include at least 10% of the parents/guardians and eleven case studies in the study for a proper understanding of the sociological issues involved in delinquency.

Primary data collection started in the last week of October 1993 and ended in the last week of March 1994. There is a general belief amongst the staff of the correctional homes that during the period October to January, the number of juveniles in these Homes is above average. This is due to the fact that Durga Puja, a major festival of Assam which has a duration of four/five days falls in the month of October and during these days the number of juvenile arrests in general and juvenile boys in particular rises. Magh Bihu another important festival of Assam falls in the second week of January and festivities continues for four-five days, and during this period too juvenile arrests rise. As primary data collection for the study was carried out during this period, the number of juveniles in the four Homes were above average strength. The minimum and maximum

strength of each Home and the number enumerated for the study is shown in Table 1.1

Numerical strength of juveniles in the institutions

Table - 1.1

S.NO	Institution	Minimum	Maximum	Number Enumerated
(1)	Observation Home and Special Home for boys, Jorhat.	35	60	52
(2)	Observation Home for Boys and Vagrants Home, Fatasil Guwahati	8	20	16
(3)	State Home for Females & Observation Home for Girls Jalukbari, Guwahati.	60	90	71
(4)	State Home , Juvenile Home and Observation Home for Girls, Nagaon.	15	30	21

TOTAL - 160

Table 1.1 shows the average strength of only those juveniles in the four Homes who were arrested by the police and then sent there. The average strength of such juveniles at any point of time in each Home lies somewhere between minimum and maximum. Thus, 160 juveniles were enumerated for the the study, of which 68 are boys and 92 are girls. So 160 is the population of our study . As impact of the institution, future perceptions of the juveniles, institutional life etc. are amongst the main objective of the study, it was decided to include only those juveniles who have resided in any of the Homes for atleast fifteen days. Again , there are some juveniles who are above 18 years

(girls) and above 16 years (boys). So although at present they are not juveniles, they are treated as juveniles by the authorities in the Homes. This is done because under J.J. act which is applicable to these juveniles, juveniles above 18 and 16 years for girls and boys respectively, are allowed to reside in juvenile institutions upto a certain upper age limit. This limit is 20 years for girls and 18 years for boys. As these children are within the limits mentioned above, they are treated as juveniles i.e. as part of the same group of juveniles and as they also satisfy the criteria of the age of arrest in operational definition of the study i.e. between 7-16 for boys and 7-18 for girls, they have been included in the population.

It may be mentioned here that there are some physically handicapped and destitute children, mentally handicapped and destitute children and some destitute children in these four Homes who were arrested/detained by police and then sent there. These children are basically destitutes without any home or parents or guardians. As they are not involved in any sort of deviant activity and do not fall into any of the delinquent categories stated in the operational definition, these children has been excluded from the population of our study.

METHODS OF DATA COLLECTION

Primary data were collected through interviews and observation. Secondary sources such as case - records of the correctional institutions were also used to collect background

information. Secondary data were collected from sources such as journals, public records, publications, etc.

TOOLS OF DATA COLLECTION

INTERVIEW

The interview approach simply stated involves a person designated the interviewer asking questions mostly in a face to face contact to the other person or persons, designated the interviewee/s, who gives answers mostly to these questions. For the ^{present} study two interview schedules were prepared, one for the children and the other for parents/^{guardians}gurdians. The schedules have both open-ended as well as closed questions. All the questions in the schedules are pre-determined and standardised. Copies of the two interview schedules are given in Appendix III

PRE-TESTING

After formulation of the schedules, ten schedules for the juveniles were pre-tested. Interviews were conducted with five boys and five girls, who were residing in Fatasil Observation Home and Jalukbari Observation Homes. After pre-testing, some minor modifications were made in the schedule for the children. As regards the schedule for parents/gurdians, there was no pre-testing but some minor modifications were made after the two interview schedules after pre-testing was very minor and so the pre-tested schedules were taken as a part of the population .

THE INTERVIEWS.

The type of interview used with the children and parents/guardians can broadly be called the focussed interview. The researcher wanted a definite type of information and as such his task was to confine the respondents to a discussion of the issues with which he sought conversance. The replies to the questions were recorded in the interview schedule itself. There is thus one schedule for each child and one for each parent/guardian.

In the first stage, each child was interviewed separately in a separate room of the Home where there was no other person present except the child and the researcher. After the interviews, each schedule was compared with the existing case records of the children maintained by the each Correctional Home. Next some aspects of the information sought from each child such as address, offence, duration of stay, behaviour in the Home etc. were discussed with the superintendent of each Home. In case of discrepancies between the replies of the children and case records/information given by superintendents, another round of interviews were conducted, in order to clarify the discrepancies and get information.

Data for the case studies were also obtained through interviews with the children, superintendents, matrons and case records. Eleven out of the 160 children were taken for case study. On an average each case study required two interviews which were in addition to the interviews conducted for the total population of the study.

OBSERVATION

In the present study ,observation has been extensively used to gather supplementary material that would help interpret the findings obtained by the interview methods .

CLASSIFICATION AND ANALYSIS

CODING

Coding consists in assigning symbols, usually numerals to each answer or response, which falls in a predetermined class. In other words coding may be regarded as the classification process necessary for subsequent tabulation. Through coding, the raw data are transformed into symbols, that may be tabulated and counted. This process involves judgement on the part of the coder. In the present research study, every response to the questions in the interview schedules for the children as well as parents/guardian were assigned numeral codes by the researcher. Code sheets were prepared for both the schedules, alongwith two code books. The responses from each schedule were then recorded in the code sheets. After this, the responses were counted and tabulated and finally they were decoded to form tables.

TABULATION.

For the study, the schedule for the child was pre-tested and a specimen of the tables that would be obtained later was

evaluated. This was also done for the schedule for parents/guardians immediately after the first interview.

Coding and tabulation was done manually by the researcher. The tables in the study show the frequency and percentages for each item or set. All percentages in the tables are corrected to one decimal point. As a result of this approximation the sum of the percentages in some of the tables don't add up to 100. But for uniformity they are approximated as 100. In the tables for present age, age at the time of arrest, number of family members and family income, the class-intervals have been made continuous for statistical calculations and for including non-discrete values without any approximation.

STATISTICAL ANALYSIS OF DATA.

Statistics, a branch of Applied Mathematics, is regarded as mathematics applied to observational data. Consequently, everything dealing with the collection, processing, analysis and interpretation of numerical data belongs to the domain of statistics. In the present study, statistical measures such as mean, median, and some measures of dispersion were calculated and analysed.

ARRANGEMENT OF CHAPTERS.

This study has nine chapters. The first chapter is an introductory one, where the focus is on definitions, review of litera

ture, problem, significance, research design. The second chapter gives a historical review of juvenile laws, justice, child welfare, followed by a description of the present situation relating to juveniles in the country as a whole and in the state of Assam and a description of the correctional institutions referred to in the study. The third chapter deals with the theories of crime, delinquency, deviance, punishment and also states the theoretical perspectives of the study. Hence, the first three chapters deal with the background of the topic of research. The basic concepts, historical development of juvenile justice and theoretical background are presented.

The fourth chapter is devoted to a detailed analysis of the sociological background of the delinquents. The fifth chapter analyses their deviant acts, while the sixth describes their activities in the correctional institutions. The seventh chapter gives the future perceptions of the children. The eighth chapter is devoted to the case-studies of eleven delinquents. The ninth and last chapter presents the conclusions of the study in terms of findings and policy implications. Thus the last six chapters are based on data generated by extensive field work. We hope that the study will provide sufficient data about the problem.

CHAPTER - II

JUVENILE DELINQUENCY: PAST TO FUTURE

CHAPTER-II

JUVENILE DELINQUENCY: PAST TO FUTURE

JUVENIE JUSTICE

"Juvenile Justice" is an umbrella term variously used to a novel jurisprudential approach to young miscreants; to the juvenile court, the institutional linchpin of that innovation and to a stream of affiliated institutions that carry responsibilities for control and rehabilitation of the young; including the police, juvenile court itself, prosecuting and defense attorneys, juvenile detention centres and juvenile correctional facilities. The juvenile justice system thus includes the police, the juvenile courts and probation staff, the legal counsel for the child, juvenile detentional centers, juvenile correctional facilities and social agencies that take children in placement on orders of juvenile courts. By virtue of having a separate nomenclature and the differential character, the concept of juvenile justice is vastly different from the concept of criminal justice. Whilst the concept of criminal justice, interalia entails the principle of strict legality in regards to approach and philosophy towards the law violational conduct, the concept of juvenile justice largely shuns the stark legality in the its preference to emphasizing the wellbeing of the juveniles despite the fact of their being in conflict with the laws.

The juvenile justice approach unlike the ordinary criminal justice approach, accords high priority to reducing the

need for legal interventions, so as to avoid in children's cases, the devastating effects of criminalisation, penalisation and stigmatisation. The purpose of this differential justice basically is to save children from ordinary criminal court procedures.

EVOLUTION AND GROWTH OF JUVENILE JUSTICE :

The juvenile justice movement appears to have owed more to the slowly changing conceptions of childhood which came to maturity during the seventeenth and eighteenth century. Until that time, children accused of delinquent behaviour were treated like adults in matters of penal policy. They were brought before the same magistrate or judge as were adults and were remanded to the same prisons, to await their trial and once convicted they were subjected to the same sentences including death, deportation and imprisonment, as were adults. Until the commencement of the nineteenth century, it was by no means considered unreasonable that children should be sentenced to death, deportation or imprisonment as were adults. As late as 1833 a boy of nine was sentenced to be hanged in England, for the comparatively trivial offence of probing a stick through a patched up pane of glass and stealing 22 penny worth of paint. It was a different matter that the sentence was not carried out. As for deportation, it was stated in evidence to the House of Lords Committee on Juvenile Delinquency and Transportation 1847, that 399 boys between the ages of 14 and 17 were

deported in 1844 alone. Putting the delinquent children of tender ages alongwith the adults as prisoners was then the time-honoured tradition and nobody questioned its irrelevance or illegitimacy.

In the early twentieth century, the Child Saving Movement voiced serious concern against the promiscuous mingling together of children in perilous association with hardcore adult offenders. The themes of 'segregation' and 'regeneration' of children underplayed the 'Child Saving Movement'. This realisation and the attempts to come to terms with it have influenced the agenda for one strand of the child-law reform movement which even persists to the present time. There were two important elements in the development of institutional concern for children; one was concerned with physical abuse and the other with moral contamination.

THE PHILOSOPHY OF JUVENILE COURT

Historically, the juvenile court differed markedly from the regular criminal courts. The juvenile court does not make charges against children, it does not arrange for a formal series of exchanges between the debating lawyers and there is no jury to decide the guilt or innocence of those accused. In short, the juvenile court does not sit in judgement. Rather, it seeks to find an explanation for the child's conduct and to help the child live according to the standards of the community.

The investigation is conducted on a more informal basis and certainly a more private one than in a criminal court. The public is not allowed to sit in on the cases, though any friends, relatives or others who have a contribution to make may be present at the hearing. The judges/panel seeks the broadest possible interpretation of the conditions that precipitated the offence. They want to understand the child, first and foremost, so that in the final analysis, the least important aspect of some cases may be the legal. Similarly, in treatment, the primary intent is to arrange for experiences which will best enable the child to adjust in a positive manner to his home and the community. The means of treatment are thus of necessity more numerous in a juvenile court than in a criminal court.

The recognition for the need of separate institutions for young offenders led to the passage of the Reformatory Schools Act in 1854 and the Industrial Schools Act in 1857 in England. In 1908, a Children's Act, collected and clarified the laws relating to child protection and established a children's branch in the Home office to improve the performances of the juvenile institutions. In 1933, as a result of a report by the Departmental Committee of Inquiry into the treatment of young offenders, the Children and Young Persons Act was passed. This law, together with its subsequent amendments, had set up the system of approved schools for children upto the age of 17 years and strengthened the Borstal system for older adolescents upto the age of 21 years .

As early as 1824 a juvenile reformatory was established in New York state so that children after conviction, would not be confined with adult criminals .In 1861 the legislature of Illinois authorised the Mayor of Chicago to appoint a Commissioner ,before whom boys between the ages of six and seventeen could be taken on charges of petty offences.This Commissioner had authority to place the boys on probation ,to send them to reform schools and generally to use treatment methods . As mentioned , the juvenile court came into existence in 1899 in Chicago .By 1945,all states in United States had juvenile courts .

A few decades ago a reform movement spread throughout the world and in many countries ,including India seperate institutions for the young offenders were established .Viewed in this historical ,backdrop , the juvenile justice system seems to inherit the ideas and institutions developed in the western countries especially in Great Britain and the United States .

LEGISLATION ON CHILDREN AND JUVENILES IN INDIA

In India families, friends and philanthropic organisations were the major sources of child welfare. Social welfare policy introduced in Elizabethan England in the seventeenth century was brought to India much later . The history of such legislations may be divided into four periods .

I. UPTO 1850

The Apprentice Act, 1850 , was the earliest piece of legislation covering tthe children in the age group of 10-18 .In this

act ,the children convicted by the courts were intended to be provided with some vocational training which might help their rehabilitation . Children found destitutes by the trying magistrates were also covered by this act.

II. FROM 1851 TO 1920

The Apprentice Act was followed by the Reformatory Schools Act, 1876 .It provided that a child below 15 years found guilty of an offence might, at the discretion of the court may be detained at a reformatory school for a period of three to seven years .Under this act ,no boy over 18 years of age is to be detained in such an institution. It also provided that a boy over 14 would be leased on license , if suitable employment was found for him and the head of the institution was able to indicate that certain conditions in regard to licencing were fulfilled.

The Indian Penal Code (IPC)enacted in 1860 presumes innocence of children below 7 years of age under section 82 and prevents them from being convicted of any offence. According to Section 83,a child between 7 years and 12 years may be convicted of an offence only if he has attained sufficient maturity of understanding to judge the nature and consequence of his conduct on that occasion . The Code of Criminal Procedure (CrPC) enacted in 1898 provides for specialised treatment of 14 offences under section 29B (sec27 under CrPc 1973). Section 399 since repealed, provides for commitment of juvenile offenders upto 15 years to Reformatory schools. Section 562,360,under CrPc 1973 provides for probation of good conduct

to offenders upto 21 years of age.

The English Children's Act, is perhaps the most comprehensive and progressive juvenile law to date. Apart from the Children's Acts passed by different provinces, the Central Children's Act, 1960, and Juvenile Justice Act 1986, of India, drew much of their inspiration from this English statute. The central theme of the English Children's Act is that 'the welfare of the child is indivisible'. It makes adequate legal provision for the care of children who are deprived through adversity, of a healthy home and all that it implies. It recognises the complete responsibility of the state to intervene, where the child's interests are in jeopardy and his physical, moral, intellectual and spiritual growth is threatened. The general duty of the custodian of the child under this act is given in Sections 12 and 13 as "to exercise their powers so as to further his best interest and to afford him opportunity for the development of his character and amenities, making such use of facilities and services available for children in the case of their own parents as appears reasonable in his case".

I/II. THE PERIOD FROM 1921 to 1946

In the Madras Children's Act, 1920, a child was defined as a person under 14, a 'young person' belonged to the age group 14 and 16 and a 'youthful offender' meant a person convicted of an offence punishable with deportation or imprisonment and who at the time of such conviction was under 16. It also provided for establishment of Certified Schools, Junior Certified Schools for training of 'youthful offenders'.

The Bengal Children's Act was passed in 1922. The definition as given in the Madras Act was also incorporated in the Bengal Children's Act with insignificant changes. Certified School was described as Industrial School in the latter act. The Bombay Children's Act of 1924 was based on the English Children's Act of 1908. At the time of enactment, three statutes were already in force in Bombay, the Reformatory Schools Act 7 of 1897, the Whipping Act of 1909 and Criminal Tribes Act, Act 6 of 1924. In 1948, The Bombay Children's Act was made applicable in Delhi. Assam passed the Assam Student and Juvenile Act in 1923.

In 1938 and 1936, the Suppression of Immoral Traffic Act and the Probation of Offenders' Act were passed. By 1946, more statutes on children were passed by different provinces. Vagrancy Act, 1943, provided for the care and training of children below 14 who (i) lived on begging; or (ii) were under unfit guardianship; or (iii) were under the care of parents of drinking and criminal habits (iv) frequently visited prostitutes; (v) were destitutes; (vi) were subject to bad treatment. In the meantime, The Child Marriage Restraint Act, 1929 (popularly known as Sarda Act) came into operation.

After independence, a number of States passed Children's Acts. The three pioneer statutes (Madras, Bombay and Bengal) were extensively amended between 1948 and 1959. The Central enactment, The Children's Act, 1960 was passed to cater to the needs of the Union Territories. This was treated as a model act on the subject.

To avoid mushrooming of bogus women's and children's institutions and to have effective control over them, the Women and Children's Institutions (licensing) Act, 1956 was passed. It made provisions for obtaining licenses by such institutions after fulfilling the norms and conditions and for penalty of breaches thereof. For effective control of Orphanages and Homes, the Orphanages and other Charitable Homes (Supervision and Control Act, 1960) was passed. The Probation of Offenders Act, 1958, empowered the courts to release certain offenders only on admonition or on probation of good conduct though they are found guilty. It imposed restrictions on imprisonment of offenders under twenty-one years of age. The probation officers are to keep a watch on them and act as their friends, philosophers and guides, to rehabilitate them as useful members of the society.

Until recently, the juvenile justice system in the country had centered around the implementation of the Children's Acts. The experience of over two decades and a half had suggested to the Government of India, that the quality of the service under the Children's Acts brought to the fore several basic deficiencies like lack of uniformity in the provisions of the Children's Acts being implemented in different states, absence of clearly laid down minimum standards for basic needs, living conditions and reformative services for children in juvenile correctional institutions and the non-availability of specialised infrastructure in most of the states. The major problem areas were: incomplete geographical coverage, the number of juvenile/children courts pretty small, child welfare boards

virtually non-existent, children in certain states still being lodged in jails, variations in defining the upper age limit of the children, the content of correctional services pretty weak, inadequately trained personnel and lack of public participation.

In order to rectify the above position, the Government of India enacted in 1986, the Juvenile Justice Act for the country as a whole. The act provides for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication of certain matters relating to and disposition of delinquent juveniles. The act envisages a comprehensive approach towards justice for children in situations of abuse, exploitation and social maladjustment. The act attempts to make adequate provisions for dealing with all aspects in the changing social, cultural and economic situation in the country. The realisation that this basic aspect requires the involvement of several agencies and cannot be performed by juvenile courts alone has led to the enactment of provisions therein to ensure the desired results of greater involvement of informed systems and community based welfare agencies in the care, protection, treatment, development and rehabilitation of the neglected and delinquent juveniles.

SALIENT FEATURES OF LEGISLATION APPLICABLE TO JUVENILES IN CONFLICT WITH LAW

JUVENILE JUSTICE ACT (1986) (J.J. Act)

The JJ act, accepts and approves of the approach, as found desirable in the implementation of the Children's Acts. It, like the Children's Acts, envisages a two-pronged machinery for the juveniles viz.

- (1) Juvenile Welfare Boards in relation to neglected juveniles and
- (2) Juvenile Courts in relation to delinquent juveniles.

(1) Juvenile Welfare Board

The juvenile welfare board is an agency for exercising the powers and discharging the duties conferred or imposed on such boards in relation to 'neglected juveniles'. Neglected juveniles' are those who are found begging or are destitute or with unfit/incapacitated parents or who live in a brothel or who is likely to be exploited. The Board in its sittings may send a neglected juvenile to a juvenile home or place the juvenile under the care of a parent or guardian.

(2) Juvenile Court

The juvenile court has its jurisdiction over juveniles who are declared delinquent. A juvenile accused of a bailable or non-bailable offence is generally released on bail or sent to an observation home and produced before a juvenile court. Where a juvenile court is satisfied that a juvenile has committed an offence the court may allow the juvenile to go home after advise

or admonition or direct the juvenile to be released on probation of good conduct and place him under the care of a parent or a guardian or make an order directing the juvenile to be sent to a special home . A detailed description of Juvenile Welfare Board, Juvenile Court and Juvenile Detention institutions is given in Appendix I.

THE IMMORAL TRAFFIC (PREVENTION) ACT 1986

The Immoral Traffic (Prevention) Act, 1986 replaced the earlier Suppression of Immoral Traffic in Women and Girls Act 1956.

IMPORTANT DEFINITIONS

'Brothel' includes any house, room, (conveyance) or place or any particular portion of any house, room, (conveyance) or place which is used for the purpose of sexual exploitation or abuse or for the mutual gain of two or more prostitutes. 'Child' means a person who has not completed the age of sixteen years. 'Minor' means a person who has completed the age of sixteen years but has not completed the age of eighteen years. 'Major' means a person who has completed the age of eighteen years. 'Prostitution' means the sexual exploitation or abuse of persons for commercial purposes and the expression 'Prostitute' shall be construed accordingly.

OTHER IMPORTANT PROVISIONS

Under section 3, any person who keeps or manages or acts or assists in the keeping or management of a brothel shall be punished with terms varying from one year to five years and also with fine which may extend to two thousand rupees. Under

section 4, any person over the age of eighteen years who knowingly lives, wholly or in part on the earnings of prostitution of any other person shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both and in case of earnings from prostitution of a child or minor, imprisonment for not less than seven years and not more than ten years. Similarly under sections 5 and 6 procuring, inducing or taking a person for the sake of prostitution or detaining a person in premises where prostitution is carried on shall be punishable with imprisonment for terms varying from three to fourteen years to life imprisonment and also with fine extending to two thousand rupees.

Under section 7, any person who carries on prostitution and the person with whom such prostitution is carried on in any premises in a public place or within two hundred metres of any place of public religious worship, educational institutions, hostels, hospitals, nursing homes or such other public places shall be punishable with imprisonment for a term which may extend from three months to seven years to ten years to life imprisonment and also liable to fine. Similarly, under section 8, whence, in any public place or within sight of and in such manner solicits for the purpose of prostitution shall be punishable with imprisonment varying from three months to one year and also with fine which may extend to five hundred rupees.

There is a provision for women to be detained in a correc-

tive institution in lieu of imprisonment. Special police officers are to be appointed for dealing with offences under this act. There is also provision for girls to be detained in protective homes. Prostitutes have been given the right to seek protection in a protective home and magistrates and special police officers are authorised to remove/rescue any person carrying on prostitution.

CHILD MARRIAGE RESTRAINT ACT ,1929

This is an act to restrain the solemnisation of child marriages. The main provisions of this act are as follows :

IMPORTANT DEFINITIONS

"Child " means a person who , if male ,has not completed the age of twenty-one years and if female, has not completed the age of eighteen years ." Child marriage" means a marriage to which either of the contracting parties is a child "Minor " means a person of either sex who is under the age of eighteen.

IMPORTANT PROVISIONS

Whoever being a male of above eighteen years and below twenty one years contracts a child marriage shall be punished with imprisonment which may extend to 15 days or with fine of Rs.1000/- or both. In case of the male being above 21 years , simple imprisonment which may extend to three months and shall also be liable to fine. Similarly, whoever performs ,conducts or directs any child marriage shall be punishable with simple imprisonment which may extend to three months and shall also be

liable to fine. Where a minor contracts a child marriage, any person having charge of the minor, whether as parents, or guardians or in any other capacity lawful or unlawful, who does any act to promote the marriage or permits it to be solemnised or negligently fails to prevent it from being solemnised shall be punishable with simple imprisonment which may extend to three months and shall also be liable to fine, provided that no women shall be punishable with imprisonment under this act.

A court having jurisdiction under this act may, if satisfied from information laid before it through a complaint or otherwise that a child marriage in contravention of this act has been arranged or is to be solemnised, issue an injunction against the guilty persons, prohibiting such marriage. Whoever, knowing that an injunction has been issued against him, disobeys such injunction shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both; provided that no women shall be punishable with imprisonment.

A BRIEF DESCRIPTION OF THE CORRECTIONAL INSTITUTIONS FOR JUVENILES IN CONFLICT WITH LAW IN ASSAM

Under JJ act, the Govt of Assam has set up observation homes, juvenile homes and special homes for both neglected and delinquent juveniles. There is no separate observation or juvenile or special home. The Homes established in Assam are a combination of two or all three types of Homes. Two of the Homes are at Guwahati, one at Nagaon, a distance of about 120 kms from

Guwahati and the other at Jorhat, a distance of about 300 kms from Guwahati.

(1) OBSERVATION HOME AND SPECIAL HOME FOR BOYS, JORHAT

This Home is located in Jorhat town, which is the head-quarter of Jorhat district. It is in the suburbs of Jorhat town, a journey of about 15 minutes from the center of the town. This Home has been specially set up under the Juvenile Justice Act.1986. A Juvenile Court, the only one in Assam till date, has its sitting in this Home. There are two buildings in this Home with a high wall around the campus. One building is the observation home while the other is the special home. The office of the principal and other staff is located in another building. So there are three buildings in the campus, the office building, the observation home and the special home. There is a small playground between the observation home and the special home.

The Home has one principal who is also the probation officer, one liason officer, one housemother, one part-time doctor, matron(s) and other staff like cook, sweeper, peon. There are guards who are under the local police station and stay in the campus. The principal, housemother, matron, cook and others stay in the campus while other office staff come there daily.

There is a primary school in the Home. School attendance is compulsory for all boys with some exceptions like physically, mentally handicapped boys, boys who have passed primary

school. However, the school does not give certificates to the boys who pass and the school in that sense is not a regular school. It is more of a illiteracy eradication kind of school. Examinations are held every year.

Vocational training is provided to the boys in the Home. There is one such course, tailoring. Clay-work and Cycle-repairing are to be introduced shortly. The main vocational training course is thus tailoring. Examinations for the vocational training course is held every year. The plan is to rotate the boys from one vocational training course to another.

After breakfast the boys do some compulsory jobs like cleaning, grass-cutting etc. till 10 AM. School and vocational training is from 10AM to 3PM on all working days with a lunch-break of half-an-hour. After 3PM the boys usually play games like Volley-ball, Football, Ludo, Chess etc. In the evening they study for some time, see news on the TV and occasionally one or two serials and the Saturday movie. On holidays the boys do their own washing, cleaning and other such jobs.

The Home can accommodate a maximum of 100 Juveniles boys. The average strength of the Home is between 35-60. Although the Home has been declared as a special home in addition to being an observation home no child has been formally sent to the special home by the Juvenile court, Jorhat due to security problems. As such all boys residing in the Home are legally under observation. However, it should be pointed out that under the JJ act any inquiry related to juveniles has to be completed within the three months. Secondly, vocational and educational

training is to be provided specifically to inmates of juvenile home/special home only and not to children under observation. As such all boys in the Home who have completed three months in the Home and are attending vocational training courses are in practical terms inmates of special home although from a strictly legal point of view they are under observation. So, though no juvenile has been sent to the special home, in practice many or most of the boys are inmates of the special home. It may be mentioned here that even if some of the boys are in future sent specially to the special home by the juvenile court their activities will be the same. The only difference is they will reside in the special home building and not in the observation home building. They will continue to attend school and vocational training classes as before. Till 1st April, 1994 about 550 juvenile boys have been admitted to this Home.

) OBSERVATION HOME FOR BOYS AND VAGRANTS HOME, FATASIL, GUWAHATI .

This Home is located in Central Guwahati. It was established under the Vagrancy Act and after the enactment of Children's Act it was declared as an Observation Home. Under JJ act it is an observation home for boys. The Home has an office building and a building for the juveniles. School and Vocational training classes as well as dining hall and living quarters of the juveniles are located in the same building. There is a small wall around the campus and a big field in front of the buildings.

The Home has one superintendent, one matron and other staff. The superintendent, matron and some other staff stay in the campus while others like the instructors don't stay there.

The Home has a tailoring course apart from the primary school. Juveniles who join school are not allowed to join the vocational training course while those who join the vocational training course are not allowed to attend school. The certificate provided by the Home school to those who are successful is recognised by regular schools and some juveniles attend regular high school while staying in the Home. Examinations in the Home school as well as the vocational training course are held every year.

The daily routine for the boys is physical work like cleaning, grass-cutting etc. after breakfast followed by school or vocational training. In the evening they play games like football, carrom etc. and then study. They are also allowed to see TV programmes like news and some serials. On holidays the boys during daytime do their own personal tasks as well as some cleaning work.

The average strength of juveniles in the Home is 45-55. However, out of this, the average strength of those who are sent here by the courts after being arrested/detained by police is 8-20. These juveniles, that is those who are brought after arrest/detention are not separated from the other juveniles and are kept together. Security in this Home is very lax as a result of which juveniles especially those who are under observation frequently escape from the Home. Like the Jorhat Home,

legally all juveniles residing here are under observation though most have stayed for more than three years. Similarly education and vocational training are provided to the juveniles after about 7-15 days of their stay. As such these juveniles are in practice inmates of special or juvenile home.

**STATE HOME FOR FEMALES AND OBSERVATION HOME FOR GIRLS,
JALUKBARI, GUWAHATI.**

The Home is in the outskirts of Guwahati city near Guwahati University. This Home or rather the inmates of the Home can be divided into three groups (i) Women (above 18 years) rescued/brought by police who are socially or physically handicapped e.g. rescued prostitutes, victimised women. (ii) Destitute women (above 18 years of age), separated women, widows, displaced women. (iii) Observation Home for Girls.

The Home has two buildings. In one building vocational training centre and office is located. In the other building the inmates reside. The residential building is surrounded by a high wall. There is a small playground in the building. Although the inmates belong to three separate groups legally, they are not separated in any manner. They live together and even share the same sleeping halls.

The Home has one superintendent, one assistant superintendent and two matrons who reside in the Home. Besides there are other staff like guards, housekeepers, cook etc. The instructors for vocational training generally don't reside in the campus.

The Home has five vocational training courses for women and juveniles. They are: (i) Doll-making; (ii) Weaving; (iii) Tailoring; (iv) Knitting and Embroidery; and (v) Bag-making. Juvenile girls are generally allowed to join a vocational training course within one week of their being admitted. The school is managed by the educated inmates and is basically an illiteracy eradication school. The certificate provided by the school to the girls who are successful is not recognized for admission to regular schools. Girls who show an aptitude for studies are sent to the Nagaon Home.

In the morning the girls do some cleaning jobs and then have lunch. After that they attend vocational training classes. The handicapped and young girls also do manual jobs or study. Classes in the school are held in the evening. After school the girls see TV, usually news and one or two serials and then study.

The average strength of juvenile girls in the Home who are sent here after arrest/detention by police is between 60-90. The average strength of adult women in the Home varies between 70-90. As such the average strength of the Home varies from 130-180, although, the Home was built to accommodate a maximum of 100 inmates only. As such there is over crowding in the Home.

Like the other two Homes, in this Home too, all the juvenile girls are legally under observation although in a practical sense they are inmates of juvenile/special home as they have access to education and vocational training.

STATE HOME, JUVENILE HOME AND OBSERVATION HOME FOR GIRLS, NAGAON.

This Home is in Nagaon town. Like the Jalukbari Home, the inmates of this Home too can be divided into three categories : (i) Destitute Women; (ii) Destitute children; and (iii) Juvenile girls. The first two categories of inmates are generally admitted on application or handed over by parents/guardians, while the third category consists of girls sent here by the courts after arrest /detention by police.

The campus is very big. One building is the office building and behind it are the buildings where the inmates reside. The children are separated from the adults (except those with their mothers). There is a playground where the children can play.

The Home has one superintendent, one assistant superintendent and two matrons besides others who reside in the campus. Some staff members like vocational training instructors and teachers of the school don't stay in the campus.

The Home has three vocational training courses (i) Tailoring (ii) Weaving, and (iii) Doll-making and Toy-making. The girls can choose any of these. Besides there is a primary school in the Home. The girls who join a vocational training course are not allowed to attend school while those who enroll in school are not allowed to join a vocational training course. The Home primary school is recognised and so girls who are successful in that school can go to a regular school.

In the morning the girls do some compulsory jobs like cleaning, washing after which they have food and go to class/vocational training course. In the evening they are

allowed to play games and see TV. On holidays, they do their personal work.

Like the Jorhat Home which has been declared a special home, this Home has been declared as a juvenile home. However, here too no juvenile has been formally sent to juvenile home. Like the other Homes, legally all of them are under observation although most of them have stayed for more than three months and joined either school or vocational training course.

JUVENILE DELINQUENCY IN INDIA AND ASSAM

We shall now examine the official statistics of juvenile delinquency in India and Assam. A comparison would also be made with corresponding adult crime in order to properly grasp the magnitude of the problem. We start with the incidence and volume of juvenile delinquency in India.

INCIDENCE AND VOLUME OF JUVENILE DELINQUENCY UNDER IPC, 1981-91

Table -2.1

Sl. No.	Year	Incidence of Juvenile Crime	Total Crimes	Percentage of Juvenile crimes	Volume of Juvenile Crimes per lakh of Population
1.	1981	61019	1305757	4.4	8.8
2.	1984	42803	1358660	3.2	5.8
3.	1986	55887	1405835	4.0	7.3
4.	1987	52610	1406992	3.7	6.7
5.	1988	24827	1440356	1.7	3.1
6.	1989	18457	1529844	1.2	2.3
7.	1990	15230	1604449	0.9	1.8
8.	1991	12580	1678375	0.8	1.5
9.	1993	9465	1629936	0.6	1.1
10.	1994	8561	1635251	0.5	1.0

Source : Crime in India : National Crime Records Bureau 1994,

Table 2.1 shows the official data on the incidence and volume of juvenile delinquency in India. The percentage of juvenile crime to total crime was between 3-5 percent till 1987. From 1988, the percentage declined steadily over the years touching a low of 0.5 percent in 1994. Similarly, the volume of juvenile crime per lakh of population too was fluctuating between 5.8-8.8 during the years till 1987. From 1988 onwards it declined steadily reaching a low of 1.0 in 1994. The decline in both, percentage of juvenile crime to total crime and in juvenile crime per lakh of population after 1987 is due to the enactment

of JJ act which came into force from 1988. Before this enactment the upper age limit of juveniles was 21 years. But this came down to 16 and 18 years for boys and girls respectively under J.J. act. This has brought the juvenile crime percentage down in the country as compared to previous years.

**JUVENILE DELINQUENCY UNDER IPC AND LOCAL AND SPECIAL LAWS (LSL)
DURING 1991.**

Table-2.2

S1	State	Total Cognizable (IPC&LSL) Crimes	Total Population (in lakh) as per 1991 census
1.	Assam	488	222
2.	Nagaland	28	12
3.	Manipur	28	18
4.	Andhra pradesh	1127	665
5.	Maharashtra	8323	789
6.	Tamilnadu	15615	559
7.	Haryana	1415	165
8.	Uttar Pradesh	43	1391

Source: National Crime Records Bureau 1994.

Table. 2.2 shows the incidence of juvenile delinquency in terms of cognizable crimes in some states of the country. Compared to the total population of the states it is seen that the incidence of juvenile delinquency in Assam is not very high. On the other hand the incidence is quite high in Haryana, Tamilnadu when compared with their population.

JUVENILES APPREHENDED IN THE COUNTRY UNDER IPC & LSL DURING 1981-91.

Table-2.3

Sl.No.	Year	Assam	India
1.	1986	5106 (1.91)	162260
2.	1987	3654 (2.03)	179962
3.	1988	1258 (3.29)	38168
4.	1989	765 (2.48)	30816
5.	1991	743 (2.51)	29591

Source: National Crime Records Bureau and CID, Assam
(Figures in brackets indicate percentages)

Table 2.3 shows the juveniles apprehended in India and Assam during 1986-1991. As in the case of incidence of juvenile crimes the number of juveniles apprehended in both Assam and the country as a whole has come down with the lowering of age under J.J. act. The percentage of juveniles apprehended in Assam as compared to the country as a whole is very low. It registered a slight increase during 1988, from 2.03 to 3.29 percent but then again fell during 1989. It was 2.51 percent in 1991.

SUMMARY

In this chapter we discussed the historical development of the philosophy of juvenile justice and treatment programmes. We began with concept of juvenile justice and moved on to various legislations for juveniles in conflict with law. Next we discussed some important legislations relating to juveniles in India followed by a description of the correctional homes where the study was carried out. Lastly, we analysed the latest official statistics relating to juveniles in conflict with law in India.

CHAPTER - III

DELINQUENCY AND DEVIANCE : PROBLEMS OF THEORISATION

CHAPTER-III

DELINQUENCY AND DEVIANCE ;PROBLEMS OF THEORISATION

What causes a specific individual to break a taboo, a social sanction or a law has always been an enigma to society. Crime as well as immorality, is the backwash of culture. It has always been popular to attribute criminal behaviour to one cause or factor or to one set of factors. It is equally popular, especially among the "experts" to construct a "system" or "frame of reference" that will explain delinquency and crime, suicide, desertion, divorce or any other form of human pathology. Students in the behavioural sciences are constantly on the alert, hoping to discover the "open sesame" to the riddle of human misconduct. Yet this riddle of crime causation continues to bedevil society. No unilateral theory, however profound whether it is nurtured and expounded by biologists, psychologists, psychiatrists or sociologists can ever hope to answer the question of the totality of criminal behaviour. In this chapter we shall review some of most discussed theories or hypotheses that attempt to explain aberrant behaviour.

PRE-SCIENTIFIC THEORIES

DEMONOLOGY

The oldest theory advanced to explain criminal conduct was "diabolical possession and instigation". Crime was the result of a person succumbing to the blandishments of the evil spirits. Since the evil spirits infested the person and had to

be driven out, the conventional notion of primitive punishment was either to exorcise the evil spirits or to get rid of the one possessed by death or exile, "social death". In part, this doctrine was based on the concept of protecting the community or family group against further outrages by the offending individual but far more important was the belief in the necessity and desirability of placating the Gods. An excellent example of demonism as a theory was the prosecution in 1692, of witches in Massachusetts (USA). These harmless women were thought to be possessed by the Devil, so they had to be eliminated.

FREEDOM OF THE WILL

The concept of the "freedom of the will" has had far reaching effects in Western theology and education. This thesis states that since man is free to do as he pleases or to make his own choices, it is of prime importance to prevail upon them, through teaching or by threats and rewards, to conform to the sanction of society. By precept and example, he must be taught to emulate the good and true and to shun those who could tempt him to violate the prevailing morality and legal code.

THE CLASSICAL VIEW

The Classical school refers to the writings of a number of European scholars in the late 1700's particularly Cesare Beccaria in Italy (1738-94) and Jermy Bentham in England (1748-1832). The core concepts of the classical frame of reference are hedonism and free will. Void notes that all classical

theorists accepted as valid, as did most of their contemporaries, certain beliefs about human behaviour including the existence of human "will" as psychological reality. Prevailing opinions of the time agreed that all men, criminals included, act rationally and deliberately to avoid pain and encounter pleasure. Following from these premises, the criminal makes a deliberate, rational, hedonistically oriented decision to indulge in law-breaking. If this is the case, to deter him or others from crime, an amount and kind of punishment of such magnitude as to counterbalance the pleasure from criminal acts must swiftly and surely be administered to the wrongdoers. In the works of some classical scholars, attempts were made to develop highly detailed scales or hedonistic calculi of punishment in which specific amounts of pain were identified for each type of law-breaking (Vold 1750:16-18 in Gibbons 1977:130).

NEO-CLASSICAL SCHOOL

The neo-classical school of criminology flourished during the nineteenth century. It had the same basis as the classical school--a belief in the free will. But the neo-classicists found the penalties that resulted from the classical doctrine to be too severe and all encompassing for the humanitarian spirit of the time e.g. the French Code of 1791 revised in 1810, recognised to a limited extent the principle of extenuating circumstances thereby ushering in neo-classical penology. Other changes include exemption of children under 7 years from the law on the basis that they could not understand the difference between right and wrong. Mental disease also became a reason to

exclude a would-be criminal from conviction under law. One important result of this school was the admission into court expert testimony to assist jurors in determining the degree of responsibility.

THE EMERGENCE OF SCIENTIFIC CRIMINOLOGY

THE CARTOGRAPHIC SCHOOL

The cartographic or geographic school of criminology pursued the ecological facts of crime, that is, it examined the distribution of forms and rates of criminality among spatial areas. Two of the best known persons associated with the development of this orientation were Adolophe Quetelet in Belgium and A.M. Gueny in France. Alfred Lindesmith and Yale Levin studies crime and delinquency following this approach (Lindesmith & Gueny in Vold 1750:162-165). The cartographic school arose out of development of system of social book-keeping first established in European countries in the 1500's such as the systematic recording of births and deaths. Quantitative studies of crime began to appear in England and France around 1800. These early endeavours were forerunners of a long line of studies that have continued to the present. One of the persistent interests has centered around the relationship, if any, between economic conditions and fluctuations in crime and delinquency. Another interest originating from cartographic beginnings is in regional variations in crime.

SOCIALIST VIEWS, CRIME AND ECONOMIC TRENDS

Socialistic explanations of crime grew as an expansion of Karl Marx's theory, first published in 1867. According to socialistic arguments, exploitation of workers in capitalistic societies leads to endemic poverty and misery. In turn these conditions produce a variety of criminalistic responses including alcoholism, prostitution and larceny. The systems of criminal justice prevailing in capitalistic societies protect the exploitative interests of the owner class. Thus, prevention of criminality demands reorganisation of the economic order along socialist lines. The most eminent contribution to socialist theories was Dutch sociologist William A. Bonger (1876-1940), who argued that the very nature of the capitalistic economy system encourages egoism, that is, the relatively unrestrained pursuit of self-interest. Bonger anticipated a host of later sociological analyses of criminality in capitalistic societies, in which a variety of social and economic conditions are held to be involved in generating criminality (Bonger :158-65 in Gibbons 1977 :134).

BIOGENIC APPROACH

The belief that biological factors determine human behaviour generally and criminal behaviour specially, is of ancient origins. It has been phrased in a variety of ways and persists in the minds of many citizens today. All biological explanations rest on the basic logic that structure determines function. Individuals behave owing to the fundamental fact they are somehow different.

LOMBROSO AND POSITIVIST VIEWPOINT

Cesare Lombroso (1836-1909) stands as a giant of criminology, although he has often been a misunderstood pioneering figure. Lombroso has been described as the originator of the theory of atavism and of the criminal as a biological type, without any mention of his later modified views or recognition of the key role he played in the development of the positivist approach to criminality. Positivism emphasizes crime as a natural phenomenon produced by a variety of factors, multiple causation, some of which are biological, others environmental. Lombroso was the original spokesman for this viewpoint, which in broad outlines, is the prevailing criminological opinion of today (Lombroso in Vold in Gibbons 1977:137).

Lombroso's famous claims center about the notion that the criminal is of different physical type than the non-criminal. According to a frequently told tale, Lombroso, as a physician, after performing an autopsy in the brain of a criminal, discovered a number of physical abnormalities. He was struck by these observations, out of which he formulated the view that criminals are atavists or genetic throwbacks to an earlier kind of human species, Homo delinquens. Lombroso supposed that modern man, Homo sapiens, evolved out of this lower type of humans. He assumed the earlier species to have various kinds of asocial behaviour. Accordingly, a contemporary criminal is simply a biological reversion to this primitive form of man. These views were published in The Criminal Man, which went through five separate editions. In this book, Lombroso

maintained that the degenerate and atavistic criminal type can be identified by characteristics or stigmata, including facial asymmetry, eye defects and peculiarities, ears of unusual size, excessively long arms and other physical peculiarities. Lombroso also held that although some offenders were throwbacks others were not. He asserted that there are three major kinds of criminals: born criminals, insane criminals and criminoids, who are individuals of normal physical and psychological makeup who commit crimes in unusual circumstances. Less than half of the total population of offenders were asserted to be of the first type.

In the early 1900's Charles Goring mounted a "mortal assault" on Lombroso's theories of the offender as a physical type. Along with a number of collaborators he undertook a series of careful measurements of approximately 3000 English convicts and a large number of non-criminals. Almost without exception, Lombroso's hypothesized physical anomalies were no more common among the prisoners than the non-deviants (Goring in Vold in Gibbons 1977:108).

Over the years in which positivist perspectives developed, attention veered away from biological hypothesis towards emphasis on a variety of psychological and sociological dimensions in crime causation. Nonetheless, curiosity regarding biogenic variables continued in a number of forms. This interest was revived most dramatically in the work of Harvard physical anthropologist Ernest A. Hooton. His was a study of 13,000 prisoners in ten states, compared with a smaller number of

civilian non-offenders on some hundred antropometric measuremany cause of crime is biological inferiority". Moreover he claimed that biological inferiority was inherited,so that Eugenic program of sterilization represent the most effective solution to criminality (Hooton in Gibbons 1977:139) .However Hooton's work was greeted with hostility by sociologists,criminologists and anthropologists.The major deficiencies in his research are clear. His control groups were unrepresented and small in size.His subsamples were small and it was also held that prisoners do not constitute a representative sample.Finally one of the most devastating criticism of his work is that he had no explicit criterion of "biological inferiority" .

The most recent version of the body type and temperament argument is found in the work of Sheldon and associates.Sheldon asserts that somatic structure can be classified in terms of the degree to which endomorphic,mesomorphic and ectomorphic physical characteristics are most apparent in different individuals.He argues that viscerotomic,somatonic or cerebrotonic temperament patterns tend to accompany certain of the body types.In one study,Sheldon claims to have demonstrated linkages between delinquency and certain body types (Hretommen and Shelin in Vold in Gibbons 1977:140) .But critics have not been kind to Sheldon pointing out that he employed a loose and a typical definition of delinquency and other deficiencies in methodological procedures.

FEEBLEMINDEDNESS AND CRIME

The most popular single theory of crime causation adhered to by laymen and many serious investigators as well, is that offenders are defective in some psychological fashion. In this view, the causes of crime and delinquency are "inside the person". An early version of this theme sought for the mainspring of deviance in feeble-mindedness, whereas later ideas centered on the search for mental abnormalities in the form of psychotic symptoms. The modern variant is that law-breakers are responding to a variety of subtle kinds of emotional problems. Another modern criminology argument involving biological factors viewed in interaction with psychological and environmental ones is that of Hans Eysenck which deals with extroversion and criminality. The thrust of his argument is that individuals refrain from law-breaking to the extent that they are adequately conditioned and acquire an internalized conscience. In some cases inadequate conditioning and tendencies towards criminality and deviance develop when parental failures in socialization occur (Eysenck 1970 in Gibbons 1977:151).

PSYCHOGENIC APPROACHES

The psychogenic approach is devoted predominantly to social-psychological questions regarding criminality and delinquency, so that it attempts to specify the factors that result in law-breaking. The central hypothesis is that the critical causal factors or variables center around personality problems to which criminal deviance is presumed to be a response.

Regarding delinquent behaviour, August Aichhorn, a pioneering figure in the development of this perspective, has declared "There must be something in the child himself which the environment brings out in the form of delinquency". Criminals and delinquents behave as they do because they are in some way "sick" or "maladjusted".

MENTAL DISORDER AND CRIME

Following the death of the feeble-mindedness theory of criminality, the idea grew that criminality is often attributable to serious forms of mental disorder or impairment. In early enthusiasm for the view, large proportions of offenders were diagnosed as suffering from mental pathology. However, after the first enthusiasm for psychopathological hypothesis, enquires into the extent of psychotic disorders and other gross forms of pathology among criminals involved estimates that these conditions are not much more common in offenders than among law-abiding citizens. Now we might conclude that few criminals are psychotics.

PSYCHOANALYTIC THEORIES

Although psychoanalytic thought originated in the writings of Sigmund Freud, at present a number of versions of psychoanalytic theory exist. Three propositions are at the heart of psychoanalytic thought. First, behaviour is largely the product of unconscious psychological-biological forces, drives or instincts, which are not directly perceived or understood by

the actor, Second, functional disorders, including criminality, arises out of conflicts related to these basic drives. These behavioural pathologies may be the result of the repression of instinctual energy, which presses for recognition in disguised form or they may be the product of inadequate socialization so that normal control over impulses is lacking. Third, to modify undesirable behaviour, the person may be guided towards insight into the unconscious roots of his responses so he can develop control over such behaviour. A skilled psychoanalyst or therapist can uncover the basis of behaviour through dream analysis, free associations and other observations that point to unconscious motivational factors.

Criminal behaviour under this general theoretical orientation is to be understood, simply and directly as a substitute response, some form of symbolic release of repressed complexes. The conflict in the unconscious mind gives rise to feelings of guilt and anxiety with a consequent desire for punishment to remove the guilt feelings and restore a proper balance of good against evil. The criminal then commits the criminal act in order to be caught and punished. Unconscious motivated errors leave "clues" so the authorities may more readily apprehend and convict the guilty and thus administer suitably cleansing punishment. The main criticism of this approach and its application to criminality centers around the vague, obscure language and circular reasoning at points in the argument that render many of the central propositions within the theory unstable

because of claims about "unconscious" mind and other notions of that kind. Other criticisms include its over emphasis, on several aspects of behaviour and motivation, minimum importance to social factor, its assumption of biological motivation.

PSYCHOPATHY AND CRIMINALITY

According to a popular psychogenic hypothesis, many delinquents and criminals exhibit a particular form of mental pathology, psychopathic personality or sociopathic personality. The term psychopath usually refers to a pattern of pathology characterised by egocentricity, asocial behaviour, insensitivity to others, hostility and so on. The answer to the question as to who is a psychopath varies from one respondent to another. Harvey Cleckley in his definition lists six general symptoms. A psychopath is (i) free from neurosis, psychosis or mental defectiveness; (ii) is habitually unable to adjust his social relations satisfactorily; (iii) punishment does not deter him; (iv) lacks motivation; (v) shows a lack of concern and indifference to others; and (vi) has poor judgement and does not learn from experience as is evident from his pathological lying, repeated crime and other anti-social acts (Cleckley in Gibbons 1977:172-73). Harrison Gough has offered another list of signs which includes poor loyalty and social attachments, poor planning and judgement, no distress over his maladjustment, projection of blame to others, over-valuation of immediate goals, unconcern for rights and privileges of others, impulsive behaviour, meaningless lying, lack of responsibility and

emotional poverty (Gough 1948: 359-66 in Gibbons 1977:173). Thus, in both Cleckley's and Gough's description, a picture emerges of a poorly socialized, indifferent and uncooperative person. It may be noted that Gough's and Cleckley's definitions indicate a rather general and unspecific symptomology. Yet these are two of the clearer statements in the literature of psychopathy.

The results of investigations on psychopathy and criminality have been extremely confusing. Sutherland and Cressey have reviewed the evidence and concluded that no relationship has been shown to exist. Other criminologists have reached similar conclusions about the uselessness of the psychopathy notion. On the other hand, a number of authorities accept the argument that psychopaths exist and that they appear in the population of offenders in excessive numbers. But in none of the cases is any indication given on how common such personality problems might be in the population at large or in the population of offenders. One remarkable piece of research on psychopathy is Lee Robins study. She conducted a follow-up study of referrals to a Child Guidance Clinic. She found that patients who have been referred for neurotic symptoms showed satisfactory adult adjustments closely resembling control subjects, however the antisocial juveniles referred for acts such as truancy, runaway behaviour, theft showed adult careers filled with frequent arrests for criminality, drunkenness and other problems such as divorces, occupational instability etc.

Another remarkable piece of work on psychopathy is Gough's work. It represents a singularly novel and fruitful approach. In a 1948 essay, he identified the major attributes and characteristics of psychopathic personality and developed a role-taking theory. Briefly stated, the psychopath cannot look on himself as an object or identity with another's point of view, role-taking ability. Thus, the psychopath does not experience social emotions such as embarrassment, contrition, identification or loyalty. When other persons look at the psychopath, they see him as asocial because he does not play the social game by the conventional rules. He is a "lone wolf" not a "team player" (Gough 1948 : 359 - 66 in Gibbons 1977 : 173).

SOCIOGENIC APPROACHES

Contemporary sociologists have approached the study of the etiology of crime from two basic perspectives : structure and process. The first views crime in relationship to the social structure or organisation of society and asks how crime is related to the social system. The second approach looks at the process by which individuals become criminals rather than law-abiding citizens. But it is not an individualistic approach. Sociologists look for patterns of relationships. How does the typical person change from a law-abiding citizen to a criminal ? Although sociological contributions to the study of crime may be classified as structural or process theories for purpose of categorisation and analysis, it must be made clear that these approaches or theories do not fall exclusively into either

category. All face the same question, why do some people commit criminal acts while others do not? There must be an explanation for the way in which one becomes a criminal as well as for the situations under which that behaviour occurs.

SOCIAL - STRUCTURAL THEORIES

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THEORIES OF DEVIANT BEHAVIOUR

CONTRIBUTIONS OF EMILE DURKHEIM -

French sociologist Emile Durkheim (1858-1917) was responsible for at least two seminal themes on crime and deviance. He was one of the first to insist on the "normality" of criminality. He maintained that the "normal" and the "pathological" are not intrinsically different forms of behaviour but are rather labels standing for social distinctions men impose on behaviour. Moreover, Durkheim asserted that it is neither possible nor desirable for a society to repress criminality completely. To do so would be to create a situation unfavourable to innovation and desirable social changes. In this sense criminality is functional or desirable behaviour.

Why is criminality a natural and inevitable feature of social life. Durkheim points out that crimes are matters of social definition. Members of a society condemn behavioral deviation that depart markedly from prevailing norms, singling out these as crimes. The criminal serves as an identifying sign of the limits of permissible behaviour. If this major violation of normative sentiments could be repressed, men would become

sensitive to less marked deviations they now overlook and these acts would be regarded as crimes. In turn, if these were repressed, even slighter deviations would be elevated to the status of crime and so on, in an unending process of crime definition. These increasingly intolerable demands for conformity which would then be imposed on individuals not now thought of as criminals would be detrimental to social progress. Durkheim's second and most important contribution to the study of deviant behaviour is in the theory of anomie originally developed as an explanation of suicide. According to Durkheim, the social needs or desires of humans are potentially insatiable, so collective order or social organisation is necessary as an external regulating force to define and control the goal seeking of men. If the collective order is disrupted or disturbed, men's aspirations may increase to the point of outdistancing all possibilities of fulfillment. At this point when traditional rules have lost their authority over behaviour, a state of deregulation, normlessness or anomie is said to exist. Durkheim claims that the regulatory functions of the collective order most commonly breakdown at the occurrence of sudden depression, sudden prosperity or rapid technological change where one is misled into aspiring to goals extremely difficult if not impossible to achieve. Durkheim however was not concerned about criminality in the theory of anomie (Durkheim in Gibbons 1977:72-73)

MERTON AND ANOMIE THEORY

American sociologist Robert K. Merton has developed a rich body of elaborations on Durkheim's initial notions regarding the breakdown of regulator, norms and deviant behaviour.

In his analysis, Merton distinguishes between two major elements of social and cultural structures: the culturally defined goals men are enjoined to pursue and the social structure that regulates and controls the acceptable modes or means for the pursuit of goals and interests. Merton's thesis is that the cultural system of American society enjoins all men to strive for success goals by means of certain normatively regulated or approved forms of behaviour. Yet, at the same time, opportunities to reach these goals through socially approved means are unequally distributed. According to Merton in situations of this kind, it is only when a system of cultural values extols, virtually above all else, certain common success goals for the population at large while the social structure vigorously restricts or completely closes the access to approved modes of reaching these goals, for considerable part of the same population that deviant behaviour ensues on a large scale. Merton identifies five modes of adaptation to the situation of disjunction: conformity, innovation, retreat, ritualism and rebellion. The category of innovation is of particular interest to the criminologist, for it refers to cases in which individuals continue to aspire to reach approved goals but by means of deviant or illegitimate techniques. Merton strongly emphasises

variations in class-linked patterns of socialization, arguing that innovative responses are most common among relatively imperfectly socialized persons (Merton in Gibbons 1977:91-92)

In several different ways Richard A. Cloward has played an important role in the further development of anomie theory. Cloward has directed attention to the facts of differentials in illegitimate opportunities in addition to varied legitimate opportunity structures. He points out that the forms of deviant behaviour are conditional both on the situation of disjunction and on the opportunities to engage in deviant conduct e.g. use of drugs depends in part on contacts with suppliers of illicit narcotics. Similarly, development of a criminal career as a professional criminal is partly contingent on contact with individuals who will induct the person into this kind of deviant pattern. However, Merton's theory does not contain the social structural elements (social-psychological variables) that might predispose an individual towards one adaptation over another. Others have argued that Merton's theory does not explain the non-utilitarian element of juvenile delinquency which appears to be engaged for fun and not in order to meet specific goals of society (Cloward in Gibbons 1977:192-93)

SUBCULTURE THEORIES

THRASHER'S STUDY OF THE GANG

Built upon the framework of anomie, more recent class-oriented theories have concentrated on the subculture of a

social class. The sub-culture theories were preceded by the classic study of Thrasher who saw the juvenile gang developing as a result of social disorganisation in the zone of transition. Thrasher saw the gang developing as a result of innocent playgroups that eventually came into conflict over space in the crowded and physically deteriorated areas of the inner city. The gang was the result of the social disorganisation of the slums (Thrasher in Reid 1979:103-04).

COHEN'S MIDDLE-CLASS MEASURING ROD

Cohen's analysis begins with the fairly well-supported assumption that although the American dream of occupational success is basically the ideal of the middle class, it is shared to a large extent by all classes in American society. The middle class is said to be the backbone of America, the most typical American class, partly because the American goal of individual success is most characteristic of the middle class. But Cohen suggests few American boys of any class have never heard or read the ideology of success in some form and many lower-class boys are affected by it. Lower-class boys are extremely handicapped in competition with middle class boys. At school for example, the teachers are likely to be middle-class women who favour boys from middle class homes who are obviously headed for college. The upshot is that the lower-class boys who would be handicapped even if they were made welcome and treated sympathetically are often alienated from school, yet without success in school their chance of occupational success in

legitimate field dreamt of in the American dream is slim indeed. According to Cohen, lower class boys can react to their somewhat handicapped situations in any one of the three possible ways. A small proportion would carefully screen their speech, become sedulous, ape to middle class models as far as they can. Cohen appropriately calls these the "college boys". Secondly, the great majority of lower-class boys mark their time through the ordeal of school and leave when the law permits and take a respectable dead-end lower class job. Cohen call this the "corner boy" solution. Juvenile delinquency is the third solution. The lower class juvenile delinquents rejects middle class standards although with ambivalence, joins with others in a similiar situation; bases his self-esteem on his success in the bold activities of the gang (a standard he can live upto) and becomes a kind of compulsive non-conformist, his reaction formation against his own repressed conformative tendency leading him to cut himself off so completely from middle class society that he will not be tempted or be able to yield to the repressed side of his personality. This juvenile delinquency is a sub-culture passed on from one generation to another (Cohen in Reid 1979:184-85-86).

Cohen's theory has been given considerable recognition in texts on juvenile delinquency and criminology. But it has also been criticized on specific issues. First, Cohen's statement that the working class boy measures himself by middle class norms is questioned. It may be argued that the working class boy does not care what middle-class people think of him. Further Cohen's

application of the concept of reaction formation to lower class boys and his methodology has been criticised.

MATZA'S THEORY OF DELINQUENCY AND DRIFT

Orienting his theory towards delinquents, Matza suggested that the delinquent drifts into delinquency. He saw the delinquent as an actor neither compelled nor committed to deeds nor freely choosing them. He is neither different in any simple or fundamental sense from the law-abiding, nor the same conforming to certain traditions in American life while partially unreceptive to other more conventional traditions. Finally he is an actor whose motivational system may be explored along lines explicitly commended by classical criminology - his peculiar relation to legal institutions (Matza in Reid 1979:187-88). Matza's theory of delinquency and drift and the theory of techniques of neutralisation developed by Sykes and Matza are in one sense social-process theories. But they are discussed here because of their relationship to the sub-culture theories which do involve an analysis of the social structure.

SYKES AND MATZA'S TECHNIQUES OF NEUTRALISATION

Sykes and Matza theorise that the delinquent may become committed to the dominant norms but permit excuses or rationalise actions for his deviance from those norms. Their argument is that much delinquency is based on what is essentially an unre-

cognised extention of defences to crime in the form of justifications for deviance that are seen as valid by the delinquent but not by the legal system or society at large. They describe the delinquents reaction not as a rejection of society's values as Cohen indicates but as an apologetic failure. These justifications of deviant behaviour are the techniques of neutralisation. They list five major types of neutralisation viz. denial of responsibility; denial of injury; denial of the victim; condemnation of the condemners and appeal to higher loyalties (Sykes & Matza in Wolfgang in Reid 1979:188-89).

CLOWARD AND OHLIN'S THEORY OF DIFFERENTIAL OPPORTUNITY

Cloward and Ohlin maintain that sociological and psychological factors limit a person's access to illegitimate as well as to legitimate roles. The theory of anomie looks at the person from the legitimate opportunity structure. It asks questions about differentials in access to legitimate means to success goals. And it assumes that either illegitimate routes to success goals or to differentials in their availability are of little significance (Cloward & Ohlin in Reid 1979:190-91).

MILLER'S LOWER-CLASS BOY AND LOWER-CLASS CULTURE

Walter Miller developed his class theory of delinquent subculture around the thesis that lower class delinquents are responding to a distinct lower class sub-culture which may be distinguished from middle and upper-class culture in several

ways. In the first place, by and large the lower class, has a female-based household. Men may be present but not in the stable form of marriage known in the middle and upper classes. In addition the lower class is characterised by six focal concerns. He labels them as trouble; toughness; smartness; excitement; fate and autonomy. Miller explains these focal concerns in detail, concluding that the result is a cultural system that distinguishes the lower class from the middle classes and the upper classes. In contrast to Cohen's theory that the lower class boy is engaged in reaction formation against the middle class values that he cannot attain, Miller is suggesting that the lower class values come from the inherent characteristics of the lower class itself (Miller in Wolfgang in Reid 1979:196-97).

ECOLOGICAL THEORIES

In terms of research and the number of articles and books published, probably the greatest contribution the field of criminology has been made by the ecologists. The study of ecology is concerned with the distribution and relationship of certain phenomenon to their environment. Ecologists attempt to explain crime as a function of social change that occurs along with environmental changes.

The early ecological school was influenced by the concentric circle theory of Ernest Burgess. That theory divided the city into five major zones. At the centre was zone 1 the central business district. But the key zone was zone 2, the zone of

transition, an area in which the business function of zone 1 is gradually encroaching. The result is that the area which previously claimed some of the most desirable housing in the city becomes an undesirable place in which to live. It is hypothesized that crime and vice would flourish here. Shaw and McKay in 1942 conducted several research projects in an effort to determine the relationship between crime, especially juvenile delinquency and the zones of the city. They found that the rates of delinquency in different zones and the rates of other community problems such as school truants, young adult offenders etc. varied together. They concluded that delinquency is not an isolated phenomenon (Durgess in Shaw & Mackay in Reid 1979:200-201). Criticism of this theory includes criticism of methodology, ignorance of the fact of differential law enforcement in different zones.

CONFLICT THEORY

SELLIN'S CULTURE CONFLICT THEORY

Thorsten Sellin argued that crime must be analysed in terms of conflict among norms. For every person, he said, there is a right (normal) and wrong (abnormal) way of acting in specific situations and these conduct norms are defined by the groups to which the individual belongs. In the normal process of social differentiation, these norms clash with other norms; culture conflict is thus the inevitable result of the conflict between conduct norms. Sellin distinguished between primary conflict,

which refers to the conflict of culture norms when two different cultures clash and secondary conflict, which occurs within the evolution of a single culture. It is the secondary conflict that is most important in explaining crime in the United States (Sellin in Reid 1979:208-209). Sellin's theory has been attacked by those who disagree with his basic thesis that criminals and delinquents are responding to different norms. It is argued that they are responding to the same norms but there is a scarcity of rewards associated with those norms.

The recent conflict approach to the study of crime has been called the "new conflict approach"; "radical criminology" and "critical criminology". It questions the motives as to why some people are labelled criminals while others are not. It questions the belief that laws represent "consensus". Lastly, unfortunate source of errors in official crime statistics are seen as efforts by those in power to manipulate statistics so that they are in favour of those in power.

The most prolific contemporary writer in the field of criminological conflict theory is Richard Quinney. In a recent book he examines the traditional criminological approaches which he categorises as the positivistic, the social constructionist and the phenomenological. Most of the sociology laws follows the positivistic mode which attempt to study phenomena objectively and to question the assumptions behind the phenomena. The social constructionist mode looks into the subjective meaning of social reality to the actors involved and questions whether objective

reality can exist apart from the social meaning attached by the actors to that reality. This approach, says Quinney has the advantage over the first in that it does not take for granted the process by which one knows but questions that process. However, that questioning does not extend to political inquiry and political actions. The phenomenological mode begins by analysing the process by which an individual understands the world. This contrasts with the approach of the other two modes, which are concerned with explaining social life. The phenomenologists look for reality in consciousness. But they also go beyond the world of experience (Quinney in Reid 1979:213-14-15).

SOCIAL-PROCESS THEORIES

THEORY OF DIFFERENTIAL ASSOCIATION

Sometimes referred to as the "dean of American criminology" Edwin H Sutherland has had tremendous impact upon sociologists and criminologists. Sutherland is best known in criminology for his theory of differential association - a theory of crime causation he introduced in his text "PRINCIPLES OF CRIMINOLOGY" in 1939. It was at that time intended to be a theory to explain systematic criminal behaviour. In the 1947 edition of the text, he extended the theory to apply to all criminal behaviour.

The theory makes nine statements:

- (i) Criminal behaviour is learned.
- (ii) Criminal behaviour is learned in interaction with other persons in a process of communication.

(iii) The principle part of learning of criminal behaviour occurs within intimate personal groups.

(iv) When criminal behaviour is learned, the learning includes (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple; (b) the specific direction of motives, drives, rationalisation and attitudes.

(v) The specific direction of motives and drives is learned from definitions of the legal codes as favourable or unfavourable.

(vi) A person becomes delinquent because of an excess of definitions favourable to violation of law over definitions unfavourable to violation of law.

(vii) Differential associations may vary in frequency, duration, priority and intensity.

(viii) The process of learning criminal behaviour by association with criminal and anti-criminal patterns involves all of the mechanisms that are involved in any other learning.

(ix) When criminal behaviour is an explanation of general needs and values, it is not explained by those general needs and values since non-criminal behaviour is an explanation of the same needs and values.

The essence of Sutherland's argument is that criminal behaviour is learnt like any other social behaviour. It is enacted by individuals who have acquired a number of sentiments in favour of law violation, sufficient to outweigh their prosocial and anti-criminal conduct definitions. In turn, different persons get their varied sets of prosocial and procriminal conduct

standards through associations with others in their social environment. In general, contacts or associations with the greatest impact on persons are frequent, lengthy, early in point of origin and most intense or meaningful. Sutherland maintains that the state of differential social association characteristic of modern societies is responsible in general terms for varied associational ties of different persons.

Sutherland's formulations has dominated criminology for two reasons. First, it is the major effort by a sociologist to state a theory regarding criminality in which a set of general propositions is enunciated as sufficient to explain the occurrence or nonoccurrence of criminal conduct. Second, differential association claims are stated in terms of a small group of "core" concepts and arguments to which almost all sociologists owe allegiance. The sociological perspective advances an image of man as the product of his social experience, which provide him with the definitions or standards of conduct and beliefs that stimulate and sustain his activities. Moreover, the sociological view is that the primary groups to which men belongs (Sutherland's "intimate personal groups") exert the strongest influence.

For all its merits, the theory of differential association is not without faults. As is true of most sociological exposition; the theory lacks clarity and precision. The problem is not that the claims are false but rather they are overly ambiguous; they are rendered plausible but essentially unstable. One of the

strongest critics of the theory, Sheldon Glueck states that it is difficult if not impossible to measure the "number of definitions favourable to violation of law and definitions unfavourable to violation of law". To highlight this criticism Glueck states that the "biggest criminals of all would be professors, prison guards and prison chaplains" because of the time they spend with criminals. Further, Glueck states that the theory is not very clear. On the one hand Sutherland seems to be emphasising, the individual rather than the environment saying that early childhood experiences are important. But then it "adds nothing but excess baggage of confusing terminology to what is already well known and explainable without the benefit of the theory". On the other hand Sutherland seems to emphasise the environment as he points out that criminal behaviour is learned behaviour, not inherited behaviour. But, says Glueck, no one today believes that criminal behaviour as such is inherited. As for the statement that criminal behaviour cannot be invented, that is nonsense. Glueck then cites from his own studies evidence that delinquency usually begins around age seven. When did the child have an opportunity to learn such behaviour since gangs are a phenomenon of adolescence, which begins at a later age ? (Glueck in Reid 1979:231-32)

SELF-CONCEPT AND CONTAINMENT THEORY

After concluding that social-structural theories of delinquency and crime are not sufficient, Walter Reckless and Simon Dinitz outlined their belief that the important questions that must be answered in explaining criminal behaviour is why, given all the alternatives of law-abiding and law-violating behaviour, some people turn to one or the other. They advocate that the self-concept is the key factor in explaining the choice among the alternatives of behaviour. A favourable self-concept directs an individual towards law-abiding behaviour and unfavourable self-concept directs him or her towards delinquent behaviour. Specifically, why do some boys who live in high crime rate areas become delinquents and others do not and conversely why do some who live in low rate criminal areas become delinquents. Also, why does the peer group exert a strong influence over some juveniles, to the exclusion of the family? They worked out their theory in relationship to juveniles. In their research study on juveniles, they concluded that a good self-concept is evidence of favourable socialization and development of a strong inner self, which directs a person towards middle class values. The poor self concept is indicative of unfavourable socialization and an indication of weak inner direction, which in turn does not deflect the boy from bad companions and street corner society, does not enable him to embrace middle class values and gives him

an awareness of being cut-off from upward movement in the legitimate opportunity system (Reckless & Dinitz in Reid 1979:239-40).

The research on self-concept conducted by Reckless and his associates has been widely reprinted and quoted. Nevertheless, the work has been criticised. The measure of self-concept has been questioned and the lack of control group in some of the early work has been noted. Problems also arise in operationalising some of the terms like self-concept. Finally, containment theory does not explain why people who do the same things are differentially labelled.

THE INTERACTIONIST, SOCIETAL REACTIONS, OR LABELLING PERSPECTIVE

Individuals who subscribe to the interactionist or labelling school examine those social psychological or interactional processes that take place among actors, audiences, and third parties, particularly in terms of their impact upon personal and social public identity of the actor. Their main concern, then, is with definitional processes and products, and their effects. The labelling perspective is not limited to explanation of criminal behaviour. It began and has developed as a general deviance theory of behaviour.

This theory emphasises the relativity of deviance and the fact that nothing is inherently deviant. A person or act becomes deviant only when the label of 'deviance' has been successfully applied by other people. Labelling theorists argue that the process by which people are labelled as deviant, not

their acts, should be focus of sociological attention. The theory draws heavily on the insights of the interactionist perspective in modern sociology for its understanding of the labelling process and in recent years it has drawn on the conflict perspective to explain why some people and acts rather than others are labelled as deviant at all.

Labelling theory is associated primarily with the work of Edwin Lemert (1951,1967) and Howard Becker (1963). They point out that virtually everyone behaves in a deviant manner at some time or other. This behaviour may pass unnoticed and the individuals concerned do not regard themselves as deviant and are not regarded as such by others. But if these acts are discovered and made public by significant other people, friends, parents, employer, police etc. the situation changes radically. The person is now labelled as 'weirdo' 'nut', 'whore', 'queer' etc. Other people begin to respond to the offender in terms of this label. As a result, the offender, consciously or unconsciously accepts the label, develops a new self-concept and begins to behave in accordance with it. The behaviour now takes the form of secondary deviance. The label proves prophetic and the deviance becomes habitual and the person is thrust to a deviant career (Lemert & Becker in Robertson 1980:171).

THEORICAL PERSPECTIVES

We have discussed theories covering a wide range of areas and historical periods, all of which could be discussed in much greater detail. Our purpose, however was to give a general back

ground of some of approaches to the study of criminal behaviour that preceded contemporary sociological theories. We began with a brief description of some of the pre-scientific theories of criminal behaviour, followed by the developments of the classical, cartographic and the socialist views. This was followed by the contributions of the positivists (Biogenic approaches). We should reiterate that most of these early lines of work have contemporary parallels. Thus there are nineteenth century cartographic efforts and current ones as well, early socialist theories and contemporary ones and older biogenic arguments and modern ones.

The general conclusion to be reached regarding the criminological theories of many decades ago is that most of them have proved inadequate. Whatever the explanation of lawbreaking, it is not to be found in defective heredity, biological trait or in other formulation of the "pioneers of criminology". Recent research findings on biogenic approaches point to biological influences in criminality and they demand that an open mind be maintained on this issue of biological correlates of lawbreaking.

The psychiatric and psychogenic theories discussed in this chapter, are all devoted to the search for evidence of psychological malfunctioning as the main spring from which criminality flows. More specifically, psychoanalytic, general emotional disturbance and psychopathy arguments have been examined. These psychogenic theories about criminality are defective in a number

of ways, and the research studies also leave much to be desired. It has been said that the terms of the theories are loose and vaguely defined. The tools for measurement are not precise. Even the intelligence test, because of its failure to exclude cultural factors, has been questioned as a valid instrument for measuring potential to learn. However, we have to acknowledge that sociological characterization that portray individuals as no more than robotlike role-players lacking in unique psychological dispositions and characteristics are surely overdrawn. The search for psychological correlates is continuing and has to be encouraged. In particular the psychopathic or sociopathic personality theory has some relevance in the present context. Some of the children in the study particularly runaway boys and girls exhibit behaviour like poor planning and judgement, impulsive behaviour, meaningless lying, projection of blame to others etc.

Next, we traced the development of a perspective that for most of its history dominated criminological thought: the social structural approach to the explanation of crime. We looked at the contributions of Durkheim and Merton to our understanding of the concept of anomie followed by the influence of that concept on the development of sub-cultural theories of delinquency and a discussion of the ecological school. Considerable attention was also given to conflict theory or critical criminology. But we have to conclude that these general theories are flawed by

the same ambiguity, fuzzy boundary definitions and other shortcomings. These theories are plausible but untestable. Although they locate criminal behaviour, they do not explain how it comes about. We then discussed the theories that emphasize the process by which one becomes a criminal. We began with the widely known theory of differential association of Sutherland, followed by the reformulation of this theory, social control theories, and finally the labeling perspective.

The social-process theories have been instrumental in achieving a better understanding of the totality of criminal behaviour. However, these theories too face some methodological problems which we have noted. Some of the theoretical approaches do not go beyond theory to empirical research. We also examined Sutherland's theory of differential association at some length, for that argument has been the single most influential attempt by a sociologist to articulate a theory of criminal etiology taking a social learning form. Although it has some major ambiguities in it and is essentially untestable, we adopt it as a major theoretical perspective because of its relevance to the nature of our study. We are dealing with juveniles who come mostly from the lower strata of society, both economically and socially. The children come across crime and delinquency frequently in their day to day lives. They live in slums or in backward rural areas. In most cases the children learn criminal behaviour from their parents or from their peers.

The labelling theory despite its limitations also provide some insights which can be fruitfully applied to the study of criminality. The various pathways to be observed in deviant careers are thought to be heavily influenced by social reactions directed at norm violation, a situation relevant to the present study. If a child is arrested or detained by police, he is labelled as a criminal by the society. Similarly if a child indulged in petty theft in their homes, they are labelled as deviant by their family. This in turn induces them into more serious crime. Girl juveniles who run away from their homes due to poverty or family problems or for other reasons are labelled as "loose" or "deviant". This often leads them to serious deviant behaviour like prostitution.

CHAPTER - IV

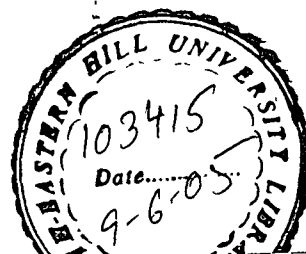
THE HOME AND FAMILY : SOCIOLOGICAL FOUNDATIONS OF DEVIANTS IN MAKING.

CHAPTER - FOUR

THE HOME AND FAMILY : SOCIOLOGICAL FOUNDATIONS OF DEVIANTS IN MAKING

Since the family has almost exclusive contact with the child during the period of greatest dependency and greatest plasticity and continued intimate contact over a subsequent period of several years it plays an exceptionally important role in determining the behaviour pattern which the child will exhibit. The child from his very day of birth lives and grows up in the family. As a matter of fact no one can ignore the importance of the family as the most crucial socialising agent. The family performs the task of socialisation during the period of early childhood and other agencies, the neighbourhood, the peers, the school come later. No child is so constituted at birth that it must inevitably become delinquent or that it must inevitably be law-abiding. The family is the first agency to effect the direction which a particular child will take. Probably, it is for this reason that a large portion of the criminological research and thinking during this century has been concerned with various kinds of home conditions and childrearing practices.

An unfavourable environment in the family, i.e. the loss of family consciousness and the development of detachment or the disruption of previous relationship or the breakdown of consensus and loyalty can lead to delinquency in a child, because such a family can't carry out its desirable functions properly



and efficiently. In this chapter, certain fundamental aspects of the families of the deviants like income, education, family atmosphere is being presented and analysed with the help of data collected through field work.

AGE AND SEX :

As mentioned in the definition of delinquency, juvenile delinquents belong to a certain age-group. This age-group is below 16 for boys and below 18 for girls. In our definition we took 7-16 years for boys and 7-18 for girls for determining delinquency. This is the age at the time of arrest/detention.

Age and Sex of the Children

Table - 4.1

S1.No.	Age-group	Male	Female	Total	Percentage
1.	7-10	1	6	7	4.4
2.	10-13	12	11	23	14.4
3.	13-16	52	29	81	50.6
4.	16-19	3	40	43	26.9
5.	19-22	-	6	6	3.8
Grand Total		68	92	160	100.0

Table 4.1 shows the present age of the children. All the class-intervals are continuous e.g. In the class -interval 7-10, children from 7 to 9 years are included. Similarly in the class-interval 10-13, children from 10 to 12 years are included. As some children had stayed in the correctional institutions for quite a few years, some have crossed the age limit for

delinquency. However, all of them were within the age limit at the time of arrest. Majority, 50.6 percent are in the 13-16 age group and 26.9 percent are in the age group 16-19 and so on. Also 57.5 percent of the respondents are female and 42.5 percent are male. Majority of the males are in the 13-16 age-group while majority of the females are in the 16-19 age group. Legally girls upto 20 years and boys upto 18 year can be treated as juveniles in a Home if they are arrested/detained while they are below 16 or below 18. However for uniformity and for statistical purposes they are included in the class interval of 19-22 years. The girls in this class are actually below 20 years of age.

MEAN, MEDIAN, MODE AND STANDARD DEVIATION

From Table 4.1 we derive Table 4.1.1 for calculation of the mean, median, mode and standard deviation :

Table 4.1.1

PART A.							
Class interval (CI)	Mid-value (m.v.) (k)	Frequenc (f)	Commul- active frequency	$d=X-14.5/i$	fd	d^2	fd^2
7-10	8.5	7	7	-2	-14	4	28
10-13	11.5	27	34	-1	-27	1	27
13-16	14.5	51	111	0	0	0	0
16-19	17.5	43	154	1	43	1	43
19-22	20.5	6	160	2	12	4	24
		N=160		$\Sigma fd=10$		$\Sigma fd^2=110$	

PART B.							
C.I.	mv (k)	f	cf	$d=n-11.5/i$	fd	d^2	fd^2
7-10	8.5	1	1	-1	-1	1	1
10-13	11.5	12	13	0	0	0	0
13-16	14.5	52	65	1	52	1	52
16-19	17.5	3	68	2	6	4	12
		N=68		$\Sigma fd=57$		$\Sigma fd^2=64$	

Part C.							
C.I.	mv (n)	f	cf	$d=n-11.5/i$	fd	d^2	fd^2
7-10	8.5	6	6	-2	-12	4	24
10-13	11.5	11	17	-1	-11	1	11
13-16	14.5	29	46	0	0	0	0
16-19	17.5	40	86	1	40	1	40
19-22	20.5	6	92	2	12	4	24
		N=92		$\Sigma fd=24$		$\Sigma fd^2=99$	

Mean = $a + fd/N \times i$
where f = frequency

i = width of class-interval

N = Sum of frequencies

a = assumed mean

$d = k - a/i$

From Table 4.1.1, mean for all children

$$\begin{aligned}\bar{x} &= 14.5 + 10/160 \times 3 \\ &= 14.5 + 0.3375 \\ &= 14.84\end{aligned}$$

From Table 4.1.1 mean for boys

$$\begin{aligned}\bar{x} &= 11.5 + 57/68 \times 3 \\ &= 11.5 + 2.5147058 \\ &= 14.01\end{aligned}$$

From Table 4.1.1 mean for girls

$$\begin{aligned}\bar{x} &= 14.5 + 0.9450521 \\ &= 15.45\end{aligned}$$

Mean age for all children = 14.84

Mean age for all boys = 14.01

Mean age for all girls = 15.45

Thus there is a substantial difference in the mean age of boys and girls. Apart from the fact that boys below 16 and girls below 18 are considered juveniles, the average age of girls would naturally be high. Girls even when they cross 18 years are allowed to stay in the same Home and are treated as juveniles till they are 20 years old, while in case of boys, they are treated as juveniles only upto 18 years of age. So the mean age of girls is higher than the boys by about 1.5 years.

From Table 4.1.1

Median is calculated by the formula :

$$\text{Median} = \frac{L + \frac{N}{2} - C}{f} \times i$$

Where

L = Lower limit of the median class

C = Cumulative frequency of the class preceding the median class

f = frequency of median class

i = width of the median class

$$\text{Median class} = \frac{N}{2} = 80 = 13-16$$

$$\text{Median} = 13 + \frac{80 - 30}{81} \times 3$$

$$= 13 + 1.8518518$$

$$= 14.85$$

Median age of boys :

$N/2 = 34$, median class = 13-16

$$\begin{aligned}\text{Median} &= 13 + \frac{34 - 13}{52} \times 3 \\ &= 13 + 1.2115384 \\ &= 14.21\end{aligned}$$

Median age of girls :

$N/2 = 46$, median class = 15-16

$$\begin{aligned}\text{Median} &= 13 + \frac{46 - 17}{29} \times 3 \\ &= 15 + 3 \\ &= 16\end{aligned}$$

Median for all children is 14.65, for boys 14.21 and girls 16. Like mean, median too follows the same trend. The median age of girls and boys differ substantially. However, the median of all children is close to median age of boys.

Mode is calculated by the formula :-

$$\text{Mode} = \frac{L + f_1 - f_0 \times i}{2f_1 - f_0 - f_2}$$

Where

L = Lower limit of modal class

f_1 = Frequency of the modal class

f_0 = Frequency of the class preceding the modal class

f_2 = Frequency of the class following the modal class

i = Width of the modal class

From Table 4.1.1 :

Mode for all children :

By inspection modal class is 13 -16 .

$$\begin{aligned} \text{Mode} &= \frac{13 + 81 - 23}{2 \times 81 - 23 - 43} \times 3 \\ &= 13 + 1.0125 \\ &= 14.81 \end{aligned}$$

Mode for boys

Modal class by inspection is 13 - 16.

$$\begin{aligned} \text{Mode} &= \frac{13 + 54 - 12 \times 3}{2 \times 52 - 12 - 3} \\ &= 13 + 1.3403146 \\ &= 14.35 \end{aligned}$$

Mode for girls

Modal class by inspection is 16 -19.

$$\begin{aligned} \text{Mode} &= \frac{16 + 46 - 29 \times 3}{2 \times 52 - 12 - 3} \\ &= 16 + 0.7333332 \\ &= 16.73 \end{aligned}$$

Mode too follows the same trend as mean and median. The mode for all children is much closer to the mode for boys. The mode for girls is higher than the others . An important difference in comparison to the mean of the distribution is that there is a very big difference between the common mode, the mode for boys as compared to the mode for girls. The modal value for girls is 16.73 while that for boys is 14.35 and the common mode

In 19,91, in case of median too there is a large difference but here the difference is even larger. 16.73 is the age of most girls in the distribution while 14.35 is the one for boys. The common most frequently occurring age is 14.81.

The standard deviation (S.D.) measures the absolute dispersion or variability of a distribution, the greater the S.D. the greater will be the magnitude of the deviation of the values from their mean. A small S.D. means a high degree of uniformity of the observations as well as homogeneity of a series ; a large SD means just the opposite. Thus if we have two or more comparable series with identical or nearly identical means, it is the distribution with the smallest S.D. that has the most representative mean .

S.D. is calculated by the formula :

$$S.D. (\sigma) = \sqrt{\frac{\sum fd^2}{N} - \left(\frac{\sum fd}{N}\right)^2} \times i$$

Where

i = Width of class intervals

N = Sum of frequencies

f = frequency

$n = a$
 $(\frac{\sum fd}{N}) = c$

a = assumed mean

From tables 4.1.1:

S.D of all children

$$\sigma = \sqrt{\frac{110}{160} - \left(\frac{10}{160}\right)^2} \times 3$$

$$= .0513773 \times 3$$

$$= 2.55$$

S.D of boys

$$\sigma = \sqrt{\frac{64}{60} - \left(\frac{57}{60}\right)^2} \times 3$$

$$= .4004037 \times 3$$

$$= 1.47$$

S.D of girls

$$\sigma = \sqrt{\frac{97}{92} - \left(\frac{29}{92}\right)^2} \times 3$$

$$= .9882939 \times 3$$

$$= 2.96$$

Here too the S.D. of girls is higher than the S.D. of boys by about 1.5 due to the factors discussed above. S.D. is not very large and hence it can be concluded that the data has uniformity as well as homogeneity.

AGE OF PARENTS/GUARDIANS INTERVIEWED

The parents/guardians interviewed for the study were asked about their age. The responses are shown in Table 4.2

Age of parents/guardians of the children

Table -4.2

Sl.No.	Age-group	Male	Female	Total	Percentage
(1)	20-29	-	2	2	8.3
(2)	30-39	1	9	9	37.5
(3)	40-49	2	4	6	25.0
(4)	50-59	3	-	3	12.5
(5)	60-69	4	-	4	16.7
Total		10	14	24	100

Table 4.2 shows that 58.3 percent of the parents/guardians interviewed are females while 41.7 percent are males. A majority of them, 37.5 percent, belongs to the 30-39 age group. Thus it is seen that very few parents/guardians are in the 20-29 age group. Although 37.5% are in the 30-39 age group the majority of parents/guardians in the category are females. Most of the parents/guardians are in the 30-59 age groups. But this category has more females than males. Hence we can conclude that most of the respondents are young and female. Considering the fact that mean age of the children is 14.8, the majority of parents/guardians especially female parents had married at a young age.

STATE OF ORIGIN, CASTE, RELIGION, MOTHER TONGUE

State of origin

Table of 4.3

Sl.No.	State of origin	No. of children	Percentage
(1)	Assam	136	85
(2)	Meghalaya	9	5.6
(3)	West Bengal	6	3.8
(4)	Bihar	4	2.5
(5)	Nagaland	2	1.3
(6)	Andhra Pradesh	1	0.6
(7)	Orissa	1	0.6
(8)	Punjab	1	0.6
	Total	160	100

Table 4.3 shows the state of origin of the children. Although all the children were arrested/detained within the state of Assam, Assam is not the state of origin of all the children. However the majority 85 percent of the children belong to Assam.

Districts

Table - 4.4

Sl.No.	State	No. of Districts
(1)	Assam	19
(2)	Meghalaya	2
(3)	West Bengal	3
(4)	Nagaland	1
(5)	Andhra Pradesh	1
(6)	Bihar	3
(7)	Punjab	1
(8)	Orissa	1
	Total --	31

The 136 children from Assam come from 19 districts . As a whole the children belong to 31 districts of India. The children from the nearby states mostly belong to districts bordering Assam. Thus although the study is conducted in Assam we could enumerate children from eight states. The data generated by us is thus more representative.

RELIGION

Religious background of the juvenile delinquents.

Table - 4.5

Sl.No.	Religion	No.of children	Percentage
(1)	Hinduism	122	76.3
(2)	Islam	31	19.4
(3)	Christianity	6	3.8
(4)	Sikhism	1	0.6
Total -		160	100

Table 4.5 reveals the religion of the children under study. It is seen that 76.3 percent are Hindus, 19.4 percent are Muslims, 3.8 percent are Christian and 0.6 percent are Sikhs. As 65 percent of the children belong to Assam, it would be relevant here to state the religious composition of the state. In 1991, Hindus constituted 67 percent of the total population, the Muslims constituted 27 percent of the total population. Thus it is seen that the percentage in the universe does not correspond to the overall figures for the

State. Hindus are over-represented while Muslims are under-represented in our population when compared with their overall percentage in the state.

CASTE

Caste-wise break up of the Juvenile delinquents.

Table - 4.6

S.No.	Caste	No. of Children	Percentage
(1)	Upper Caste	44	27.5
(2)	Backward Classes (BC)	31	19.4
(3)	Scheduled Castes (SC)	36	22.5
(4)	Scheduled Tribes (ST)	18	11.3
(5)	Muslims	31	19.4
Total :-		160	100.0

Table 4.6 shows the caste of the children. 27.5 percent belong to upper castes. By upper caste we are referring to the high castes in the state of Assam. These include Assamese high castes like Brahmins, Domai, Domak, Kalita, Bengali high castes like Brahmins, Kayastha, Vaidyas, Hindustani high castes, Nepali high castes and others. The Backward classes constitute 19.4 percent. These are the backward classes in Assam like Koch, Nath, Ahom, Koch Rajbongshi, Chutia, Tea tribes and also some Bengali backward classes. 22.5 percent of the children are scheduled castes. These are Assamese, Bengalis as well as Hindustani scheduled castes. 11.3 percent are scheduled tribes.

These include both plain tribes like Kachari, Tiwa, Mishing, Rava and hill tribes like Garo, Karbi, Dimas who reside in Assam. Source : Tahir 1988:17. The Muslims who constitute 19.4 percent of the children include Assamese speaking, Bengali speaking as well as North Indian Urdu speaking Muslims. Thus 33.8 percent of the children belong to SC and ST categories while BC, BT and OBC together constitute 55.2 percent of the children.

The census figures for 1991 show that the scheduled castes constitute 7.4 percent of the total population of the state while ST's constitute 12.8 percent. Thus scheduled castes are over-represented in comparison to their actual population percentage. Comparable figure for OBC's are not available.

RURAL/URBAN ORIGINS OF THE CHILDREN

Break-up of juveniles in terms of rural/urban origins

Table : - 4.7.1

Sl.No.	Rural/Urban	No. of Children	Percentage
(1)	Urban	43	26.9
(2)	Rural	117	73.1
Total		160	100

Table 4.7:1 shows that 73.1 percent of the respondents belong to rural areas and only 26.9 percent belong to urban areas. In this study all district headquarters are considered urban areas while other areas are considered as rural. The All-India rural-urban percentage is 69 percent rural and 11

11 percent urban. So it is seen that urban children are over-represented in the sample when compared to the actual percent age for the country as a whole.

Break-up of juvenile in terms of distance from nearest town

Table:4.7.2

Sl.No.	Distance(in km)	No.of Children	Percentage
(1)	5-19	7	6
(2)	20-34	54	46.2
(3)	35-49	31	26.5
(4)	50-64	20	17.0
(5)	65-79	4	3.4
(6)	80-99	1	0.9
Total :-		117	100.0

Table 4.7:2 gives the-distance from the nearest town for those who live in rural areas. A majority, 46.2 percent live 20 - 34 kms away from nearest town while 26.5 percent stay 35 - 49 kms away and so on. This shows that 72.7 percent, an overwhelming majority of the respondents stay within 20 - 49 kms away from the district headquarters. So, although a substantial percentage of the children live in rural areas, the nearest urban area is not very far for most of them.

MIGRATION

Table :- 4.B.1

PART A Breakup of juvenile delinquents in terms of migration			
S1.No.	Whether migrated	No of children	Percentage
(1)	Migrated	19	11.9
(2)	Did not migrate	141	88.1
Total		160	100

PART B Nature of migration			
S1.No.	Nature of migrated	No of children	Percentage
(1)	Migrated from a place within the district	7	36.9
(2)	Migrated from an adjoining district	3	15.8
(3)	Migrated from a district within state but not an adjoining one	3	15.8
(4)	Migrated from an adjoining state	3	15.8
(5)	Migrated from state not adjoining the state of residence	3	15.8
Total		19	100

Total 4.B.1 Shows that only 11.9 percent of the children said that they have migrated to their present place of residence. Out of this 11.9 percent, the majority had migrated from within the district of present residence. Altogether 15.8 percent each had migrated from either an adjoining district or from

a district or from a district in the state but not an adjoining one or from an adjoining state or from a state not adjoining the present district while 36.9 percent from a place within the district.

Hence it is clear that the families of the majority of the children migrated to their present residence from a place not very far away. This migration is primarily in search of improvement in means of livelihood and income.

Period of residence

Table 4.8.2.

Sl. NO	Period of Residence	No of children	Percentage
(1)	1 - 5 Years	15	79
(2)	6 - 10 Years	2	10.5
(3)	11 - 15 Years	2	10.5
Total		19	100

Table 4.8.2 shows period of residence at present place of stay for those who have migrated. It is seen that 79 percent of those who have migrated have resided for only 1-5 years in their present residence. The rate of migration is thus not very high for the children. Even for those who have migrated most of the migration is inter-district migration.

FAMILY STRUCTURE

Family structure of the families of children

Table 4.9

Sl.No.	Family type	No. of children	Percentage
(1)	Nuclear	117	73.1
(2)	Joint	43	26.9
Total :-		160	100

By family type we usually mean whether the family is joint family or nuclear. Table 4.9 reveals that an overwhelming majority of the children, 73.1 percent, belong to nuclear families. Only 26.9 percent said that they belong to joint families. Family which consists of one or both parents/guardians and their children are considered nuclear. Families with grandparents or uncle/aunts are regarded as joint in this study.

Composition of family

Table 4.10

Sl.No.	Composition of the family	No. of Children	Percentage
(1)	Both parents alive	72	45
(2)	Father alive, mother dead	16	10
(3)	Mother alive, father dead	40	25
(4)	Both parents dead	17	10.6
(5)	Father alive, mother dead, have a step-mother	4	2.5
(6)	Mother alive, father dead, have a step-father	4	2.5
(7)	Both parents alive, have a stepmother	7	4.4
Total :-		160	100

Table 4.10 presents the family composition of the children. The highest percentage that is 43 percent of the children said that both of their parents are alive. If we include those who also have a stepmother then 49.4 percent have both parents. Also 30 percent of the children has lost their fathers while their mothers are alive, 10 percent have lost their mother while their father is alive. The Table also give us an important variable of delinquency research which is the broken home. The generally accepted definition of broken home in delinquency research is absence of one or both parents by reason of death, divorce or desertion. By this criteria in Table 4.10, out of 7 families where both parents are alive and there is a stepmother, in only 2 families, both mother and stepmother stay together. In the other 5 families the mother stays apart. So 55.7 percent of the children come from broken homes.

Breckinridge and Abbot covering the family data in the records of over 14,000 children in the Juvenile court of Chicago from 1899 to 1909 found that 54 percent of the cases come from broken homes (Breckinridge and Abbot 1912:91 in Madan 1967:71). Cyril Burt found that the average number of defective home conditions in the family of delinquent children was 131 per 100 cases and 35 per 100 cases in the families of non-delinquents (Burt 1925:62 in Madan 1967:71). Hansa Sheth's study of the offenders in Greater Bombay shows the following parental make-up of the home of offenders : 52.6 percent had both parents, whereas 47.0 percent came from broken homes (Sheth 1961:108 in Sharma : 51). Sumitra Pathak's study

reveals that 55 percent of the delinquent children came from broken homes (Pathak 1967:60 in Sharma :51) . Similarly in Shukla's study, out of the 200 juvenile delinquents he studied, 120 came from broken homes (Shukla 1979:56) . Besides others like Rose (1954), Gluek and Gluek (1950) found that majority of delinquents come from broken homes. The present study corroborates with all these findings relating to broken home. In our study too more than a majority of the children come from broken homes.

Much of the research regarding this variable is directed towards discovering the relationship between this factor and juvenile misconduct. Estimates of the proportion of broken homes among delinquents as we have seen vary from one study to another, but in general they range from 30 to 60 percent of the offenders, with lesser number of broken homes for non-delinquents. One contrary piece of evidence on broken homes come from the work of Clifford Shaw and Henry McKay who compared the evidence of broken homes among Chicago school boys and male juvenile delinquents. They found that the broken home rate of offenders was 42.5 percent as compared to 36.1 percent for the non-delinquents, as insignificant difference (Shaw and McKay 1937:251-04, in Gibbon, 1977:235) . However Jackson Toby has shown that evaluation of broken homes as inconsequential in delinquency is valid for older male delinquents but not for male pre-adolescents or female offenders. He indicates that Shaw and McKay study did not include girls and other research shows that female delinquents do come from broken homes in

considerable numbers. Furthermore, he shows that in terms of broken homes the difference between preadolescent delinquents and non-delinquents is rather marked; the broken home does have some causal impact on both girls and pre-adolescent boys (Toby 1957:505-12 in Gibbons 1977:235) . In our study it can be said that broken home is present in majority of the cases. As such it is an significant factor in delinquency.

GUARDIAN, IF BOTH PARENTS DEAD OR STAYED APART FROM PARENTS .

Guardian of the child

Table :- 4.11

Sl.No.	Guardian	No. of children	Percentage
(1)	Elder brother/ Sister	7	36.8
(2)	Paternal or Maternal uncle/ Aunt	8	42.1
(3)	Distant relative/ Neighbour	4	21.1
Total :-		19	100

Although 17 children had reported that both of their parents are dead, 2 had said that they had been living with their guardians, for a considerable period of time and so there are a total of 19 children. Out of this 42.1 percent are living with paternal/maternal uncle/aunt, 36.8 percent with elder brother/sister. Thus it is seen that guardianship is divided almost equally amongst brothers/sisters and uncles/aunts. Therefore families ties are still strong in our country. If a

child's parents are dead or if for some reason such as broken home which forces a child to leave him or her parents, family members come forward to take care of the children.

AGE OF CHILDREN AT THE TIME OF PARENTS' DEATH

The British psychiatrist John Bowlby has stressed the importance of maternal relationship particularly for the younger child. He says

"it is this complex, rich and rewarding relationship with the mother in the early years, varied in countless ways by relations with the father and the siblings that the child psychiatrist and many others now believe to underlay the development of character and mental health"

Bowlby also asserts that a considerable amount of damage is done to the child depending upon the age of the child and also the quality of constructive care that is provided. In his study of a delinquent group in 1946 he found significantly more maternal deprivation among the delinquents than the control group of non-delinquents. He postulates that

"a prolonged separation of a child from his mother during the first five years is one of the foremost causes of delinquent character development and persistent misbehaviour"

(Bowlby in Haskel and Yablonsky, 1970:115 in Sharma 1990:54).

Table 4.12

Part A Age at father's death			
Sl.No.	Age (in Years)	No. of Children	Percentage
(1)	Less than 1	5	8.2
(2)	1 - 4	33	36.1
(3)	5 - 9	23	37.8
(4)	10 - 14	11	18.0
Total :-		61 (38.1%)	100

Part B Age at mother's death			
Sl.No.	Age (in Years)	No. of Children	Percentage
(1)	1 - 4	18	48.6
(2)	5 - 9	13	35.1
(3)	10 - 14	6	16.2
Total :-		37 (23.1%)	100

In the present study it is seen from Table 4.12 that 38.1 percent of the children have lost their fathers while 23.1 percent have lost their mothers. 8.2 percent of the children have lost their fathers while they were below 1 year, 36.1 percent between 1-4 years, 37.8 percent between 5-9 years. Of the children who have lost their mothers, 48.6 percent had lost their mother while they were between 1-4 years, 35.1 percent between 5-9 years. Thus most of the children had lost their parents at an early age. If a child loses his father early then

his mother has to earn leading to neglect of the child. The child looks for substitutes and starts identifying with others and thus may go astray. On the other hand loss of mother too leads to loss of maternal care necessary for development of the child's personality. Socialisation process of the child breaks down and the child becomes vulnerable to delinquency. The percentages of Table 4.12 do not tally with that of 4.10 as children with both parents dead are shown twice. The findings thus corresponds to those of John Bowlby.

AGE OF PARENTS AT THE TIME OF THEIR MARRIAGE

The parents of children interviewed for this study were asked the age at which they were married. It has been said that parents who are unemployed, uneducated or who themselves began their families when they were teenagers are more likely to have delinquent children. This is so because they are not mature to take on the responsibility of bringing up children as they themselves are young, insecure, uneducated.

Age of marriage of parents
Table :- 4.13

Sl.No.	Age	Mother	Father	Total	Percentage
(1)	13 - 17	8	-	8	40
(2)	18 - 22	4	2	6	30
(3)	23 - 27	-	5	5	25
(4)	28 - 32	-	1	1	5
Total :-		12	8	20	100

From Table 4.13 it is seen that 40 percent parents married when they were between 13-17 years of age. These parents are mothers. This also shows that the Child Marriage Restraint Act has not been properly implemented. While 30 percent of the parents married when they were between 18-22 years old here too the majority are mothers, our data show that 70 percent of the parents married when they were below 22 years of age and out of these majority are mothers i.e. 12 out of 14. The findings substantiate the views regarding early marriage and delinquency.

SIZE OF THE FAMILY

Family size

Table :- 4.14

Sl.No.	No of family members	No. of children	Percentage
(1)	3 - 4	48	30
(2)	5 - 6	73	45.6
(3)	7 - 8	35	21.9
(4)	9 - 10	3	1.9
(5)	10 - 11	1	0.6
Total :-		160	100.0

Table 4.14 shows that a large percentage, 45.6 percent of the families of the children have between 5-6 members and 21.9 percent have 7-8 members. Thus, 67.5 percent of the families have between 5-8 members. We can say that delinquents generally come from medium and large families. Fisher

and Hayek (1945), Darwin (1949), Nye (1959) and Wootton concluded that more delinquents come from large families than non-delinquents. Hanna's records delinquency studies reporting to the effect that delinquents tend to be members of large family. She corroborates her position by arguing that the large family cannot provide to individual children proper parental guidance. Seth's own study of offenders in Greater Bombay reveals that the majority of children, 52 percent came from large families of 5 to 10 members (Seth, 1961:188 in Sharma 1990:45). Likewise Verma's study of adolescent delinquents of Lucknow and Kanpur shows that the average size of the delinquent's family is a little larger than the average size of family in the city (Verma in Chandra : 50 in Sharma 1990:45). Also, Shukla's study of adolescent thieves brings out the fact that the families of the subjects are exceptionally large (Shukla 1979:59). In our study too, majority of the children come from large families, of 5 - 10 members.

BIBLING POSITION

Bibling position of the child in the family has been a subject of much investigation. The New York Crime Commission discovered that the second child in the family committed the most severe crime, the next to the youngest child was least likely to be delinquent, the youngest child is less likely to be traunt than his older brothers but more likely to commit offences than next to the youngest. (Crime Commis-

sion of N.Y., 1930:23 in Madan 1987:72) However in view of the small number of cases and the prevalence of immigrant families in the sample, the result of this investigation are not considered quite reliable. Other studies made by Mut-tayya and Bhaskaran, Shukla and Jatar, McCord and MacCord, upholds the concept that second born children always found themselves in a position inferior to their first born sibs and had to fight for recognition becoming hostile and aggressive in the process.

Table :- 4.15

PART A Sibling position			
Sl.No.	Order of birth	No.of children	Percentage
(1)	Eldest	59	36.9
(2)	Second	62	38.8
(3)	Third	31	19.4
(4)	Fourth	6	3.8
(5)	Fifth	1	0.6
(6)	Sixth	1	0.6
Total :-		160	100

PART B Number of older siblings			
Sl.No.	No.of Older Siblings	No.of children	Percentage
(1)	1 - 2	83	81.4
(2)	3 - 4	19	18.6
Total :-		102 (63.8%)	100

PART C Number of younger siblings			
Sl.No.	No.of Younger Siblings	No.of children	Percentage
(1)	1 - 2	71	58.7
(2)	3 - 4	45	38.0
(3)	5 - 6	2	1.7
(4)	6 - 7	2	1.7
Total :-		121 (75.6%)	100

In the present study it is seen from **Table 4.15** that 36.9 percent are first born, 38.9 percent were second in order of birth, 19.4 percent third, 3.8 percent fourth. Thus an overwhelming majority of the children, 63.2 percent of the children are intermediate children and only 36.9 percent are first born. Shukla in his study of Adolescent thieves (Shukla 1979:61) found that 53.5 percent of the delinquents were intermediate children, 21.5 percent were first born and 19 percent were the last children. Our findings too support the view that intermediate children are more prone to delinquency than first born children.

Further, 63.8 percent of the children have older siblings while 75.6 percent have younger siblings in their family. An overwhelming majority 81.4 percent have 1-2 older siblings. As regards younger siblings 58.7 percent have 1-2 younger siblings. It is clear that most children have between 1-2 older and younger siblings. This is the common figure with largest percentage of children in both the tables. The percentage in the tables don't tally as some children have both younger as well as older siblings. The sibling position corroborates the conclusions that delinquents generally comes from large families, are mostly intermediate children in terms of order of birth.

OCCUPATION AND INCOME

OCCUPATION OF FAMILY HEAD

The occupation of the head of the family is an important variable of our analysis. It is from the occupation that we can categorise the family as being an upper, lower-middle, middle, lower, lower-lower class etc. Another important variable in this regard is family income. However it is very difficult to determine the exact family income. We start with occupation of family head :-

Table 4.16

PART A Occupation of family head			
Sl.No.	Occupation	No.of Persons	Percentage
(1)	Cultivator	33	28.6
(2)	Daily wage earner	55	34.4
(3)	Peon, Chowkider, driver etc.	28	17.5
(4)	Small shop-owner	25	15.6
(5)	Businessmen	14	8.8
(6)	School teacher, typist, clerk etc.	2	1.25
(7)	Pensioner	3	1.9
Total : -		160	100.00

PART B Occupation of parents/guardians			
Sl.No.	Occupation	No.of parents/guardians	Percentage
(1)	Cultivator	5	20.8
(2)	Daily wage earner	7	29.2
(3)	Peon, Chowkider, driver, etc.	3	12.5
(4)	Small shop-owner	3	12.5
(5)	Businessman	2	8.3
(6)	Housewife	4	16.7
Total : -		24	100.0

Table 4.16 shows the responses of the children when they were asked about the occupation of their family head. It also shows the responses of the parents/guardians. The occupation in which the largest number of family heads are engaged is in both cases

Daily Wage earners.34.4 percent of the children and 29.2 percent of the parents/guardians stated this occupation.Daily wage earners are casual labourers,rickshawpullers, part-time domestic servants etc.This category is followed by cultivators. 28.6 percent of the children has given cultivation as the occupation of family head while 20.8 percent of parents/guardian follow this occupation. It is clear that most family heads are engaged in temporary occupation with very little financial security. The categories of daily wage earners and small shopowners can be included in this category.They constitute 58 percent in case of children and 41.7 percent in case of parents/guardians.It is said that an occupation which is temporary or unstable in nature, affects adversely in maintaining smooth familial relationship. In such a situation parents not only deviate from their supervisory role in the process of socialisation but also cannot fulfill small demands of their children. So,occupational status of parents has incidence on delinquent or socially maladjusted behaviour formation.

INCOME

Table :- 4.17

PART A Family income			
Sl.No.	Income Per Month(In Rs)	No of families	Percentage
(1)	500 - 1000	37	23.1
(2)	1000 - 1500	62	38.8
(3)	1500 - 2000	38	23.8
(4)	2000 - 2500	12	7.5
(5)	2500 - 3000	6	3.8
(6)	3000 - 3500	2	1.3
(7)	3500 - 4000	3	1.9
Total : -		160	100

PART B Income of parents/guardians			
Sl.No.	Income Per Month(In Rs)	No of parents/guardians	Percentage
(1)	500 - 1000	7	29.2
(2)	1000 - 1500	6	25
(3)	1500 - 2000	7	29.2
(4)	2500 - 3000	3	12.5
(5)	2000 - 3500	1	4.2
Total : -		24	100

The amount of income of the child's family was asked in both the schedule for the child as well as the schedule for parents/guardians. Table 4.17 shows the responses of the children and parents with regard to family income. The largest number of families fall into the Rs. 1000 - 1500 income slab

which account for 38.8 percent of the responses. 23.8 percent gave Rs. 1500 - 2000, 23.1 percent Rs. 500 - 1000. The Table also shows the responses of the parents/guardians interviewed. 29.2 percent each gave their income as between 500 - 1000 and 1500 - 2000. 25 percent gave 1000 - 1500, 12.5 percent between 2500 - 3000. It is seen that family income is low. 61.9 percent of the families earn less than Rs.1500 per month as stated by the children and 54.2 percent of parents/guardians as stated by them earn less than Rs.1500 per month. We also have to consider the fact that 45.6 percent of the families have between 5 - 6 members, and for families of that size the income is quite low. The table shows the poverty which exists in the families of the children. For a family of 5 - 6 members or more an income of Rs.1500 per month is not sufficient. This in turn leads to child labour and subsequent exposure of the child to delinquent activities. Poverty also forces the parents as well as siblings to join the workforce leaving the younger children idle and susceptible to bad company. The family income given by the children has been crosschecked with the parents/guardians interviewed as shown in the Table.

MEAN, MEDIAN, MODE AND S.D.

For statistical calculation we derive the following

Table from Table 4.17

Table 4.17.1

C.I.	m.v.(n)	f	cf	$d = \frac{n-2250}{c}$	fd	d^2	fd^2
500-1000	750	37	37	-3	-111	9	333
1000-1500	1250	62	99	-2	-124	4	248
1500-2000	1750	38	137	-1	-38	1	38
2000-2500	2250	12	149	0	0	0	0
2500-3000	2750	6	155	1	6	1	6
3000-3500	3250	2	157	2	4	4	8
3500-4000	3750	3	160	3	9	9	27
$\Sigma fd = -254$					$\Sigma fd^2 = 660$		

$$\begin{aligned} \text{Mean income } \bar{x} &= \frac{\Sigma fd}{N} + \bar{a} \\ &= \frac{-254}{160} + 2250 \\ &= 2250 - 1.5875 \\ &= 2248.4125 \end{aligned}$$

$$\text{Median income} = L + \frac{N/2 - c}{f} \times i$$

$$\therefore \text{Median class} = 1000 - 1500$$

$$\begin{aligned} \text{Median} &= 1000 + \frac{90 - 37}{62} \times 500 \\ &= 1346.77 \end{aligned}$$

$$\text{Mode} = L + \frac{f_1 - f_0}{2f_1 - f_0 - f_2}$$

$$\begin{aligned} \text{Modal Class} &= 1000-1500 \\ &= 1000 + \frac{62 - 37}{2 \times 62 - 37 - 38} \times 500 \\ &= 1255.10 \end{aligned}$$

$$\begin{aligned} \text{S.D. (s)} &= \sqrt{\frac{\sum fd^2}{N} - \left(\frac{\sum fd}{N}\right)^2 \times L} \\ &= \sqrt{\frac{660}{180} - \left(\frac{-254}{180}\right)^2 \times 500} = 647.19 \end{aligned}$$

∴ Mean income = Rs. 1456.25

Median income = Rs. 1346.77

Mode = 1255.10

S.D. = 647.19

The median income is lower than the mean income. As it is a positional average it is not affected by extreme values and so it can be considered much more reliable than mean income. The most frequently occurring income is Rs. 1255.10. The high S.D. indicate the heterogeneity of the series. The Dutch criminologist Bonger was one of the first to emphasise the environmental determination of crime is compared to individual factors. He thinks that the basic cause of crime is the economic pressure of a capitalist system. He presents statistics to indicate that

child labour has been responsible for the increase in juvenile delinquency in countries that have become industrialised. (Bonger 1916:409 in Madin 1997:78). Bonger appears to be strongly influenced by the socialistic theories of Marx and Engels in placing blame for crime on the economic pressures created by the capitalist system. There is no more reason to say that illiteracy or child labour is a cause of crime than to say that race, young adulthood or urbanism are causes of crime. Such items set the categorical risk factors for crime in general but do not immediately call out anti-social behaviour in individuals.

Certainly poverty alone does not force a person into delinquency. In case of Shukla's study 65 percent came from economically inadequate families (Shukla 1977:67-69). Also, Hansa Seth's 70 percent of the offenders came from poor and very poor strata. (Sheth 1961:242 in Sharma 1990:48). Sumitra Pathak's study of delinquent children also reveals 80 percent of the delinquents coming from poor homes. (Pathak 1967:60 in Sharma 1990:48). Our findings are akin to all these findings. The findings also match quite a few other studies by Glueck and Glueck, Healy and Bronner, Shaw and McKay, Bagot, Kvaraceus, Cletus, Burgess, Miller and Myernoff who concluded that the sub-standard economic conditions of the family was a major factor in delinquency. Others like Nye, Short and Olson, Warner and Lurant, Barron and Poterfield could not find a high correlation between economic condition and delinquency, yet they

could not deny its influence altogether.

In our study the mean income is quite low, the median and mode are also low. Low income often leads to lack of basic amenities and subsequent quarrels and violence in the families which in turn creates conditions favourable to delinquency in children.

SOURCE OF INCOME

Income earners in the family
Table :-4.18

Sl.No.	Income Earner	No. of families	Percentage
(1)	Father only	34	21.3
(2)	Mother only	15	9.4
(3)	Both Father & Mother	22	13.8
(4)	Mother & siblings	23	14.4
(5)	Father & siblings	35	21.9
(6)	Father, Mother & Siblings	5	3.1
(7)	Siblings only	14	8.7
(8)	Uncle/Aunt/Relative/ Neighbour	12	7.5
Total : -		160	100

Table 4.18 gives the income earners in the families. Traditionally in India, father is supposed to be the sole bread winner in the family. In the absence of father either older brother or mother takes over the responsibility. Our findings however show that in only 21.3 percent of the

families, father is the sole income earner. In 21.9 percent of the families, father and siblings are income earners, in 13.8 percent families, both father and mother are income earners. The temporary nature of jobs, financial insecurity has forced children and other family members to work. In 9.4 percent of the families mother is the sole income earner. In these families the father is either dead or has deserted the family. In 14.4 percent of the families both mother and siblings are income earners. Poverty is primarily responsible for increasing number of family members who take up employment. In order to supplement family income, children take up employment alongwith their parents.

LAND HOLDINGS

Land holding is another variable which enable us to determine the position of a family in the social heirarchy. In India land is an important source of income. The produce of land is usually consumed by families as well as sold in the market. Some families also lease out land to others for a sum of money. The parents/guardians interviewed were asked about their land holdings.

Table : 4.19

PART A Household land			
Sl.No	Household land	No. of families	Percentage
(1)	Less than 1 bigha	18	85.7
(2)	1 - 2 bighas	3	14.3
Total :-		21(87.6%)	100

PART B Agricultural land			
Sl.No	Agricultural land	No. of families	Percentage
(1)	1 - 2 bighas	18	80
(2)	3- 4 bighas	2	20
Total :-		10(41.7%)	100

As shown in Table 4:19, 87.6 percent of the respondents said that they have household land. Of this 85.7 percent have less than 1 bigha while 14.3 percent have between 1-2 bighas of land. As regards agricultural land, the Table shows that only 41.7 percent of the respondents have agricultural land. Out of this 80 percent have only 1-2 bighas of land and 20 percent have 3-4 bighas. So, although some families have land, the size of land holdings is very small.

EDUCATION OF FAMILY MEMBERS

As economic conditions of the family are important to provide for the basic needs of the members, so is the educational background significant especially from the point of view of raising aspirations for better living style. Education is expected to enlighten a person which in turn helps him to offer his children a wholesome upbringing. Besides, education is also expected to help a person acquire a better subsistence. In considering the educational background of the child's family, we first turn to the level of education of their parents/guardians.

Table - 4.20

PART A Education of father			
Sl.No	Level reached	Number	Percentage
(1)	Primary	32	32.3
(2)	Middle	3	3
(3)	High School	8	8.1
(4)	Matriculate	5	5.1
(5)	Inter	4	4
(6)	Graduate	3	3
(7)	Illiterate	44	44.4
Total :-		99 (61.9%)	100

PART B Education of mother			
Sl.No	Level reached	Number	Percentage
(1)	Primary	21	17.1
(2)	Middle	6	4.9
(3)	High School	30	24.4
(4)	Matriculate	1	0.8
(5)	Inter	3	2.4
(6)	Illiterate	62	50.4
Total :-		123 (76.9%)	100

PART C Education of guardian			
Sl.No	Level reached	Number	Percentage
(1)	Primary	6	35.3
(2)	Middle	2	11.8
(3)	Matriculate	2	11.8
(4)	Graduate	1	5.9
(5)	Illiterate	6	35.3
Total :-		17	100

Table 4.20 presents the education of father, mother and guardians, where both parents are dead. It is seen, that the largest number of parents/guardian are illiterate. While 44.4 percent of the 99 fathers are illiterate, a majority of the 122 mothers, 50.4 percent are illiterate. In case of guardians 35.3 percent of the 17 are illiterate. The second category in case of father is primary level. While 32.3 percent of the fathers have reached primary level, for guardians an equal number are illiterates, 35.3 percent have reached primary level. Our findings show a low level of education of parents/guardians. High illiteracy and a high rate of dropout at primary school level characterises our findings.

Our findings are in conformity with some other studies especially in the Indian context. According to Verma's study most of the delinquents come from homes in which both father and mother are either illiterate or have little education (Verma in Chandra: 50 in Sharma 1990:49). Similarly, Shukla's study of adolescent thieves shows that literacy level of the parents in general was low and a majority of female parents were illiterate. (Shukla 1977:393-406).

EDUCATION OF SIBLINGS

Table :-4.21

PART A Education of older siblings			
Sl.No	Current status	Number	Percentage
(1)	All school dropouts	54	49
(2)	Some dropouts, others currently in school/ college	2	2
(3)	Some dropouts, others illiterate	2	2
(4)	All currently in school	10.0	
(5)	All illiterate	35	34.3
(6)	Matric/Inter pass	2	2
Total :-		102	100

PART B Education of younger siblings			
Sl.No	Current status	No. of respondents	Percentage
(1)	All currently in school	54	44.6
(2)	Some in school others not yet of school going age	27	22.3
(3)	All below school going age	10	8.3
(4)	None are going to school	26	21.5
(5)	Some in school, others dropouts	3	2.5
(6)	All school dropouts	1	0.8
Total :		121	100

The trend is similar in case of older siblings of the children as shown in Table 4.21, 49% percent of the 102 older siblings are dropouts, 34.3 percent are illiterate. Only 10.8 percent are currently in school. It is only in the case of younger siblings that the picture is slightly better, 44.6 percent of the 121 children who have younger siblings said all their younger siblings are in school. Thus, 8.3 percent said their younger siblings are below school going age, 22.3 percent said some of their younger siblings are in the school while some are not yet of school going age.

Our findings thus shows that there is a high rate of illiteracy and dropouts amongst older siblings. For younger siblings the rates are lower as they are still young and dropouts starts later. Thus the families of the juveniles are characterised by illiteracy, dropouts at school, low level of education.

In our analysis illiterate refers to those who can't read or write. Primary level is upto IV standard, middle between standard V and VII, high school between VIII and X.

EDUCATION OF THE CHILD

Sending children to school largely depends on the parents own education, social status, awareness of the benefits of education and the economic potentiality of the household.

Table 4.22 shows that 43.1 percent of the children have never gone to school. Out of these 43.1 percent, 75.4 percent are girls. Only 26.9 percent of the children were attending school at the time of arrest, 36 percent of the children had dropped out of school. There is not much of a difference between boys and girls in case of dropouts and those who were attending school. Further, 73.1 percent of the children were either dropouts or completely illiterate. As most children are young (mean age 14.81) most dropouts must have occurred at primary level. As regards the level reached at school for those 91 children who had attended school, 65.9 percent had reached primary level, 22 percent middle. The picture here is similar to that of parents/guardians. There is high illiteracy and dropout amongst the children. Illiteracy is higher among female delinquents than males.

Part C of the Table 4.22 shows the reason for never going to school or dropping out of school. The highest number of children 23.1 percent said they didn't go to school or dropped out due to financial problems in the family as a result of which their parents/guardians didn't send them to school. Next 19.7 percent said their parents/guardians didn't consider school necessary, 9.4 percent didn't like school. It is seen most of the reasons are related to the attitude of parents/guardians towards education of the child. Majority of the children didn't go to school or dropped out as parents couldn't send them to school or were not interested in school.

or made them work in the house or take up other employment. Poverty in the families is the main underlying cause. Because of poverty many parents couldn't send their children to school. Some were not interested in sending the children and some made them work, all due to poverty.

Shukla had found that majority of the delinquents were partially literate and that 49.5 had reached primary level, 32.5 percent middle and 16.9 percent secondary level. (Shukla 1979:46). In our study majority are partially literate and 60 that is 37.5 percent had reached primary level, 17.5 percent to middle level. As regards reason for leaving school Shukla has found that 32.5 percent left school because of influence of companions, 27 percent due to misbehavior and 20 percent due to financial problems. In our study literacy levels are even lower than Shukla's.

FAILURE IN SCHOOL

The children who had gone to school were asked if they had failed in school. Their responses are shown in the following Tables:-

Table :- 4.23

PART A Failure in school			
Sl.No	Whether failed in school	No.of children	Percentage
(1)	Failed in school	35	38.5
(2)	Didn't fail in school	56	61.5
Total : -		91	100

PART B No of failures			
Sl.No	Number of times failed	No.of children	Percentage
(1)	Once	20	57.1
(2)	Twice	8	22.9
(3)	Thrice	7	20
Total : -		35	100

Table 4.23 shows that out of the 91 children who had attended school 61.5 percent never failed in school. Only 38.5 percent had failed in school and out of 38.5 percent, 57.1 percent had failed only once. So the rate of failure in school is not very high. Majority of the children who had gone to school had never failed in school. Other factors like financial problem lack of parents/guardians interest in school which we have discussed are responsible for dropouts. The children who had the opportunity to go to school took school seriously.

PAST OCCUPATION

By past occupation, we refer to activities of children excluding school. So, those children who were regular students are excluded.

Table 4.24

PART A Past occupation of the children			
Sl.No	Activity	No. of children	Percentage
(1)	Household work	33	28.2
(2)	Employed	84	71.8
Total:-		117	100

PART B Nature of occupation					
Sl.No	Occupation	No. of children			Percentage
		Male	Female	Total	
(1)	Full-time domestic Servant	6	72	38	45.2
(2)	Part-time domestic Servant	10	-	10	11.9
(3)	Sweeper, hotel/shop factory worker	13	-	13	15.5
(4)	Daily wage earner	3	-	3	3.6
(5)	Helper to family business/family helper	10	6	16	19
(6)	Self-employed	4	-	4	4.8
Total:-		46	38	84	100

PART C Income			
Sl.No	Income per month (in Rs)	No. of children	Percentage
(1)	In kind i.e. food, clothes	19	22.6
(2)	30 - 99 plus food, clothes etc.	18	21.4
(3)	100 - 199 plus clothes, food etc.	12	14.3
(4)	200 - 299 plus clothes, food etc.	4	4.8
(5)	300 - 499	8	9.5
(6)	500 - 999	7	8.3
(7)	Helpers, no income	16	1.9
Total : -		84	100

Table 4.24 gives the activities of the non-school going children. Out of the 117 children who were not students, an overwhelming majority were employed. Only 28.2 percent were engaged in household work. The majority of these 64 children were working as domestic servants. Out of these, a little more than 57 percent were engaged as domestic servants, 45.2 percent were working full-time while 11.9 percent were working part-time. The full-time domestic servants are those who stay with their employer while the part-time do not usually stay with their employers and work for certain fixed set of households only. Out of the 40 domestic servants, 66.2 percent are girls. Domestic servants constitute 30 percent of the total universe.

The high degree of child labour and out of child labour the large number of domestic servants serves as a pointer towards the exposure of the child to working children and adults and subsequent exposure to bad company. Domestic servants or hotel workers come into contact with a lot of other children of the same occupation. The older boys and girls influence the younger ones leading to delinquency.

Part C of **Table 4.24** shows the income per month of the children. The largest proportion of the children, 22.6 percent earned salary in kind. They didn't get any cash. They were provided with food and clothes. While 21.4 percent received salary between Rs. 30 - 99 besides food and clothes. It is quite clear that the children were very poorly paid for their services, whether they were paid in cash or kind. A substantial

percentage, 44 percent earned less than Rs 100 per month. Hence, if they got the opportunity to earn a little extra, they immediately agreed. The adult boys and girls offered the bait of additional income to lure them to delinquent activities.

It has already been mentioned that child labour or employment at a young age for those who are above 15 and below 18 cannot be regarded as a cause of delinquency. However, these children can be regarded as being a higher risk category. The children come in contact with criminal elements and thus be inducted into delinquency. Shukla in his study found that 61.5 percent of the delinquents were either doing nothing or were engaged as casual labourers. Most of them frequently changed their jobs. (Shukla 1979 : 49).

FAMILY ATMOSPHERE

Parents/guardians provide the role model to the children. The relationships in the family between siblings and between parents/guardians and siblings matters a lot. They can provide a congenial and harmonious atmosphere to the family and also provide children an ideal model to emulate. Almost all experts are of the opinion that home atmosphere has significant influence on delinquency. John Frowly, Dorothy Beach, Claude Mulline, David Abrahamson and Lauelta Bender, W. McCord and J. McCord have focussed their attention on the early familial relationship.

We have classified home atmosphere as being quarrelsome and not quarrelsome. Quarrels among family members is the focal point, in our analysis from which other aspects like violence, inter-personal relationships are discussed.

Table:- 4.25

PART A Atmosphere at home			
Sl.No.	Family atmosphere	No.of children	Percentage
(1)	Family members quarrelled frequently	60	37.5
(2)	Family members quarrelled occasionally	24	15
(3)	Family members didn't quarrel at all	76	47.5

Total : - 160 100

PART B Nature of quarrels			
Sl.No.	Quarrels between	No.of children	Percentage
(1)	Parents/Guardians only	58	69
(2)	Parents/Guardians and Siblings	19	22.6
(3)	Siblings only	3	3.6
(4)	Parents/Guardians and other relatives	4	4.8

Total : - 84 100

PART C Involvement of the child			
Sl.No.	Child's involvement	No.Of children	Percentage
(1)	Always	13	15.5
(2)	Frequently	17	20.2
(3)	Rarely	33	39.3
(4)	Never	21	25

Total • 84 100

Table 4.25 shows that in 37.5 percent of the families or the children, family members quarreled occasionally, while 47.5 percent children said their family members didn't quarrel at all. So in 52.7 percent of the families, family members quarreled amongst themselves. Thus in majority of the families there were quarrels between family members.

Part B of the Table reveals that in the 84 families where there were quarrels, 69 percent quarrels were between parents/guardian themselves. So it is seen that in most cases parents are involved in the quarrels. Quarrels between siblings are few. Part C shows the involvement of the child in the quarrels. It is seen that 15.5 percent of the children said that they were always involved in the family quarrels, 29.2 percent said that they were frequently involved, but 39.3 percent said that they were rarely involved. But the overall picture which emerges is that the child is involved in the quarrels and they have their effect on him. On the other hand part B of the Table had shown that most quarrels are between parents/guardians. So it seems that the child is forced to be a part of the quarrels.

Our findings can be supplemented by some other findings W. McCord have shown that 38 percent of the boys convicted have affectionate homes while a majority, 70 percent, of the boys convicted have quarrelsome neglecting homes (McCord and McCord 1959: 83 in Sarkar 1987: 184). Sarkar in her findings had found that 64.8 percent of the delinquent families had quarrelsome atmosphere while 35.2 percent had harmonious atmosphere. (Sarkar 1987: 184). Shukla however found that in 51.5

percent of the families of delinquents, the relationship between parents was harmonious. As regards relations between parents and siblings he found that in 88 percent families the relations was harmonious, in 6.5 percent families they were cordial and inimical in only 5.5 percent families (Shukla 1979:76). Srivastav's study of juvenile vagrants reveals in 94 cases out of 123 cases, parents engage in regular quarrels. (Srivastav 1963:38 in Sharma 1990:70). Our study too shows that home atmosphere was not congenial.

Table : 4.26

PART A Violence in the family			
Sl.No.	Violence	No. of children	Percentage
(1)	Quarrels lead to violence	36	42.9
(2)	Quarrels didn't lead to violence	48	57.1
Total : -		84	100

PART B Participants in violence			
Sl.No.	Violence between	No. of children.	Percentage
(1)	Parents/Guardians	21	58.3
(2)	Parents/Guardians and Siblings	11	30.6
(3)	Siblings only	2	5.6
(4)	Parents and relatives	2	5.6
Total : -		36	100

PART C Violence experienced by the child			
Sl.No.	Violence experienced by the Child	No. of children	Percentage
(1)	Experienced excessive violence from the family members	16	10
(2)	Didn't experience excessive violence	144	90
Total : -		160	100

PART D Perpretators of violence			
Sl.No.	Violence by	No. of children.	Percentage
(1)	Father	9	56.2
(2)	Mother	2	12.5
(3)	Step-mother	1	6.3
(4)	Elder brother/sister	4	25
Total : -		16	100

Table 4.26 reveals that majority of the children that is 57.1 out of the 84 whose family members quarrels, said that quarrels didn't lead to violence in the family. But a substantial percentage 42.9 percent said that quarrels do lead to violence. So it can be said that violence is an important component of the quarrels. Out of the 42.9 percent children, 58.3 percent said that violence is between parents/guardians only while 30.6 percent said that violence is between parents/guardians and siblings. So most of the violence is between parents/guardians although siblings are also involved in few cases.

Part C and D Table shows that of the total number of children only 16 that is 19 percent have said that they have experienced excessive violence. Out of this 16, 56.2 percent said violence was from their fathers 12.5 percent said from mother, 25 percent from elder brother/sister.

It is clear that although quarrels led to violence in many families, violence is largely between parents/guardians only. It is only in few cases that the child is a victim of the domestic violence. More than 50% of the quarrels don't lead to violence. Most quarrels are between parents themselves. In 10% of cases the children were victims of violence. Moreover, it is seen quarrels and violence between siblings is not high. But violence is present in the families and in some cases the children are victims.

CAUSE OF FAMILY QUARRELS

The children were also asked to point out the major cause of family quarrels. The replies are shown in Table 4.27

Major cause of family quarrels

Table 4.27

Sl.No.	Major cause	No.of children	Percentage
(1)	Money matters	28	33.3
(2)	Drinking and drunken behaviour	26	31
(3)	Both drinking and money matters	5	6
(4)	One parent mentally disturbed	1	1.2
(5)	Studies	1	1.2
(6)	Adultery by mother	5	6
(7)	Miscellaneous	18	21.4
Total : -		84	100

Table 4.27 reveals that a majority, 33.3 per cent children gave money matters as the major cause. Next, 31 percent said drinking and drunken behaviour, while 21.4 percent gave various family matters like occupation, studies etc. It is seen that demoralising conditions like alcoholism, immorality exist in the families. These conditions have an impact on the child's behaviour. A reference will be made to these factors when we discuss criminality in the families of the children.

Further, most of the families are characterised by alcoholism, adultery. These conditions are conducive to emergence of delinquency. It is seen that no child mentioned adultery by father. No doubt adultery by fathers exist but only in case of female adultery it is considered immoral by society.

CRIMINALITY IN THE FAMILY

The presence of demoralising conditions in the home such as alcoholism, immorality and criminality has been cited as having an important bearing on the child's behaviour. We now analyse criminality :

Table 4.28

PART A		Criminality in the family			
Sl.No.	Status	Male	Female	Total	Percentage
(1)	Family member arrested/convicted/ is absconding	12	15	28	17.5
(2)	Family member not arrested/convicted/ or absconding	55	77	132	82.5
Total : -		68	92	160	100.0

PART B		Family member involved in crime	
Sl.No.	Family member arrested	No. of children	Percentage
(1)	Father	8	28.5
(2)	Siblings	15	53.6
(3)	Mother	1	3.6
(4)	Other relatives	4	14.3
Total : -		28	100

PART C Offences involving family member			
Sl.No.	Offence	No of family members	Percentage
(1)	Murder	2	7.1
(2)	Theft	14	50.0
(3)	Violence and unruly behaviour	3	10.7
(4)	Robbery	1	3.6
(5)	Drunken behaviour	4	14.3
(6)	Eloped with boy/boys	2	7.1
(7)	Selling country liquor	1	3.6
(8)	Extortion	1	3.6
Total : -		28	100.0

PART D Period spent in custody			
Sl.No.	Period	No of family members	Percentage
(1)	Released within 24 hours	5	17.9
(2)	Released after 1-10 days	3	10.7
(3)	Released after 11-29 days	1	3.6
(4)	Released after 1 - 6 months	2	7.1
(5)	Released after 1 - 3 years	3	10.7
(6)	Still in prison	4	14.3
(7)	Still in an observation home	7	25.0
(8)	Lost contact	2	7.1
(9)	Absconding	1	3.6
Total : -		28	100

Table 4.28 shows that only 17.5 percent of the family members were arrested by police or are absconding or was convicted. Majority, that is 82.5 percent family members were never arrested/convicted or is absconding. If we take arrests/conviction as an indicator of criminality then criminality in families of the children is not very high. But we have to consider the fact that all crimes do not lead to arrest/conviction. But criminality in terms of arrest/conviction do exist in the families.

Out of the 17.5 percent families which show criminality, 28.5 percent are fathers, and majority, 53.6 percent siblings. This is shown in Part B of the table. This table thus gives us an important element of delinquency that is deviance by siblings. It is clear that siblings constitute a majority of family arrests and very often children learn deviant behaviour from their siblings.

Part C and D of **Table 4.28** shows that the offences for which the family members were arrested / convicted/ is absconding. Here it is seen that majority 58 percent was for theft. followed by 14.3 percent for drunken behaviour. This table provides a basis for the offences committed by the children. Most of the children were involved in these offences which we will discuss in detail in chapter V. The offences committed by the children fall into these categories. So it can be concluded that crimes by family members does influence the delinquency of children. Children learn criminal behaviour from their family members. As regards the period spent in custody, 17.9 percent

of family members were released within 24 hours, 25 percent are still in observation home. These are juveniles who are siblings of the children.

It is clear that most of the family members were arrested for offences like theft, drunken behaviour and most of them were released after a short period in custody. Moreover, the number of family members arrested is only 17.5 percent. Although criminality cannot be determined by arrests/conviction alone as many family members may not be arrested even after committing offences similar to those mentioned, if we consider the 37 percent family members who indulge in alcoholism and 6 percent in adultery then the demoralising conditions in the home becomes very distinct. Healy in his case study of 823 delinquents found that out of 823 there were 157 or 18 percent in which alcoholism, immorality and criminality among family members could be considered as related to delinquency of children and 28 or 3.4 percent in which immoral home environment was related to the misconduct of children (Healy 1915:34 in Madan 1987:73). In another investigation Healy and Bronner found that alcoholism, immorality and criminality were present in 21 percent of the subjects studied. (Healy and Bronner 1936: 126 in Madan 1987:73).

Our findings are in agreement with these studies. The homes in which delinquents are reared are in an extraordinary degree situations in which potential for delinquency exists.

SUMMARY

In this chapter, data generated by field work has been presented. The social context in which the child was brought up has been analysed. We began with some of the important variables relating to the children. We have seen that the mean age of girls is higher than the boys and the mean age of all children is 14. An overwhelming majority of the children belong to Assam and to rural areas. They are mainly Hindus and most belong to backward classes. The rate of migration is low and majority of the families are nuclear families. Most children also come from broken homes and are second born. Although the average size of the families at 5 - 6 members is quite large the average income at Rs 1456.24 is quite low. The average land holdings of the families is also quite low. The education level of both children as well as parents/guardians is low and most children were employed. The family atmosphere of the families reveal frequent quarrels between parents/siblings with involvement of the children in most of the quarrels. The major causes of the quarrels are money matters and alcoholism.

CHAPTER - V

THE DEVIANT ACT: DETERMINANTS AND INTERACTIONS.

CHAPTER - FIVE

THE DEVIANT ACT : DETERMINANTS AND INTERACTIONS

As a child grows up he step out of the family into the society wherein his first and major encounter is with his peers. In fact for any child it is the peers who really open the window to the world outside the family. His affinity with his peers increases and reaches its peak during adolescence. Thus, peers play as important a role in the life of an adolescent as the home. The association, to an adolescent with his peer group provides him an unmatched security by offering membership. It gives him an opportunity to develop his self-image. The group of immediate friends also provide him with a new world his parents cannot or do not provide. In brief, where the family influence ceases that of the friends and associates begins. Thus, the fading controls of one is carried on by the direction and control of the other.

THE PEER GROUPS BEFORE ARREST / DETENTION
Table - 5.1

PART A: Friendship with peers			
Sl.No.	Having friends	No of children	Percentage
(1)	Had friends	113	70.6
(2)	Didn't have friends	47	29.4
Total :-		160	100

PART B Reasons for not having friends			
Sl.No.	Reason for not having friends	No. of children	Percentage
(1)	No contact with other children due to preoccupation with employment or household duties.	41	87.2
(2)	No one of his/her age group in the neighbourhood.	1	2.1
(3)	Didn't like the children in the school/neighbourhood/village.	1	2.1
(4)	Have a introverted nature, didn't mix with others	4	8.5
Total :-		47	100

PART C Activities with friends			
Sl.No.	Activities with friends	No. of children	Percentage
(1)	Study, play and gossip	28	24.8
(2)	Study, play, gossip, roam about	44	38.9
(3)	Play, gossip, roam about	17	15
(4)	Play and gossip	24	21.2
Total :-		113	100

Table 5.1 shows that an overwhelming majority of the children, 70.6 percent said that they had friends. By friends we mean friends by and large of the same age-group as the children interviewed. The children who said that they didn't have friends were further asked why they didn't have friends.

Out of the 29.4 percent who didn't have friends, 87.2 percent said they didn't have contact with other children of their age group as they were busy with their occupation or household duties. Thus, it is seen that most children had friends. Those who didn't have friend were children who were either employed or had a introvert nature or didn't have contact with any children of their age group.

As delinquents having friends constitute a substantial percentage hence, the statement that peers exert some influence over delinquent behaviour of the juveniles finds some support from our findings.

Part C of Table 5.2 shows some activities with friends. The highest number of children, 38.9 percent of the 70.6 percent having friends, gave study in school, play, gossip and roaming about as the activities with peers. Studying and playing with friends are normal activities for children of school-going age and even to some extent gossiping and roaming about. However, excessive gossiping and roaming about makes children vulnerable to delinquent habits. About 54

percent of the children which constitute a majority of those who had friends had admitted to the gossiping and roaming about with friends.

The children were also asked if they quarreled frequently with their friends and if they quarreled then the reason for the quarrels. Only one child replied that he quarreled with his friends . All others who had friends said they didn't quarrel with their friends . The boy who quarreled with friends said that in the hotel where he worked his friends often quarreled with him and these quarrels often led to fist-fights.

POSSESSION OF WEAPONS

Delinquent children often possess weapons and use them to commit delinquent acts. The children were asked if they possessed weapons. The responses are shown in Table 5.2

Table 5.2

PART A		Possession on weapons			
Sl.No.	Possessing weapons	No. of children		Percentage	
		Male	Female	Total	
(1)	He/She possessed a weapon	1	-	1	0.6
(2)	He/She as well as friends possessed a weapon	11	-	11	6.9
(3)	Neither he/she nor friends possessed a weapon	56	92	148	92.5
Total : -				160	100

PART B		Types of weapons	
Sl.No.	Types of weapon	No. of children	Percentage
(1)	Dagger	1	8.3
(2)	Revolver	1	8.3
(3)	Burglary equipments like rod ,glass cutters etc	1	33.3
(4)	Chopper	6	50
Total : -		12	100

Table 5.2 reveals that, an overwhelming majority 92.5 per cent of the children said they didn't possess any weapon. only 0.6 per cent said they possessed weapons. All the 12 who said they possessed weapons are boys . No girl possessed a weapon. When these 12 boys ,were asked to describe the weapons they possessed, 33.3 percent said they possessed burglary equipment like glass and rod-cutters, duplicate keys ,knives etc. 50 percent said they possessed choppers. This is shown in Table 5.2. Thus, it is seen that only few boys possessed weapons . The girls did not possess any weapons or the nature delinquency of the girls is different than that of the boys . The boys who possessed weapons used them mainly for crimes such as burglary, robbery etc.

This shows that although some of the boys were involved in delinquent acts like robbery, theft, murder, very few of them possessed weapons. Most of the acts were committed without the aid of weapons.

DEVIANCE BEFORE ARREST

The parents/guardians interviewed for the study were asked some questions about deviant behaviour of their wards prior to their arrest/detention and corrective measures taken by them. The replies are shown in Table 5.3

DEVIANCE BEFORE ARREST/DETENTION

Table : 5.3

PART A			
Deviance before arrest			
Sl.No.	Deviant behaviour before arrest	No. of parents/ guardian	Percentage
(1)	The child had exhibited deviant behaviour	7	29.3
(2)	The child had not exhibited deviant behaviour	17	70.8

Total :- 24 100

PART B		
Nature of deviant behaviour		
Sl.No.	Nature of deviant behaviour.	No. of parents/ guardians.
(1)	Petty theft	3
(2)	Petty theft, fist fights with friends and family, disobedience.	3
(3)	Truancy	1

Total :- 7

PART C		
Corrective measures by parents/guardians		
Sl.No.	Nature of Corrective Measures taken	No. of parents/ guardians.
(1)	Extensive counselling	3
(2)	Counselling and when that failed beating	1
(3)	Handed over to police when counselling and beatings failed.	3

Total :- 7

Table 5.3 shows that 70.8 percent of the parents/guardians interviewed said that their child had not shown any deviant behaviour before arrest. Only 29.2 percent said that their children had shown deviant behaviour before arrest. When asked to describe the deviant behaviour, out of 7, 3 said petty theft, another 3 said petty theft, fights and disobedience while 1 said truancy.

These 7 parents/guardians were also asked if they took any corrective measures. When asked to describe these measures, three of them said extensive counselling to the child so that he may give up his bad habits, one said beatings when counselling failed while other three said they handed over the child to police when counselling and beatings failed.

Although, our findings show that only 29.2 percent parents/guardians said their wards exhibited deviant behaviour before arrest, we have to bear in mind the fact that only 15 percent of parents/guardians were interviewed. Also the nature of deviancy was not very serious and corrective measures were taken by the parents/guardians, so that the child's deviancy is corrected but they failed. However, our conclusion is that parents/guardians did not take the deviancy of their children seriously. Although the child exhibited potentially delinquent behaviour like truancy, fights with friends and family members, parents/guardians did not show much concern.

THE DEVIANT ACT

We have discussed the nature of familial pressures operative on an offender. With the anomalies at the family level, the offender was under pressure. These pressures and situations of stress and strain were operative on him since early childhood. He was in search of avenues to remove this anxiety which affected his socialisation and adjustment process. Due to these anxieties and anomalies, the offender could not be socialised in accordance with the value patterns of the conventional system. Therefore, cumulative disintegrating influences are operative on him. It is likely that similar pressures might have been operative on other children in this age-group. Delinquent behaviour of our respondents is an indicator of the failure of prohibitive influences. We shall now analyse the process of 'initiation' in regard to violation of law by the delinquent. An occasional or situational offender has to associate with those who hold similar values for learning the modes of trade and value ratification. It has been attempted here to explain the nature of initiation and the role of peers and family.

NATURE OF ARREST/DETENTION

We shall now examine how the children were arrested / detained. Our first variable is single or group arrest.

Table:-5.4

PART A Nature of arrest			
Sl.No.	Nature of arrest	No. of parents/ guardians	Percentage
(1)	Arrested alone	81	50.6
(2)	Arrested in a group	79	49.4
Total :-		160	100

PART B Nature of group arrest			
Sl.No.	Nature of group arrest	No. of children	Percentage
(1)	Arrested with one juvenile	5	6.3
(2)	Arrested with two or more juveniles	12	15.2
(3)	Arrested with one adult	38	48.2
(4)	Arrested with two or more adults	17	21.5
(5)	Arrested with one or more adults and juveniles	7	8.8
Total :-		79	100

PART C Family members involved			
Sl.No.	Family members arrested with the child	No. of children	Percentage
(1)	Father	3	15.8
(2)	Uncle/aunt/other relatives	3	15.8
(3)	One parent and siblings	2	10.5
(4)	Siblings	11	57.9
Total :-		19	100.0

Table 5.4 shows that 50.6 percent of the children were arrested alone while 49.4 percent were arrested in a group. By a group we mean two or more persons. Single as well as group arrests are thus equally divided. Further out of the 49.4 percent group arrests, 40.2 percent of the children were arrested with one adult. By adult we mean a person above 16 years of age in case of boys and above 18 years in case of girls. While 21.5 percent of the children were arrested with two or more juveniles, about 50 percent of the children were arrested with associates and 78.4 percent of these associates were one or more adults.

The data presented here shows that group arrests constitute half of the population of our study. The influence of peers as well as adults on the delinquent acts is clearly seen. Most of the delinquent acts were committed under the influence of adults.

Part C of the Table gives us data about the family members who were arrested along with the children. Only 11.9 percent of the total number of children and 24.1 percent of the children arrested in a group were arrested with a family member. Out of these 57.9 percent were arrested with siblings.

Shaw and Mackay found in their study that only 18% of the boys taken to Chicago Juvenile Courts in 1928 were 'lone-wolf' offenders, the overwhelming majority being involved with one or more companions. Two-somes were most prevalent, while three-somes almost as frequent. Companionship has been considered not so influential for girls as for boys - a fact used to

explain the much higher rate of delinquency among boys than girls. Our findings show about 50% two-somes and three-somes and two-somes are more frequent than three-somes. Of the 50% children who were arrested in groups, 46% were arrested along with one or more adult. Thus adults have exerted considerable influence in the delinquency of the children. Family members too have contributed to the deviance of the children as about 25% of the group arrests were with family members.

The association of the children with peers and adults and their influence on the child's activities has been revealed by the data presented. Most children had friends and used to gossip and roam around with them. It is from their peers as well as adult friends and family members that they learn delinquent behaviour and are initiated into delinquent acts.

THE OFFENCE

Scientists look at unique events and individual characteristics of phenomena in the real world and their purpose is to seek out what is general and recurrent about what they observe. In explaining these phenomena, they look for patterns, for the recurrent and uniform. To aid in this analysis they develop categories or types and these abstractions are used for the systematic ordering of empirical data. For example, scientists

might observe a series of unique plants but order or categorise them in terms of some common characteristics. Likewise in studying delinquent behaviour, social scientists develop categories or types which are abstractions that are useful in ordering the data on criminal behaviour. In this chapter the researcher has categorised delinquent behaviour of the respondents largely in terms of legal categories. After this the interactions with different variables like age, sex, socio-economic background is analysed.

Nature of offence

Table :- 5.5

Sl.No.	Offence	No. of children			Percentage
		Male	Female	Total	
(1)	Theft	47	14	61	38.1
(2)	Robbery	7	1	8	5.0
(3)	Murder	6	2	8	5.0
(4)	Using dangerous weapons	2	-	2	1.3
(5)	Selling country liquor	-	1	1	0.6
(6)	Abduction	3	-	3	1.9
(7)	Extortion	-	1	1	0.6
(8)	Eloped with one boy	-	20	20	12.5
(9)	Eloped with 2/3 boys	-	7	7	4.4
(10)	Prostitution, drug peddling, black marketing, petty theft	-	18	18	11.3
(11)	Runaways	3	28	31	19.4
Total :-		68	92	160	100.0

Table 5.5 shows the offences for which the children were arrested/detained by the police. We shall divide the offences into two categories - criminal and non-criminal offences. These two categories are based largely on the legal norms governing criminal and non-criminal acts i.e. offences which violate criminal law are criminal offences while others are non-criminal offences.

CRIMINAL OFFENCES

(i) Theft :

Thefts constitute the largest category. 61 children were arrested for theft. Out of this 61, 47 i.e. 77 percent are boys while 33 percent are girls.

(ii) Robbery :

Based on the legal difference between robbery and theft, 5 percent of the children i.e. 8 were arrested for robbery. Out of these 8 children, 7 are boys and only one is a girl.

(iii) Murder:

Another 5 percent of the children has been arrested for murder, out of which 2 are girls and 6 are boys.

(iv) Using dangerous weapons :

2 boys were arrested for this offence which is 1.3 percent.

(v) Selling country liquor :

One girl was arrested for violation of country liquor laws. She was arrested along with some of her family members.

(vi) Abduction :

3 boys were arrested for this offence. They constitute 1.9 percent of the total children.

(vii) Extortion :

For this offence too 1 girl was arrested along with some of her family members.

(viii) Prostitution, drug peddling, blackmarketeering, petty theft :

This category is actually a miscellaneous category. Only girls are in this category. Some of these girls were involved in one or two activities while some in all. However, prostitution is common. All the 18 girls who constitute 11.3 percent were involved in prostitution. The charge sheet does not show these charges. They were in fact rescued by the police as the arrests were preventive in nature. But they had admitted to being involved in these activities. Prostitution by itself is not criminal but in some cases it is a criminal act. The other activities are criminal activities. Most of these girls worked as part of a larger criminal gang.

All the criminal offences are categorised as per the charges mentioned in each case-sheet of the children. Most of the girls involved in theft, robbery, murder etc. with the exception of prostitution, drug peddling etc. category were arrested as accomplices. They were mostly accomplices to a family member.

NON-CRIMINAL OFFENCES

Eloped with one boy :

This category consists of girl delinquents who had run away from home with adult males. As the girls in this category are below 18 years of age they were arrested/detained as a preventive measure. The adult males who are arrested with them face kidnapping charges. But it should be noted that these girls willingly run away with the adult males. This category consists of 12.5 percent of the children.

Eloped with two/three boys :

The girls in this category can be considered to be in a pre-prostitution stage. They run away from their homes in the company of two/three males. They are detained by the police as a preventive measure. They constitute 11.3 percent of the children.

Runaways

Runaways consist of 19.4 percent of the children. Out of this 98.2 percent are girl runaways. The detention of these children by police is entirely preventive. The boys if allowed to roam around freely can be exploited by other criminal gangs and inducted into a career of crime. Similarly the girls too can be exploited and inducted to prostitution and other criminal activities.

From Table 5.5 it is clear that 63.8 percent of the children can be considered to be arrested/detained for criminal offences and 36.3 percent for non-criminal offences.

A study of referrals to Washington State Juvenile Courts conducted some years ago indicated that 46.1 percent of the females had been sent there as runaways or for being ungovernable while 64.3 percent of the males had been referred to the courts for theft or mischief. (Gibbons 1977:448). Sociological arguments about the causation of female delinquency is thought to be related to parent-child conflicts which impel them into delinquency taking the form of affection seeking

among juvenile boys. These young women get referred to juvenile courts often because someone supposes that they have been involved in sexual activities or are in danger of engaging in promiscuous conduct.

Thus it is seen that thefts constitute the largest category of deviants. Both male and female deviants are involved. This is followed by runaways, elopement with one boy, prostitution, drug peddling and other categories.

FATE OF OTHER PERSONS ARRESTED

Table 5.6 shows the fate of other persons arrested along with the children and also whether family members of the child came for bail.

Table :- 5.6

PART A Fate of accomplices			
Sl.No.	Fate	No. of children	Percentage
(1)	Sent to jail	19	24.1
(2)	Released on bail	28	25.3
(3)	Don't know	21	26.6
(4)	Sent to an observation home.	17	21.5
(5)	Juveniles sent to an observation home, don't know what happened to the adults.	2	2.5
Total		79	100

PART B Bail for the children			
Sl.No.	Fate	No. of children	Percentage
(1)	Family members came for bail	24	15
(2)	Family members didn't come for bail	136	85
Total		160	100

PART C Persons who came for bail			
Sl.No.	Persons who came for bail	No. of children	Percentage
(1)	Father	12	50
(2)	Mother	6	25
(3)	Elder brother/sister	2	8.3
(4)	Other relatives	4	16.7
Total		24	100

Of the 50.6 percent of group arrests, 27.1 percent of those arrested with the children were released on bail. 26.6 percent of the children said that they don't know what happened to the others. It is seen that most of the accomplices were either sent to jail or to an observation home. But we have to keep in mind the fact that the children are not in touch with them. Further the family members of only 15 percent of the children came to bail them out. The family members of 85 percent of the children did not come to bail out the children. Of the parents/guardians who came to bail the majority, 50% are fathers, 25 percent are mothers.

Thus, it is seen that an overwhelming majority of the family members did not come to bail out the children. The reason for this may be due to lack of information. Many of the families don't know about the detention of their children. Some children are not arrested/detained in their hometown. Many are detained in other places. Again some children work as domestic servants and stay with their employers. Further some children are also not aware of their proper home address. Even if some parents come to know about the arrest of their children, they are not able to raise the amount of money required for bail.

VIEWS OF PARENTS/GUARDIANS ABOUT THE ARREST/DETENTION

Table 5.7

PART A Views of parents/guardians about the offence			
Sl.No.	Framed/Compelled	No. of respondents	Percentage
(1)	Child was framed up	3	12.5
(2)	Child was compelled to commit the deviant act.	2	8.3
(3)	Child wasn't framed or compelled.	19	79.2
Total		24	100.0

PART B Persons who framed or compelled the child			
Sl.No.	Person	No. of respondents	Percentage
(1)	Child's friends (peers)	4	80
(2)	Neighbours	1	20
Total		5	100

PART C Person responsible for the delinquency			
Sl.No.	Person responsible	No. of respondents	Percentage
(1)	Child himself/herself	3	12.5
(2)	Child's peers	16	66.7
(3)	Elder brother	1	4.2
(4)	Uncle/aunt	1	4.2
(5)	Neighbours	1	4.2
(6)	Both child's father and peers	2	8.3
Total		24	100.0

The parents/guardians of the children were asked about the child's deviance; who they feel is really responsible. **Table 5.7** shows that majority, 79.2 percent of the parents/guardians feel that the child wasn't framed or compelled to commit the deviant act. Out of the five children whose parents/guardians feel were framed up or compelled, 80% feels that they were framed or compelled by the child's peers and only 20% by neighbours.

Thus the parents/guardians put the blame for delinquency squarely on the child. They don't feel that the child was framed up or compelled.

Part C of the Table shows the person or persons who the parents/guardians feel is responsible for the delinquency. A majority 66.7 percent, of the parents/guardians feel that the child's peers are responsible for the child's deviance. They committed the offences due to instigation by their friends. It is these friends who are responsible for the child's acts.

Here child's peer group is considered responsible for the child's delinquency. It is the peers who instigate and influence the child towards delinquency. Parents/siblings also play a role but it is the peers who play the greater role. But we have to consider the fact that parents/guardians put the blame on peers, neighbours ignoring the fact that they too play an important role. The broken home, quarrelsome family atmosphere, lack of proper socialisation, family disintegration as revealed by the children greatly contributes to delinquency.

CHI - SQUARE TEST

Let us now apply χ^2 test to find out interactions between deviance of the children and various other variables like education, sex, age etc. We start with deviance and education. A detailed description of chi-square test is given in Appendix -II

Table 5.8

PART 4 Deviance and education												
Sl. No	Education	Theft/Robbery	Murder	Using dangerous weapons	Kidnaping	Selling Country liquor	Extortion	Prostitution, drugs peddling, petty theft, blackmailing	Eloped with one boy	Eloped with 2/3 boys	Runaways	Total
(1)	Was attending school	17	3	4	1	3	-	-	7	2	6	43
(2)	Dropout	23	3	3	1	-	1	3	4	2	8	48
(3)	Never attended	21	2	1	-	1	-	15	9	3	17	69
Total :-		61	8	8	2	3	1	18	20	7	31	60

Nature of deviance	Educational Level		Total
	Was attending school	Dropout Never attended school	
Criminal law violators	28 (27.43)	34 (30.62)	102
Non-criminal law violator	15 (15.57)	14 (17.38)	58
Total:-	43	48	160

PART C					
Q	E	(O-E)	(O-E) ²	(O-E) ² /E	(O-E) ² /E
28	27.43	0.57	0.32	0.32	.01
15	15.57	-0.57	0.32	0.32	.02
34	30.62	3.38	11.42	11.42	.37
14	17.38	-3.38	11.42	11.42	.66
40	44.02	-4.02	16.16	16.16	.37
29	24.98	4.02	16.16	16.16	.65
					2.88

In Table 5.8 the three categories of children i.e. those attending school, drop outs and those who have never attended school are again categorised in terms of their offences. The first eight categories of offences that is theft, robbery, murder; using dangerous weapons; kidnapping; extortion; selling country liquor; prostitution, drug peddling, blackmarketeering, petty theft etc. are criminal law violators and the last three that is those who eloped with one boy, eloped with 2/3 boys and runways are non-criminal law violators.

Null-Hypothesis : There is no difference in the education of criminal and non-criminal law violators or proportion of the three levels is the same

Alternative hypothesis (H₁) : Education levels of children are different for criminal and non criminal law violators.

$$\begin{aligned} \text{Common proportion (CP)} &= \frac{28+34+40}{43+48+69} \\ &= \frac{102}{160} \\ &= (0.638) \end{aligned}$$

$$\begin{aligned} \text{Expected frequencies} &= 43 \times 0.638 = 27.43 \\ E(f) &= 48 \times 0.638 = 30.62 \\ &= 69 \times 0.638 = 44.02 \end{aligned}$$

$$\chi^2 = \frac{(O-E)^2}{E}$$

$$\chi^2 = 2.08$$

DEVIANCE AND AGE AT THE TIME OF ARREST

Table - 5.9

PART A												
Sl.	Age at the time of arrest	Deviance and age										
		Thrift	Murder	Robbery	Using dangerous weapon	Selling country liquor	Kidnaping	Extortion	Prostitution, drugs peddling, black marketing, petty theft etc.	Eloped with 2/3 boys	Run aways	Total
(1)	7 - 10	1	-	-	-	-	-	-	-	-	9	10
(2)	10 - 13	7	-	3	-	-	-	-	-	-	10	30
(3)	13 - 16	43	8	5	2	1	3	1	4	2	9	89
(4)	16 - 19	-	-	-	-	-	-	-	14	5	11	31
Total :-		61	8	8	2	1	3	1	18	7	31	160

PART B				
Nature of deviance	Age at the time of arrest			
	7 - 10	10 - 13	13 - 16	16 - 19
Criminal law violators	1 (6.78)	20 (19.14)	67 (56.78)	14 (19.78)
Non-criminal law violator	9 (7.62)	10 (10.86)	22 (32.22)	17 (11.22)
Total:-	10	30	89	31
				160

PART C					
O	E	(O-E)	(O-E) ²	(O-E) ² /E	(O-E) ³ /E
1	6.38	-5.38	28.94	4.54	
9	3.62	5.38	28.94	7.99	
20	19.14	0.86	0.74	0.04	
10	10.86	-0.86	0.74	0.07	
67	56.78	10.22	104.45	1.84	
22	32.22	-10.22	104.45	3.24	
14	19.78	-5.78	33.40	1.69	
17	11.22	5.78	33.40	2.98	
					22.39

Part A of Table 5.9 shows the age of the children at the time of arrest in terms of the offenses for which they were arrested /detained. from this Table we derive part B of the Table for calculating χ^2 .

H_0 : There is no difference in the age of the criminal and non-criminal law violators or the age at the time of arrest is in the same proportion for both criminal and non-criminal law violators.

H_1 : The age at time of arrest is different for criminal and non-criminal law violators.

$$C P = \frac{1+20+67+14}{10+30+89+31}$$

$$= 0.638$$

$$E(f) = 10 \times .638 = 6.38$$

$$30 \times .638 = 19.14$$

$$89 \times .638 = 56.78$$

$$31 \times .638 = 19.78$$

$$\chi^2 = \sum \frac{(O - E)^2}{E}$$

$$= 22.39$$

$$d.f = (4 - 1) (2 - 1)$$

$$= 3$$

Table value of χ^2 = 7.82

Calculated χ^2 = 22.39

Level of significance = 0.05

Since the Table value of χ^2 is greater than the calculated value, it is significant. Therefore, the results of the experiment does not support the hypothesis that there is no difference in the age of arrest between criminal and non-criminal violators. We reject H_0 and accept H_1 . Therefore, our conclusion is that the age of arrest differs for criminal and non-criminal law violators.

EVIANCE AND PARENTAL STATUS

Table r- 5.10

PART A													
Sl.	Parental Status	Deviance and parental status											
		Offence											
		Theft	Robbery	Murder	Using dangerous weapons	Kidnaping	Selling Country liquor	Extortion	Prostitution, drugs, petty theft, black marketeering	Eloped with one boy	Eloped with 2/3 boys	Runaways	Total
(1)	Both Parents alive	34	4	4	1	2	1	1	6	14	5	7	79
(2)	Both Parents dead	6	-	1	-	-	-	-	4	-	1	5	17
(3)	One Parent alive one dead	21	4	3	1	1	-	-	8	6	1	19	64
Total r -		61	8	8	2	3	1	1	18	20	7	31	160

Nature of deviance	Parental status			Total
	Both parents alive	Both parents dead	One parent alive one dead	
Criminal law violators	53 (50.40)	11 (10.85)	38 (40.83)	102
Non-criminal law violator	26 (28.60)	6 (6.15)	26 (23.17)	58
Total:-	79	17	64	160

PART C					
0	E	(0-E)	(0-E) ²	(0-E) ² /E	(0-E) ² /E
53	40.43	2.6	6.76	0.13	0.13
26	28.60	-2.6	6.76	0.24	0.24
11	10.85	0.15	0.02	0.00	0.00
6	6.15	-0.15	0.02	.00	.00
38	40.83	-2.83	8	0.20	0.20
24	23.17	2.83	8	0.35	0.35
					χ^2 0.92

Table 5.10 gives the parental status of the children whether both parents are alive, both parents are dead, one parent alive and one dead. Corresponding to this the offence for which the children were arrested/detained are shown. From this Table we derive part B of the Table for calculating χ^2 .

H_0 : There is no difference in the parental status of children arrested/detained for criminal and non-criminal law violations or the parental status for both criminal and non-criminal law violators is in the proportion.

H_1 : The parental status of children arrested/detained for criminal and non-criminal law violations differs.

$$C.P. = \frac{53+11+38}{79+17+64}$$

$$= 0.638$$

$$E(f) = 79 \times .638 = 50.40$$

$$11 \times .638 = 7.02$$

$$38 \times .638 = 24.24$$

$$\chi^2 = \sum \frac{(O-E)^2}{E}$$

$$d.f. \quad 2 \quad = \quad 0.92$$

Table value of χ^2 at 2df 5.99

Calculated value of χ^2 0.92

Level of significance 0.05

Since the Table value of χ^2 is greater than the calculated value it is not significant. Therefore, the results of the experiment does not provide any evidence for doubting our hypothesis (H_0) that there is no difference in the parental status of criminal and non-criminal law violators. Hence, many accept H_0 and rejects H_1 .

DEVIANCE AND FAMILY ATMOSPHERE

Table- 5.11

PART A													
Family atmosphere and offence													
Sl. No.	Family atmosphere	Offence											
		Theft	Robbery	Murder	Using dangerous weapon	Kidnaping	Selling Country liquor	Extortion	Prostitution, peddling petty stuff, black marketting	Eloped With One Boy	Eloped With 2/3 boys	Runaways	Total
(1)	Family members quarreled frequently	25	2	4	-	-	1	-	8	6	1	13	60
(2)	Family members quarreled occasionally	7	2	-	-	1	-	3	-	2	3	5	24
(3)	Family members didn't quarrel at all	29	4	4	2	2	-	-	7	12	3	13	76
Total:-		61	8	8	2	3	1	1	18	20	7	31	168

Nature of deviance	Family atmosphere			Total
	Family members quarreled frequently	Family members quarreled occasionally	Family members didn't quarrel at all	
Criminal law violators	40 (38.28)	14 (15.31)	48 (48.49)	102
Non-criminal law violator	28 (21.72)	10 (8.69)	28 (27.51)	58
Total:-	60	24	76	168

PART B				
O	E	(O-E)	(O-E) ²	(O-E) ² /E
40	27.28	12.72	161.81	5.93
28	21.72	6.28	39.44	1.81
14	15.31	-1.31	1.72	0.11
10	15.31	-5.31	28.20	2.50
48	48.49	-0.49	0.24	0.00
28	27.51	0.49	0.24	0.53
				$\chi^2 = .05$

Table 5.11 presents data relating to the atmosphere in the family alongwith the corresponding offences for which the children were arrested/detained. From this Table we derive part B of the Table for calculating

$$C.P = \frac{40+14+40}{60+24+56} = 0.638$$

H_0 : There is no difference in the family atmosphere of criminal and non-criminal offenders.

H_1 : The family atmosphere differs for criminal and non-criminal offenders.

$$\chi^2 = \frac{(O - E)^2}{E}$$

$$d.f = 2$$

Table value of χ^2 at 2 d.f. = 5.99

Calculated χ^2 = 0.53

Level of significance = 0.05

Since the Table value of χ^2 is greater than the calculated value it is not significant. Therefore, the results of the experiment does not provide any evidence for doubting our hypothesis (H_0) that there is no difference in the family atmosphere of criminal and non-criminal law violators. Hence, we may accept H_0 and reject H_1 .

DEVIANCE AND FAMILY INCOME

Table-5.12

PART A													
Sl. No.	Family income	Income and offence											
		Offence											
		Theft	Robbery	Murder	Using dangerous weapon	Kidnaping	Selling Cocaine, opium, liquor	Extortion	Prostitution, drug peddling, petty theft, black marketeering	Escaped with one boy	Escaped with 2/3 boys	Runaways	Total
(1)	500 - 1000	9	4	1	-	-	-	-	9	3	-	11	37
(2)	1000 - 1500	25	1	3	1	-	1	1	2	5	3	14	62
(3)	1500 - 2000	16	-	2	-	2	-	-	-	9	3	6	38
(4)	2000 - 2500	3	3	1	-	1	-	-	1	2	1	-	12
(5)	2500 - 3000	5	-	-	-	-	-	-	-	1	-	-	6
(6)	3000 - 3500	1	-	-	1	-	-	-	-	-	-	-	2
(7)	3500 - 4000	2	-	1	-	-	-	-	-	-	-	-	3
Total:-		61	8	8	2	3	1	1	18	20	7	31	160

Nature of deviance	Family income		Total
	500-1000	1000-1500 and above	
Criminal law violators	23 (23.61)	40 (37.56)	63
Non-criminal law violator	14 (13.39)	22 (22.44)	36
Total:-	37	62	99

PART C					
O	E	(O-E)	(O-E) ²	(O-E) ² /E	(O-E) ² /E
23	23.61	-.61	.37	.37	.02
14	13.39	.61	.37	.37	.03
40	37.56	-.44	.19	.19	.00
22	22.44	-.44	.19	.19	.00
39	38.92	-.38	.09	.09	.00
22	22.08	-.38	.09	.09	.00
					47 = .05

Table 5.12 gives the family income of the children and corresponding categories of offences for which the children were arrested/detained. From this we derive part B of the Table for calculating. However, to avoid complication we take only three categories of family income 500 - 1000, 1000 - 1500, and 1500 and above.

$$\begin{aligned}
 \text{C.P} &= \frac{23+40+39}{37+62+61} = \frac{102}{160} \\
 &= 0.638 \\
 E(f) &= 37 \times 0.638 = 23.61 \\
 &= 62 \times 0.638 = 39.56 \\
 &= 61 \times 0.638 = 38.92
 \end{aligned}$$

H_0 : There is no difference in the levels of family income of criminal and non-criminal offenders.

H_1 : The family income of criminal and non-criminal offenders differs.

$$\begin{aligned}
 \chi^2 &= \frac{(O - E)^2}{E} \\
 &= 0.05
 \end{aligned}$$

$$\text{d.f.} = 2$$

Table value of χ^2 at 2 d.f. 5.99

Calculated value of χ^2 0.05

Level of significance 0.05

Since the tabulated value of χ^2 is greater than the calculated value it is significant. So the result of the experiment provide no evidence for doubting our H_0 . We accept H_0 and reject H_1 .

Therefore we conclude that there is no difference in the family income of criminal and non-criminal offenders. For us the non criminal offenders are mainly run-aways and girls who elope. These are not criminal offences. But these children are "in risk" of turning delinquent. Delinquent boys come into association with gangs who may then be inducted into a life of crime. Similarly runaway girls or those who elope may end up as prostitutes, thieves etc.

We have examined through the χ^2 test the interaction between nature of deviance and the variables education, age at the time of arrest, parental status, family atmosphere and family income. With the exception of age at the time of arrest we have found that there is no difference between criminal and non-criminal offenders in term of education, parental status, family atmosphere, and family income. Thus all the children included in the study have similar sociological backgrounds irrespective of the fact whether they are criminal or non-criminal law violators. We have shown that the sociological background of both the groups are similar. Hence, there is every possibility of the non-criminal offenders turning delinquent at a later stage if preventive measures are not taken.

SUMMARY

In this chapter we have analysed the deviant acts of the children. We started with some factors which are associated with the child's deviance. We found that majority of the children had friends with whom they carried out childhood activities. We saw that only few children possessed weapons. It is also seen that only a few children exhibited deviant behaviour before arrest. Most arrest/detention was in groups of two or more and in almost half of the arrests, adults were involved. Here we see the influence of peers and adults in the child's deviance. Next we analysed the deviant acts of the children. The major offence in terms of numbers of arrests is theft, while majority of the girl offenders were involved in elopement and runaway cases. Hence, an overwhelming majority of the children had normal childhood and only a few of them indulged in deviant acts before their arrest. After this we analysed the difference between the criminal and non-criminal offenders with regard to some variables like education, family atmosphere, income by using the chi-square test. It was found that there is very little difference in the sociological background of both the groups. The non-criminal delinquents that is the runaway and elopement cases are children at risk for whom delinquency is only a small step away.

CHAPTER -VI

TRANSFORMING THE DEVIANTS INTO NON-DEVIANTS: THE DEVIANTS IN CORRECTIONAL INSTITUTIONS.

CHAPTER - SIX

TRANSFORMING THE DEVIANTS INTO NON -DEVIANTS: THE DEVIANTS IN CORRECTIONAL INSTITUTIONS

An individual's social life generally involves two kinds of achievements . One is the actions by which an individual contributes to the total social process while the other is where the actions are found to be interpreted, criticised or justified. Now, delinquent act is such action which accounts for interpretations. These are aggressive, violent, anti-social, non-normative in nature . However, delinquent acts do not just happen. E. Eldefonso is of the opinion that delinquents are **"the products of circumstances and chance, culture and environment and-most important sociological and psychological conditioning."** (Eldefonso 1972: 33 in Sarkar 1987: 127).

So, if society makes arrangement for such service that will seek favourable socio-psychological conditions, then a socially maladjusted individual will turn into an adjusted one. Naturally, the treatment of juvenile delinquency is aimed at the social rehabilitation of the child. The traditional punitive approach regarding the treatment of delinquency has been replaced by the reformatory approach which is found in rehabilitative and corrective philosophy of modern era. No doubt, rehabilitation or correction usually means reformation. Reformation , for our purpose , indicates the effort that turns an aggressive , law violating individual into an appeased, law-abiding one.

The two principal instrumentalities of Juvenile Justice namely ,the Juvenile Justice Board and the Juvenile Court as provided in the Juvenile Justice Act requires the employment of some sort of interim device for handling children before making any appropriate dispositional decision . After an arrest and prior to hearing in the board or court, again during the adjournment for social investigation and after disposition ,if the child is to be sent to a correctional institution ,an arrangement has to be made for the child's custody. There are two major solutions to the problem:the child may be put under the custody of his parents , guardians , relative or may be remanded to some sort of detention .Juvenile detention is generally defined as the temporary care of children who require secure custody for their own or the community's protection in physically restricting facilities pending court disposition .Viewed in this context detention is not a form of punishment but rather the practice of holding children of juvenile court age in secure custody for a comparatively short period of time until some suitable disposition can be made.

The juvenile delinquents covered under the present study are inmates of observation /juvenile /special homes under JJ act. These institutions are the correctional centres aiming at the reformation of the child. Accordingly, these Homes are expected to provide a setting of control, protection and the treatment which a child has rather not experienced before. Thus these Homes are assigned the task of treatment , training,education and suitable rehabilitation of the juvenile

delinquents. Moreover, a homely atmosphere in these institutions are called for to achieve these objectives. In this chapter we shall mainly describe the life of the children in these Homes as perceived by them, the atmosphere, interaction with other inmates and also the views of parents/guardians about these Homes.

DURATION OF STAY

Table- 6.1

PART A					Period of stay at the Home			
Sl.NO.	Period of stay	No. of children		Male		Female		Percentage
(1)	Less than 1 month	12		9				10
(2)	1 - 3 months	25		20				28.1
(3)	4 - 12 months	10		32				31.3
(4)	1 - 2 years	11		22				20.6
(5)	3 - 4 years	2		10				7.5
(6)	Over 4 years	-		4				2.5
Total : -		68		92				100.00

PART B				Number of remands	
Sl.No	No. of remands	No. of children		Percentage	
(1)	First remand to a correctional institution	156		97.5	
(2)	Second remand to a correctional institution	3		1.9	
(4)	Fourth remand to a correctional institution	1		0.6	
Total :-		160		100.0	

Table 6.1 shows the duration of stay of the children at the Homes. It is seen that 31.3 per cent have been staying in the home for 4-12 months, 28.1 per cent have been staying in the home for 1-3 months and so on. Under J.J. act it is stipulated that an enquiry regarding a juvenile has to be completed within 3 months. So it can be said that 38.1 per cent are equivalent to undertrials while the rest that is 61.9 per cent can be regarded as convicted. It is due to lack of certain basic infrastructure like lack of juvenile courts, irregular sitting that have compelled the children to stay. Moreover, some of the children do not have a home or parents/guardian to return to. Also about 70% of the children have stayed for less than one year. Hence, it can be said that these Homes are in fact both short-stay as well as Homes for longer stay.

Part B of the Table gives the number of times the children residing in the Homes have been remanded into a correctional institution. For the majority of the children i.e. 97.5 per cent it is the first remand to a correctional institution. Thus for most of the children it is the first remand to a correctional Home. Most children have just that one arrest behind them. So it won't be very difficult to reform them if proper corrective measures are taken.

MEETING PARENTS/GUARDIANS AT THE HOME
Table - 6.2

PART A Meeting parents/guardians					
Sl.NO.	Meeting parents/guardians	No. of children		Tot.	Percentage
		Male	Female		
(1)	Met parents/guardians	33	22	55	34.4
(2)	Haven't met parents/guardians	35	70	105	65.6
Total : -		68	92	160	100.0

PART B Frequency of visits			
Sl.no	Frequency of visits	No. of children	Percentage
(1)	Once a week	15	27.3
(2)	Once in two weeks	5	9.1
(3)	Once a month	18	32.7
(4)	Once every two months	5	9.1
(5)	Once every six months	9	16.4
(6)	Once a year	3	5.5
Total :-		55	100.0

PART C Reasons for not meeting parents/guardians			
Sl.No.	Reasons for not meeting parents/guardians	No of children	Percentage
(1)	Parents/guardians does not know he/she is there	71	67.6
(2)	Lost all contact with family as a number of years have passed since leaving home	24	22.9
(3)	Parents/guardians can't afford to come	5	4.8
(4)	Parents/guardians knows he/she is there but haven't come to visit	5	4.8
Total : -		105	100

Table 6.2 reveals that only 34.4 per cent of the children have met their parents/guardians after being sent to the Homes. The majority that is 65.6 per cent have not met their parents/guardians after coming to the Home. As regards the children whose parents/guardians have visited the Home, most of these are children who have stayed for a short period say less than 3 months. There are some children who have been staying in the home for years without meeting their parents/guardians thus losing all contact with their families.

Part B of the Table gives the frequency of visits by parents/guardians. Out of the 55 parents/guardians who have met their wards at the Homes most, 32.7 meet their parents/guardians once a month. Those who visit once a week or two weeks or once a month are generally those whose ward's case is being heard in the court. Those who visit once in two months or six months or once a year are those who have decided to keep their wards in the Home for the time being or permanently. This shows that parents/guardians are not very concerned about their children. An overwhelming majority have not met their children. One reason for this may be that due to extreme poverty, big families and the consequent struggle for existence parents do not find time to enquire or search for their children. Those whose parents/guardians have visited the Home, most visits are to meet children who have been arrested recently.

Part C of the Table shows the reasons given by the children as to why their parents/guardians have not visited them in the Homes. The majority, 67.6 percent said that their

parents/guardians don't know that they are at the Home. This usually happens because the children are not arrested/detained at the place where they reside especially so in the case of children who are runaways, prostitutes, who have eloped, who were domestic servants or child workers. They either can't give their home address or the police are not able or not interested in locating their parents/guardians. Another 22.9 percent of the children have lost all contacts with their parents/guardians as they have left their Homes either as runaways or child workers or have eloped.

Thus it is seen that, in an overwhelming majority of cases the parents/guardians are not aware that their children are in the Homes. This is mainly due to lack of communication, poverty, preoccupation of parents with the struggle for existence as the income of the families is very low.

VIEWS OF PARENTS/GUARDIANS

The parents/guardians interviewed were asked about their meetings with the children in the Home. The replies are shown in **Table 6.3.**

Table :-6.3

PART A Meeting children at the Home			
Sl.No	Meeting the children at the Home	No. of respondents	Percentage
(1)	Have met their wards at the Home	18	75
(2)	Haven't met their wards at the Home	6	25
Total : -		24	100

PART B Topics discussed			
Sl.No	Topics discussed with the child	Number of respondents	Percentage
(1)	Child's court case, release	12	66.7
(2)	Child's future only	2	11.1
(3)	Child's court case, release future	4	22.2
Total : -		18	100

PART C Reason for not meeting the child at the Home			
Sl.No	Reason for not meeting the child	No. of respondents	Percentage
(1)	Came to know only recently that the child is there	3	50
(2)	Don't want to bring the child home immediately.	1	16.7
(3)	Don't want to bring the child back home	2	33.3
Total : -		6	100

PART D Attitude of the child towards parents/guardians			
Sl.No	Attitude of the child	Number of respondents	Percentage
(1)	Repentant	12	66.7
(2)	Non-Repentant	6	33.3
Total : -		18	100

Table 6.3 shows that out of the 24 parents/guardians interviewed, 75 percent have met their wards at correctional homes. 25 percent have not met their wards at correctional homes. The majority of parents/guardians, 66.7 percent discuss the child's court case and release with the children in the Home, while 22.2 percent discuss the child's release with regard to the court case as well as the child's future. These are those whose children have stayed in the homes for quite some time. The parents/guardians of those children who were sent there recently falls in the first category. The topics discussed thus depends on the duration of stay of the child. When the child is initially brought to the Home, there are frequent meetings and the discussions centre on the child's release, court case. As duration of stay increases, the child's future is also discussed.

When the 25 percent parents/guardians who had not met their wards were asked reasons why they have not met their wards at the correctional homes, 50 percent said that they came to know only recently that their wards are at correctional homes. So they couldn't meet their wards, while 33.3 percent said they don't want to bring their wards back home. This is because they have acquired a bad reputation which would affect the family. Similarly, 16.7 percent said that they don't want to bring back their wards home immediately but after some time they may reconsider for similar reasons. This is shown in part C of the Table. Thus, an overwhelming majority of the

parents/guardians have met their wards but even here, some have not met their wards although they know that the children are staying in the Homes. The reasons are also given. Most have come to know about their child's detention only recently. But some are reluctant to bring the child back as he/she has acquired a bad reputation.

Part D of the Table reveals the attitude of the children towards their parents/guardians as perceived by the parents/guardians. While, 66.7 percent said the children are repentant about their deviant behaviour and seek their forgiveness, 33.3 percent feel that the children are neutral or indifferent about their deviance. Thus it is seen that most of the children are repentant. If a child is repentant then it is definitely much easier to reform him or her. The parents/guardians were also asked about the child's opinion of the correction Home, the facilities provided by it. All the parents/guardians said they are satisfied with the facilities provided by the Home.

ACTIVITIES OF THE AT THE CHILDREN CORRECTIONAL HOMES :

VOCATIONAL TRAINING AND SCHOOL :

As we have described in chapter three all the four correctional homes where the present study was undertaken have vocational training courses as well as schooling facilities for the children residing there. The vocational and school courses and distribution of children taking part are shown in **Table 6.4**

Table : 6.4

PART A Vocational training and schooling							
Sl.No.	Activity	No. of children	Percentage	Correctional Homes			
				Jalukbari Home	Jorhat Home	Fatasil Home	Nagaon Home
(1)	Attends both vocational training course as well as school	90	56.3	50	40	-	-
(2)	Attends vocational training course but not school	26	16.3	6	7	6	7
(3)	Attends school but not vocational training course	35	21.9	12	3	6	14
(4)	Doesn't attend either	9	5.6	3	2	4	-
Total : -		160	100	71	52	16	21

PART B Vocational training provided by the Homes					
Sl.No.	Vocational training course	No. of children			Percentage
		Male	Female	Total	
(1)	Tailoring	53	16	67	59.4
(2)	Bagmaking	-	6	6	5.2
(3)	Knitting & embroidery	-	14	14	12.1
(4)	Doll-making	-	25	25	21.6
(5)	weaving	-	2	2	1.7
Total : -		53	63	116	100.0

Table 6.4 shows the distribution of children who are attending vocational training or school and also the homes to which they belong. The majority, 56.3 percent of the children attends both vocational training course as well as school. They are inmates of Jalukbari and Jorhat Home where vocational training classes and school are held at different time of the day giving an opportunity to the children to attend both. Attending both however, is not permitted in Fatasil and Nagaon Homes. Thus, 16.3 percent of the children attends school but not vocational training. Out of this 58 percent belong to Nagaon and Fatasil homes. There are children who don't attend school in Jalukbari and Jorhat Homes too because they don't show aptitude for school, while 21.9 percent of the children attends school but does not go to the vocational training classes. Most of them belong to Fatasil and Nagaon Home where either vocational or school is allowed, not both. However, there are some in Jorhat

and Jalukbari Home who go to school but not vocational training. This is because boys and girls below 10 - 11 years of age are generally not allowed to join vocational training school. New entrants too are allowed to join a vocational training school only after some time have elapsed. But, 5.2 percent don't attend either school or vocational training classes. These are again comparatively new entrants who are given some time to settle down. Moreover, children whose release or bail is imminent are also not keen to join school or vocational training. So they don't join either of these. In Jalukbari and Jorhat Homes, most of the children are those arrested for criminal acts. As such they are not allowed to go out of the Home. If they are permitted to attend regular school outside then they may run away. Further, some of the children are illiterate. So, they are not sent to regular schools.

Thus, it is seen that about 72% of the children are taking some vocational training and about 78% attend school. Hence, the children are kept busy and also are getting an opportunity to learn.

Part B of the Table shows the different vocational training courses. Thus, 59.4 percent of the children who takes vocational training are doing the tailoring course, 21.6 percent of the children, all of them girls are doing the doll-making course. Out of the 63 girls who have joined vocational training courses, 39.6 percent, the single largest group, have joined the doll-making course.

The selection of a course depends largely on the aptitude of the child. Usually girls start either tailoring or doll-making course. Knitting and embroidery as well as weaving are for girls who have either completed doll-making or tailoring course or who have some experience of these trades. There is a division of vocational courses depending on gender. All the boys do tailoring courses while girls are engaged in bagmaking, doll-making also which are basically female professions.

CONDITIONS IN THE DETENTION HOMES

From the view point of a child detention tends to be a trauma that shakes his whole self and makes him feel bitter and hostile towards everyone proclaiming to be his well-wisher. Removed from parents and friends, the child may judge the larger society as his captor. The feigned benevolence of substitute care made available to him in the detention Home appears to him a facade of faceless rationalisation. He is likely to think that he has been thrown into a strange place inhabited by persons whom he initially dislikes to socialise with. He feels bewildered in the unfamiliar environs of a detention Home, which he thinks is his prison. He looks at the keepers of the Home as his captors, regardless of their considerable kindness, care, guidance and control. The institutional confinement results in identification with sub-rosa delinquent culture of correctional institutions. Sooner or later many children

succumb to pressures of delinquent stimuli, whilst in the company of undesirable children in the institution. As the frequency of his exposure to delinquent groups of children in the institution increases, the child learns ingenious techniques to defy institutional authority and its official mandate. The lessons learned by him are not usually those envisioned by well-meaning child savers. We shall now examine some of these aspects of juvenile detention.

PARTICIPATION AND FRIENDSHIP

Table:6.5

PART A Participation by the juveniles				
Sl.No.	Participation in activities in the Home	No. of children		Percentage
		Male	Female	
(1)	Enjoys and participates	49	65	70
(2)	Does not enjoy or participate	19	29	30
Total : -		68	92	100

PART B Reasons for non-participations			
Sl.No.	Reasons for non-participation	No. of children	Percentage
(1)	Does not like the atmosphere in the Home and the inmates	27	56.3
(2)	Homesick	21	43.8
Total : -		48	100

The children were asked about life in the Home, whether they enjoy and participate fully in vocational training, school, play and other such activities. The majority of the children, 70 percent said that they enjoy and participate in the activities of the Home, while 30 percent said that they don't enjoy the life in the home. So it seems most of the children like the homes where they reside.

When asked about the reason for non-participation, out of this 30 percent, 56.3 percent said they don't like the atmosphere in the Home and the inmates who reside there while 43.8 percent said that they are very homesick and so they don't participate in the activities of the Home. This is shown in part B of the **Table 6.5**. Homesickness is common amongst most children. But some are so homesick that they start disliking the Homes.

HOMOSEXUAL TENDENCIES IN JUVENILE DETENTION HOMES

Homosexuality exists in virtually all prisons and juvenile institutions. In any situation, in or out of prison, where men/women live together in fairly large numbers and are denied normal relationships with women or men, this kind of sexual expression takes place. But it is only in prison that it is absolutely impossible for the individual to find some companionship among those of the opposite sex. Homosexual behaviour is not restricted to male institutions, but is found in women's

reformatories and in girls' correctional institutions as well. Many of the females sent to these places have not developed inhibitions and thus find the situation almost unbearable. They easily turn to various forms of sexual behaviour. It is particularly difficult for administrators to control this problem in female institutions, largely because the inmates have more freedom than the male prisoners. Women's reformatories are usually of the cottage type with large campuses, where friendship between girls and women have few restraints.

In European countries, USA and other parts of the world, the homosexual relationship for the female takes the place of the primary relationship of some male prisoners. Talk of loyalty, sharing, trust and friendship among female prisoners thus refers to the homosexual relationship, not primary group per se. These homosexual relationships attempt to simulate the 'family' found outside the prison and are not therefore primarily for sexual gratification. Female prison homosexuality also differs from that of males in the type of relationships formed within the prison. Many of the women form a relationship that is considered a marriage in prison. The 'studs' (the 'male' partners) are distinguished from the 'femmes' (female partners) by hair, dress and behaviour as well as by terminology. They refer to each other as daddy, mommy and so on. If an inmate refers to her people, although the term is plural, she means she has a spouse. Sometimes these spouses exchange rings or religious symbols as token of their love. (Giallombardo

1974: 136-140 in Reid 1979: 712). Giallombardo's study was on juvenile girls. Within these pseudo families there is an opportunity for homosexual behaviour, but the primary reasons for forming of family relationship is not for that purpose but to create a basis for a community of relationships that are stable and predictable. The emphasis then in female prison homosexual relationships is to establish a sincere relationship.

Unlike female homosexuality in prison, male homosexuality seldom involves a close relationship between the partners. There are cases in which a male who is particularly vulnerable to homosexual attacks will enter into a relationship with another male who agrees to protect him. But basically the homosexual attacks of males in prison seems to be a response to their sexual needs. Although he may be looking for a meaningful emotional relationship to replace those outside the prison, he is more likely to be looking for the release of his physical tension.

In India, Shukla in his study of adolescent thieves had found homosexuality amongst them (Shukla 1979: 164-65). Similarly, Bharati Sharma in her study of juvenile delinquents had brought out the fact that juveniles indulge in homosexuality in institutions (Sharma 1990: 115-16). Also, S.S. Srivastav's study on juvenile vagrants reveals the fact that vagrants indulge in homosexuality (Srivastava in Sharma 1990: 117).

In the present study questions related to homosexuality were asked in the form of friendships with other inmates, quarrels, physical assaults and maltreatment. The superintendent of the Homes were also asked about homosexuality amongst the children.

FRIENDS IN THE HOME

Friendships with other inmates of the Home is related to homosexual tendencies especially in case of the girls . Male homosexuality is rare in the two Homes. This is so because of strict segregation of boys as per their age. On the other hand there is hardly any segregation in case of the girls particularly in case of the Jalutbari Home where 77.2 percent of the 92 girls stay . They reside in large dormitories where juvenile girls as well as destitute, rescued, neglected women stay together . The boys on the other hand are allowed more space with 2/3 boys per room .

Table :- 6.6

PART A		Friendship with other children			
Sl.No.	Friendships	No. of children			Percentage
		Male	Female	Total	
(1)	Have friends	31	46	77	48.1
(2)	Don't have friends	37	46	83	51.9
Total :-		68	92	160	100

PART B		Reasons for not having friends			
Sl.No.	Reasons for not having friends	No. of children			Percentage
		Male	Female	Total	
(1)	Other juveniles in the Home tease and quarrel with them so don't interact with them.	8	20	28	33.7
(2)	Homesick	5	0	0	15.7
(3)	Don't like the atmoasp here in the Home	6	4	10	12
(4)	Not yet properly acquainted with others	9	4	13	15.7
(5)	Have a reserved nature	5	4	9	10.8
(6)	Slow reactions, don't interact much	2	4	6	7.2
(7)	The background of other juveniles differs from his/her as such can't adjust	2	2	4	4.8
Total :-		37	46	83	100.0

From Table 6.6 it is clear that majority of the children , 51.6 percent don't have friends in the home. While 48.1 percent said they have friends . Also , 50 percent of the girls said they don't have friends While 50 percent said they have friends . When asked why they didn't have friends , 33.7 percent of the 51.9 percent children gave quarrels with other inmates , teasing as reasons, 15.7 percent said they were too homesick while another 15.7 percent said they were not yet properly acquainted with other inmates and so on . Out of these reasons quarrels and atmosphere in the Home account for 45.7 percent of replies why the children don't have friends. In case of girls quarrels take place if one girl tries to have friendship with another girl who belongs to a group of 2-3 girls . In fact girls of one group don't allow group members to talk to 'other' girls . These may be regarded as female homosexual groups . Girls who are left out of such groups don't have friends .

QUARRELS, ASSUALTS, MALTREATMENT

Table :- 6.7

PART A Quarrels with other inmates					
Sl.No.	Quarrels	No. of children			Percentage
		Male	Female	Total	
(1)	Involved in frequent quarrels	17	23	40	25
(2)	Not involved in frequent quarrels	51	69	120	75
Total :-		68	92	160	100

PART B Reasons for quarrels					
Sl.No.	Reasons	No. of children			Percentage
		Male	Female	Total	
(1)	Pretty matters like stealing on another's possessions, teasing	14	16	30	75
(2)	Make false allegations -	3	7	10	25
Total :-		17	23	40	100

Table 6.7 reveals that 25 percent of the children are involved in frequent quarrels, while 75 percent said that they were not involved in frequent quarrels. Of the 40 children who are involved in frequent quarrels 75 percent gave petty matters like teasing, stealing others belongings as the cause of quarrels. 25 percent gave false allegations by others as reason for the quarrels. The quarrels in case of the girls are related to homosexuality. Most of these quarrels arise out of jealousy. As we have stated girls from groups, e.g. If one girl of a group talks to another quarrels take between her and rest of the group and also between the group and the other girl .

Table :- 6.8

PART A Assault by the other inmates					
Sl.No.	Assault by the other inmates	No. of children			Percentage
		Male	Female	Total	
(1)	Was assaulted by other juveniles	8	12	20	12.5
(2)	Not assaulted by other juveniles	68	60	140	87.5
Total :-		68	92	160	100

PART B Reason for the assaults					
Sl.No.	Reasons for the assaults	No. of children			Percentage
		Male	Female	Total	
(1)	Petty quarrels lead to physical fights	7	12	19	95
(2)	Older inmates assaults them for minor reasons	1	-	1	5
Total :-		8	12	20	100

The children were also asked if they are assaulted by by other inmates of the home. Only 12.5 percent said they were assaulted while the majority 87.5 percent said they were not assaulted. When asked the reasons for the assaults, 95 percent said that petty quarrels led to physical assaults while one boy said that older boys assault him for no reason. This is shown in **Table 6.8.**

Thus it is seen that only 25 percent of the children reported frequent quarrels with other inmates while 12.5 percent said that they were assaulted by others. Quarrels and occasional physical fights among juveniles is not unusual. But as we have stated, in the case of girls this has other implications. Most of the fights are due to homosexual tendencies where fights, quarrels break out when one member of a 'pseudo-family' even talks to another girl. Also many girls interviewed did not reveal that they too are involved in quarrels and fights. The actual quarrels and fights amongst the girl deviants is much more than what is revealed by the girls. This was revealed in the discussions with superintendent of the Homes.

Table :- 6.9.1s1

PART A		Maltreatment			
Sl.No.	Whether maltreated	No. of children			Percentage
		Male	Female	Total	
(1)	Maltreated	3	3	6	3.8
(2)	Not maltreated	65	89	154	96.2
Total :-		68	92	160	100

PART B		Nature of maltreatment		
Sl.No.	Nature of maltreatment	No. of children		Percentage
(1)	Insufficient food, clothes	1		16.7
(2)	Mandatory dirt, jobs like cleaning toilets	3		50.0
(3)	Frequent caning for no reason	2		33.3
Total :-		6		100

Another important question asked was about maltreatment where the children were directly asked if there is any forced homosexuality in the Homes. Only 3.8 percent said that they were maltreated. Out of this 50 percent said they didn't like some of the jobs they were forced to do in the Home while 33.3 percent mentioned frequent canings and 16.7 percent insufficient food, clothes. None of the children mentioned homosexuality as a form of maltreatment. This is shown in Table 6.9. This shows that there is no forced homosexuality.

DELINQUENCY IN THE HOMES

The influence of institutional care and supervision on the children is relevant in the present context. These institutions are also ultimately expected to orient the children towards the better and enduring input of correctional treatment. We are primarily concerned with the question as to whether or not the juvenile delinquents have given up their delinquent activities. And, if not what are the delinquent activities in which they continue to indulge.

Table :- 6.10

PART A Deviant acts by the children inside the Homes					
Sl.No.	Nature of deviant acts	No. of children			Percentage
		Male	Female	Total	
(1)	Only attempts to escape from the Home	6	9	15	26.3
(2)	Only quarreling	7	12	19	33.3
(3)	Only disobedience	6	5	11	19.3
(4)	Only stealing from other inmates	1	-	1	1.8
(5)	Both escape attempts and quarreling	5	4	9	15.6
(6)	Both escape attempts and disobedience	-	1	1	1.8
(7)	Both petty quarrels and disobedience	-	1	1	1.8
Total :-		25	32	57 (35.6)	100

PART B Punishment meted out to the children			
Sl.No.	Punishment	No. of children	Percentage
(1)	Solitary confinement for 2/3 days, beating, scoldings	11	19.3
(2)	Physical exercise, beatings, scoldings	14	24.6
(3)	Beatings, scoldings	20	35.1
(4)	Scoldings only	12	21.1
Total		57	100

From Table 6.10 it is seen that 35.6 percent of the children have committed deviant acts in the Home, while the majority, 64.4 percent of the children have not committed any deviant act in the Home. Moreover, all these 35.6 percent children did not readily admit their deviant acts. It is only after discussions with staff members and scrutiny of case records that some of the deviants acts were revealed. Out of the 35.6 percent children who have committed deviant acts, the majority 49.1 percent were involved in quarreling. Here we are referring to only those deviant acts for which the children were caught and punished. The second major category of deviant acts is attempts to escape. Thus 43.9 percent of the children were caught while attempting to escape from the Home. Boys and girls are equally involved in the deviant acts.

The overall picture shows that the number of children involved in deviant acts is not very high. But it should be kept in mind that we have enumerated only those acts which are reported. A large number of such acts may remain unreported.

We now come to the punishment for these offences. Part B of the Table shows that 35.1 percent of the children said they were either caned or slapped or beaten by the staff of the Home, 24.6 percent said they had to face corporal punishment. The punishment to the children for deviant acts depends on the nature of deviant act, age and sex of the child. Attempts to escape usually leads to harsh punishments like solitary confinement (only for boys), caning, physical punishment etc.

For other offences like stealing, fighting the punishments are similar. First offenders (except escapees) are often scolded and warned but not beaten by the staff.

ACTIVITIES THE CHILDREN DESIRE

The children were asked about their desires, whether they would like to have any new activity in the Home or if they would like to change any of the present activities.

Table :- 6.11

PART A			
Desire for new activity			
Sl.No.	Desire for new activity	No.of children	Percentage
(1)	Desires a new activity	21	13.1
(3)	Does not desire a new activity	139	86.9
Total :-		160	100.0

PART B			
Nature of activity desired			
Sl.No.	Activity desired	No. of children	Percentage
(1)	Wants to join a vocational training course	14	66.7
(2)	Wants to attend the Home school	1	4.8
(3)	More recreational activities	1	4.8
(4)	Wants to join another vocational training course	5	23.8
Total :-		21	100

Table 6.11 reveals that only 13.1 percent of the children desire to have a certain activity, while 86.9 percent said they didn't desire any new activity. Out of the 13.1 percent, the majority, 66.7 percent said they want to join a vocational training course. These are mainly children who are either new to the home or who are not of an age to join such a course.

Thus, the desire for change is not very prominent amongst the children. They are satisfied with their present activities. There is lack of enthusiasm and a sort of passivity amongst them. For those who desire change, majority wants to join a new vocational training course. These are mainly children who have not joined any such course.

FAMILY MEMBERS MISSED AND HEALTH

In India family ties are strong and family members are attached to one another. Children who are detained in a Home are separated from their family. We now examine who amongst the family they miss most.

Table :- 6.12

PART B		Family members missed	
Sl.No.	Family member missed	No. of children	Percentage
(1)	Parent(s)	52	32.5
(2)	Siblings	16	11.3
(3)	Both parents & siblings	63	39.4
(4)	Uncle/Aunt/Other relative	3	1.9
(5)	Don't miss any family member	24	15.0
		168	100.0

From **Table 6.10** it is seen that 85 percent of the children miss one family member or the other. Most that is 59.4 percent miss both their siblings as well as parents, while 32.5 percent miss their parents. Thus 71.9 percent children miss their parents. While 50.7 percent miss their siblings, 15 percent children do not miss any family member. These are usually children who have lost contact with their families. In general, the children are attached to their family members. Parents and siblings are missed most by the children. So although many children have not met their family members for long periods, the family ties are still strong.

Health of the child

Table:-6.13

PART A			
Sl.No.	Health	No.of children	Percentage
(1)	Prone to frequent illness	18	11.3
(3)	Not prone to frequent illness	142	88.8
Total :-		160	100.0

Table 6.11 shows the health of the children. Only 11.3 percent of the children said that they are prone to frequent illness, 88.8 percent said they are not prone to frequent illness. Thus it can be said that the children are quite healthy and do not suffer from any major illness.

SUMMARY

In the chapter we examined the institutional life of the children. The aim of the institution is to transform the children into non-deviants. Some children have been staying in the institution for three-four years while majority have stayed for less than one year. Majority of the children haven't met their parents/guardians in the Home. All the four Homes have vocational training courses as well as school. But the school in two of them are not regular schools. A majority of the children enjoys and participates in the activities in the Home. Male homosexuality is not present but it seems female homosexuality exists in the two Home for females. The juveniles have by and large continued their deviant activities in the Homes. Although officially the delinquency figures in the Homes is not high many deviant acts go unreported. Though their judgement may be imperfect it can be concluded that the children are not dissatisfied with the conditions prevailing in the Homes. They have friends, have formed relationships and take part in different activities.

CHAPTER -VII

LOOKING BEYOND CORRECTIONAL HOMES: PERCEPTION OF THE DEVIANTS TOWARDS THEIR FUTURE

CHAPTER - VII

LOOKING BEYOND THE CORRECTIONAL HOMES : PERCEPTION OF THE DEVIANTS TOWARDS THEIR FUTURE.

Detention for a juvenile is an intense experience. For many youngsters it is their first encounter with the forces that administer justice to children. The nature of this encounter may strongly influence the child's perception of the juvenile justice system and the services it dispenses with. Equally important is the fact that admission to detention influences and child's self perception; it seems to tell him that he is bad and his behaviour is undesirable, unwanted. Viewed in the totality of its impact, detention of children into primary custodial institutions is more baneful than beneficial for very many children. This has led to a demand for non-institutional or community based treatment of juvenile offenders like probation, foster home placement, group home placement, adoption. It has brought into fore the issue of aftercare as a significant segment of a total strategy of integrated juvenile corrections.

The prevalent belief emphasises that training and treatment programmes of juvenile corrections are likely to go waste if the difficult transition to outside the institutions is not helped and guided by a humane and efficient after-care programme. The entire gamut of juvenile correctional activity within the institutional framework are bound to fail,

if at the moment of his liberation, the juvenile offender is cast forth abruptly and without support, to face all the difficulties and seductions of life and society. The task of juvenile correction therefore, includes building or rebuilding solid ties between the offender and the community, integrating and reintegrating the juvenile offender into community life, restoring his family ties, obtaining employment and education and securing in the larger sense a place for the juvenile offender in the routine functioning of society.

We have discussed in chapter -v, The various activities in the correctional homes which aim at the reformation and rehabilitation of the deviants. In this chapter we shall probe into their future through their perception of the future as well as the perceptions of their parents/guardians.

PRESENT ACTIVITIES IN THE HOME AND THEIR RELATION TO THEIR FUTURE CAREER

Table :- 7.1

PART A Present activity and future					
Sl.No	Activities and their future	No. of children			Percentage
		Male	Female	Total	
(1)	Present activities will help their future career	34	71	105	65.6
(2)	Present activities will not help their future career	34	21	55	34.4
Total : -		68	92	160	100

PART B Manner in which activities will help			
Sl.No	How activities will help future career	No of children	Percentage
(1)	Would learn a trade in the Home and so can take a job or be self-employed after release	70	66.7
(2)	Can go to regular school	30	28.6
	Activities will help future career but can't say how	5	4.8
Total : -		105	100

PART C Future career for those who feel activities will not help			
Sl.No	Future career if activities will not help	No of children	Percentage
(1)	Go back to regular school	19	34.5
(2)	Go back to former employment	14	25.5
(3)	Be self-employed	5	9.1
(4)	Undecided	17	30.1
Total : -		55	100

Table 7.1 reveals that 65.6 percent of the children, that is a majority of the children feel that the present activities in the Home such as vocational training, school, discipline in daily life will help their future career after release. Only 34.4 percent feel that the present activities in the Home will not help their future career. The boys are equally divided into the two groups but majority of the girls feel that the present activities will help their future career. This shows that the girls are more optimistic about their future.

When those who feel that the present activities would help their future were asked to specify the reasons, the majority of the 65.6 percent, that is 66.7 percent said that they are getting vocational training and so after release they can take a job such as tailor, doll maker etc or be self-employed by starting their own business. This is shown in part B of the Table.

Those children who feel that the present activities in the Home will not help them in future career were also asked to specify what they would do after release. Only 34.5 percent of the 34.4 percent who feel that their present activities in the Home will not help their future said that they will go back to regular school. These are children who were regular or full-time students before arrest/detention and so they would like to go back to school. While 30.1 percent are undecided, 25.5 percent said they would take up their former jobs which they had before their arrest/detention.

So it is seen that majority of the children feel that the present activities will help them in getting a job or to be self-employed. The remaining children are mostly those who were regular students or had worked for a long time. The emphasis is on self-employment and the children are aware of this. The overall picture shows that there is a lack of confidence of the children in the activities of the Homes. Children who said the activities will help their future are not sure how. They are pessimistic about their future after release from the Homes.

AWARENESS OF PROBABLE RELEASE

The children residing in the Homes cannot stay there indefinitely. They would be released or would have the option of leaving the institutions. They were asked about their awareness of the probable date of release. The replies are shown in Table 7.2

Table : 7.2

PART A Awareness of date of release			
Sl.No	Awareness of probable date of release	No of children	Percentage
(1)	Aware of probable date of release	33	20.6
(2)	Not aware of probable date of release	127	79.4
Total :		160	100

PART B Probable date of release			
Sl.No	Probable release date	No of children	Percentage
(1)	Within one week	9	27.3
(2)	Within two weeks	9	27.3
(3)	Within one month	9	27.3
(4)	Between 1 - 3 months	6	18.2
Total :		33	100

Only 20.6 percent of the children are aware of their probable date of release. These are mostly children who have established contact with their parents/guardians, whose parents/guardians have met them at the homes. The remaining 79.4 percent of the children are not at all aware of probable release. Again, these are mostly children who have lost contact with their parents/guardians or who don't want to return to their families. So it is clear that the children who have no contact with their parents/guardians are now alienated. They

are not sure whether they will be released, if released whether they will meet their parents/guardians.

Further those children who said they are aware of their probable release were asked to specify the dates. The replies are shown in part B of the Table. While 27.3 percent said within one week, another 27.3 percent said within 2 weeks and still another 27.3 percent said within 1 month. Only 18.2 percent said between 1 - 3 months. These replies are generally based on the nature of offence, status of their cases at courts. Contact with parents/guardians plays an important role in the future of the child. Children who have lost contact with their parents/guardians have an uncertain future in front of them.

Table 7.3

PART A Parents/Guardians awareness of probable release			
S1.No.	Awareness of probable release of the child	No.of children	Percentage
(1)	Awareness of probable date of release	11	45.8
(2)	Not aware of probable date of release	13	54.2
Total :		24	100

PART B Probable release date			
S1.No.	Probable release date	No.of Parents/Guardians	Percentage
(1)	Will be released/ bailed within two weeks as legal proceedings for release has been initiated	4	36.4
(2)	Have obtained release/ bail orders and will take the child home within a day or two	5	45.5
(3)	Will be released/bailed within 1 - 3 months	2	18.2
Total :		11	100

The parents/guardians interviewed for the study were asked if they were aware of the probable date of release of their wards. While 45.8 percent said that they are aware, 54.2 percent said that they are not aware. This is shown in part A of Table 7.3. Those who said that they are aware were asked to specify when. The replies are shown in part B of the Table. While 44.5 percent of the parents/guardians said that they had

already obtained bail/release order of their wards and would take them home within a day or two, 36.4 percent said within two weeks as their cases at the court would soon conclude.

The 54.5 percent parents/guardians who said they are not aware of the probable date of release are those who are not sure how long the legal proceedings will take or those who are not very keen to have their wards back, so they haven't initiated the legal process yet. A majority of the children are not aware of their probable date of release due to lack of contact with their parents. As most belong to lower economic strata of society they are too poor to come to meet their children. They are also ignorant of the legal system, how it works.

DISCUSSION RELATING TO THE CHILD'S FUTURE WITH SUPERINTENDENT/IN-CHARGE

When parents/guardians come to meet their wards in the Homes, they are also expected to meet the superintendent or in-charge of the Homes. The superintendent in turn should counsel the parents/guardians, discuss the child's future and provide necessary help to get their children released. We shall now examine the replies of parents/guardians regarding this aspect.

Table :- 7.4

PART A		Discussion regarding the child	
Sl.No.	Whether discussed	No.of parents/guardians	Percentage
(1)	Have discussed the child's problem	11	83.3
(2)	Haven't discussed the child's problem	3	16.7
Total : -		18	100

PART B		Topics of discussion	
Sl.No.	Topics of discussion	No.of parents/guardians	Percentage
(1)	Child's court case, probable release, preventing future delinquency	9	60
(2)	Child's future like school training	3	20
(3)	Child's probable release, court case, preventing future delinquency, future plans	3	20
Total : -		15	100

As Table 7.4 shows, 83.3 percent parents/guardians had discussed the child's problem with the superintendent/in-charge of the Homes. Only 16.7 percent had not discussed the problem. Most of these are those parents/guardians who couldn't meet the superintendent/in-charge as the officer was not available. They had tried to meet but couldn't.

The parents/guardians who had met their wards were asked about the topics of discussion. As shown in part B of the Table, these topics mainly relate to the child's future. The majority, 60 percent are more concerned with the child's immediate future like its court case, release, prevention of delinquency.

Thus, parents/guardians are very much concerned with the child's future as reflected in their discussions with superintendent/in-charge of the homes. The discussion center on the child's future rather than its present stay, like preventing future delinquency which is very important for the well-being of the child.

FUTURE PLANS OF THE CHILDREN AFTER RELEASE

Every child thinks about the future, what he or she wants to achieve in life. For the children in the Homes, it is very important that they think and decide about their future as sooner or later they would be released from the Homes or will have to leave as they will be over-age. The children's perception about their future is discussed next.

Future plans of the child

Table :- 7.5

Sl.No.	Future plans after release.	No. of children	Percentage
(1)	Go back home	110	68.8
(2)	Go back to former employer	5	3.1
(3)	Stay in the institution and not go anywhere	20	12.5
(4)	Undecided	25	15.6
Total : -		160	100.0

The children were asked about their plans after release from the Home. The majority, 68.8 percent of the

children said that they would go back home, 15.6 percent said that they were undecided while 12.5 percent said that they would stay in the institution and not go home. These are mainly children who have lost all contact with their parents, guardians. As such they don't want to leave the institution but stay there. Only 3.1 percent said that they would go back to their former employers. These children were working mainly as domestic servants and wants to go back to their former employers after release.

So as Table 7.5 shows the children mostly want to go back home or to their employers. The few who wants to stay in the institution or are undecided about their future plans are those who have lost contact or haven't kept regular contact with their families. They are confused as what to do after release or after their period of detention is over.

ACCEPTANCE BY FAMILY AND SOCIETY

The ultimate purpose of juvenile correction is to rehabilitate the delinquent children in society. A very important aspect in this rehabilitation is the acceptance of the children by their families and by the society in general. Without acceptance by these two primary agencies, juvenile rehabilitation would not succeed. In order to examine this aspect of the problem the children as well as the parents/guardians interviewed were asked about acceptance by family and society as they perceive it.

Table : - 7.6

PART A Acceptance by family			
Sl.No	Acceptance by society	No. of children	Percentage
(1)	Family will accept	110	74.4
(2)	Don't know as he/she has lost contact	41	25.6
Total :-		160	100

PART B Acceptance by society			
Sl.No.	Acceptance by society	No. of children	Percentage
(1)	Society will take the child back to its fold	19	79.2
(2)	Society will not take the child back	5	20.8
Total :		24	100

PART C Reasons for acceptance/non acceptance			
Sl.No.	Reasons for acceptance/ - non-acceptance	No. of children	percentage
(1)	Society will not accept as the child has acquired a bad reputation	5	20.8
(2)	Society will accept as the child is young and people don't blame him/her	19	79.2
Total : -		24	100

Table 7.6 gives the responses of the children to the question as to whether their families will accept them back after release. The majority of the children, 74.4 percent said that their families will accept them back after release, 25.6

percent said that they don't know as they have lost contact with their families. They are uncertain whether they will be accepted by their families. The replies given by some of the children about acceptance by their families are a bit optimistic as some of these children too had very little contact with their families after their arrest/detention.

Part B of the Table gives the responses of parents/guardians to the question of acceptance of the children by the society at large after release. Amongst the parents/guardians too, the majority, 79.2 percent feel that society will accept the child back after release from correctional institutions. The remaining 20.8 percent said that society will not accept the children after release. The parents/guardians were further asked to specify the reasons for acceptance/non-acceptance of the children by the society after release. This is shown in part C of the Table. All the 79.2 percent guardians said that society will accept the child as the child is young and people don't blame it but their peers or family members. Similarly all the 20.8 percent parents/guardians gave bad reputation acquired by the child in the neighbourhood as the reason for non-acceptance by society after release. Families also suffer harassment from police, neighbours. The parents are thus optimistic about the child's acceptance by society. As the child is young, they are confident society will give them an opportunity to reform themselves.

Child's future after release

Table : - 7.7

Sl.No.	Child's future after release	No. of children	Percentage
(1)	The child can lead a respectable life after release	20	83.3
(2)	The child can't lead a respectable life after release	4	16.7
Total : -		24	100

Table 7.7 gives the opinion of the parents/guardians about the future of the child after release. As in the previous cases the majority of the parents/guardians, 83.3 percent feel that the child can lead a respectable life after release. Only 16.7 percent feel that the child can't lead a respectable life after release. Thus, the majority opinion of both the children and parents is that society will accept the deviants after their release and they can lead a respectable life.

MAINTAINING CONTACT WITH THE INSTITUTION AFTER RELEASE

Maintaining contact with the home

Table :- 7.8

Sl.No.	Contact with the Home after release	No. of children	Percentage
(1)	Will maintain contact	118	73.8
(2)	Will not maintain contact	42	26.3
Total :-		160	100

With the aim of finding out the attitude of the children towards the correctional institution where they reside, the children were asked whether they would maintain contact with the Home after release. By contact we mean visiting the Home if they ever visited that area or writing letters to their friends or to staff of the Home. The majority of the children, 73.8 percent as shown in Table 7.7 said that they will maintain contact with the Home after release, 26.3 percent said that they would not maintain contact with the Home after release. When these 26.3 percent children were asked to specify the reasons as to why they would not maintain contact, all of them replied that they don't like the atmosphere in the Home. These children do not like the conditions in the Home and the atmosphere which prevails there. However, the majority wants to maintain contact with the Home after released which shows that most like the Homes.

Future plans for the children

Table :- 7.9

Sl.No.	Future plan for the child	No. of parents/ guardians	Percentage
(1)	Send the child back to school	9	37.5
(2)	Help him/her to be self-employed or to take a good job	8	33.3
(3)	Initiate him/her into family business	1	4.2
(4)	Get her married	3	12.5
(5)	Haven't yet decided	3	12.5
Total : -		24	100

The parents/guardians of the children interviewed for the study were also asked about their plans for children. Here too, 37.5 percent of the parents/guardians said that they want to send their children back to school after release, 33.3 percent would like to secure a good job or help the child to be self-employed and so on. This is shown in **Table 7.9**.

So it is seen that parents/guardians attach a lot of importance on education and realise the necessity of giving a good education. They anticipate a good future after completion of basic education. Taking a job or self-employment emerges as the second most important future aim. This happens due to the training courses at the Homes and the exposure of the children to them and their perception of the benefits of vocational training.

SUMMARY

In this chapter we have analysed the perception of the children towards their future. Most of the children feel that the present activities in the Homes will help their future careers as they can go back to school or take up employment. Most of the children as well as parents/guardians are not aware about the probable date of release from the Homes. Also most parents/guardians have discussed the problem of the child with the in-charge of the Homes, which shows their concern for the children. Majority of the children wants to go back to their families after release and are confident that their families will accept them. The parents/guardians interviewed too believes that society will accept them back. As regards their future most children wants go back home and take a job /be self-employed or go back to school as their future plan. In case of parents/guardians, most gave sending the child back to school as a future plan. Hence, a good income or completing education is an important aim of both the children as well as parents/guardians. Thus it can be said that the children are not fatalistic about their future and that they are quite optimistic. However, the authorities which the Homes have to make some concrete plans for the children.

CHAPTER -VIII

UNDERSTANDING SPECIFIC BEHAVIOUR: CASE STUDY OF ELEVEN DEVIANTS.

CHAPTER - VIII

UNDERSTANDING SPECIFIC BEHAVIOUR : CASE STUDY OF ELEVEN DEVI- ANTS

The method of exploring and analysing the life of a social unit, be it a person, a family, an institution or a community, is known as case study method. The aim of case study method is to find out the factors that accounts for the behaviour patterns of the given units and its relationship with the environment. The case data are always gathered with a view to tracing the natural history of the social unit and its relationships with the social factors and the forces involved in its surrounding milieu. Social scientists relatively aim at some kind of generalisation or theory building. Whether the case data can be regarded as sufficiently typical representative of facts affording a secure basis for theory-construction is a question that has been a subject of controversy among the social researchers.

While human behaviour may vary according to situations, it is usually possible to identify the basic human nature even in the midst of such variations. This is an assumption that underlies the collection of case data. All human beings experience certain physiological tensions; certain experiences are ubiquitous, e.g. birth, death, sex drive, fatigue etc. The comparative studies of personalities as

determined by variations in culture is possible simply because of certain basic homogeneity or similarity evidenced in mankind. Some statements about human nature broadly apply to each individual or to each member of a larger group. As such there doesn't appear to be any reasons why a search for the innate human tendencies cannot be based on personal case data.

The major credit for introducing case study method to the field of social investigation must go to Fredrick Le-play. The English social philosopher, Herbert Spencer was among the first to use case materials in his comparative studies of different culture. William Healey resorted to the case study method in his study of juvenile delinquency. Various researchers have employed a number of different means and techniques of data collection for case studies. Personal interviews, observations, questionnaires, statistical records are some.

In the present study personal interviews, observation, case records have been used to present case studies of eleven deviants. Care has been taken to select cases which are broadly representative of different categories of deviants. The names of the children in the case studies have been changed to protect their identities.

Case : - 1

Subir

Case-record

Name : Subir
Address : Guwahati City
Sex : Male
Age at the time of
arrest/detention : 15 Years
Reasons for arrest/
detention : Theft
Caste : Upper caste
Religion : Hinduism
Mother Tongue : Bengali
Education : Passed Class IV

Family History

Subir's family is a nuclear one with five members. His father is about 48 years old and mother about 35 years. Subir is the eldest child. He has two younger sisters aged 13 years and 11 years respectively. Both the sisters attend school and are in VIIth and Vth standards respectively. His parents had studied upto primary level and then dropped out. The family had come to Guwahati some 15 years back from their ancestral home in Upper Assam.

Subir is a tall boy but rather thin which makes him look taller than his real height. He is quite healthy and doesn't have any major health problem.

Subir's father owns a small garage near their place of stay. Both the garage and their house is rented. His father earns about Rs. 2000/- (net) from the garage. Their ancestral home in Upper Assam has been rented out and they get Rs. 600/- every month as house rent. The family members have good relations with each other. Quarrels between his father and mother are rare. His father doesn't drink and nor does he have other vices. His sisters are very obedient and good students. All the family members except Subir have good relations with other families in the locality.

The Case History

Subir was a quarrelsome child right from his childhood days. He used to quarrel and beat his sisters on trivial matters. His father admitted him to a nearby primary school where he studied upto class IV. He was not good in studies and failed when he was in class in IV. He then dropped out of school. He started mixing with boys older than him. He would roam around and thus would spend the whole day with them, coming home late at night. Most of his friends were involved in illegal activities like petty theft, selling country liquor. He too became involved in these activities. Very often he and his friends were involved in fistfights. His father realised that Subir was falling into bad company and so he asked Subir to work in his garage and learn the trade.

Subir started working with his father but didn't give up the company of his friends. He often stole money from

his father's garage. His father now decided to send Subir to one of his friend's garage, situated some distance away from Guwahati. But Subir did not last long in his new job. There too he started exhibiting deviant behaviour and had to return home. People in the neighbourhood now began to complain about Subir to his father. They even threatened him with social boycott. Subir's father now started offering worship at Temples and also consulted palmists and astrologers so that his son would give up his deviant behaviour. One day, Subir came home with injuries all over his body after a fight with a shop owner. In desperation, his father went to the nearest police station and requested them to arrest his son. Subir was arrested but soon released.

A few months later Subir and one of his friends planned a robbery. They entered a nearby college at night and broke open the Principal's office door. Both of them were armed with choppers and other burglary equipments. But they were seen by the chowkidar of the college who confronted them. They beat up the chowkidar and escaped with some money and other goods. The next day both of them were arrested. As his friend was above 16 years he was sent to jail from where he was subsequently released on bail. Subir was sent to Observation Home. His father didn't go to police station to meet Subir.

Till date, Subir has spent about 2 months in the Home. He is learning tailoring and also attending school in the Home. Uptill now he hasn't been involved in any serious

delinquent activity in the Home except some petty quarrels with other boys of the Home. When asked about his future, he said he doesn't want to go back to school but wants to start his own business and be self-employed. He is also willing to work in his father's garage until he starts his own business. He won't indulge in delinquent behaviour if he is released. He likes the Home and participates in the activities there. His father, on the other hand doesn't want to bring him home immediately. He wants Subir to stay in the Home for 2/3 years.

Analysis

In this case association with criminal elements is solely responsible for the child's delinquency. Subir's family does not have any record of criminal activity. It was his association with the gang that made him delinquent. This is also an example of gang delinquency, how a member is initiated into the gang and becomes a part of it.

Case-2

Dhani

Case-record

Name : Dhani
Address : Out skirts of Guwahati City.
Sex : Male
Age at the time of arrest/detention : 15 years
Reason for arrest/detention : Theft
Caste : Scheduled Tribe
Religion : Hinduism
Mother Tongue : Bodo
Education : Passed Class I

Family History

The child's family is nuclear with 5 members. Dhani's father had expired about 8 years back. His mother is in her forties while his elder sister, who is the eldest child, is around 35 years of age. His elder brother is about 30 years old. Dhani is the third child. He also has a younger brother aged 12 year. Dhani's mother, elder sister, brother are illiterate.

His younger brother is currently in school. His mother works as a domestic servant, visiting several houses in a day and earns about Rs. 600/- per month. His elder brother too works as a domestic servant and stays with his employer. The

family has a plot of land which is cultivated by others. In return they get paid in cash or sometimes in kind. His elder brother doesn't contribute to family income. In fact after his father's death, his elder brother used to quarrel frequently with his mother and soon started staying apart. The elder sister is married and stays with her husband.

The Case History

Dhani is a short boy with light-coloured skin. He has a strong physique and is quite healthy. Dhani was admitted to school by his father. After his father's death the family began to face economic problems. His father used to cultivate their land but after his death the land remained idle as Dhani's elder brother was not interested in cultivation. His elder brother soon moved away from the family and started working as a domestic servant. Dhani failed twice in class II and eventually dropped out of school. Finding it difficult to make ends meet, Dhani's mother put him up with a family living nearby as a domestic servant. He earned about Rs. 88/- every month which was handed over to his mother by his employer.

The household where Dhani worked had four members; husband, wife and child and another domestic servant. While working as a domestic servant he came into contact with a number of boys senior to him in age who were involved in illegal activities like petty theft, extortion from shopkeepers, selling and smoking ganja. After about a year of his employment, one day, he was asked by three of his friends

to help them rob the household where Dhani worked. They asked him to open the door at night so that they can enter. In return they promised to give him Rs.500 as reward. They convinced him that there was no risk involved as nobody would suspect him. Dhani agreed to help them.

That night at around 1 AM, the dacoits knocked on the door. Dhani opened the door. Six persons including the three boys who had approached Dhani entered the house. They tied up all the family members including Dhani and left after an hour taking with them some cash, gold ornaments and electronic goods. The next day police investigation started and Dhani was arrested as an accomplice. He was then sent to Observation Home, Fatasil.

Till date, Dhani has spent two years in the Home. He is studying in class II in the Home School. He has not joined any vocational training course. He is a quiet and obedient boy and is not involved in any serious deviant act in the Home. He is very sincere in his studies and wants to attend regular school after his release. His mother comes to meet him once or twice a year. After about 1½ years in the Home, he was allowed to go to home and stay there for 1½ months as a special case. He then again returned. His case in the court is still pending. At this point of time he is not very keen to go back home. His aim is to complete his education and then take a good job.

Analysis

Death of father at an early age, separation of widel' brother and sister and consequent lack of proper parental control, bad company are responsible for the child's delinquency. Poverty and lack of parental control had forced him to work at an early age. Bad company of peers finally led him to delinquency. Correctional Home has had some positive effects on the child. He is now interested in studies, wants to lead a law-abiding life. His stay in his village home for 1½ months has also contributed to the child's correction.

Case - 3

Salem

Case-record

Name : Salem
Address : Outskirts of Jorhat town.
Sex : Male
Age at the time of arrest/detention : 15 years
Reason for arrest/detention : Theft
Caste : Sunni Muslim
Religion : Islam
Mother Tongue : Assamese
Education : Passed V standard

Family History

Salem belongs to a nuclear family. Apart from his parents he has one elder brother, one younger brother and two younger sisters. He is the second child. His parents are middle-aged while his eldest brother is 18 years old. His younger brother is 11 years old and younger sisters are aged 12 and 10 years respectively. His younger brother and sister are currently in school while his elder brother dropped out of school. His father had studied upto high school while his mother is illiterate.

The Case History

Salem is a tall boy with a stout muscular physique. He is light complexioned. However, he is not very

healthy and is suffering from a heart ailment and requires regular medical attention.

Salem's father had worked as a driver in a public sector company. But he took voluntary retirement due to ill-health. Salem's elder brother works in a transport company and earns about Rs.800/- per month. The family also owns some agricultural land which however, is not utilised for any economic activity. The family income comes to about Rs.2000/- per month. But his elder brother doesn't contribute to family income regularly. Salem had also worked for a few months prior to his arrest. He had a small paan shop and earned Rs.200/- — Rs.300/- per month.

Salem was admitted to a nearby school by his parents where he studied upto class V. He was not good in his studies and had to struggle to pass examinations. He failed twice in class IV and then dropped out. His family advised him to start a paan shop and thus be self-employed and contribute to family income. As his family was not in a economically sound position he started the shop. Significantly till this stage he didn't show any deviant behaviour.

His family provided financial and other assistance in starting the shop. He sold paan and cigarettes. As he had to sit in his shop the whole day he developed friendship with some boys who were either idle or engaged in illegal activities like selling ganja, facilitating sale of stolen goods etc. Salem in the company of these boys began to neglect his shop and started roaming around with these boys. The income from his shop gradually declined while his personal expenses increased

as he started drinking, smoking, visiting cinema halls frequently etc.

One day, Salem and five of his friends took away some cows belonging to his neighbour and sold the cows. Salem was absent from his house for three days after this incident. The owner became suspicious and reported the incident to police. However, at this stage some elderly persons of the village intervened and the police case was withdrawn. The owner was paid jointly by Salem's parents and parents of the other boys. After about two months Salem and one of his friends planned a robbery. In the early hours of the morning they entered a shop owned by a businessman and stole a VCR and a brief case. The next day both were arrested by police. As the other boy was above 16 years of age he was sent to jail while Salem was sent to Observation Home, Jorhat.

Salem has spent about six months in the Home. He is learning tailoring and also attending the Home school. Salem however, has not given up his deviant activities. After about two months of his stay, he and another boy tried to escape from the Home. They brought some big stones and broke the iron grills in the window and escaped. However, their absence was soon detected and alarm was sounded. That very night they were detected by the guards while they were hiding in the nearby paddy fields. But despite this, Salem is a obedient boy and doesn't quarrel or fight with other boys. He plans to restart his shop after release. His parents are also keen to have him back.

Analysis

Bad company is primarily responsible for the child's delinquency. Lack of aptitude in studies, poverty has forced the child to seek self-employment at a tender age, after dropping out of School. His subsequent association with boys and his initiation as a member of the gang led to his delinquency. His release at present stage may again lead to delinquency as he may once more come into contact with the same gang. As such there is a lot of responsibility on his parents and the probation officer of the area after his release .

Case - 4

Susheel

Case-record

Name : Susheel
Address : Guwahati
Sex : Male
Age at the time of arrest/detention : 13 years
Reason for arrest / detention : Robbery
Caste : Backward class
Religion : Hinduism
Mother Tongue : Bengali
Education : Passed Class V

Family History

Susheel's family is nuclear type. Apart from his parents he has one younger sister. Susheel is the eldest child and his sister is one year younger to him. Both his parents are middle-aged. His younger sister is in class III. His parents are illiterate.

The family is very poor and lives a hand to mouth existence. The only source of income for the family is the tea-stall which they manage near a major bus terminus of Guwahati City. They reside in a nearby slum. The earnings from the tea-stall is around Rs. 1500/- per month.

The Case - History

Susheel is a frail looking boy of below average height. He was a regular student before his arrest and was not employed,

although occasionally he used to help his parents in managing the tea-stall. Susheel was not very good in his studies although he managed to pass the annual examination at school. As he had to help his parents manage the tea-stall, he didn't get sufficient time for studies, nor did he have close friends either at school or in the locality. His parents didn't have cordial relations with one another and quarrels especially relating to money were very frequent. The combination of poverty, lack of recreation, unhealthy family atmosphere made him depressed. However, he didn't exhibit any deviant behaviour at this stage.

Suddenly, one day Susheel decided to run away from home, as the atmosphere there depressed him. He stole some money from the cash-box of the tea-stall and boarded a bus in the morning. He didn't even bother to enquire where the bus was going. After travelling for 6 hours he got down from the bus at a small town of a nearby district. He had his meal and started roaming about the town looking for a job. He couldn't get a job and had to spend the night in the bus station. He spent the next 2 days in the same manner. On the 3rd day he realised that he had exhausted all his money. He didn't have any money to buy food. Not knowing what to do he started moving around the bus station. All of a sudden he observed a man go to the toilet, leaving his bag on the bus platform. He went near the bag and after waiting for a few minutes lifted the bag and moved away. But his actions were observed by other passengers in the platform. An alarm was sounded and people started chasing him.

He was caught and handed over to police. From the police station he was sent to Observation Home, Jorhat.

Susheel has now spent about 3 months in the Home. His mother had visited him twice in the Home and his case is being heard in Jorhat Juvenile Court. He is learning tailoring. Susheel is bit of a loner. He doesn't have many friends in the Home nor does he interact much with other boys of the Home. He doesn't like the atmosphere there and leads an isolated existence. As for the future he wants to complete his education and then try to be self-employed. His mother is pursuing his case and he is likely to be released on probation soon.

Analysis

Poverty and consequent tension at home, lack of proper parental control and guidance are mainly responsible for the child's delinquency. In this case the child's peers do not exert much of an influence on the child. The child also displays some personality problems which bear some resemblance to sociopathic or psychopathic personality e.g. unsatisfactory social adjustment is characterised by lack of friends, isolated living, poor judgement, lack of motivation, impulsive behaviour and so on.

Case - 5

Ronny

Case-record

Name : Ronny
Address : A tea garden in Central Assam
Sex : Male
Age at the time of arrest/detention : 14 years
Reason for arrest/detention : Murder
Caste : Backward class
Religion : Christian
Mother Tongue : Assamese
Education : Unaided class VII

Family History

Ronny's family is nuclear type and has four members. Ronny is the eldest child and he has three younger brothers. His younger brothers aged 10 and 8 years are in class IV and II respectively, while his youngest brother is aged 6 years and hasn't started school yet. His parents are illiterate. His father had expired a few months back. Ronny's family is very poor. His father used to work as a labourer in the tea garden and earned about Rs. 1200/- per month. His mother works in the tea garden Hospital and earns about Rs. 1000/- per month. After his father's death, his mother's salary is the only source of income. The family resides in the labour colony provided by the tea garden management. It is a cluster of

houses which in some ways resembles a city slum. There is no electricity nor regular water-supply.

The Case History

Ronny is dark complexioned and of average height. He has a stout physique and is quite healthy. Ronny was a studious boy who attended school regularly. He was good in his studies and never failed in school. During his free time he had to help his mother in doing household jobs. As such he didn't get much time for play and recreation. Moreover, there was no one of his age-group in the locality. His father on the other hand was a bully. He used to drink every night and then come home and quarrel with his mother. The quarrels often led to physical violence. He used to beat his wife and children frequently.

One night his father came home after his usual stint in the nearby hotel. He was drunk. He entered the house and started an argument with his wife. Ronny at that time was in the kitchen helping his mother prepare a meal. The quarrel between his parents became very heated and his father started beating his mother. Ronny tried to intervene but in turn he was beaten by his father and was asked to leave the room. At that moment all his pent up frustrations and anger suddenly erupted. Something snapped inside his head. There was a piece of log lying nearby. Ronny picked it up and hit his father on his head. His father died instantly. The next day he was arrested by police and sent to Observation Home, Jorhat.

Ronny has now spent 8 months in the Home. He is learning tailoring. He is a quiet and obedient boy and hasn't

indulged in any serious deviant behaviour in the Home. He interacts with other boys in the Home as well as the staff. His uncle had come to visit him and is trying to get him released. However, the probation officer feels that it won't be advisable to let him return to his native place where most of the people are illiterate and may not show proper understanding. Moreover, the ethos of drinking, gambling and domestic violence which exists there may have harmful effects on the boy. Ronny plans to complete his education after release and then take a good job or be self-employed.

Analysis

Unhealthy family atmosphere, ethos of drinking, gambling, violence in the family are solely responsible for the child's delinquency. It is an offence committed under grave provocation' and was an instantaneous action, totally unpredicted and unplanned. It is the environment and the particular situation which led to the offence.

Case - 6

Kuldeep

Case-record

Name : Kuldeep
Address : A village in Punjab (Permanent)
Sex : Female
Age at the time of arrest/detention : 14 Years
Reason for Arrest : Murder
Caste : Backward class
Religion : Sikhism
Mother tongue : Punjabi
Education : Passed class II

Family History

Kuldeep is the third child of her parents. She has one elder brother, one elder sister and one younger brother. Her elder sister aged around 18 years is a school dropout, while her elder brother aged 16 years and younger brother are full-time students. Her father had studied upto high school while her mother upto class II. Her parents are middle-aged. Her family is very poor. Her father is a rickshawpuller earning about Rs. 1000/- a month while her mother works as domestic help earning about Rs. 500/- every month. The family does not have any other source of income.

The Case-History

Kuldeep is a tall and thin girl with a light complexion. She looks fit and healthy. Kuldeep had come to Guwahati from her

native village in Punjab as a companion to her aunt's children. Her aunt that is her father's sister lives in Guwahati alongwith her husband and 3 children. Her aunt's family is very prosperous. Her uncle owns a transport agency in Guwahati and has a fleet of trucks and buses. Kuldeep had dropped out of school and as her elder sister had also dropped out of school and her aunt had asked for a companion, her parents had sent her to Guwahati. Kuldeep is a quiet and obedient girl and adjusted well in her new household. She had to look after her aunt's young son aged about 6 years and two twin daughters aged around 4 years. A relative of her uncle, a boy of about 22 years had come to Guwahati to help her uncle in his business sometime back. Gradually a friendship began to develop between Kuldeep and the boy which soon turned into a full-fledged affair. They had sexual relations with each other. The boy then began to plan for the future. He told her that he would inherit her uncle's business if all their children died. He promised to marry her and also give her Rs. 20,000 if she killed the three children. She had to look for a good opportunity and kill them. As Kuldeep was in love with him she agreed.

One morning she was alone with the three children. The girls were playing while the boy was sleeping. She took a big dagger and stabbed both the girls. She had planned to kill the boy next but on seeing the blood and the cries of the girls she lost her nerve. She shouted for help and the neighbours gathered there. She told the people that some dacoits had entered the house and tried to kill them. Kuldeep was arrested.

and sent to Observation Home, Jalukbari. The boy who had instigated her had fled to Punjab. But police sent message there and he was arrested in Punjab. He is currently at Guwahati jail.

Kuldeep has spent about 6 months in Observation Home, Jalukbari. She is learning doll making and also attending the Home school. She is a quiet and obedient girl and doesn't interact much with other girls or staff. Her aunt had visited her once in the Home. She said her aunt is ready to accept her after release. But according to the Superintendent of the home, she is not likely to be released soon and would be formally sent to Special Home.

Analysis

Lack of education, poverty and above all bad company is responsible for the child's delinquency. As she had dropped out of school at an early age she didn't get much opportunity to mix with her peer group. She started working at an early age in her relative's house. Lonliness, lack of peer company made her develop friendship with the boy who is older than her, subsequent dependence on him and finally initiation into delinquent behaviour. She was exploited by the boy who was much older than her. She belonged to a vulnerable age group and the boy exploited her vulnerability.

Case - 7

Minoti

Case-record

Name : Minoti
Address : A village in a Central Assam district
Sex : Female
Age at the time of arrest/detention : 12 years
Reason for arrest/detention : Theft
Caste : Upper caste
Religion : Hinduism
Mother Tongue : Assamese
Education : Passed class 10

Family History

Minoti's family is nuclear type. She is the eldest child and has a younger brother aged 10 years. Her father had dropped out of school at primary level while her mother is illiterate. Minoti as well as her brother are school dropouts.

Minoti's father has two stationary shops and earn about Rs.1500/- per month. Minoti's mother works as a part time domestic servant and earns about Rs.500/- every month. Her parents didn't have cordial relations with each other. There were frequent quarrels between her parents. The main reason was adultery by her mother. Her mother had illicit relations with another man in the village. This finally led

to break-up of the family when her mother took her and her brother and came to Guwahati.

The Case - History

Minoti is a short and thin girl rather frail looking. She is not very healthy and suffers from frequent illness like influenza, fever.

In Guwahati her mother put her in a household as a domestic servant while she took a job in a wax factory. She worked there for about a year after which her mother put her in another household where all three that is mother, daughter and son worked together. The house where they stayed was very big with servant quarter. A man of about 25 years used to meet her mother in the house. He had illicit relations with her mother. After staying in that house for about 4 months, one night Minoti's mother stole gold ornaments from the house when their employer, his wife and children were away. The three of them after stealing the ornaments left in the morning. The man with whom her mother was having an affair, met them in the bus station. The four of them then moved away from the city. The employer had in the meantime reported the matter to the police.

After staying for about 2 months the four of them once again returned to Guwahati. Her mother put her in another house as a domestic servant while she and her brother went to work in some other place. Minoti did not know where her mother was working. After about one month, her employer

came to know about the theft in the other house. He at once informed the police and Minoti was arrested as an accomplice. Initially she was sent to Observation Home, Jalukbari and from there to Children's Home, Nagaon. The whereabouts of her mother, brother and the man are still unknown to her.

Minoti has been in Nagaon Home for about a year now. She attends the school there and plans to go to regular school after she passes class IV. She has friends in the Home and interacts with staff members and other girls. She plans to complete her education and only after that think about the future. She doesn't want to meet her parents nor does she want to go home.

Analysis

In this case the child is a victim of circumstances. Quarrelsome family atmosphere, immoral behaviour by her mother deeply affected her as a result of which she couldn't concentrate on her studies. She was forced to be a part of criminal activities indulged by her mother which led to her arrest. If she had continued to be with her mother it is highly probable that she too would have been initiated into a career of crime and immorality.

Case - 8

Pallavi

Case-record

Name : Pallavi
Address : A village in a Western Assam District
Sex : Female
Age at the time of arrest/detention : 15 years
Reason for arrest /detention : Eloped with a boy
Caste : Upper caste
Religion : Hinduism
Mother Tongue : Assamese
Education : Passed class IV

Family History

Pallavi is the eldest child of her parents. She has two younger sisters aged 14 and 8 years respectively. Both her sisters are attending school. Her mother is illiterate while her father is a primary school dropout. Her family is very poor. Her father owns a small shop from which he earns about Rs. 1500/- every month. Her mother suffers from a heart ailment and so can't work. The income from the shop is the only source of income for the family.

The Case History

Pallavi is a fair-complexioned girl of average height and quite healthy. She had studied in the village school upto class III. She was not good in her studies and subsequently

dropped out of school. Her family on the other hand was facing financial problems due to her mother's illness and shrinking income from her father's shop. Her father now decided to get her admitted to a destitute home. He got her admitted to a Home nearby. But since that particular Home was for elderly persons she was transferred to Children's Home, Nagaon, about 200 kms. from her native village.

When Pallavi came to Nagaon she was about 11 years old. She started attending the Home school. She was a good student and passed class IV. The Home authorities now allowed her to take admission in a regular school nearby. She got admission and passed class V and VI.

Near the Children's Home, Nagaon there is a Shiv temple. Every year during Shiv Ratri, Pooja is held there. The girls of the Home are also permitted to go there during Shiv Ratri. Once during the festival, she met a boy about 20 years old. He was a college student. Soon intimacy developed between them. As she was studying in a school outside the Home and she got ample opportunity to meet the boy. They started having an affair. The boy told her that he wanted to marry her immediately and so she should run away with him. Pallavi agreed. They planned to go a place in a nearby district where the boys relatives stay and who at that time were away. They both run away and stayed together for 5 days. During this period they had sexual relations with each other. On the other hand her absence was reported to police and

after 5 days both of them were arrested from the place where they were staying. Pallavi was sent to Observation Home, Jalukbari.

Till date, Pallavi has stayed in the Home for about 8 months. She is learning tailoring and cutting. She is a quiet and friendly girl and interacts with other girls and staff of the home. She hasn't exhibited any deviant behaviour in the Home. As regards the future she said she wants to learn a trade and take a job. She has no plans of going back to her native village. Her parents had never visited her in the Home and she has lost all contact with her family. The boy with whom she had eloped in Nagaon hasn't communicated with her since their elopement.

Analysis

Bad company is mainly responsible for the child's delinquency in this case. Lack of parental care, lack of proper control by the Home authorities had led to delinquency by the child. There was a gap in the socialisation process of the child as she was put into a institution at a very young age. She couldn't get proper parental care as she had to stay in the Home with other girls. She met the boy, older than her when she was at a vulnerable age. The boy exploited her vulnerability and later on abandoned her. She was deceived by the boy.

Case - 9

Ranu

Case-record

Name : Ranu
Address : Outskirts of Guwahati City
Sex : Female
Age at the time of arrest/detention : 16 years
Reason for arrest/detention : Eloped with three boys
Caste : Upper caste
Religion : Hinduism
Mother Tongue : Assamese
Education : Illiterate

Family History

Ranu's family is a joint one. She is the second child and has one elder brother about 25 years old, sister-in-law about 21 years old one younger brother about 8 years old. Her mother had died a few years back while her father is alive. Her father and sister-in-law are school dropouts while her elder brother is illiterate. Her younger brother had just started school. The family is very poor. Her father and elder brother are daily wage earners. The family income per month is about Rs. 1500/-. They stay in a rented house.

The Case History

Ranu is dark complected girl of medium height. She is a healthy girl with no major health problems.

Ranu was not sent to school by her parents due to financial problems. Her mother expired when she was 10 years old. A few years later her elder brother got married. Ranu didn't have good relations with her sister-in-law. So her father sent her to Delhi to work as domestic servant in an Assamese family where she stayed for one and half years. Her father then fell ill and she had to return home.

At Guwahati she met three boys all about 20 years old. They were masons and used to visit their house frequently as they knew her father and brother. Gradually, Ranu developed intimate friendship with them. One of the boys then suggested that she run away with them to a place some distance away. According to Ranu one of the boys promised to marry her. But her father, relatives and neighbours say that the boys offered money to her which she accepted. One morning she packed her clothes and went with them.

The four of them stayed in the hotel after booking two rooms for 5 days. All the boys had sexual relations with her. Her father had in the meantime reported the incident to police. The police arrested the four of them from the hotel where they were staying. Mistaking her as an adult the police initially sent her to jail where she stayed for three months. After age-determination tests it was found that she was a minor, so she was sent to Observation Home, Jalukbari. The boys were later released on bail.

Ranu has completed 3 months in the home. She is learning doll-making and also attending the Home school. She is a very quiet and obedient girl. She doesn't interact much with other girls or staff at the Home. She hasn't indulged in any deviant behaviour at the Home. She says she doesn't like the atmosphere in the Home and so wants to go back home. She is also not at all interested in studies or in learning a trade. She wants to revert back to her earlier occupation of maid-servant as she feels she is not suitable for any other occupation. When asked whether society will readily accept her she said people don't blame her but blame the boys. Her father had met her several times at the Home and is trying to get her released on probation.

Analysis

Lack of education, poverty, lack of proper parental care, death of one parent at an early age, quarrelsome home atmosphere, bad company are responsible for the child's delinquency. The child here may have soon entered into a career of professional delinquency. She was in the initial stages. The distance or rather the difference between elopement with 3 boys and prostitution is very thin. Given the societal reaction to such elopement and labelling the individual gets, a career in prostitution is the next stage. The girl is illiterate, comes from a poor family and had worked for some years. Here too the girl was at a vulnerable age and the boys exploited her vulnerability leading to delinquency.

Case - 10

Meena

Case-record

Name : Meena
Address : A village in a district in western Assam.
Sex : Female
Age at time of arrest/detention : 17 years
Reason for arrest/detention : Eloped with a boy
Caste : Upper caste
Religion : Hinduism
Mother Tongue : Assamese
Education : Passed class 1

Family History

Meena's family is a joint family with six members. She is the youngest child in the family and has two elder brothers, both of whom are in their early thirties. Apart from them she has two sister-in-laws. Her father died when she was just two years old. Her mother is about 50 years old. Her mother and one elder brother is illiterate while the other brother is matriculate. Her sister-in-laws are school dropouts. The family owns some agricultural land which her elder brother cultivates. The total family income is about Rs. 1500/- apart from some of the produce from their land which is consumed by the family.

The Case History

Meena is fair-complexioned girl of medium height. She has a light complexion and is quite healthy.

Meena was admitted to the village school where she passed class I. But she was not good in her studies and failed in class II. So she dropped out of school and started helping her mother in household chores. As a result she didn't have any time to play and mix with other children of her age. A few years passed. When she was 15 years old her elder brother got married. Meena couldn't adjust properly with her sister-in-law. Financial problems too started at that time. So her family decided to put her in a household in Guwahati as a domestic servant. There she got food, clothes apart from a token amount of money for her services. She worked there for about 1 year. Near the house where she worked there was a fabrication shop where some young boys were employed. As there was some construction work going on in her employers house these boys used to come there frequently. She became friendly with one of them and soon intimacy developed between them. They had sexual relations with each other.

Meena and the boy now decided to marry. So, one morning she and the boy ran away to another part of Guwahati where the boy's sister lived. They stayed for two days. On the third day they went to a nearby temple to get married. Her employer had, on the other hand informed the police about

her disappearance. Inside the temple they met the priest and told him about their plan. The priest however, became suspicious and asked them to return after sometime. He then informed the police. Meena and the boy returned to the temple after some time to find the police waiting for them. Both were arrested. Meena was sent to Observation Home, Jalukbari.

Till date, Meena has completed 3 months at Home. She is learning tailoring and also attending the Home school. She doesn't interact much with other girls or staff of the Home. She is also a quiet and obedient girl and hasn't indulged in any deviant behaviour in the home. She is neither interested in learning a trade nor a vocation. She wants to go back to her home and marry the boy with whom she had eloped. Her family members haven't met her at the Home. She said that they don't know that she is there nor has the boyfriend tried to meet her.

Analysis

In this case lack of proper parental control, lack of education, lack of peer group company and subsequent loneliness leading to association with bad characters is responsible for the child's delinquency. It is difficult to say whether the boy really planned to marry her. If his intentions were not honourable she could have been easily pushed into a career of delinquency given the social stigma attached to elopement. The girl was vulnerable and the boy had exploited her vulnerability leading to delinquency.

Case - 11

Hamida

Case-record

Name : Hamida
Address : A village in a district in western Assam
Sex : Female
Age at the time of arrest/detention : 13 years
Reason for arrest/detention : Ran away from home.
Caste : Sunni Muslim
Religion : Islam
Mother Tongue : Bengali
Education : Passed class 11

Family History

Hamida's family is a joint family with 8 members. She is the third child and has two elder brothers and three younger brothers. Her mother had died two years back. Her father is around 55 years old. Her elder brothers are about 35 and 20 years respectively and younger brothers between 6-10 years of age. One of her elder brother is married and her sister-in-law resides with the family. Her father, two elder brothers and sister-in-law are illiterate while two of her younger brothers are currently in school. Her father and elder brother own a small shop in Guwahati, while her other brother is a mechanic in a garage. The family income is about Rs. 2000/- per month.

The Case History

Hamida is a short girl with a dark complexion. Although she is thin and frail looking, she is quite healthy.

Hamida was admitted to the village school by her parents. She was good in studies and had never failed in school. When she was 12 years old her elder brother got married. The family members didn't have cordial relations with each other. Quarrels leading to physical violence was very common between her two elder brothers. Her married brother was a very strict man while her other elder brother had bad habits like drinking, gambling. As her father was in Guwahati most of the time he couldn't control them. Hamida didn't like her family's atmosphere.

One evening she and two of her friends decided to go to a nearby village to see a play. Her elder brother allowed her to go. They had planned to return by 7-30 PM. However, the play was longer than they expected and by the time they returned it was 9-30 PM. Her friends left her near her home. She felt scared of going in. She was afraid that her elder brother would beat her. After waiting for sometime she started moving away from her home towards the main road. She started walking towards the bus terminal. At that point of time she was still undecided as to her future course of action. She had some money with her. There was a bus waiting there which was going to Guwahati. She boarded the bus and took a seat. As it was dark nobody noticed her.

The next morning she reached Guwahati. She knew that her father was in Guwahati but didn't know his address. She didn't quite know how to search for her father. She got down from the bus and then started moving around the bus station aimlessly. Her aimless wandering was observed by the people at the bus terminus who in turn informed the police. She was taken into custody and sent to Observation Home, Jalukbari.

Hamida has spent more than a year in the Home. She is attending the Home school and also learning embroidery, doll-making. She is a quiet and obedient girl and hasn't exhibited any deviant behaviour in the Home. She plans to learn a trade and then take a job. Her father has recently come to know that she is in the Home and is trying to get her released. He wants her to go back to school and she too has shown an interest in school.-She is likely to be released soon.

Analysis

The child here suffered from fear-psychosis. She was extremely scared of her brother. The child couldn't adjust with her family nor in the Home. Running away from home all alone and in such a late hour is an extremely impulsive and highly risky action which she took without thinking of the consequences. No doubt loss of mother at an early age, quarrelsome family life contributed to her decision but it seems the girl suffers from some personality problems.

Conclusion

In most of the cases bad company and peer group influence are primarily responsible for the deviant activities. It is in the company of friends and associates that the children learn delinquent behaviour. In some of the cases lack of proper socialisation due to daily struggle for existence by the parents have led to neglect of the children which in turn led to deviance. Most of the children had dropped out of school at an early age while one is illiterate. The family had failed to give proper care and the education system had failed. Some of the girls were exploited by males older than them and it is they who pushed these girls into delinquency. After peer group, lack of parental control and in some cases unhealthy family atmosphere have contributed to the delinquency of the children.

CHAPTER -IX

CONCLUSION : FINDINGS AND POLICY IMPLICATIONS.

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In the present study an attempt has been made to explore and analyse the phenomenon of juvenile delinquency in the specific context of Assam as there is lack of sufficient data on juvenile delinquency in Assam. In order to make the study very specific, this study is restricted to the delinquents residing in correctional institutions within the state of Assam. Primary data was collected through interviews and observation. Secondary sources such as case records of the children maintained by the correctional institutions were also used to collect background information. Secondary data were collected from sources such as journals and other published works. It is an empirical study of juvenile delinquency. The study aims at generating data about the problem of delinquency in the state. The data presented in the foregoing chapters relates to the sociological background of the delinquents, analysis of the delinquent acts, activities of the delinquents in correctional institutions followed by a description of the perceptions of the delinquents towards society, their offences and their future. In the last chapter eleven case-studies were presented.

We began with an analysis of the social context in which the child was brought up. Initially some of the important variables relating to the delinquents were presented. It is seen

that majority of the delinquents belong to the 13-16 age group. However, there are differences with regard to sex. The mean age is 14.84, but the mean age for girls is 15.45 while that of boys is 14.10. This difference is mainly due to the difference in the legal definition of delinquent for boys and girls. An overwhelming majority of the children belonging to Assam, are Hindus by religion and belong to rural areas. Out of this SC, ST and OBC categories constitute the major chunk. This implies that most delinquency is committed by children of lower caste. However, when we comprehend the issue with income variable, the picture looks very different. Most of the children belong to low-income group or to the lowest rung of economic class. The lower castes constitute a majority of this class. Delinquency amongst elite or upper-income class is rare.

The rate of migration is however, very low. The majority of the families of the delinquents are nuclear families and also majority of the children come from broken homes that is families where at least one parent is absent. Majority of the children are also second born and average size of the families is 5-6 members which is quite high, while average income is Rs. 1456.24 which is quite low. The parents/guardians are mostly daily wage earners or cultivators. The land holdings of the parents/guardians interviewed are small. The educational level of both children, their parents/guardians is low. An overwhelming majority were employed before arrest/detention out of which majority as domestic servants. This shows the

prevalence of child labour and their vulnerability to delinquency arising out of contact with adults in their working life.

Another important variable analysed was family atmosphere. Majority of the children reported quarrels in their families and their involvement in these quarrels is also quite high. Most quarrels were due to money matters or drinking. However, only about one-sixth of the children reported criminality in their families leading to arrests.

Hence, we get a picture of low caste rural children with low level of education. They come mostly from broken homes which are of large size and characterised by quarrels, low level of education, low income which in turn leads to employment of the children. Our data reveals that broken homes exists in rural areas too. It is not an urban phenomenon alone. Our hypothesis that most of the delinquents comes from broken homes, poor families, have low level of education and were employed before arrest/detention thus holds true.

In the next chapter i.e chapter No-5, we described the deviant act in terms of its determinants and interactions with other variables. The determinants are mainly peer group, previous record of delinquency, corrective measures taken by parents/guardians. We started with some basic information relating to the peer group. About three-fourths of the children admitted that they had friends with whom they carried out

normal childhood activities like studying, playing, gossiping etc. Only about one third said they didn't have friends and that too due to lack of contact with other children as a result of employment. The children didn't quarrel frequently with their peers. While most of the children didn't possess any weapon like daggers, revolver, a small minority of the children possessed such weapons. Out of the parents/guardians interviewed, about one-third said that their wards exhibited deviant behaviour before arrest/detention. Half of the children were arrested in groups and the other half were arrested alone. In some cases, family members were also arrested along with children. The major offence which accounts for most arrest is theft, which is a criminal offence. The other criminal offences include robbery, murder, abduction, extortion. The non-criminal offences include runaways and elopements cases. A majority of the girl delinquents were involved in elopement cases or were runaways who were detained by the police as a protective measure. In majority of the cases the parents/guardians didn't come to bail them out. The parents/guardians interviewed, place the responsibility of delinquency mainly on the peer group.

It is also seen from the data that fights between the children and peers at school or in the neighbourhood were rare and weapons were not used in these fights. So our second hypothesis that most delinquents did not have good relations with their friends in school or neighbourhood and that they fight frequently does not hold true. Next, we analysed the

differences between the criminal and non-criminal offenders by using the chi-square test. It is found that with regard to level of education, parental status i.e. whether parents are alive or dead, family atmosphere and family income there is no difference between criminal and non-criminal offenders. It is only with regard to age that the two groups vary.

So it can be concluded that an overwhelming majority of the children had a normal childhood with regards to friends and peer group and only a few of them indulged in deviant acts before arrest. The family atmosphere, parental status, educational level, family income of the criminal and non-criminal offenders are similar. Both categories of children share the same background. The non-criminal delinquents that is the runaways and the elopement cases are thus children at high risk for whom criminal behaviour is only a small step away. They are highly vulnerable to offences like theft, prostitution, robbery etc.

The data here reveals that the children mainly learnt delinquent behaviour from their peers and family members through close association with them. They mostly came into close contact with peers as well as adults in their day to day life as child workers. In some of the families adult family members also indulged in criminal behaviour. In case of the girl delinquents they belong to a vulnerable age-group and they were exploited by adult males as well as females.

The children after arrest/detention are put into correctional institutions and the aim is to transform them into non-deviants. This is described in the next chapter i.e. chapter 6. About one-third of the children have stayed in correctional institutions for 4-12 month. A majority has stayed for less than 1 year. There are some children who have stayed for 3-4 years or even more. For most children it is their first remand into a correctional institution. Majority of the children, haven't met their parents/guardians after being put into the Home, due to various reasons like parents/guardians not being aware of their stay there, lack of finance to visit their wards. Some parents/guardians who were interviewed didn't want to bring back the child. So they haven't visited the Home.

All the four correctional institutions where the study was carried out have different vocational training courses for the children. The Fatasil and Nagaon Home school's certificates are recognised for admission to regular schools. However, the schools at Jalukabari and Jorhat Homes are basically illiteracy eradication schools whose certificates are not recognised by schools outside. All the four Homes provide different vocational training courses like tailoring, bagmaking, knitting and embroidery, doll making, weaving. As per J.J.Act, the juveniles arrested/detained are to be sent to an Observation Home during the period of enquiry which shouldn't exceed 3 months. Observation Homes are for temporary reception of juveniles. But as enquiries continue even after 3

months these Homes also provide facilities like . school, vocational training . So, in reality they are Observation Homes as well as Special homes/Juvenile homes.

A majority of the children say that they enjoy and participate in the activities of the Home. From the questions asked and observations of the staff of the Homes, it seems that male homosexuality is not present in the Homes mainly due to strict segregation of juveniles according to their age. In case of female juveniles all of them are kept together with other women like prostitutes, destitute women and other female offenders. As such homosexuality among female offenders may be quite high. Majority of the children didn't report frequent quarrels or physical fights with other juveniles. They also didn't report any maltreatment by the staff of the Homes except a few children. Although majority of the children didn't commit any deviant act in the Homes, it should be mentioned that this is based on officially reported deviant acts like attempt to escape, physical fights, quarrels etc. Many such activities are not reported to the Home authorities. As such the actual percentage of children who have indulged in deviant behaviour in the Homes may be much higher than the reported one-third. It can be concluded that some children have carried on deviant activities in the correctional institutions. Also most juveniles do not desire any new activity in the Homes. They are satisfied with the present activities.

Though their judgement may be imperfect it can be concluded that the children are not dissatisfied with the conditions prevailing in the correctional institutions. They have friends, have formed relationships and take part in different activities.

Our hypothesis that the delinquents have continued their deviant activities in the Homes holds true. But we have found that they don't frequently fight with the staff or other juveniles, nor are they abused or maltreated by the staff of the homes.

In the next chapter i.e. chapter 7, we described the perception of the children towards their future. Majority of the children have not met their family members after being put into the institutions. Some of them have completely lost touch with and infact would not be able to locate their homes if they are released. So an important question is what will happen to them after release. Most of the children feel that the present activities in the Homes will help their future as they can learn a trade and take a job or be self-employed or go to regular school and complete education. One-third of the children feel that present activities will not help their future careers and so they would go back to their former employment or to school. While four-fifths of the children and majority of the parents/guardians interviewed are not aware of the probable date of release of the child, four-fifths of the parents/guardians interviewed have discussed the child's

problem with the head of the correctional institutions. This shows they are concerned about the child's future. Again majority of the children want to go back home after release and feel that their families will accept them. But there are some who want to stay in the Homes and some who want to go back to their former employers. These are mainly children who have lost contact with their families. Similarly, four-fifth of the parents/guardians interviewed feel that society will accept the children after release and they can lead respectable lives. The children when asked about their aim in life, one-third said completing education is their immediate aim and only after completing their education would they think about their future, two-fifth said taking a job or being self-employed, while another one-third didn't have any specific aim. Similarly, another two-fifth of the parents/guardians interviewed said sending the child back to school is their future plan for the child while one-third wanted their wards to take a job or a vocation. So getting settled in a job/vocation is an important aim of both the children as well as their parents/guardians. It is also clear that they attach a lot of importance to education.

It can be said that the children are not fatalistic about their future or that they don't have any specific aim in life as we have assumed in our hypothesis. With the exception of a few juveniles, most have specific aims and are optimistic about their future. Thus it is seen that exposure to education,

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vocational training has created a somewhat positive attitude in the children.

Eleven case studies were presented in chapter-8. These case studies show that in most cases bad company and peer groups influence are responsible for the deviant activities of the children. Apart from this, poverty, lack of proper socialisation, unhealthy family atmosphere have also led to delinquency. The family had failed to give proper care and the education system had failed. Some of the girls were exploited by males older than them, thus pushing them to delinquency .

A lot needs to be done by the concerned officers of the correctional institutions and their higher-ups in social welfare department of the state. A majority of the children haven't met their parents/guardians after their entry into the institutions. It is likely that most of them will not or never meet them. These children need love and affection which only parents can provide. In the correctional institutions a large number of children reside and it is not possible for the authorities to give the same love and affection as parents. The authorities will have to take steps for their employment or self-employment. Most of the inmates are females and will thus require a lot of help and encouragement. It is not sufficient to simply provide vocational training. The utilisation of such training by the children in future has to be taken into consideration. If this is not done most of the children will simply be confined to the same Homes as destitutes. The conditions in

the institutions require improvement. The juveniles who are destitute, physically handicapped have to be separated from the deviant ones. This can only be done by separating the present institutions into Observation, Special and Juvenile Homes. In case of the girl juveniles staying in the Jalukbari Home, this has become absolutely necessary. A few more vocational training courses have to be introduced in all the Homes.

Although many children continued their deviant activities in the Homes, a lot many are not deviant. The deviants have to be motivated to be non-deviant through positive sanctions. The capabilities, interests and talents of the children have to be identified, assessed and then put into constructive use through diversified vocational training programmes. A definite after-care policy also needs to be evolved. Many children do not or cannot return to their families, some are no longer juveniles. An after-care policy should be able to take care of them.

APPENDIXES

APPENDIX-I

SALIENT FEATURES OF LEGISLATION APPLICABLE TO JUVENILES IN CONFLICT WITH LAW AT PRESENT-

JUVENILE JUSTICE ACT(1986) (J.J.Act)

The JJ act, accepts and approves of the approach, as found desirable in the implementation of the Children's Acts. It, like the Children's Acts, envisages a two-pronged machinery for the juveniles viz.

- (1) Juvenile Welfare Boards in relation to neglected juveniles and
- (2) Juvenile Courts in relation to delinquent juveniles.

(1) Juvenile Welfare Board

The Juvenile Welfare Board is an agency for exercising the powers and discharging the duties conferred or imposed on such boards in relation to 'neglected juveniles', meaning a juvenile who (a) is found begging; (b) is found without having any home or settled place of abode and without any ostensible means of subsistence and is destitute; (c) has a parent or guardian who is unfit or incapacitated to exercise control over the juvenile; or (d) lives in a brothel or with a prostitute or frequently goes to any place used for the purpose of

prostitution or is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved life; (e) who is being or is likely to be abused or exploited for immoral or illegal purposes for unconscionable gains. The State Government is empowered to constitute the Juvenile Welfare Board for a specified area. The Board consists of a chairman and such other members, as the State Government thinks fit, to appoint of whom at least one should be a woman. Each member is vested with the powers of a magistrate under CrPc. The member appointed for conducting the business of the Board, usually possess knowledge of child psychology and child welfare. The other characteristics of the Board are :

(1) Board, usually sits in a different building or room from that in which sittings of the court (other than juvenile court) are held or on different days from those on which sittings of such courts are held. The sittings of the Board are held in an informal atmosphere, usually in a room attached to a Remand Home. Care is taken to see that the child against whom proceedings are instituted feels a home like atmosphere during the proceedings.

(11) Any police officer or any other person authorized by the government on its behalf may take charge of the neglected child to be produced before the Board within 24 hours excluding the time required for the journey. Every neglected juvenile taken charge of shall, unless he is kept with his parents or

guardian, be sent to an observation home, but not to a police station or jail, until he can be brought before a board. The board while holding an enquiry under the act follows the procedure as laid down in CrPc.

(iii) When the child alleged to be neglected is produced, the Board informs him of the content of the application against him and examines the police officer or other authorized person producing the child. The Board, whenever it thinks fit may require any parent or guardian having actual charge of or control over the child to be present at the proceedings in respect of the child. Before deciding the case, a report of the probation officer is asked for regarding the social conditions, family background and the personality make-up of the child.

(iv) Where the Board is satisfied that the child is a neglected child and it is expedient to deal with him, may after taking into consideration, (a) the age of the child; (b) the circumstances in which the child is living; (c) the report of the probation officer; (d) the religious persuasion of the child; and (e) such other circumstances, as may be necessary in the interest of the child, make an order directing the child to be sent to a juvenile home for a period till it ceases to be juvenile, which may be extended to 18 years for boys and 20 years for girls by the Board. The Board may also place the child under the care of a parent or guardian or other fit person after executing a bond with or without sureties, to be responsible for the good behaviour and well-being of the child and other

condition as may be imposed. When a parent or guardian of a juvenile complains to the Board that he is not able to exercise proper care and control over the juvenile, the same procedure will apply.

(2) Juvenile Court

The Juvenile Court has its jurisdiction over juveniles who are declared delinquent for having committed offences. The Court consists of such number of Metropolitan Magistrate or Judicial Magistrates of the first class, as the case may be, forming a bench, as the State Government thinks fit to appoint. Out of these Magistrates forming the bench, one is designated as the Principal Magistrate. Every such bench has the powers conferred by the CrPc on a Metropolitan Magistrate or a Judicial Magistrate of the first class. Every Juvenile Court is assisted by a panel of two honorary social workers forming the panel. For the panel, The State Governments usually gives preference to the following categories of persons :

(a) respectable educated citizen with the background of special knowledge of child psychology, social work, education or home science; (b) a teacher, a doctor, a retired public servant or a professional who is involved in such cases and (c) a social worker who has been directly engaged in child welfare.

The distinguishing features of Juvenile Courts are:

(1) In all cases relating to juvenile delinquents, the proceedings usually are conducted in as simple a manner as possible and

no unnecessary formalities are observed. Due care is taken to ensure that the juvenile against whom the proceedings have been instituted feels a home-like atmosphere, is not kept under the close guard of a police officer but is allowed to sit or stand by himself or in the company of the relative or friend or probation officer at some convenient place or near to it as possible. The courts sits in a building or rooms different from that in which the ordinary civil or criminal courts are held.

(11) Juveniles accused of a bailable or non-bailable offence is arrested or detained or brought before a Juvenile Court are generally released on bail with or without surety, unless there appears reasonable ground for believing that the release is likely to bring them into association with any known criminal or expose them to danger or that their release would defeat the ends of justice. Delinquent juveniles, who are not released on bail subsequent to their arrest are kept in observatin home or place of safety but not in a police station or jail until they can be brought before the Juvenile Court or for such period during the pendency of the inquiry. Consequent upon the arrest of a juvenile, the officer-in-charge of the police station informs (a) the parents or guardian of the juvenile, if they could be found of such arrest and directs them to be present at the Juvenile Court before which the juvenile is to be produced and (b) the probation officer of such arrest, in order to enable him to obtain onformation regarding the antecedents and family

background of the juvenile and other material circumstances likely to be of assistance to the Juvenile Court in making the inquiry ;

(iii) Where a Juvenile Court is satisfied on inquiry that the juvenile has committed an offense, the Juvenile Court may :

(a) allow the juvenile to go home after advise or admonition ;

(b) direct the juvenile to be released on probation of good conduct and place him under the care of any parent, guardian or any fit person executing a bond, with or without surety, for good behaviour and well-being of the juvenile for any period not exceeding three years ; (c) make an order directing the juvenile to be sent to a special home for: (I) in case of a boy over fourteen years or a girl over sixteen years for a period not less than three years, (II) In case of any other juvenile for a period until he ceases to be a juvenile, and; (d) order the juvenile to pay a fine if he is over fourteen years and earns money. Juveniles released on probation are placed under the supervision of a probation officer. The inquiry regarding the juvenile is to be completed within a period of three months, unless for special reasons recorded in writing by competent authority. (iv) A juvenile cannot be charged with and tried for any offense together with a person who is not a juvenile dealt under this act will not suffer from any disqualification attaching to a conviction of an offence under such law.

(v) No report in any newspaper, magazine or any newsheet of any inquiry regarding a juvenile is allowed to disclose the name address or any other particulars calculated to lead to the identification of the juvenile nor shall any picture of any such juvenile be published unless the competent authority otherwise directs such disclosure in the interests of the child. Any persons contravening the provision is liable to a punishment or fine extending to one thousand rupees.

Absence of Board/Court

Where no Board or Juvenile Court has been constituted for any area, the powers conferred on the Board or the Juvenile Court by or under this act shall be exercised in that area, only by the following, namely :

- (a) The District Magistrate ; or
- (b) The Sub-Divisional Magistrate; or
- (c) Any Metropolitan Magistrate or Judicial Magistrate of the first class, as the case may be .

The powers conferred on the Board or Juvenile Court under this act may also be exercised by the High Court and the Court of Sessions , when the proceedings comes before them in appeal, revision or otherwise .

Juvenile detention Institutions under the Act

Juvenile Home

The State Government may establish as many juveniles homes as may be necessary for the reception of neglected juveniles under this act . If the State Government is of the opinion that any institution other than a Home established or maintained by it is fit for the reception of neglected juveniles, it may certify such an institution as a juvenile home . Every juvenile home to which a neglected juvenile is sent under this act shall not only provide the juvenile with accomodation, maintainance and facilities for education , vocational training, rehabilitation but also provide him with facilities for the development of his character , and abilities and give him necessary training for protecting himself against moral danger or exploitation and shall also perform such other functions as may be prescribed to ensure all round growth and development of his personality. The State Government may make rules for the management of the Homes including standards, nature of services etc.

Special Homes

The State Government under this act may establish and maintain as many special homes as may be necessary for the reception of delinquent juveniles. Where the State Government is of the opinion that any institution other than a Home so established

and maintained by it, is fit for the reception of the delinquent juveniles to be sent there under this act, it may certify such an institution as a special home to which a delinquent juvenile is sent under this act shall not only provide the juveniles with education, vocational training and rehabilitation but shall also provide him with facilities for development of his character and abilities and give him necessary training for his reformation and shall also perform such other functions as may be prescribed to ensure all round growth and development of his personality. The State Govt. may make rules regarding management of the Homes and may also provide for the classification and separation of delinquent juveniles on the basis of age and the nature of offences committed by them.

Observation Homes

Similarly, the State Government may establish and maintain under this act, as many observation homes as may be necessary for the temporary reception of juveniles, during the pendency of any inquiry regarding them under this act. The State Government may also recognise any other institution other than the one's established and maintained by it as observation homes. Every observation home to which a juvenile is sent whether neglected or delinquent shall not only provide the juvenile with accommodation, maintenance and facilities for medical examination and treatment but also provide him with facilities

for useful occupation. The State Government may make rules regarding management of such homes.

After-care Organisation

The State Government may by rules under this act, provide for the establishment and recognition of after-care organisation and for a scheme of after-care programmes to be followed by such after-care organisation for the purpose of taking care of juveniles after they leave juvenile homes or special homes and for the purpose of enabling them to lead a industrious and useful life. The State Government may also provide for the preparation or submission of a report by the probation officer in respect of each juvenile prior to his discharge from a juvenile home or special home, as the case may be, regarding the necessity and nature of after-care of such juvenile, the period of such after-care, supervision thereof and for the submission of a report by the probation officer on the progress of each such juvenile. The State Government may also make rules regarding standards, nature of services and other such matters related to such organization.

APPENDIX-II

CHI - SQUARE TEST

The word associations as used in statistics has a technical meaning different from the one used in ordinary speech. In common language one speaks of A and B is associated if they occur together in a number of cases. But statistically two attributes are said to be associated if they occur together in a large number of cases than expected if they were independent. On the other hand, if this number (or proportion) is less than expected for independence, they are disassociated. Tests of significance such as t, F and Z are based on the assumption that the samples are drawn from normally distributed population or more accurately that the sample means are normally distributed. Since, the testing procedure requires assumptions about the type of population or parameters i.e. population values, these tests are known as parametric tests. There are many situations in which it is not possible to make any rigid assumptions about the distribution of the population from which the samples are drawn. This limitation has led to the development of a group of alternative techniques known as non-parametric or distribution free methods. When non-parametric tests are used no assumptions about the parameters of the population or population from which we draw our sample is made. Originating in sociological and psychological research, non-parametric tests today are very popular in behavioral sciences.

However, popularity should not lead to an impression that they are superior to parametric methods. In fact in situations where both parametric and non-parametric tests apply, the former are more desirable than the latter.

The χ^2 test is one of the simplest and most widely used non-parametric tests in statistical work. The greek letter χ^2 was first used by Prof. Karl Pearson in the year 1900. The quantity describes the magnitude of the discrepancy between theory and observation. It is defined as

$$\chi^2 = \sum \frac{(O-E)^2}{E},$$

where O refers to observed frequencies and E refers to expected frequencies. This test is applicable to a large number of problems in practice which can be summed up under the following heads : (i) χ^2 test as a test of independence, (ii) χ^2 test as a test of goodness of fit, (iii) χ^2 test as a test of homogeneity. In the present study, χ^2 is used as a test of independence.

χ^2 TEST AS A TEST OF INDEPENDENCE

With the help of χ^2 test we can find out whether two or more attributes are associated or not. Suppose we have N observations classified according to some attributes. We may ask whether the attributes are related or independent. Thus we can find out whether quinine is effective in controlling fever

or not, whether there is any association between marriage and failure or eye colours of husband and wife. In order to test whether or not the attributes are associated we take the null hypothesis (H_0) that there is no association in the attributes under study or in other words the attributes are independent. If the calculated value of χ^2 is less than the value at a certain level of significance (generally 5% level), we say that the results of the experiment provides no evidence for doubting the hypothesis or in other words, the hypothesis that the attributes are not associated holds good. On the other hand, if the calculated value of χ^2 is greater than the Table value at a certain level of significance, we say that the results of the experiment do not support the hypothesis or in other words, the attributes are associated. It should be noted that χ^2 is not a measure of the degree or form of relationship, it only tells us whether two principles of classification are or are not significantly related without reference to any assumptions concerning the form of relationship.

APPENDIX-III

INTERVIEW SCHEDULE FOR THE CHILD

- (1) Name :
Age :
Sex :
Religion :
State of origin :
Caste :
Mother Tongue :
- (2) Present address :
- (3) Permanent/Home address :
- (4) Status of the juvenile : Whether
- (a) Under observation ()
- (b) Inmate of special home ()
- (c) Other (specify) ()

PRE-INSTITUTIONAL LIFE OF THE CHILD

- (5) Name of the family head : (specify whether Father/Mother/
Guardian).
- (6) Whether family resides in :
- (a) Rural area ()
- (b) Urban area ()
- Name the nearest town and its distance :
- (7) Had their family migrated from some other place ?
- (a) Yes ()
- (b) No ()

If yes mention the place from which migrated and period of residence at present home address :

(8) Whether :

- (a) Both parents alive ()
- (b) Father alive, mother dead ()
- (c) Mother alive, Father dead ()
- (d) Both parents dead ()
- (e) Have a step father ()
- (f) Have a step mother ()

(9) If both parents dead or if stayed apart from parents then how is he/she related to guardian ?

- (a) Elder brother/sister ()
- (b) Blood relative (specify) ()
- (c) Neighbour/belongs to same Village ()
- (d) Other (specify) ()

(10) If one or both parents dead then age of the child at the time of parents dead :

(11) Details of family :

Sl.No	Relationship to the child referrant and name	Age	Occupation	Income	Educational Qualification

(12) Whether :

(a) Joint family ()

(b) Nuclear family ()

(13) Was he/she attending school at the time of arrest ?

(a) Yes ()

(b) No ()

If no mention whether :

(a) Dropout ()

(b) Never attended school ()

Reasons for never attending school or for dropping out of school ?

(a) Parents didn't consider school necessary ()

(b) Didn't like school ()

(c) Parents didn't send him to school due to financial problems ()

(d) To supplement family income ()

(e) Himself/herself didn't consider school necessary ()

(f) Other (specify) ()

Did he/she ever fail in school ?

(a) Yes ()

(b) No ()

If yes mention no. of time :

Mention level reached at school :

(a) Primary ()

(b) Middle ()

- (c) High School ()
- (d) Other (specify) ()
- (14) If dropout or never attended school then what did he/she do during school time ?
- (a) Household work ()
- (b) Idle ()
- (c) Employed ()
- (d) Other (specify) ()
- (15) If employed then nature of employment and income earned per month. In7
- (16) Atmosphere at home : Whether family members :
- (a) Quarreled frequently ()
- (b) Quarreled occasionally ()
- (c) Rarely quarreled ()
- (d) Did not quarrel at all ()
- (i) Most quarrels were between :
- (a) Parents/Guardians ()
- (b) Siblings ()
- (c) Parents/Guardians and Siblings ()
- (d) Other (specify) ()
- (ii) Did quarrels often lead to physical violence ?
- (a) Yes ()
- (b) No ()
- (iii) If yes then between which members ?
- (a) Mostly between parents/guardians ()

- (b) Mostly between parents and siblings ()
- (c) Mostly between siblings ()
- (d) Other (specify) ()
- (iv) His/her involvement in family quarrels :
- (a) Always ()
- (b) Frequently ()
- (c) Rarely ()
- (d) Never ()
- (v) Did he/she ever experience excessive physical violence from family members ?
- (a) Yes ()
- (b) No ()
- (vi) If yes then from whom mostly ?
- (a) Parents/guardians (specify) ()
- (b) Siblings (specify) ()
- (c) Both (a) and (b) ()
- (vii) Most family quarrels related to :
- (a) Money ()
- (b) Drinking ()
- (c) Gambling ()
- (d) Idleness ()
- (e) Studies ()
- (f) Other (specify) ()
- (17) Was any family member ever arrested/convicted ?
- (a) Yes ()
- (b) No ()

If yes state who, the offence and period in custody

(18) Did he/she have friends of same age group ?

(a) Yes ()

(b) No ()

If yes describe activities with them :

If no state why ?

(19) Did he/she quarrel frequently with them ?

(a) Yes ()

(b) No ()

If yes then most quarrels related to :

(a) Play activities ()

(b) Money matters ()

(c) Gambling ()

(d) Studies ()

(e) Other (specify) ()

(20) Was he/she ever involved in frequent physical fights with friends ?

(a) Yes ()

(b) No ()

(21) Did he/she or friends possess any weapon ?

(a) He/she possessed a weapon ()

(b) He/she as well as friends possessed weapons ()

(c) Only friends possessed weapons ()

(d) Neither he/she nor friends possessed weapons ()

If (a), (b) or (c) describe the weapon(s).

(22) Describe offence for which arrested and age at the time of arrest ?

(23) ^{*}Period of stay at the Home till date : (Give date of admission)

(24) Whether arrested alone or in a group ?

(a) Arrested alone ()

(b) Arrested in a group ()

If arrested in a group then what happened to the others ?

(25) Did any family come for bail ?

(a) Yes ()

(b) No ()

If yes specify who and describe their reaction :

INSTITUTIONAL LIFE OF THE CHILD

(26) Does he/she meet parents/guardians at the Home ?

(a) Yes ()

(b) No ()

If yes state frequency of visits :

If no state why :

(27) Describe daily activities in the Home :

(28) Does he/she enjoy and fully participate in these activities ?

(a) Yes ()

(b) No ()

If no state why :

(29) Does he/she have friends in the Home ?

(a) Yes ()

(b) No ()

If no explain why :

(30) Mention staff with whom he/she interacts frequently :

(31) Attitude of the child towards them :

(a) Good ()

(b) Bad ()

(c) Can't say ()

(d) No response ()

Does he/she quarrel frequently with (i) other juveniles (ii) staff:

(i) (a) Yes ()

(b) No ()

(ii) (a) Yes ()

(b) No ()

If yes then most quarrels relate to :

(i) (ii)

(32) Was he/she ever physically assaulted by (i) staff(ii) other juveniles in the Home ?

(i) (a) Yes ()

(b) No ()

(ii) (a) Yes ()

(b) No ()

If yes state why :

(33) Did he/she suffer from any other form of mal-treatment from staff ?

(a) Yes ()

(b) No ()

If yes describe

(34) Was he/she ever punished by the authorities in the Home for an offence ?

(a) Yes ()

(b) No ()

If yes describe the offence & punishment :

(35) Whom does he/she miss most in the Home ?

(a) Parents/guardians ()

(b) Siblings (s) ()

(c) Friends ()

(d) Other (specify) ()

(36) Is he/she prone to frequent illness ?

(a) Yes ()

(b) No ()

(37) Does he/she feel that the activities in the Home will help them in their future careers ?

(a) Yes ()

(b) No ()

If yes state how and if no what will he/she do after release ?

(38) Is there any activity which he/she feels is lacking in the Home and which he/she desires to have ?

(a) Yes ()

(b) No ()

If yes state what activity ?

(39) Is he/she aware of his/her date of release from the Home ?

(a) Yes ()

(b) No ()

If yes when ?

(40) Where will he/she go after release ?

(a) Back to family ()

(b) Stay with friends ()

(c) Stay alone ()

(d) Other (specify) ()

(41) Does he/she feel that their families will accept them back after release ?

(a) Yes ()

(b) No ()

(c) Not sure if he/she can locate them ()

If no state why ?

(42) Will he/she maintain contact with staff and other delinquents of the home after release ?

(a) Yes ()

(b) No ()

If no give reasons :

(43) Will he/she resort back to delinquency after release ?

(a) Yes ()

(b) No ()

If no give reasons :

(44) Observations :

INTERVIEW SCHEDULE FOR PARENTS/GUARDIANS

- (1) Place of interview :
- Name :
- Age :
- Sex :
- Religion :
- Occupation :
- Family income :
- Name of the child :
- Deviant act :
- Amount of land holding,
(Both household and
agricultural) :
- Present address :
- Permanent address :
- (2) Whether :
- (a) Parent ()
- (b) Guardian (specify) ()
- (c) Other (specify) ()
- (3) Period of acquaintance with
the child, (for guardian only,
in years) :
- (4) Age at which he/she married
(For parents only) :
- (5) Did the child exhibit delinquent behaviour before arrest ?
- (a) Yes ()
- (b) No ()
- If yes then describe the type of delinquent behaviour :

- (a) Petty theft ()
- (b) Physical violence with friends and family members ()
- (c) Verbal duels with family members ()
- (d) Other (specify) ()
- (e) All the above ()

Did he/she take any corrective measure ?

- (a) Yes ()
- (b) No ()

If yes describe the measure and if no explain why ?

(6) Does he/she feel that the child is innocent and was (i) framed up or (ii) forced to commit the offence ?

- | | | | |
|---------|-----|----------|-----|
| (i) Yes | () | (ii) Yes | () |
| No | () | No | () |

If yes then give reasons :

(7) Who does he/she feel is responsible for the child's offence ?

- (a) Child himself/herself ()
- (b) Child's friends (peer group) ()
- (c) Family members ()
- (d) Child's employer ()
- (e) other (specify) ()

(8) Has he/she met the child after arrest ?

- (a) Yes ()
- (b) No ()

If yes then and what do they discuss during these meetings ?

What is the child's opinion of the staff of the Home ?

If haven't met the child after arrest then explain why ?

(9) What is the child's attitude towards him/her at present ?

- (a) Hostile ()
- (b) Repentant ()
- (c) Neutral ()
- (d) Other (specify) ()

(10) Is he/she satisfied with the training and other facilities provided by the correction Home ?

- (a) Yes ()
- (b) No ()

If no explain why ?

(11) Will he/she allow the child to come back and stay with family after release ?

- (a) Yes ()
- (b) No ()

If no explain why :

(12) Has he/she ever discussed the problem of the child with the superintendent/supervisor of the Home ?

- (a) Yes ()
- (b) No ()

If yes then what do they generally discuss during these meetings and also give the number of meetings ?

(13) Does he/she feel that society will accept the child back to its fold ?

- (a) Yes ()
- (b) No ()

Give reasons ?

(14) Does he/she feel that the child can lead a respectable life after his/her release ?

- (a) Yes ()
- (b) No ()

If no explain why ?

(15) Is he/she aware of the probable date of release of the child ?

(a) Yes ()

(b) No ()

Give reasons :

(16) Future plans for the child :

(17) Observations :

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