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CHAPTER I

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1.1

Juvenile delinquency is one of the vital problems of the developing countries like India. Rapid industrialization has brought in its trail many problems, unknown to Indian life. Large urban areas create anonymity which in turn hides antisocial behaviour. Like all developing countries, the population of young people is growing fast in India and now to educate these growing millions and to give them a purpose in life are some of the challenges India has to face today.

The social problems in India do not mean quite the same as they do in other countries. In west, social problems have largely proceeded from economic disparities. In India they are partly the legacy of social inequalities and differentiations and partly due to the impact on the Indian social organization of the relentless developments of non-indigenous character born of an unplanned industrialization and urbanization.

In India the problem of juvenile delinquency has received comparatively little attention by the government and the researchers. With the process of
urbanization and industrialization a large number of people are now migrating from the villages to the towns and the industrialized cities. Bureau of Delinquency Statistics and Research has stated that there is a loosening of emotional support they were getting from their communities. In fact the emotional support, more than economic and social support, is a great conduct stabiliser for all members of the family.

The problem of juvenile delinquency is more acute in the lower stratum of society, which is more influenced by the disorganization process. Some families, which settles down in the cities or slums, are economically hard pressed and socially outcast. These families gradually lose ideals of community welfare and sentiments of cohesive family.

1.2 Magnitude of the problem

Studies in Western countries have proved it beyond doubt that a large number of criminal careers have their roots in childhood and early youth. The study of juvenile delinquents is therefore, the most promising field

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for checking adult criminality. These studies have shown that delinquency is a heavy burden upon the societies, even in advanced countries like U.S.A., U.K., and Germany. The United Nations has put a series of review Surveys of delinquency in North America (1952a), Europe (1952b), Latin America (1953a), Asia, the far East (1953b) and the middle east (1953c). These reviews throw light on the modern western conception of an "adolescent" and delinquency and the impact of modernization and industrialization. There seems to be an increase in delinquency in both communist and non-communist countries since the second world war.

The community service society of New York city has worked with large number of delinquent boys and their families who were in emotional trouble. The society has found that juvenile delinquency is not a sudden isolated incidence. A child does not just "go bad" suddenly and without cause. It is a long term process starting from early childhood.

Delinquency is not simply a social and psychological problem. It may be a consequence of disorganized social family, limited opportunity in the face of high aspiration, criminality in parents, bad companionship and faulty
parental attitudes in the treatment of children. These are primary factors which contribute towards the delinquent character formation. There are many secondary factors, like broken homes, death or desertion of parents, poverty and overcrowding, bad companionship, unemployment and lack of adjustment in school. Related studies in the area of juvenile delinquency were done by Acehorn (1936), Bettlcheim (1950), Glueck and Glueck (1950), Redi and Wineman (1951), Cohen (1955) and Redi (1956).² In the Indian Social context the factors like poverty, illiteracy and lack of opportunities for personal development seem to be direct determinants of delinquent behaviour.

A police report (1974) on delinquent behaviour in Maharashtra has indicated that factors such as poverty, overcrowding and unemployment are responsible for a large number of children being included with the purview of the Section 40 of the Bombay children’s Act. The statistics published by the Ministry of Home Affairs (1979) also indicate that high percentage of juveniles arrested belong to parents whose monthly income was less than Rs. 150/- and also that about 48% of the juveniles were illiterate.

Many studies (Glueck and Glueck, 1950; Friedlander 1951; Toby, 1957; Ferdinand, 1964; Oltman and Fieldman 1967; Grygier et al. 1969 and Bruce, 1970) have found positive correlation between parental rejection, inadequate family relationships and delinquency or crime. According to Lander (1954) and Morris (1975) urban delinquency rates vary with many conditions like general educational level, average rental costs, rate of population change, percentage of owner occupied homes and frequency of substandard housing. In the process of urbanization and industrialization large number of people are migrating from the villages to towns and industrialized cities.

Many foreign investigators have worked on the problem of delinquency during last five decades. It is also an acute problem in India and is increasing day by day, but has received little attention by the government, researchers and social agencies.

1.3 Definitions of juvenile delinquency

The words "Juvenile" (juveniles) and "delinquent" (delinguere) were both used at least as far back as ancient Roman times (Petridge, Eric-Origins, 1959; Van Waters, Mirium, 1925—cited by Tait and Hodges, 1962, p.18).
These two terms have legal, ethnic, psychiatric, social and other connotations. They may vary from one culture to another and at different stages of the same society's history. Even in a given time and place a wide variety of acts, diversely motivated and with social consequences ranging from trivial to grave, are called delinquent behaviours. Faced with such diversity of usage and meaning, some reject the term and further assert that acts called "delinquent" are merely symptoms of various disorders.

There is a question as to how a particular culture looks upon children, and upon growth and development. In Germany and perhaps in England there is a good deal of emphasis upon original sin. Other cultures look upon the child as essentially good; still others, like the Chinese, appear to be entirely permissive towards children until they reach a particular age. There is little official delinquency among Chinese children and notably in those of the Chinese in the U.S.A., including Hawaii (Bovet, 1951, Lender, 1954 and Hutt et al., 1961, cited by Gibbens and Ahrenfeldt, 1966).

According to Martin H. Neumeyer juvenile delinquency implies "some form of antisocial behaviour, involving
personal and social disorganization, a value judgement applied to the form of conduct in terms of the norms and laws of society and the act tends to effect people adversely.\(^3\) Paul W. Tappan has defined delinquency as "any act, course of conduct, or situation which might be brought before a court and adjudicated, whether in fact it comes to be treated thereafter some other resource or indeed remains untreated. To ordinary men all legal transgression are delinquencies."\(^4\) Benjamin Fine has defined delinquency as "a pattern of behaviour manifested by a youth below the age of eighteen that is contrary to the laws of the land and the accepted mores and that is antisocial in character. This may be brought about due to environmental deprivation, conflict within the domestic situation or psychiatric difficulties in the youth or child" (Benjamin Fine, 1956, p.31-32). Psychiatrists view delinquency as "an activity which deviates from the normal and is forbidden by the laws and sanctions of society."

In general, delinquency of children includes acts that if committed by adults would be considered crime as well as patterns of behaviour that are peculiar to childhood, principally truancy, waywardness and incorrigibility (Harsh - el Ait, 1947).

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Delinquency is partly a social and partly a legal concept, and as such, we have to consider the legal point of view as related to delinquency. There are variations in laws existing in different countries relating to crime and delinquency. According to the Act of Juvenile Court of Washington District of Columbia Code "Delinquent is a person who is (a) a child who has violated any law or who has violated an ordinance or regulation of the district of Columbia, or (b) a child and who is habitually beyond the control of his parent, custodian or guardian, or (c) a child and who is habitually truant from school or home, or (d) a child and who is engaged in an illegal occupation or associates with persons dangerous to his health, welfare and morals, or (e) under the age of 21 years and has violated any law, ordinance or regulation of the country.

The legal definition of delinquency as given in children's Court Act of the city of New York is as under - The words "delinquent child" shall mean a child over seven and under sixteen years of age and (a) who violates any law of the United States or of this state or any ordinance of the city of New York, or who commits any act which if committed by an adult would be an offence punishable
otherwise than by death or life imprisonment, (b) who is incorrigible, ungovernable or habitually disobedient and beyond the control of his parents, guardian, custodian, or other lawful authority, (c) who is habitually truant, (d) who engages in any occupation in violation of law, (e) who begs or solicits alms or money in public places, (f) who associates with immoral or vicious person, (g) who frequents any place the maintenance of which is in violation of law, (h) who habitually uses obscene or profane language, or (i) who deports himself wilfully to injure or endanger the morals or health of himself or others.

The minimum age at which a child is held responsible for his acts and brought before any kind of Court varies greatly from one country to another. In United States it is fixed at 7, 9 in Israel, 10 (formerly 8) in Great Britain, 12 in Greece, 13 in France and Poland, 14 in Austria, Czeshoslovakia, the German Federal Republic, Italy, Norway, Switzerland, and Yugoslavia. On the other hand, in some countries such as Belgium, there is no fixed minimum age of legal responsibility (Gibbens and Ahrenteldt, 1966, p.26).

The legal age for majority according to the Indian Majority Act has been fixed at 18 years even though a person may not have attained maturity by them. According to
Indian Penal Code, no act committed by child under 7 years of age is an offence. There is a general tendency to regard all children between the ages 7 and 21 as juvenile though in India the age range of juvenile delinquent has been fixed between 7 to 18 years.

The various types of activities which are considered as delinquent behaviour are stealing, lying, gambling, truancy from home and school, burglary, begging, forking, swindling, cruelty to animals and children, destructiveness or mischievous damage to property, incorrigibility, sexual offences, attempt of suicide or murder.

1.4. **Difference between crime and juvenile delinquency**

Crime and delinquency are the two terms referred to in relation to offences. But there is difference between the two. Kohan has differentiated a criminal from juvenile delinquent on the following distinguishing characteristics.

i) A juvenile's mischief lacks in utility as he does things that do not benefit him in the least, such as roaming about in the streets without cause. On the other hand, the criminal acts with an intent to gain something. A juvenile is sometimes even unaware of the objective of his own actions.

ii) A juvenile commits an offence with only an intention to enjoy himself and indulge in a sense of humour.
It finds expression in practical joking like breaking of glasses, putting boulders on railway tracks and pushing people into a pond of water just for the fun. A criminal does not find this as a suitable mode of manifesting his sense of humour.

iii) The juvenile delinquent does not commit a crime on a preplanned and well organised basis, he being more apt to do things on the spur of the moment. A hardened criminal is more inclined to plan his moves and organises crime with a certain show of skill.

In brief criminals and juvenile delinquents are to be distinguished by their difference of age, kinds of action, objectives of activities and mode of working. Yet normally it is only the difference in age that is considered as the sole basis of making a distinction between two classes.

A crime in the abstract is an illegal act for which the perpetrator, if apprehended and convicted may be punished. There are minor and major offences. Minor offences are known as "Misdemeanours" and major offences are called as "felonies". The latter are more severely punished and involve the loss of certain civil rights.

1.5. Delinquency and related factors:

Many factors are related with delinquency. The major factors are family background, relations in family,
intelligence, personality pattern, urban-rural setting, perceptual patterns, sex differences, effect of mass media, mode of socialization, psychopathy, working mothers, sociocultural impact etc. Of the said factors, family background, interpersonal relations in the family and personality pattern (mainly emotional stability/instability) have been found to be of great significance. We may consider them in brief.

1.5.1 Family background

A favourable home is one where both the parents are present and able to adjust well with each other and with the child. Every member of the family recognises his rightful relationship to every other member. As a group, the family members recognize the fact that they have certain common goals, which they all strive to achieve within their limits of responsibility.

The primary homes of delinquents tend to be unstable and disharmonious. A psychologically broken home, with disharmony, quarreling and the use of the child as a buffer between parents is far more important in determining attitudes conducive to delinquency. There are actual physical breakdown in the make up of the family.

As compared to normal family, psychopathogenic families have different bearing on the development of the
child. Burt (1925), Healy and Bormner (1936) and Anderson (1968) consider delinquency as a result of psychopathogenic family where one parent is absent through death, separation, divorce or desertion. There are four types of psychopathogenic families. They are as under (Coleman, 1977).

1. The inadequate family: This type of family is characterized by inability to cope with the ordinary problems of family living. It lacks the resources, physical or psychological for meeting demands with which most families can satisfactorily cope.

2. The disturbed family: In this type of family, because of personal instability, parents interact with other people in ways that are destructive to others as well as themselves. There is highly irrational home environment and faulty parental models. In short these families are the broken homes.

3. The antisocial family: This type of family espouses values not accepted by the wider community. Such antisocial values usually handicap marital and other family relationships, as well as providing undesirable models for the child.

4. The disrupted family: This type of family is incomplete as a result of death, divorce, separation, etc.
the effects of family disruption are experienced by the remaining parent and by the children.

Family is the most important factor contributing to the development of the child. Early emotional, social deprivation is associated with later psychological disturbances and emotional problems. Sidney Berman found that delinquent children have often difficulties in their relationships with their parents. Family is important because it can both influence the development of internal control structure and have an effect on the external control and social process by its method of direct control and discipline. David Abrahamsen (1960) believes family tension as contributing to delinquent behaviour. Mecords and Zola (1962) stated that quarrelsome, neglecting families actually have higher crime rate than homes in which a permanent separation had disrupted the family. Jenkins (1957) concluded that parental rejection had a direct effect on the child's development and growth of a conscience.

Numerous studies have reported that accepted children engage themselves predominantly in socially acceptable behaviour, while rejected ones manifest a number of unacceptable behaviour. The accepted children are found to be good natured, considerate, cheerful, friendly, cooperative, emotionally stable and interested in work. The rejected children tend to show attention
getting behaviour, become problems to school and tend toward delinquency. Inferiority, insecurity and low self-esteem accompany rejection.

Family disorganization and conflict between the parents affect the development of the child. Frequent quarrels between the parents and disharmony between them due to any cause are important factors. Step-parents, foster-parents or adoptive parents may bring about defective family relationship. If parent-child relations are healthy, they can satisfy the most fundamental needs of child which is so necessary for the growth and development of healthy child personality. Inadequate home condition, lack of parental love, broken home (divorce, death or separation), over protection and alcoholic parents are some of the factors which lead to delinquency.

1.5.2. Interpersonal relations:

As a group the members of the family have to share common responsibilities and to be active with the help of all. There should be cooperation and good interpersonal relations among the parents and siblings. Much of higher proportion of delinquents are children of incompatible parents. The psychological atmosphere consisting of lack of affection between the parents
contribute to the enhancement of the essentially constitutional trait of destructiveness as well as of destructive sadistic trends. Higher proportion of extremely restless delinquents were found to be the children of parents whose conjugal relations had actually reached a breaking point where there was an unsatisfactory or unhappy marriage, where there was discord than harmony, open hostility or evidence of hidden hostility, where one parent was unfriendly, belittling, disapproving or critical towards the other, or where there was a disturbed relationship or any abnormal relationship.

The child lives in a family environment after his birth and gradually establishes relationships with other members of the family. The child is always in interaction with his parents and other family members. They become major source of behavioural determination in the child. Through interaction with parents the child becomes able to identify himself with the parents. If the child is accepted by the parents he feels emotionally secure, and if rejected, he will show signs of emotional insecurity. In good home father and mother share in the rearing of the children.

Lack of affection of parents plays an important role in delinquency. Mother or father who is extremely rejecting, overprotecting. Over gratifying, ambivalent, sadomasochistic, irresponsible, indifferent or grossly
inconsistent tend to develop disturbed parent-child relationship. Father-child relationship is still more disturbing where the father does not support the family. Such a relationship prevents the balanced emotional relationship between a child and a father.

Disturbed sibling relationships include extreme rivalry, jealousy, and competitiveness between the children. It may be in the form of severe quarrels, sadomasochistic tendencies or sexual abuse. The lack of attachment of siblings may contribute to delinquent behaviour.

Family and interpersonal relations among family members are important for the healthy development of the child and its behaviour. The child's personality is developed mainly through early relationship with those who take care of the child. His basic patterns of behaviour are determined mainly through the interactions with the parents during early childhood.

1.5.3. Personality pattern (Emotional stability / instability)

Family background, interpersonal relations and the resultant personality pattern of the child are interrelated. The importance of early home experiences and parental attitudes in shaping the child's personality and behaviour
even as an adult has been recognized since long. According to Hebert (1977) family circle is the most vital social unit in which both childhood and adult personality are rooted and nourished. Peterson (1961) and Kuppuswamy (1980) have reported that harsh parental attitudes were related to such personality problems as shyness, withdrawal and to behavioural problems such as truancy and stealing.

Elliot has found in her study that child's personality is considerably influenced by the character and conduct of its parents, brothers and sisters. Juvenile delinquents possess some decisive characteristic features constituting delinquent personality. Glueck has pointed out that excess of freedom, irresponsibility, revolt, homicidal tendency, suspicion, lack of control, some form of sadism, emotional and social maladjustment and extrovert behaviour are some of the personality traits found among delinquents.

Interpersonal relationship with family members are important for the development of child's personality. Basic patterns of personality are determined mainly through the interactions of parent and child in earliest years, and that the factors which determine personality are related to child's needs. If a child is given security by his parents,
he tends to develop one kind of personality. Whereas if his security is threatened by negligence, overprotection, or indulgence, he develops another kind of personality.

According to Coldfarb rejected children have a greater capacity for relationships and a greater ability to identify with others than have the institutionalized children. The rejected child is more ambitious, purposeful and goal seeking. He shows more anxiety and tension. He is in conflict, whereas the deprived child is too underdeveloped even to show conflict. Goldfarb's main point is that neglect, separation, and deprivation have more harmful and deleterious effects on child's personality than punishment, threats and humiliation. The overprotected child develops feelings of insecurity coupled with anxiety. He is beset by feelings of inferiority, inefficiency and inadequacy. These feelings grow out of his lack of security from inadequate love and support. Friedlander has stated that antisocial characteristics and tendencies towards delinquency are caused more by parental ambivalence than by any other feature.

The emotional foundation of the delinquent child is generally weak. The emotional deprivation of the child stems from family tension, which tends to create delinquents. From psychological stand point, emotional deprivation as a result of lack of parental love has much to do with juvenile
delinquency. Glueck has also reported that conflicts between son and father, between son and mother are more frequent in delinquents.

Jenkins (1957) concluded that parental rejection had a direct effect on the child's development and growth of conscience. He has stated that the lack of an adequate conscience structure, combined with feelings of hostility for being rejected, leads to general unsocialized aggression. The fathers who stay away from the home because of an occupation or outside activities do not provide their children an adequate identification model. Such fathers are more concerned about financial or social success than about providing their children love, affection, and realistic discipline. Wilkins (1960), Clausen and Williams (1963) and Bronfenbrenner (1965) have found that father-absence affects boys more than girls and tend to produce in them during early childhood diminished aggression and effeminate behaviour.

1.6. **Summary:**

In the present investigation it is presumed that juvenile delinquency is an outcome of the combined effect of the family background, disturbed interpersonal relationship and personality pattern, mainly emotional stability/instability. These variables may be closely associated with the onset of delinquency. It has been decided to probe into the effects of these factors singly and jointly.