CHAPTER – I
INTRODUCTION AND METHODOLOGY

Background

Human security represents safety from such chronic threats as hunger, disease and repression, and protection from sudden and hurtful disruptions in the patterns of daily life in homes, workplace and the community. In poor nations, rich, human life is increasingly threatened by crime, accidents and violence. During the mid-1970s and the mid 1980s reported crimes worldwide increased by 5 percent a year - faster than the growth in population. Many countries report disturbing trends in crimes. In the United States there are two millions victims of violent crimes every year. Four children are murdered every day in Brazil, where the killings of minors increased by 40 percent in 1992.

Industrial and traffic accidents also present great risks. In industrial countries traffic accidents are the leading cause of death for people aged 15-30. In developing countries they account for at least 50 percent of accidental deaths.

Among the worst personal threats are those to women. It is estimated that their husbands batter a third of married women in developing countries. In Germany, up to four million women suffer from domestic violence every year. And nearly 1,30,000 rapes are reported annually in industrial countries in the age group 15-59.

Children, who should be more protected in any society, are subject to many abuses. In the United States, nearly three million children are reported to be victims of abuse and neglect every year. More than 2,00,000 children live on the streets in Brazil. Each year an estimated one million children, mostly girls in Asia, are forced into prostitution. An estimated 100 million girls, mostly in Africa, have suffered genital mutilation.

Over the years, the survival of indigenous people in different countries has been threatened in one way or another. The lives of 300 million aboriginal people in 70
countries are subject to continuing vulnerability. In Canada nearly half the indigenous people living on reservations now rely on transfer payments for their basic needs. Among all households in Guatemala, two of three are poor – but among indigenous families nine of ten are poor. During the drought of the 1970s, 1,25,000 Tuareg nomads in the Sahara starved to death. And violence, depression and despair are all too common among indigenous people, further threatening their survival.

Child abuse is not a recent problem. It is a nightmare in the history of civilization. Historians are rather bothered about childhood care, but have concentrated so much on the noisy sandbox of history, with its fantastic castles and magnificent battles. Through the history of mankind, children have only sometimes been spared with the indignities, cruelties and horrors that human beings so often inflict upon another. At various times, in various places children have been abandoned, starved, beaten, enslaved, sexually assaulted and put to death. One such horror, child abuse, has become a serious social problem in developed economies like the United States and in developing economies like India as well. It occurs frequently or not at all in many of the world societies. The search for an answer to such a problem is overdue.

Violence in the family manifests itself in physical mistreatment, often repetitive, which is interrelated with the exercise of mental torture, neglect of basic needs and sexual molestation. Violence is executed in the closest family units where there are dependency relationships. Urban poor children are particularly vulnerable because of the hostile environment in which they live.

Violence against children is both physical and mental. In the Indian context, child abuse encompasses a wide range of maltreatment of children including physical injury, exploitation, kidnapping, sexual abuse, begging, labour, pawning, and child marriage. Violence against the disabled child is governed by shame, fear of public embarrassment, failure and frustration. A lot of domestic violence faced by the girl child can be traced to gender discrimination and patriarchy.

1. Human Development Report, UNDP, Published on Times of India, 28/6/97
The situation in urban poor communities is further aggravated by changes in extended family structures, lack of security in homes as well as in the crowded neighborhoods. Girls caring for younger siblings while their parents are at work are often at risk of being molested by older male members of the family. Children are also exposed to danger when they have to go to toilets outside their homes, particularly at nights. Many children who take to the streets are at risk of being exploited sexually and commercially are forced into crime. Unable to bear the violence resulting from alcoholism, many children run away from their homes and sometimes find themselves in equally bad situation.

There is much secrecy and denial surrounding sexual abuse, especially when it is by a parent or relative. There is very little a doctor can do, except treat the child for the physical aspect of the problem, while the psychological trauma goes largely unattended. If the child insists on the parents acknowledging sexual abuse, he/she is not brought to the health center for treatment any longer. It is ironical that the victim, because of financial and social dependence, has to continue to live with the abuser, particularly if it is a parent2.

**Genesis**

Child abuse is a phenomenon that has existed as long as families have existed. Many of the practices that today would seem appalling in fact have been commonplace at various points in history. Infanticide has been practiced by many cultures for thousands of years as a means of easing population problems or of eliminating infants whose physical conditions may place unusual strain on the family or society. History speaks different story in different ages

In ancient Greek and roman societies young children were frequently made to join in adult sexual activities, including the castrating of infants for later service in brothels. *Aries* believes that there probably was an understanding of the difference of childhood and the necessity of childhood development.

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2. *Report by MARG, Published on Times of India, 24/6/97*
During the middle Ages, beating children was considered to be a necessary and appropriate means of instilling correct social and moral habits. A variety of near torture rituals have long been associated with baptismal and other religious rites, sometimes resulting in permanent deformation, injury, or death of the child. Fundamentally, Aries advises us that there was a time before which children were invisible. Also during the middle ages it would seem that there was no collective perception of children as being essentially different, they were as every one else, of course a variety of types and categories of people of their relative youthfulness, dependency or physical immaturity. This is a very challenging proposition, as a biological necessity we must surely conduce their truism that children have always been with us. However, what Aries is illuminating is the manner of their recognition by adults, their representation and thus also the forms of their relationship with adults that can be seen to have altered through the passage of time. This idea becomes easier to assimilate when we reflect on the more recent invention of the “youth”, “adolescent”, or “teen ager”.

Medieval society seems to have abandoned or mislead such recognition. No explanation for this cultural amnesia is provided but the evidence of its impact. Aries derives it from the study of painting and iconography. Medieval art until about the 12th century did not know childhood nor did it attempt to portrait. It is hard to believe that this neglect was due to incompetence or incapability. It seems more probable that there was no place for childhood in the medieval world. Aries located the genesis of the modern conception of the child within the 18th century, and this is a view that is shared by the body of the literature that was referred as Enlightenment histories. The human society witnessed the arrival of a new category of being, one that is both fresh and venerable but consequently one that presents itself as a target for correction and training in line with the expanding standards of rationality and that came to pervade the time. Once we act to the equation a concern with the child’s physical health and well being along with the institutionalization of the moral welfare than our model for modernity is nearing complexion. The child has moved through time from obscurity to the center stage. The child is now forever assured of the spotlight of public policy and attention and
also primary place in the family. Indeed it could be argued that family has come to be defined in terms of the child’s presence.

Perhaps more important to the continuation of child abuse is that even the most shocking torture practice. There has been the traditional view that children are the property of their parents. As such, the child becomes free to be dealt with in whatever way the parents see fit, without their having to account to or fear interference from any outside authority. Not until early in this century did the concept of children’s rights begin to extend to freedom from parental assault and abuse. In some sense, then child abuse has probably existed in some form as long as the human species has existed.

The modern history of child abuse, on the contrary, has been remarkably short. During the 1940 and 1950 the American Medical Community suspected that maltreatment of children by parents was much more wide spread than had been popularly thought. But it was not until 1961 that the problem was conferred the status of being a diagnostic category into which suspected cases could be classified. In that year, C. Henry Kempe, a noted pediatric researcher, organised a symposium during the meeting of the American Academy of pediatrics entitled, “The Battered child syndrome”. It soon became apparent, however, that a great number of maltreated children escape actual physical assaults but nevertheless are clear victims of psychological, sexual, or negligent abuse.

While child abuse can obviously take many forms and appears to have a number of different causes, some commonalties exist across many reported cases. Researchers are using these common characteristics to develop theoretical models that may eventually explain the dynamics of these problems.

As per Demause, child abuse is a nightmare from which we have only recently began to awake and explains that the further back in history one goes, the lower the level of child care, and the more likely children are to be killed or abandoned. He put forward what he refers to as a “Psychogenic theory of history” which revolves around the notion that history consists in the evolution of the human personality brought about through successive and positive developments in the relationship between parents and
children. The stages in this process that he proposes begin with routine infanticide of antiquity and concludes with the partial realization of the “Helping Mode”, a kind of liberal parenting nirvana of the late twentieth century which involves a systematic facilitation of the child’s unique intent and an empowerment of their finer desires through the process of maturation.

What none of these accounts provide is any explanation for the unprecedented occurrence of child abuse in modern western society. Indeed, if the logic of their arguments were to achieve it then our very topic would have disappeared. Their analytic gradient tilting us into modernity rests on a Darwinian aggregate of evolution, growth visibility, improvement achievement and rectitude. The only possible explanation for modern child abuse within such a framework would be utterly individualist, not conceivably an inherent feature of modern social structures but rather gross individual psycho – pathology or forms of atavism that is, explanation through the devices of the stereotypical “pervert” or “molester” which commonsense so readily brings of mind.

So from the invention of child abuse in the 1960’s Kempe’s position seems to transport into a discovery of child abuse in the 1970’s. The prevalence of child abuse as a social practice far from spontaneously regenerating in the second half of the twentieth century had in fact been constant, which is testified to by Kemp’s renewed interest in the historical dimension of the phenomenon. However, the incidence of child abuse during that period, in terms of reported and recorded occurrence, was to be treated as a novel phenomenon and a phenomenon worthy of further explanation in itself.

Types of Child Abuse

Regarding child abuse there has not been some definite division. Speaking precisely different researchers divided child abuse into four different forms of abuse that appear to have somewhat independent characteristics.

- **Neglect** represents the largest category, subsuming all of the situations where caretakers fail to provide adequate nutrition, clothing, medical needs, social or educational training, and a psychologically stable and stimulating environment.

- **Sexual abuse** typically refers to incest by a biological or non-blood parent, but it is also used to describe cases where the child is exposed to or forced to participate in any number of sexual activities.

- **Ritualistic abuse** involves cruel and often-bizarre torture practices and is frequently characteristics of panels that hold deranged views of the child or children in general.

- **Disciplinary abuse** refers to injurious assaults that occur in the course of administering physical punishment to the child. Such attacks often begin simply as disciplinary episodes, but may quickly escalate in intensity and seniority once the beating has begun. At times the degree of injury caused in these cases is unintended and such parents may display considerable guilt following an attack.

By the year 2000, half of the world’s population will be under twenty-five and more than half of these will be under sixteen years of age. Significantly, studies conducted during the last few decades reveal alarming trends in the position of children in every country. Besides, poverty which is responsible for hunger, illness, malnutrition and even death of untold numbers of children, they are today the victims of peculiar circumstances. In a world torn by political tensions of strife, war, violence and terror, newer dimensions of child abuse are manifesting themselves: the street children, the children at war and those in prison, the “disappeared” children, the child prostitutes, the children whose lives are ruined by drugs and those sold to meet the western need for adoption. These are a generation of children who have known no childhood, but have been abused, battered and shattered – physically, emotionally and intellectually, exploited, under educated, bullied and made homeless. These are our children who have inherited the world in the twenty-first centuries.

Child neglect is seen as failure to provide necessary food, care, clothing, shelter or medical attention for a child. Scholars also see neglect as passive child abuse, which
occurs when parents or guardians fail to perform duties and obligations including those of supervision, maintenance and protection which fall within the limits of their ability and circumstances.

*Physical neglect* of the child apart from failure to provide essentials like food, shelter and clothing also embraces acts as underfeeding, starving, abandoning, refusing medical attention to the child, neglecting body cleanliness or cleanliness of surroundings of the child. *Psychological or emotional neglect* on the other hand, results from withholding love, praise and warmth in interaction, resulting in several emotional and behavior problems, which eventually stand in the way of a healthy socialization of the child.

*Child abuse* encompasses a broad range of acts that have been distinguished conceptually as well as operationally. *Physical abuse* has been described as the intentional non-accidental use of physical force on the part of the parent or care giver interacting with a child in his care, aimed at hurting injuring or destroying a child. This form of abuse includes cases of child battering, with or without the use of implements. Child battering differs from physical abuse only in degree or severity. It is suggested that any physical abuse (or non-accidental injury) that requires medical attention and treatment or leaner bruises is child battering. These acts cannot only lead to severe damage to the child’s intellectual capacities but also serious emotional trauma resulting in aberrant behaviors. The physical confinement of the child and restriction of his normal activities, and harsh physical punishment used as a disciplinary measure also constitute acts of physical abuse. Many societies use physical punishment of the child as a common child rearing practice. But a distinction has been made between punishment as a disciplinary measure and maltreatment. The latter occurs when punishment is too harsh or severe for the child’s age, or physical and emotional state. Also where the form and severity of punishment run counter to the community’s norms and values, and seriously inhibit the child’s well being and development, it becomes a case of physical maltreatment.
Social abuse closely parallels maltreatment and results from acts that are detrimental to the child’s proper development as a full and functioning member of society. These include all forms of discrimination and denial of rights and privileges to the child on the basis of age, sex, illegitimacy, race, ethnicity, or family status. The emotional and physical impact on the child of such abuse has far reaching effects of a negative nature.

Psychological emotional abuse occurs through withholding the child’s legitimate needs for emotional development and / or deliberately or otherwise causing the child to be hurt emotionally. Acts such as continuous scapegoat, terrorizing and rejection that militate against the development of a healthy personality also fall in this category. These cases are hard to identify and manage, and result from a failure on the part of parents to provide a loving environment in which a child can thrive, learn and develop. They point to inconsistent and harsh disciplinary practice, imposition of unreasonable behavioral standard, belittling the child and exploiting him. It can also result in and co-exist with physical and sexual abuse.

Sexual abuse defined by Schmitt (1980) as any sexual misuse of the child by a caretaker or family related adult involves forcing a child into abnormal physical intimacy for pleasure, or child prostitution and pornography for material gain. It also includes such acts as incest, oral genital contact, sodomy, molestation, distal manipulation, etc which can cause physical injuries and series of trauma in the child with devastating effects on his development.

According to Henry Kempe (1984), child sexual abuse is defined as the involvement of dependent, developmentally immature children in sexual activities. Sexual abuse includes any contacts or interactions between a child under the age of 18 and an adult (who is significantly older than the victim and is in a position of power or control over the child, or may even be an acquaintance or an unknown person) in which the child is being used for the sexual stimulation of the perpetrator or another person (J.J. Act 1986). The activities involved in child sexual abuse include, besides actual sex action, inappropriate touchable, exposures to indecency and forcing to participate in sexually stimulating sex.
Sexual abuse is not often identified through physical indicators. Frequently a child confides in a trusted person (mother, friend, neighbor, kin). Very often a child is sexually absolved or molested by a family member or the employer or the caretaker or a family acquaintance. There are, however, some physical signs of sexual abuse. These are difficulty in walking or sitting, stain or blood under clothes, complain of pain or itching, bruise, venereal disease and pregnancy in early adolescence⁴.

There are some behavioral indicators too of sexual abuse. The sexually abused child may appear with drawn or retarded, may have poor peer relations, may be unwilling to participate in activities, may indulge in delinquent behavior, may run away, or may display bizarre or unusual sexual knowledge.

The characteristics which child sexual offender often share in common are: isolation or alienation from others, dysfunctional interpersonal relationships, poor self-concept, and lack of imposed contact. Most adults, who commit sexual offences against children, suffer from a personality disorder but are not considered mentally ill or psychotic. Furthermore, the offender come from a varied range of socio-economic and educational backgrounds.

*Emotional abuse or maltreatment* may be described as negligent treatment of a child under the specific age prescribed for the children (in India it being 18 for girls and 16 for boys) by a person who is responsible for the child’s upbringing, care and welfare under circumstance which indicate that the child’s health or welfare is harmed or threatened thereby. This definition characterizes acts of “Omission” and not “Commission” as abuse.

While emotional maltreatment does occur along, it often accompanies physical abuse and in rare case, sexual abuse. Emotionally maltreated children are not always physically abused, but physically abused children are almost always emotionally maltreated as well.

Emotional maltreatment of the child includes blaming, belittling, rejecting, constraint by treating siblings unequally, and persistent lack of concern by the parents / caretaker for the child's welfare. Emotional maltreatment is rarely manifested in physical signs. A few physical indicators of emotional maltreatment are speech disorder, lag in physical development and failure to thrive syndrome. More often, it is observed through behavioral indicators like, habit disorders, such as biting, thumb-seeking conduct disorders, deviant behaviors, stealing, neurotic traits like sleep disorders and inhibition of play poor in intellect development societal tendencies etc.

Last but not the least is the exploitation of the female child. In a largely male dominated society, both sociological and economic factors perpetuate an unjust discrimination and abuse against the female child. Female infanticide is an example of it. Other factors like nutrition, education, and protection from sexual and other exploitation as compared to male child are also found to be poor.

The “Child abuse” therefore, actually serves as an umbrella label for a group of rather diverse behavioral patterns. Moreover, exactly where the line is drawn between punishment and abuse has been a question on which very little agreement can be found. The extremes certainly are clear and seem to provide the motivation to indicate this problem, but the reality of the large “gray areas” perforce that considerably more information need to be obtained before this pheromones is adequately understood.

Child Abuse Concept

Defining child abuse has been an enduring problem. Since there is no universal standard for optimal child rearing, there can be no universal standard for what constitutes child abuse. Applying cross-cultural definitions of abuse to cross-national studies can therefore be problematic. A definition of universal relevance must on the one hand, distinguish child abuse clearly from other social, economic and health problems of international concern and on the other be sufficiently flexible to apply to a range of situations in a variety of social and cultural contexts. The years of debate and discussion have not so far yielded such a conclusive definition of child abuse.

The problem of child neglect by parent and caretakers, child battering by parents, caretakers and employers, and sexual abuse of children by employers, family
members, kin and known and unknown persons is not a new problem. But the recent problem is the public and professional concern for the abused child.

The efforts of scholars have resulted in a multitude of definitions. The reason for this is found by Jeanne Giovannoni and Rosina Beavva (1979) who undertook an extensive study of the definitions of child abuse, including the professional and socio cultural differentiations. In their opinion social scientists, police officer, lawyers, physicians and social workers differ with regard to what constitutes child abuse. Similarly the definitions also vary according to social class and cultural and sub cultural backgrounds.

Some studies limit the term to children who have received serious physical injury in circumstances that indicate the injury was caused willfully rather then by accident. The definition has two ambiguities, one pertaining to interpretation of “serious” and the other pertaining to diversities within “Physical injury” as it includes breaches, fractures, lavations, burns, limb injuries and head injuries.

Scholars have distinguished child neglect from child abuse. Howland (1984) makes this distinction on the basis of the extent of deliberateness. Child abuse he says, constitute active and intentional parent behavior that causes physical injury to the child, whereas child neglect refers to passive indifference and an inability to carry out the expected roles of parenthood with regard to his physical, emotional and psychological needs.

The earliest attempts to define child abuse were made when the problem first came to public attention in the USA in the post world war II period. Pediatric radiologists draw attention to such injuries as bruises, fractured bones, skin infection and multiple abrasions, probably inflicted by parents and caregivers. Kempe and his associates (1962) published an article on the battered child syndrome in the Journal of the American.

Medical Association. The term was used to describe willful but un-admitted and attend repetitive physical abuse of children leading to soft tissue swelling, skin business, bone fractures, sub dual hecatombs and even death. This definition was subsequently broadened to include any form of exploitation and maltreatment of children the dimensions of which besides being physical could be emotional or sexual. It was further developed to include the presence of non-accidental injuries as a result of acts of omission (physical assault) or commission (failure to protect) by caretaker (Kempe and Heifer, 1972)\(^7\).

Kempe and his colleague (1978)\(^8\) have defined child abuse as a clinical co-ordination having to do with those who have been deliberately injured by a physical adult. This definition is limited in its scope as it restricts abuse to those acts of physical violence only, which produce a diagnosable injury. But what about the acts that do not produce an injury but are equally humble? Ideally then, a definition of abuse should include humble act too. The new definition of child abuse thus, includes non-physical acts as well in it. It refers to all kinds of physical or mental injury, negligent treatment or maltreatment of child by a person who is responsible for the child’s welfare.

Parke and Collmen (1975) modifying the definition of Kempe and Heifer (1972) state that child abuse refers to any child who receives non accidental physical injury as a result of acts and omissions on the part of his parents or guardian that violate the committee standards concerning the treatment of children. In this definition, the concept of “intentionally” (rather than accident) is crucial, although it is unobservable. Secondly the recognition that child abuse is a community-defined phenomenon is also important. But in this the assumption is implicit that community standard can be measured when violation occurs. This is very unlikely. Burgess (1979) has given a widen definition that includes non-accidental physical and psychological injury and omits the reference to community standards. The medical intervention includes only injury in child abuse, which requires hospital treatment. But such incidents are very few in abusive incidents. Many forms of abuse involve continuous verbal abuse, threats of physical violence and exercise physical punishment, which does not require medical attention.


\(^8\) Kempe, C. Henery and Heifer, R.E. (1972) Helping the Battared child and his family. Lippin cott, Philadelphia.
Child abuse is usually divided into three major types physical abuse, sexual abuse and emotional maltreatment and neglect. Each has recognizable characteristics more often than not a particular type of child abuse or recognizing physical and behavioral indication in the child and clauses in the parents’ attention and behavior can identify neglect.

The most comprehensive definition of child abuse and neglect was given by the United States congress (1984) when it declared that the term “child abuse” and “neglect” means, the physical and mental injuries, sexual abuse and exploitation, negligent treatment or maltreatment of a child under the age of eighteen, or the age specified by child protection law of the state in question, by a person (including any employee of a residential facility or any staff person providing out of home care) who is responsible for the child’s welfare, under circumstances which indicate that the child’s health or welfare is harmed or threatened thereby as determined in accordance with regulation prescribed.

In 1988, the National Seminar on Child Abuse in India (June 22-29 1988), under the aegis of the National Institute of Public Cooperation of Child Development, New Delhi, recognized the need for defining afresh the term “child abuse” in the Indian context. The concerned committee evolved the following definition:

“Child Abuse and Neglect (CAN) is the intentional non accidental injury, maltreatment of children by parents, caretakers, employee or other including those individuals representing governmental / non governmental bodies, which may lead to temporary or permanent impairment of their physical, mental and psychological development disability or death.”

The forgoing definitional exercise serves to indicate that acts of child abuse can be placed on a continuum that run from poor parenting to various forms of neglect, an minor abuse through the whole gamut of gross neglect, sadistic ill treatment, sexual abuse and even murder. There is little disagreement about what constitute acts of gross abuse, but what is not easy is to determine the boundary line between inadequate parenting and minor abuse. As the attempts at defining the concept suggests, any maltreatment that prevents children from attaining their full potential at
home, school or the society at large (Jones et-al 1982) is accepted as abuse. A vast majority of the world’s children will be seen as suffering from child abuse.

**Theoretical Explanations of Child Abuse**

A number of explanations have been given by scholars to explain the motivational factors in child abuse. Of these, the important ones are: (i) psychiatric explanation; (ii) socio-cultural explanation which includes (a) social situational explanation, (b) social habitability explanation, and (c) social control explanation; (iii) resource explanation; (iv) social interactional explanation; and (v) social learning explanation.

The *psychiatric explanation* was propounded by scholars like Kempe (1972), Steele and Pollock (1968), Gelles (1973), and Parke and Collmer (1975). It links with child abuse factors such as mental illness and personality defects or internal – individual abnormalities. It also links abusive parent’s own childhood experiences to the individuals’ weak personality development and poor self control (Wolfe, 1987:45). The thesis that personality disorder is responsible for child abuse was further advanced by reports that abusers often had a propensity for impulsive and/or anti-social acts that extended beyond the preventing role. A parent, according to this explanation, may abuse his/her child due to unmet emotional needs (that signify discontentment, anger or irritability), an inability to balance the child’s needs and capabilities with own (parental) expectations, or emotional scars from their own abusive or deprived family background affecting their ability to care for their own offspring (Wolfe, 1987: 45).

This explanation initially drew support from many fields, including law-makers, public-interest group because it directed most of the responsibility for abusive behaviour squarely at the individual involved, and absolved society from blame in contributing to the risk of child abuse through lack of education, adequate housing, family support programmes, employment opportunities, and so on. However, recent researches have disproved the role of psychopathology in child abuse.

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The socio-cultural explanation, given in the 1970s, maintained that external forces or socio demographic variables within the society caused child abuse. This explanation includes three sub-explanations: social situation, social habit, and social control.

- The social – situational explanation proposes that abuse and violence arise out of two factors: structural stress and cultural norms. As the social structure in which a parent lives becomes more stress ridden (or is perceived as more stressful), the greater becomes the possibility that family violence will surface as an attempt to gain control over irritating, tense events. Cultural sanctioning of violence as an appropriate conflict resolution technique further provides a foundation for the use of corporal punishment in child rearing. If a parent was frequently exposed to harsh physical punishment as a child, he/she may have greater propensity toward viewing such behaviour as normative and inhibition against physical force may be lessened (Bandura, 1973). Steinmtz and Straus (1974) have maintained that factors such as low income, unemployment, isolation, unwanted pregnancy and conflict with spouse/ in-laws, cause structural stresses which, combined with the cultural acceptance for violence to resolve conflict, lead to the use of force and violence against children at home. Talking of social class and family size, Light (1973: 556- 598) has referred to unemployment, and Gabarino (1977: 721-735) has referred to social isolation.

The major problem in this explanation according to Fieldman (1982) is that given the same set of deprivation or adverse conditions, many parents do and others do not abuse their children.

- James Garbarino proposed the social habitability explanation in 1977. According to him, the nature of child maltreatment depends upon the quality of the environment in which the person and family live, or the level of family support in the environment. The lesser the family support the greater the risk of maltreatment of children.
• Gelles propounded the social control explanation in 1973. According to him, parents use violence against their children because they have no fear of being hit back, nor of being arrested (unless some neighbour lodges a complaint with the police). Thus, violence is used when (i) the cost of being violent is to be less than the rewards, (ii) the absence of effective social control over family relations decreases the cost (of one member being violent towards another), and (iii) family structures reduce social control in family relations and, therefore, reduce the costs and increase the rewards of being violent (Gelles and Cornell, 1985:121). Leaflet (1978:480) has also said that: (a) inequality in home reduces both social control and the costs of being violent, and (b) the privacy in the family serves to reduce the degree of social control exercised over family relations. Gelles (1973) has maintained that certain types of children like the handicapped, ugly, demanding, premature are at a greater risk of being abused by their parents. This is because either they make great demands (economically, socially Thus, when or psychologically) on their parents or they are perceived as not providing sufficient gratification in return for the parents' investment of time and energy. Thus, when a parent perceives the cost of parenthood to outweigh the rewards, he uses violence against his children. Ivan Nye (1979) like Gelles, had also earlier accepted the application of Peter Balu's theory, in explaining child abuse. He has proposed that child beating is less common in families that have relatives and / or friends nearby. Recasting Nye's proposition, Gelles and Cornell (1975) have proposed that child-beating is more common when relatives, friends and neighbours (that is, non-family members) are unavailable, unable or unwilling to be part of the daily system of family interaction, and thus unable to serve as agents of formal and informal social control. Gelles has further maintained that the greater the disparity between perceived investment in a family relation-ship (that is, parenting) and returns on the investment, the greater the likelihood that there will be violence. This also explains why children of five to seven years of age are more likely victims of child abuse than children of 14 to 16 years of age. Parents of younger children perceive a rather large investment in their children and feel that they get little in the way of actual return than parents of older children.
This explanation has been criticized on the grounds that: (1) It is preposterous to assume that relations between parents and children are based on reciprocity and that parents' treatment of children is determined in terms of calculations of rewards and costs. (2) Assuming it is so, why do all the parents not make such calculations and only a few do it, that is, why do all the parents not beat their children and only some parents indulge in child-beating? Does this not ignore the personality factor in the use of violence? (3) Why are children who work and earn also beaten by their parents (like non-working children) when there is some 'return' of 'parenting'?

William Goode gave the resource explanation in 1971. According to it, the use of force by an individual depends upon the extent to which he can command or master the resources-social, personal and economic. The more resources a person has, the less he/she will use force in an open manner. Thus, a father who wants to be a dominant person in the family but has little education, low prestige job, low income and lacks inter-personal skills, may choose to use violence against his children to maintain the dominant position.

Burgess gave the social interactional explanation in 1979. It approaches the etymology of child abuse in terms of the interplay between individual family and social factors in relation to both past (for example, exposure, to abuse a child) and present (for example, a demanding child) events. The parent's learning history, inter-personal experiences, and intrinsic capabilities are regarded as predisposing characteristics presumed to be important contributors to an abusive pattern. In this explanation the potential role of a child in provoking abuse is also acknowledged. The conditions under which a child is reared and the methods used by the parents, particularly their punitive methods, may help to explain why some adults are predisposed to abusive behaviors, given certain setting conditions.

Although this explanation is primarily concerned with the current behavior of the abusive parent in the context of the family or community, psychological mechanisms such as perceptions and interpretations of events, are also recognized as important factors in influencing the parent-child interactions (Wolfe, 1987:49). The interaction explanation, thus, is not necessarily limited to observable behavior alone (like
The social learning explanation lays emphasis on the learned nature of parenting and the fact that many parents have insufficient knowledge and skill to equip them to carry out the highly complex task of child rearing. They not only lack fundamental skill (of rearing children) but there may also be an absence of coping strategies to deal with stress, giving rise to a spiraling effect of increased stress and less effective coping.

Causes of Child Abuse

The major cause of child abuse is adaptation failure or environmental maladjustment (both in family and work – place) mostly on the part of the adult perpetrators (parents, employers...) and to some extent on the part of adults responsible for family socialization as well (Kewalramani, 1992:152). Before discussing this thesis, let us first analyze the cause of three different types of child abuse separately.

- **Causes of Physical Abuse**
  Different scholars have suggested different causes of physical abuse. Some consider the psycho-pathology of the individual perpetrators as the primary cause, others view the psycho-social pathology of family interaction as the main cause, and still others put major emphasis on situations of acute stress. The empirical study of Kewalramani conducted in Rajasthan, however, revealed that stress factors associated with families gives sufficient causal explanation for child abuse. The situational stresses pointed out four models of dominant causes of a child’s physical abuse: (a) relations between spouses, (b) relations between parents and children, (c) structural stresses, and (d) child produced stress.

- **Causes of Sexual Abuse**
  The four causes of sexual abuse mostly given are: adjustment problems of the perpetrators, family disorganization, victim’s characteristics, and the psychological disorders of the perpetrators / abusers. Kewalramani’s study
(1992:78) on child abuse, however, approached the problem of sexual abuse with a ‘systems model’ and perceived it as behaviour influenced by factors at several different levels, that is, a behaviour which is the result of cumulative influence of a set of factors. In fact, this study used the systems approach not only to study sexual abuse but also physical and emotional abuse. The four variables related to sexual abuse were: family environment, family structure, individual predispositions and situational factors.

- **Causes of Emotional Abuse**

Four important causes of emotional abuse can be identified: poverty, ‘deficient’ parental control and non-cordial relations within family, maltreatment faced by parents in their own childhood or intergenerational transmission of child maltreatment, and alcoholism of parents. Kewalramani also found these factors important in emotional abuse.

**Integrated Model of the Causes of Child Abuse**

The major premise of this model is the interdependence between parent, child and situation. This model focuses on four factors in child abuse: (i) family environment, (ii) structural stresses, (iii) individual characteristics of parents and (iv) sub-cultural learning. The model requires knowledge in five different areas: (i) child development, (ii) socialization processes (iii) family interactions, (iv) learning principles, and (v) sources of arousing anger, aggression, hatred, and so forth. These areas point out that:

a) Child abuse can be viewed in terms of the degree to which a parent uses negative or inappropriate control strategies with his/her child. Employing “normal” methods (meeting all the child’s needs, adequate control, positive disciplining, and clear communication) contributes to a child’s (social, emotional and intellectual) development, whereas taking recourse to “abnormal” methods (neglecting child’s needs, inadequate control, negative disciplining, unclear communication, and over-reliance or coercion) in child rearing inhibits a child’s development and cause child abuse.
Authoritative parenting (the commanding type of parents), authoritarian parenting (requiring complete obedience to their authority), indulgent parenting (gratifying all desires/fancies), and negligent parenting (being indifferent and unresponsive and not paying due attention) influence a child’s characteristic and behavior. The authoritarian parental style is most harmful and is conducive to child abuse.

b) Stresses also give rise to maladaptive coping responses, since abusive parents are clearly not violent under all circumstances. Factors like unemployment and dissatisfaction with job affect an individual’s behavior, which lead to child abuse.

c) Individual characteristics of parents like inherent traits (irritable nature, self-centeredness, rigidity...), lack of parenting skill, and lack of resources (low prestige, little education and low income) also cause child abuse.

d) The sub-cultural learning, that is, socialization in a violent home, or experiencing violence in childhood, is yet another cause of child abuse.

All these factors together explain how they affect the behavior of the perpetrators, which ultimately leads to child abuse.

**Importance and Significance of the problem of Child Abuse**

Society recognizes children as potential citizens with rights and duties, but in need of special protection on account of their vulnerability is needs a thorough study.

Society also expects parents to provide care and protection to their offspring in order to ensure growth, physical health, the art of parenthood especially motherhood etc. but unfortunately somewhere something is lacking by which in the present context child abuse is rampant as a crime.
Deprivation, abuse, neglect of the child apart from including failure to provide essentials like, food, shelter and clothing's also embraces such acts as underfeeding, starving, abandoning, refusing medical attention to the child, neglecting body cleanliness or cleanliness of surroundings of the child. Psychological or emotional neglect on the other hand, results from withholding love, praise and warmth in interaction, resulting is severe emotional and behavior problems, which eventually stand in the way of a healthy socialization of the child.

Child abuse encompasses a broad range of acts, which have been distinguished conceptually as well as operationally. Distinctively child abuse closely parallels as physical abuse, social abuse, sexual abuse, psychological abuse, medical abuse, and chemical abuse etc.

Social abuse reveals maltreatment and results from acts that are detrimental to the child’s proper development as a full and functionary member of the society. These include all forms of discrimination and denial of rights and privilege to the child on the basis of age, sex, legitimacy, race, and ethnicity or family status. The emotional and physical impact on the child of such abuse has far reaching effects of the negative nature.

Psychological, emotional abuses like terrorizing, rejection, harsh disciplinary practices, and imposition of unreasonable behavioral standards affect the child’s personality as well as acts as a huddle for proper mental and physical growth and development.

Sexual abuse of the child occurs due to curiosity of the opposite as well as same sex group by the influence of poor family system, influence of television and other media, commercial use of children (prostitution) and other physical intimacy for pleasure, which can cause physical insecurities and severe trauma in the child with devastating effects on his development.

From the past children were deliberately given drug like opium and other local drug to control the tendency of hyperactive nature of children. In the present society also
cases are identified those are sufferers of toxic chemicals problem. Secondly the drug Mafia’s used small children for their drug business, which put these children in difficult and hazardous path.

Yet another form of child abuse is medical abuse that refers to deformities and death in children caused by gross medical negligence, deliberate drug administration or unnecessary medical procedures. Commonly observed problems arising out of such abuse are paralysis, nerve injuries by injection, pre constipation of poliomyelitis following injections during the polio season, arthritis of heap joints and joint deformities after glottal injections, large injections obsesses due to use of unsterilised needles, septicemias, gangrene and respiratory depression, cardiac failure are also not uncommon through over-hydration and over-sedation. Improper use of room and other heaters can cause injuries to premature babies and infants. Improper counseling by the doctors and the medical personals to the new and ignorant mothers and use of modern instrument like tuisor, scissors at the time of quick delivery of the child sometimes cause injuries that may cause brain hammerage in later life of the child. In today’s world many of the above problems are unusual but there are some forms of medical abuse and neglect that are specific to societies that are under developed and poverty stricken.

Incidence and Effects of Child Abuse

In the absence of public and government interest in the problem of child abuse, no statistics have been compiled in India to indicate the incidence of abuse. In the United States, Gil (1970) estimated that there were between 2.5 to 4.1 million cases of child abuse per year. In 1977, Scott reports that between one and 12 children per, 1,000 were abused by their parents or guardians. Considering the poverty, literacy, and large size of families in India, it could be said that parents and employers in our country abuse five to 15 children per 1,000 children.

What are the effects of abuse-physical, sexual, social and emotional-on children? Bolton and Bolton (1987:93-113) have identified eight possible effects of abuse on
children, namely, self-devaluation, dependency, mistrust, revictimization, withdrawal from people, emotional trauma, deviant behavior, and interpersonal problems.

Kewalramani’s study of child abuse lays down the effect of abuse on children in five significant areas. The first is the loss of self-esteem. Abused children develop a negative view of themselves. Elmer (1987) has called it ‘self-devaluation’ while Egeland, Sroufe and Erickson (1983-460) have called it ‘low-esteem’. Kinard (1980:686-696) has mentioned it as ‘poor self-concept’ and Hjorth and Ostrow (1982:71-72) as ‘poor self-image’. Children have no choice but to accept the perpetrators’ abuse. The individual who maltreats them is their own parent so they cannot run away. Similarly, they have to tolerate their caretakers’ and employers’ hostility because of their poverty and their dependence on them.

Kewalramani used three indicators to test this hypothesis that child’s self esteem is devalued by his abuse. These indicators were: child evaluation in school, evaluation as worker, and evaluation as helper at home. (G.S Kewalramani (1990) Rajanthan.)

The second effect is on dependency. It shifted according to the needs. The three indicators were gratification of physical needs, emotional and social support and need of work for money. The third effect is on deviant behavior. The deviances were: absence from school, absence from work, drug addiction, stealing money, and hostile reactions towards perpetrators. The forth effect is on social and interpersonal problems. It reveals that child abuse results in poor communication and coping ability, failure in developing intimacy and social relationships, mistrust, isolation and withdrawal from international settings. The last effect of child abuse is on revictimization, that is, the child once abused will essentially be abused time and again. The indicators were frequency of abuse, number of ways or forms of child abuse.
Legislation related to child abuse

No single piece of legislation has been enacted to deal exclusively with child abuse in India, though certain laws deal with particular aspects of child abuse. Also included in this section is child rape and illegal child trafficking.

- The Indian penal code, 1860 considers the following acts as offences:
  - Exposure and abandonment of the child less than 12 years by parents or by persons taking care of the child sec. 317.
  - Assault or criminal force to a woman with intent to outrage her modesty – sec 354
  - Kidnapping or abducting child under 10 years with intent to steal from its person sec 369
  - Selling a minor for the purpose of prostitution – sec 372
  - Buying a minor for the purpose of prostitution – sec 373
  - Rape of a minor girl child – sec 375-376
  - Unnatural offences – sec 377

- The national policy for children, 1974 states that ‘children shall be protected against neglect, cruelty and exploitation. To achieve the above aims, the state will provide necessary legislative and administrative support’.

- The National Policy on education, 1986 recommends firm exclusion of corporal punishment in schools. No appropriate steps have been taken by the state government to amend state education acts and rules to ban corporal punishment in schools.

- The juvenile justice act. 1986 considers it necessary to provide protection and care for children who are likely to be exploited and abused. Acts resulting in unnecessary physical or mental suffering are punishable. Punishment for cruelty to juvenile sec.41.

The plan aims to sensitize various agencies on the need to protect the girl child from assault, physical abuse and exploitation and adolescent girls from prostitution and rape through legislation, proper enforcement and speedy legal remedies through family courts (family courts act, 1984) and special courts.

Except all these legislation related to Child Rape, Child Prostitution, Illegal Trafficking, Differently abled child, Drug abuse, Adoption and maintenance of children, Prevailed in Indian legislation.

The status of Juvenile Justice Act (JJA) in Orissa

The scheme of “A programme of Juvenile Justice” (earlier known as prevention and control of juvenile social maladjustment) is being implemented in the state of Orissa as per juvenile justice act 1986, which has been replaced by the new act of 2000 i.e. 30.12.2000. Under the scheme neglected and delinquent juvenile irrespective of caste, creed and religion are admitted maintained and an attempt is made to reform them.

There are 15 observation homes in the state including 3 govt. run observation homes i.e. two at Berhampur and one at Rourkela. The detailed inmates position in these observation homes is as follows:

List of observation homes

A. Government run
1. Observation home & special home, Berhampur 28
2. Observation home & special home, Rourkela 31
3. Observation home and special home, for girls, Berhampur 04

B. NGOs. Run
1. Satyasia Seva Sangha, Bhubaneswar 01
2. Observation home, Keonjhar 18
3. Prachina Bharatiya Gurukul Ashram, Amsena, Nuapada 00
4. Servants of India Society, Coudwar, Cuttack 00
5. Banadevi Sevasadan, Kabisuryanagar, Ganjam 00
6. Gopabandhu Children’s Home, Phulbabni
7. Children’s Home Dhenkanal, Sambalpur
8. Gopabandhu Balashram, Home, Mayurbhanj
9. Children’s Home Sonepur
10 Utkal Balashram, Balasore
11 Children’s Home, Pitiri, Dhenkanal
12 Balniketan, Gunupur, Rayagada

**Pattern of Assistance to Observation Homes**

The cost of maintenance, contingencies and bedding is borne by the govt. of India and the State govt. in the ratio 50:50. The maintenance cost per inmate per month is Rs. 300/- only.

Expenditure on observation homes during last 3 years (for maintenance of inmates)

<table>
<thead>
<tr>
<th>Sr. no.</th>
<th>Year</th>
<th>Amount utilized as central share (Rs.)</th>
<th>Amount utilized as state share (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1998-99</td>
<td>9,80,760</td>
<td>11,13,000</td>
</tr>
<tr>
<td>2</td>
<td>1999-2000</td>
<td>67,740</td>
<td>1,89,000</td>
</tr>
<tr>
<td>3</td>
<td>2000-2001</td>
<td>71,006</td>
<td>1,86,949</td>
</tr>
<tr>
<td>4</td>
<td>2001-2002</td>
<td>1,34,488</td>
<td>1,34,487</td>
</tr>
</tbody>
</table>

After introduction of the juvenile justice act, 2000, steps have been taken to frame the rules in the light of the models supplied by govt. of India. At present rules have been received from the Law Department after concurrence.

For speedy disposal of the cases of neglected / delinquent juvenile steps have been taken to reconstitute juvenile justice boards / child welfare committees. Collectors are being requested to send suitable nominations for reconstitution of these bodies.

For smooth implementation of the new juvenile justice act, the Deputy Secretary and the Under Secretary of this Department had attended the Eastern Zonal Consultative Workshop held in Kolkata on 20.11.2001 and 21.11.2001. Some corrective measures are being taken in the light of the deliberations in the above meet.
RESEARCH METHODOLOGY

Child abuse is a growing phenomenon and symptom of a deep and complex problem of our social life. Especially it has emerged as a major problem as well as great tragedy for independent India.

Sustainable development of human resource is universally acknowledged as the most effective means of lasting socio-economic transformation. Children forming about forty per cent of the populace constitute the bulk of our country’s human resources. State Policy as well as National Action Plan has initiated a package of measures for them to have a positive impact on survival, protection and development of the children to accomplish the cherished goals of “Health for All” and “Education for All” by the year 2000.

But the government policy and intervention alone could not promote the development of the child. An important support for child survival and transition to adulthood is the social security derived mainly from within home. The family extends an important influence on the process of all round development of the child.

Children in especially difficult circumstances need protection from the family that must tackle the root cause leading to such situation. These children include children of physically handicapped, children of mentally handicapped, children of drug addicts, children of the victims of natural and man-made disaster, refugee children, street children, slum and migrant children, orphans and destitute, children suffering from AIDS, children of parents infected with AIDS, AIDS infected orphans, children of prostitutes, Juvenile delinquents, child labour as well as children of leprosy affected parents.

The thrust area of the study is ‘Child Abuse in Orissa’, with special reference to Institutionalized Juvenile Delinquents. Before going deep into the subject it will be worthwhile to give connotations of every word of the title subject. Let us start from the word “child”. The word ‘child’ has different meanings in different contexts, where the word is used without reference to parentage. It is generally used and referred as infant/minor and means a person who has not attained majority.
The term children include person up to the age of 14 years as per the Constitution of India. The Crime in India reports Juvenile Delinquency as crimes committed by persons up to 18 years of age. Most of the children related acts define a ‘child’ as a person up to the age of 18 years.

The Indian Constitution, articles 24 and 39, mention that children below 14 years is not allowed to work in hazardous jobs, and should be prevented from exploitation, neglect and abandoning.

Convention on Right of child declares the child as a human being below the age of 18 years unless under law applicable to the child, majority is attained earlier.

The Indian Penal Code, 1860, defines a child as one who is less than seven years of age. It is mentioned that nothing is an offence that is done by a child under seven years of age. Also, 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 consequence of his conduct on that occasion. The latest Central law for the prevention and control of Juvenile delinquency enacted and passed in 1986 is known as the Juvenile Justice Act, 1986. Under this Act a boy who has not attained the age of 16 years of age and girl who has not attained the age of 18 years are Juveniles.

After defining a ‘child’, let us now attempt to explore the definition of ‘Child Abuse’. There is no universally accepted definition. For our purposes we take Alvy’s definition (1975):

“A general definition of child abuse incorporates any mistreatment or violation of the rights of children by social institutions or individual caretakers.” Child abuse can be broadly classified into physical, emotional and sexual.

1. Constitution of India, Orient law house, post box no-1,1-094, High court, Allahabad-211001
2. Right of the child, 1994, UNICEF Publication
3. Indian Penal code (Amended) 1999, Law publishers, Pvt. Ltd.
The Juvenile Justice Act, 1986 considers it necessary to provide protection and care for children who are to be exploited and abused. Section 41 of the Act (Punishment for cruelty to juvenile) states that acts resulting in unnecessary physical or mental suffering is punishable.

The present study on Juvenile delinquency is an attempt based on boys and girls below 16 and 18 years of age respectively who belong to Government of Orissa institutions viz., Juvenile homes, Probation and Special homes.

Juvenile delinquency in Oriya is called as "Bal Aparadha". If you simplify, it means a child’s playful mistakes that can be forbidden to any extent by any body. But by the expansion of society, knowledge, education, institution, welfare activities, a child’s mistake can be a crime. In other words, it is called as child crime or juvenile crime and ultimately it is officially recognized as juvenile delinquency.

In the modern scientific and technological developments, the human society has got considerably developed and modernized with the result that there exist better facilities, amenities and opportunities for the members of the society. However, concomitantly the deviant behaviour has also enhanced among the children as well as the adults and it has increased criminalisation in the society. Consequently the fruits of modern scientific and technological development cannot be availed properly and peacefully by the common man. Thus it is not only affecting the progress of our contemporary society but also tending to disturb its normal working and peace. The disorder and destruction in the society as an outcome of the deviant behaviour is assuming alarming proportions in the social organizations.

Thus juvenile delinquency can be explained in terms of deviant behaviour of a child, statutorily defined to belong to a certain age range in violation of the legal norms and in contravention of the socially and culturally defined behavioural patterns in the society, i.e. the social norms. So social, psychological as well as legal definitions and actions are essential while defining and dealing with the juvenile delinquents.

Children are not born as delinquents. A delinquent child is exposed to many types of influences like, chaotic and restrictive family type, quarrelsome parental relationships, mother deprivation, broken home, poverty, illiteracy, immoral value and bad
companionship factors which make him a delinquent. Thus the young delinquent suffers from serious maladjustment as a result of which he or she exhibits activity or behaviour of abnormal act or acts and thus commits serious act of crime known in Law as Juvenile delinquency.

According to the psychologists juvenile delinquency is a deficiency of conscience due to improper teaching of the child in early years of life. Again, as is defined by Dr Sethna, juvenile delinquency involves wrongdoing by a child or young person who is under an age specified by law.

From the social point of view juvenile delinquency is a pattern of maladjustment that deviates from the code of conduct society is attempting to enforce. In other words, it amounts to violations of “conduct norms”. Delinquency is the result of unsuccessful efforts to achieve goals of the society legitimately thereby causing the individual to engage in anti-social, non-legal avenues to obtain material wealth and social status, to steal or be a part of anti-social gangs. According to Healy, a child who deviates from the social norms of behaviours is called a delinquent.

The legal experts say that unless a young man is brought before the court, he is not a delinquent. Juvenile delinquency may be defined as a social offence committed by a young person, below the age of eighteen, for a number of times, which if committed by an adult would be considered and punishable as a crime. The designation of delinquent is not labelled to him who does not come within the purview of juvenile court even though his behaviour might have been referred to the court.

Though the problem of juvenile delinquencies is rampant, through the institutionalisation of various social welfare programmes, this problem may be eradicated to some extent. The importance of state and social agencies cannot be underestimated in preventing delinquency. Some probation, juvenile, and special homes are set-up under the direct supervision of state governments to take care of the so-called juvenile delinquents. These institutions being set up under the government aegis keep in mind extracting retribution to reform and rehabilitation through incarcerator methods and techniques.
The prime function of a juvenile treatment institution is to re-educate and train the child to become a responsible well-adjusted citizen. It should essentially provide treatment facility with an integrated professional service, where in the disciplines of education, casework, group work, psychology, psychiatry, medicine, and vocational rehabilitation, religion – all play an important role. Through such an integrated treatment programme the child is expected to learn self-discipline to accept more responsibilities, and act and react in a more socially acceptable manner.

The professed purpose of these institutions under the children act is to provide for protective and rehabilitative environment for children in conflict with law, and also for those found in situation of social maladjustment and vulnerability to crime.

The present study is purely based on institutions working for the care, protection and development of juvenile delinquent under the direct supervision of government of Orissa.

**Significance of the study**

Since last few decades less attention has been devoted towards child abuse especially Juvenile Delinquents in India. A few studies have been conducted, but they are mostly of the sociological type. Probably, the present study may be the first attempt to study the life style of Juvenile Delinquents in the government institutions being run within the gambit of various social welfare programmes. Being a social worker (MSW) by profession, a need was felt by the researcher for further exploration and assessment of the present status quo in the field of child abuse and juvenile delinquency through a holistic social work intervention. The experience as a social worker, educator and a researcher in different child welfare programme, for the last ten years, made the researcher interested to study the cases of juvenile delinquent and the allied majors taken through various welfare programme by the state government.

In correctional settings the social worker provides a safe emotional climate in which the offenders can express and verbalize themselves. The social worker assists the offender in modifying his behavior, knowledge and moral character. The social worker is also able to help the offender and his family to tab different kinds of
financial and social resources to meet their needs. They also provide information and counseling in correctional setting. Another important function of the social worker is reorganizing behavior pattern of the offender. The present study may prove significant from this view point as it has attempted to study in a scientific manner the family environment, the correctional institutional environment, temperament, moral value, causes of crime etc.

As a student of Sociology and Law, the present study also enhances the researcher’s curiosity to know the difficulties faced by the delinquent children, its social consequences and relevant legal formalities and the need for their improvement.

The research work undertaken attempts to study the relationship between various social cultural factors and peer circle influence associated with delinquent behavior, to analyze nature and pattern of offence and to identify various causes in social and environmental surroundings and various situation in which offence has taken place. The present study examines some of the deprivation and problem faced by the children before coming to the institutional set up and in the institutional set up.

Objective of the Study

In general, the main objective of the present study is to know the nature, scope and extent of the problem of child abuse by focussing on the Juvenile Delinquents, their physical, psychological, social and emotional deprivation, their cumulative impact on their growth and development and exploring the causes as well as social factors surrounding this problem.

Specifically, this study intends to know the functioning of the process of the institutional care in special home, observation home and juvenile home and the approach of the police and the legal system.

Hypothesis

The researcher has attempted to test the following hypotheses through this research work:
1. Economic deprivation leads to delinquencies. The unhappy home condition and broken homes, death of the parents, separation, desertion or divorce provoking family insecurity and lack of understanding among the delinquents and their family members often lead to delinquency.

2. Influence of the peer group and easy access to anti-socals also leads to causing delinquency.

3. Poor educational attainment and large family size affects practically the proneness of delinquency. Delinquency do prevail both in the rural and urban sector.

4. Poor fulfilment of aspirations, deprivation of child’s rights, improper love and affection leads to delinquency.

5. The policies of the Juvenile Justice Act, 1986 and various related programmes sponsored by the government are insufficient for the children so suffering to join the mainstream in the society. The facilities provided by the institutions (observation, probation, special homes) like education, nutrition, vocational training, rehabilitation and health facilities etc. as provided in the legislation is under implemented.

6. The revised Juvenile Justice Act (Bare Act, 2001) is child friendly and ensures the best interest of the child. The act, it is believed, will go a long way in lifting the neglected and Juvenile delinquent.

Research Design

A description of the research design should make it clear whether the study is exploratory or conclusive in nature and whether it is statistical, or experimental in design. In addition to describing the research design the researcher must explain why the particular design was used and what its merits are for the project at hand.

The present research is a field study of exploratory type; attempt has been made to explore the levels of abuse, deprivation, rights, privileges of children, especially
institutionalised Juvenile Delinquents. Respondents are taken from Observation and Special Homes of Berhampur and Juvenile Home of Rourkela of Orissa. The researcher has also made an attempt to study the relationships of various important variables in details. A comprehensive and varied assessment of children (Juvenile Delinquents) on a common background, that is the problems faced by the juvenile delinquents and the facilities provided by the institutions to overcome the same, helped the researcher in designing interview strategies for reforms and correctional settings.

Methodology

The purpose of the methodology section is to describe the research procedure. This includes the overall research design, the sampling procedures, the data collection method, the field methods, and analysis procedures. This section is difficult to write because it is hard to discuss methodology without using technical terms, yet much of the audience for the report will not understand the technical language.

In the study both primary and secondary data were collected, used and analysed for the purpose of the study. The secondary data were collected from different sources like Govt. Departments, and institutions dealing with juvenile delinquents, child welfare and development, libraries and research institutions in the state and national level NGOs. The main secondary sources of data collected, used and analysed are Annual Administrative Reports of Government Departments and agencies; Research Survey and Evaluation Reports of working groups/commissions, information bulletins, news letters, policy and programme documents, progress and achievement reports of institutions dealing with children, legal documents, books, periodicals, juvenile, magazines, news clippings etc.

The primary data were collected through observation, also by administering structured interview schedule among delinquents at the institutional set up, and functionaries of juvenile home, observation homes and special homes. Separate sets of interview schedules were prepared for these functionaries. In addition to this detailed case studies were done for the juvenile delinquents of all juvenile homes in Orissa.
Universe of the Study

In describing the universe, it is first necessary to indicate the nature of the universe to be studied. The exact sampling units such as institutions, respondents etc., must be defined and the geographical limits specified. If there were any difficulties in identifying the sampling units in the field, the procedure used for overcoming such difficulties must be explained. If the sampling unit definition used differed from the commonly accepted one, this fact should be noted and the differences pointed out to avoid possible confusion.

The study was conducted in three Government institutions controlled and maintained by department of Women and Child Development, Government of Orissa i.e. observation home at Rourkela, special home for girls in Berhampur and juvenile home at Berhampur. 250 registered juvenile delinquents staying in these institutions during the study period constitute total universe of the study.

Sampling Design

Adequate care and sincere attempt was made during sampling in order to collect data from the juvenile delinquents. Firstly, a list was prepared on registered juvenile delinquents booked under different delinquent activities, especially inmates of all three institutions for care, protection and rehabilitation of juvenile delinquents in Orissa during the period 1995-2000. In total 250 children were selected on the basis of random sampling techniques. In total 50 numbers of case studies were conducted in all the three institutions. Cases were selected among the 250 sample children selected for interview on the basis of nature and magnitude of the problem. Besides interview and case study of juvenile delinquents, all working staff of all the three studied institutions was also interviewed personally.

The qualitative techniques that were used in the study are observation and case study. Through the process of non-participant observation, the activities of the children were observed. It is a good source of learning behavior as well as general social
environment of the children under study. The researcher was able to observe from a close range the life of the children. Notes were made on each phase of the observation as well as the difficulties encountered during the observation.

It was considered appropriate to supplement and further enrich the analysis with the case study of those children. Episodic and topical life histories were recorded from these children besides their full life histories, which provided a wealth of material on their inter personal relation, attitudes and the historical processes in the episodic life history of these selected children. This helped reveal the causes responsible for the deviation in the normal life of these children. The case studies touched on all major spheres of the life of the concerned child viz. parental relations, emotional deprivation, work conditions, health problems, and socio cultural problems. The informants or cases for the case study were chosen from the different categories of children. Twenty percent of the total universe under study was covered under the case study method. As such 50 cases were selected for a detailed case analyses depending on their critical nature. Fictitious names and initials have been used in order to hide out the identity of the child.

A wide range of data was also collected through the administration of interview schedule. The interview schedule contained questions concerning the background of the children, their present conditions, their behavioral change, attitude change, institutional facilities and problems etc.

In addition, secondary information about the existing essential facilities for these children, the policies and programmes of action of the Government, Municipalities and NGO’s, police, juvenile board etc., were collected. Apart from that views of some officials of concerned institutions were obtained through informal discussions.

Data Analysis

Relatively little can be said about the analysis and interpretation methods. The findings tend to show what has been done in this regard. If any special, statistical techniques have been used, they should be mentioned. If various executives have
assisted in interpretation, this fact should be noted. This may help gain acceptance of the report, and since interpretation is at least partially subjective, it helps readers appraise the interpretation given.

All types of Secondary Date collected for the purpose of study have been critically reviewed and analysed in different chapters. Various statistical information collected from secondary sources have been also incorporated in different chapters.

Various research tools like interview schedule, case study were first pre-tested among 20% of the respondents interviewed for the purpose separately. After pre-testing, necessary and relevant changes were made in order to collect more relevant and authentic information. All data collected during pre-testing were analysed in order to know its validity, objectivity and appropriateness for the purpose of the study.

Thus all types of data have been presented in tabular and graphic manner with necessary analysis and reviews in a sequential manner under major chapter titles and sub-titles. Individual Case Studies have been presented with necessary analysis and critical remarks.

Difficulties and Limitation of the Study

A good report sells the results of the study, but it should not oversell. Every project has limitations. The competent researcher does not attempt to gloss over these points but instead calls them to the attention of the readers. This helps readers from a more accurate interpretation of the results than they would otherwise do. It has the added advantage, from the researcher's standpoint, of giving confidence in the results presented. If readers find limitations, which the report does not point out, they are apt to wonder how carefully the research was done.

Limitations may be of several types. One that should always be emphasized is the degree to which one may generalize from the results. If the universe studied is Cleveland, Ohio, readers should be cautioned not to generalize about the United States at large. If the study is an exploratory one designed to find new hypotheses,
readers should be warned not to conclude that the results are an accurate measure of the phenomenon studied.

If particular questions in a survey seem to have confused respondents, the readers should be warned to use particular care in interpreting the results of these questions. If many not at homes were encountered in the fieldwork and substitutions were made, readers should be cautioned as to the effect this could have on the results. In short researchers should note any weaknesses in the research methods used.

In describing the limitations of the study, researchers should point out the degree to which they could affect the results. If limitations are over emphasized and not put in their proper perspective, they may tend to destroy confidence in the valuable parts of the study instead of increasing confidence.

For completion of this study there were lot of difficulties, but the key ones worth mentioning are focused here. Firstly for this study (Juvenile Delinquency) very less secondary information is available in Orissa for a beforehand information. Secondly Juvenile Justice Act is not strictly implemented. This is evident from the fact that not more than three Government institutions under the women and child development department exist in the state though more than that number is required. Government has started giving funding to some of the NGO’s working on Juvenile Justice Act, but they have not yet started functioning. So getting relevant response was a problem. Also, there is a variation in the age group of the respondents and most of them are Telegu speaking. While small children were not able to give definite answer the non-Oriyas were not able to provide relevant information on the juvenile delinquent. It was felt necessary to also make home visits for parental contact as well as to make peer circle interview, teacher contact, which could not take place due to time and other constraint. They are too scattered, difficult to reach, or even sometimes to identify.

Though, there are many types of institutional services provided through Government departments as well as NGOs for child welfare and development, the study has given focus on institutions dealing with Juvenile delinquents only.
Operational Definition

Child: A Juvenile or child has been defined as one who has not completed 18 years of age. This is in keeping in conformity with article 1 of the UN Convention for Rights of child.

Children covered under the Juvenile Justice Act: The JJA applies to juveniles found to have committed an offence (in conflict with law) and the children found to be living in the specified circumstances of neglect (in need of care and protection).

Child Welfare Committee: the State Government will establish one or more child welfare committees to handle the child in need of care and protection, which was earlier known as Juvenile Welfare Board.

Juvenile Justice Board: the State Government will constitute one or more Juvenile justice Boards to handle juveniles in conflict with law. Juvenile Justice Board consists of a Magistrate and two Social Workers of whom at least one should be a woman. Further the Magistrate should have special knowledge or training in child psychology or child welfare. Social Workers should be involved in Health, Education or Welfare activities pertaining to children for at least seven years. The Board is empowered to obtain social investigation reports on a juvenile, even though a recognized voluntary organization.

House: the act provides for establishment of observation home, special homes and after care organizations by the State Government for temporary reception and rehabilitation and follow-up of the juvenile in conflict with law. In the Juvenile Justice Act, 1986 there was no clear demarcation between the observation homes provided for delinquents and neglected juveniles.

Rehabilitation and Social Re-integration: The act provides for various alternatives such as adoption, foster care, sponsorship to a child for his rehabilitation and social reintegration. The main principle behind this is to provide a family to such children who do not have one and also ensure their after care.
Child Abuse: It incorporates any mistreatment or violation of the rights of children by social institutions or individual care taken; it can be broadly classified into physical, emotional and sexual.

Children Rights: Government is committed to ensure that, children can grow up in safe and supportive conditions, with access to high quality education, health care and a good standard of living.

Non-discrimination: All rights apply to all children without exception and the state is obliged to protect children from any form of discrimination. The state must not violate any right and must take positive action to promote them all.

Administration of Juvenile Justice: Children alleged or recognized as having committed an offence have the right to respect for their human rights and in particular to benefit from all aspects of the due process of law, including legal or other assistance in preparing and presenting their defense. Because to judicial proceedings and institutional placements should be avoided wherever possible appropriate.

Social Security: Children have the right to benefit from social security.

Chapterisation Plan

The present study has been divided into following Chapters.

Chapter - I : Introduction and Methodology
Chapter - II : Review of Literature
Chapter - III : Socio-economic Status of Juvenile Delinquents
Chapter - IV : Institutional Services of Delinquent children
Chapter - V : Administration of Juvenile Justice - An overview
Chapter - VI : Case studies
Chapter - VII : Book review, Conclusion & Suggestions