Juvenile delinquency is a problem that has caused great concern to the social reformers and social scientists of the highly industrialized Western Countries. Juvenile delinquency may be said to be largely a social by-product of industrial development of a society. One is not aware of juvenile delinquency in pre-literate societies; but once those pre-literate societies are re-oriented on modern techno-economic lines, the dimension of delinquency becomes apparent. In the highly developed countries of the West, the problem of Juvenile delinquency is much more poignant. Inspite of a high standard of living ensuring increasing necessities and amenities of life, compulsory universal education upto a fairly high age and ample opportunities for recreation, the percentage of juvenile delinquents is not only shooting up, but the nature and complexity of the offences and the serious aberrations, and perversities manifested therein, are intensifying causing great concern to the social reformers and the social scientists.

The phenomenal advance of science and technology in the present age of speedy sputniks and guided missiles has tremendously shaken up the old order of human life. Society is experiencing terrific convulsions of social changes. The multi-sided dynamic developments are shattering the fundamental basis of social order in different fields of human thoughts and actions. A traditionally well-knit family life is threatened and the established standards of social behaviour, social norms and values are undergoing bewildering metamorphosis. The continuance of this process has led to increasing deviations resulting in abnormalities in individual behaviour. The criminality in the
adult and the delinquency in the juvenile, are none but the upshoots of this process, the process of social changes and consequential maladjustments.

The problem of juvenile delinquency has not yet reached the same dimensions in the comparatively underdeveloped Asian countries, where the society is still predominantly agrarian. Our society, though rural in character and still clinging to age old traditions and culture, cannot escape the onslaught of these powerful forces, that are gradually infiltrating into its social fabric. It is quite obvious that our country has inevitably to face in future the same problems of increasing social maladjustments as the more developed countries of the West are facing now. This study is an attempt to analyse one phase of such social maladjustments - the study of the juvenile delinquents in their social set-up as it exists to-day in our country. With this objective in view, the field of investigation of this problem is extended to the different urban areas of West Bengal where the social organisation and mores are influenced to a considerable extent by the process of social changes resulting from the increasing industrialization and urbanization, but have not yet entirely lost the basic ideas and fundamental spirit of the Indian social thought and traditional customs and institutions. It is in the perspective of such social conflict that the analysis is worked out.

With rapid industrialization and consequential eagerness to leave the rural area is progressively inducive to shake up the traditional family group and homogeneous neighbourhood which hitherto before served as powerful agencies of social control. They are thus replaced by the nuclear families consisting of wife and children, cut off from other relatives and a neighbourhood
set up in new surroundings, in which the mores are not homogeneous and the behaviour of one person is a matter of relative indifference to others. The neighbourhood has ceased to function as an effective primary group in which the pressures for conformity were intimate and personal and in which any deviation from the conventional form was immediately known to the entire group. Because of increased mobility a condition of anonymity is created and the agencies by which control had been secured are greatly weakened. The family and the neighbourhood are, hence, no longer capable to control their members.

With the process of urbanization and industrialization, large number of people are now migrating from the villages to the towns and the industrialized cities, or are at least captivated by the thrills of new prospects, thus losing the emotional support they had been getting from their communities. In fact, it was the emotional support, more than economic and social support, which had been a great stabiliser of conduct for all members of the family. When the entire family migrates to the city, its ties with the rural community are, either for a temporary period or permanently, cut off. So are cut off those who return home daily or weekly from the industrial area. There are minimum prospects of the family's return to its original emotional surroundings and it floats about in the industrial area, without new ties with the urban community which very seldom act as a stabilising and controlling force. However, there are, on the other hand, a number of families hanging about in urban areas which do have some links with their native villages. The wage-earning members of the family alone migrate to the urban areas which hold out a promise of a relatively higher standard of living, steady employment and better amenities of life. However, this type of
migration also leads to the eventual breaking away from emotional stream of the rural life. The problem of adolescent delinquency is more acute in the lower stratum of society, which is subject to a greater pressure of disorganisation process. The nuclear family that settles down in the city's slums, economically hard-pressed and socially outcast, gradually loses its ideals of community welfare and sentiments of cohesive family life. Marriage-bonds are laxsed and sex-partnership becomes the primary aim of marriage. Economic insufficiency coupled with such dissolute relationship on the part of the parents results in neglect and destitution of the children. Moreover, when the family is broken, other relatives or neighbours who naturally cared for the children in the rural community, are no longer available to take the responsibility of the children. Once the joint family is disintegrated, the destitute or the neglected child is either victimised by adults for their anti-social activities or takes to law-violational activities as an easy means of supporting himself. In West Bengal, further, the impact of immigration of millions after partition which left a trail of horrors will be increasingly felt, now that the younger generation is growing up practically without any anchorage. This dynamic and yet irresistible change in social set-up and values have accentuated the need for some sort of common and well accepted standard of social behaviour, with a view to harmonise the conflicting behaviour and the interests of an individual with those of the society so that the healthy social fabric does not disintegrate. Such standards are now evolved by the social scientists to constitute the laws of the particular society. Conformity to these norms is expected and insisted upon from every member of the society and their violation leads to official
However, the modern society’s approach towards adolescent violators and adult violators of social norms differs considerably. Violational behaviour on the part of the children is termed delinquency and attempts are made towards its treatment by the State. Similarly, violation of the Code as set forth by the society on the part of an adult is regarded as an offence or crime punishable by law. Thus, the age of the offender is the principal differentiating factor between a crime and a delinquency. A juvenile is not supposed to have reached the age when he can differentiate between right and wrong, and, therefore, his responsibility for the offence committed is lighter. Hence, in the terms of law, “a young offender below a certain age is a delinquent, while an adult offender above that age is a criminal. Law, thus, places responsibility for anti-social activities on the basis of the respective age of the person concerned. From the sociological point of view, this criterion of age as the basis for distinguishing between the criminal and the delinquent is not wholly valid, because the age of maturity referring to the psycho-social growth of the child does not always correspond with his age; child or an adolescent may be precocious. It has, however, to be accepted so long as other acceptable or rational criteria are not evolved.

The sociologists and the legalists have concerned themselves with the problem of juvenile delinquency, because it has significant bearing on the problem of adult criminality with which society is gravely concerned. Juvenile delinquency is considered to be the spring board of adult criminality. Social studies on and the inquiries into the genesis of crimes have very often revealed their roots in tormented childhood. In the
judicial application of criminal law, therefore, the antecedents of the offender, his age, his family background, socio-economic compulsions, etc. have acquired great relevance. The new approach calls for individualized treatment, particularly in the case of young offenders, with the primary object of, not punishment, but rehabilitation. There is also a growing realisation that institutionalised incarceration is likely to prove counter productive in the case of young delinquents. If children of tender age are pushed behind the bars for petty offences, it will ultimately result in increasing their propensity for graver crimes and correspondingly decrease their capacity to readjust to the healthy law abiding community on their release. Besides, it would also be wrong to fix the blame squarely on the young delinquents alone for the anti-social propensities which they show at an early age. Many of their perversities and aberrations could be directly traced to socio-economic stresses and strains, social injustice and to the resultant social degeneration and maladjustments. Contemporary social order permeating with various inequities cannot also escape the blame and as such it must share its responsibility for reformation and rehabilitation of the young offenders. Juvenile delinquency is, therefore, the most prominent field for the checking adult criminality. Now, if these formative aberrations are to be discovered, ascertained and determined, treated and efficiently rooted out, a thorough study of delinquent behaviour is necessary.

Limitations are always there in obtaining delinquency statistics in general and of the West Bengal in particular. Some well-known and distinguished scholars like Sophia Robinson go so far as to question seriously whether delinquency can ever be satisfactorily measured. There are fundamental differences in the
legal definition of delinquency in different countries, and at times within the same country. The situation in any one country or region, cannot, therefore, be compared with that in any other. Moreover, the definition of delinquency is many a time not precise and uniform in respect of terms and particularly with reference to certain types of conduct. This results in significant variations in the action of the law implementing authorities while considering the children as delinquents or as non-delinquents.

One of the major issues implicated in the accurate assessment of the delinquency situation is the extent of detected delinquency in relation to undetected, one. Usually, the more intelligent and the more privileged youngsters from well-to-do homes manage to avoid detection though no less delinquents than the detected ones. The detection of delinquency is also conditioned by a number of other variables like place of offence, age and sex of the offender. For instance, in the rural areas many types of delinquency are not given such minute official cognizance as in urban areas where specialized agencies prevail. Detection of delinquency also depends on the sufficiency of the police force and on the time at their disposal for enquiry into the misbehaviour of the children, on the efficiency and training of the police force, the amount of interest taken by it in the work and, lastly but not least, on the co-operation of general public and social workers. Thus, the reported delinquency is usually an under-statement of the total delinquent situation. Delinquency statistics as well as juvenile statistics, in general, are collated and collected and maintained by the State administrations and welfare agencies and also by the Central Intelligence Bureau of the Government of India, police and law
courts. Neither of these has any co-relationship with the other statistics fashioned by them. Sometimes statistics about a particular region and about a particular aspect of the problem materially differ when such statistics come from different sources. Even those statistics which are available with different state agencies are difficult to correlate and reconcile since there are a number of limitations such as, lack of uniformity in reporting, disparity in the concept of child welfare, unequal distribution of the resources in the states and varying emphasis of State administration on child welfare problems. In West Bengal, as in other States, lack of records, inaccuracies in the existing records and fragmented records are more a rule than an exception.

For a critical examination of a social malady like juvenile delinquency, it is desirable, therefore, to restrict the areas of assessment to a smaller regional unit. Taking these factors into consideration, the statistical assessment is restricted to the State of West Bengal.

This study is divided into four parts: Part I deals with delinquency and children. Chapter I of this part deals with the evolution of the concept of Juvenile delinquency. Chapter II and Chapter III analyse the definitions of the two concepts - juvenile and delinquency.

Part II deals with the historical background of the Central Children Act and the Children Acts in different Indian States. Chapter IV of this part deals with the Children Acts of the different States. A detailed analysis of the West Bengal Children Act, 1959 and its comparative evaluation are mentioned in Chapter V of Part II. The Children Act which came into operation in 1960 is also examined in Chapter VI of Part II. The Juvenile Justice
Act, 1986 which is now extended to the whole of India except the State of Jammu and Kashmir is discussed in Chapter VII of Part II. Chapter III of Part III deals with the growth of Juvenile Courts in India. It discusses the Juvenile Court philosophy of India.

Part IV contains the analysis and the correction services rendered by the Juvenile legislations of West Bengal. Chapter IX discusses the nature and extent of Juvenile delinquency. Chapter X of this part deals with the practical working of the Children Act through the Juvenile Court. It discusses the Juvenile Court philosophy and gives an estimate of the Juvenile Court facilities in the State of West Bengal, the jurisdiction of the juvenile Court, the participating personnel, the procedure of the juvenile court and the juvenile court process. Chapter XI discusses the functions of Reception Home of West Bengal. Chapter XII discusses the functions of Reformatory, Industrial or Borstal School with reference to West Bengal. Chapter XIII deals with the system of probation facilities with reference to West Bengal. Chapter XIV renders an analysis of the after-care facilities provided by the different State Children Acts of India with special reference to the West Bengal Children Act, 1959 and the Juvenile Justice Act, 1986.

Chapter XV of this study submits some of the suggestions of the author.

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