Chapter I
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INTRODUCTION

1.1 BACKGROUND

Juvenile delinquency is a critical sign of sick society, which is becoming an alarm to awaken those who are likely to be affected. Despite the increased attention it is receiving in the present times, the problem of juvenile delinquency is not a novel one. John Locke, the eighteenth century philosopher, seems to have condemned and deplored delinquency in the same manner as we do today. It is said that six thousand years ago, an unknown Egyptian priest had carved on a stone that our earth is degenerate and children no longer obey their parents. Misbehaviour on the part of children and adolescents has been a common happening since ancient times. It is seen that in the ancient code of Hammurabi, written in 2270 B.C., passages have indicated that a special concern for lawbreaking on the part of children existed. Juvenile delinquency over the years has

increased due to the parent-child conflict, breaking of parental rules and limits by youngsters, and youthful misconduct in their endeavour to negotiate the social passage from childhood to adulthood.

The history of civilization reveals that children were not always held in high esteem in ancient times. It was only during the Middle Ages that little distinction was made between children and slaves. Both were thought of as chattel or property which the head of the household could treat in any manner that he deemed to be fit. Under the Roman Law, the pater-families doctrine placed unlimited power in the hands of the father over all the members of the family. A son could be put to death, have his tongue cut out or be sold into slavery by his father. He had the same power over his slaves too. This totalitarian outlook and philosophy was prevalent among Christian, Muslim and Jewish civilization.

The killing of infants or infanticide was widely practised in several cultures. Dead babies were often

Ibid., p.2.
seen in streets and garbage dumps from 1890. Frequently children were deserted, sold or given away to wet-nurses who would let the new-borns die. Children were thought to be replaceable objects due to the high rates in infant mortality. These children who had died or been killed, sold or left off could be easily replaced.

Children during the Middle Ages were not only looked upon as property but also as objects of sexual pleasure; later, due to the spread of Christianity, the need for maintaining the discipline and supervision among children was stressed. In the present century, children and youth are exploited to the maximum. In addition, they are led astray by various vices and thus succumb to the temptations of the modern materialistic world. Training the youth not only in the family, but also in religious and educational institutions and chastising through corporal punishment became an acceptable means from the eighteenth century.

Public awakening of, and concern about, the hopeless plight of children and their harsh treatment in adult courts became common during the late nineteenth century. In some places, the child savers advocated the need for
an alternative court designed to cater to the welfare needs of the young. This court, instead of punishing a child for misbehaviour, would offer a more humane treatment and an opportunity for rehabilitation. This approach would extend to young offenders as well as to orphans and children who had been abused or neglected.

At the time of the establishment of the early juvenile court, delinquency was already thought to be a grave problem in both developing and developed countries. The 'social workers and reformers believed that children were given a raw deal under adult law. They were against the ruthless practice of confining children in jails along with adult criminals awaiting trial and were exposed to the same conditions after trial. This constant exposure and contact with hard-core criminals was felt to be detrimental to the minds of the innocent juveniles. This bad influence would lead these juveniles to be negativistic, learn illegal acts and reinforce their deviant behaviour patterns. Out of a much humane consideration, reformers were of the opinion that nipping of delinquent acts would be easy and beneficial during ones childhood days. They could be rehabilitated by diverting them from a life of criminality and exposing
them to socially acceptable morals, values and activities. The need for rehabilitation of young offenders necessitated the establishment of training schools or Borstal schools and Reformatories. In these institutions, children could develop an opportunity to learn useful skills that would prepare them for better productive lives. Thus, the juvenile justice system would help to resocialize wayward youngsters and reduce the instances of future crimes.

It is now observed that children had moved from the position of being totally controlled by their parents, as in the days of Hammurabi, to one in which the state could also exercise control when necessary. As societies became more populous and complex, juvenile delinquency came to be considered a community problem. Concern about the behaviour of youth began to surface as an important issue in many societies. The cultural values in society have a great role in emphasizing the virtues of spirit, youthfulness and achievement. In the present century, the actions and life-styles of the young have a tremendous influence on adults. In several cases, the youth act as trend-setters in dress, music and so on.
Every one looks upon the childhood years as the best and happiest period of one's life. Each one strives hard to provide better opportunities to his/her children. In this ever-striving ambition many parents also subordinate their own interests and desires to those of their children.

Juvenile delinquency is a complex problem which has necessitated an immediate study by many intellectuals and social reformers for several years. It consists of a series of acts which go against the normal norms and statutes of society. Juvenile delinquents are youths or adolescents who commit one or more prohibited acts. The modern society is threatened from all directions by juvenile delinquency. Hence a check has to be made in order to prevent growing delinquency among the youngsters.

Delinquent behaviour is found in all types of families in both urban areas and small rural communities in all parts of India. The number of delinquent acts committed by young offenders is determined by the use of official police records of crimes. These records are based on reports by witnesses or victims or detection by
law enforcement officers. The courts also maintain regular records of the rate of delinquent acts. There are some research centres which also publish information on the delinquent activity among youth.

The problem of juvenile delinquency has assumed menacing proportions due to its steady rise in society. Statistics available from the 'Crime in India' published by the Ministry of Home Affairs reveals that there has been a steady increase in the instances of juvenile crime. The proportion of involvement of juveniles in crimes under the Indian Penal Code exhibited a continuous increase from 3.2 to 4.4 per cent between the years 1972 to 1982. The volume of juvenile crime per lakh of population also increased from 3.6 in 1972 to 8.8 in 1981 and to 8.4 in 1982. Moreover, a total of 84,777 offences involving juveniles were recorded in 1982 under the local and special laws. However these figures may not bring out the exact quantum or accurate level of juvenile crime in India. It is felt that a good number of juvenile offences are not reported to the police. These cases are mostly dealt with within the community. In other cases, the police directly dispose of delinquent acts as they
consider it unimportant and hence such details are not officially recorded.

There are several difficulties in the use of official records of offences as indicators of the actual amount of crimes committed in society. To begin with, there are many offences that are not detected by law enforcement agencies since victims or witnesses often fail to notify authorities of crime. Besides, the reports filed by individual police agencies are not always accurate as various offences are either over-emphasised or neglected.

The arrest policies also affect crime records. For instance, an official increase in the number of narcotic offences may actually reflect a new departmental policy of emphasis on drug arrests. There are some writers who have suggested that the official records should be used to describe police practices rather than the prevalence of a particular type of crime in the society.


Delinquent behaviour of a young offender is a symptom which requires attention and treatment. Instead of labelling the young offender as a criminal, one should treat him as a child or adolescent who needs constant guidance and protection which can be provided by the existing educational and social services.

1.2 THE STUDY

The increasing instances of delinquent acts among children and youth created a great awakening in the minds of the people. Efforts were taken by the public to prevent juvenile delinquents from undergoing the type of cruel and severe methods of punishment that were meted out to the adult criminals.

Juvenile delinquency is a social evil in the present times. Quite often, delinquency is considered to be a normal or atleast a common manifestation of the process of social change and development which children undergo. Social change is a continuous process and children are continuously exposed to ever-changing social environment. The size and nature of the problem of delinquency is a matter of great concern to every person
and to the community, as a whole. It is often very difficult to define the limits of delinquency among children and youth. The boundaries of the category of delinquency are vast and elastic. It stretches and contracts within the changing opinions of the community.

The juvenile justice system was established to prevent children and youth from falling into delinquency. Many reasons have been advanced for the increase in crime and delinquency. Among them are excessive overcrowding, less employment, poverty, greater stress, identifying with peer group standards, laxity or overreinforcement of the law, media and their depiction of crime and violence and very often the decline of the home and its values as an educational force. The privilege of sharing the thinking of parents on a wide range of topics and exercising control over the children which was a significant part of the past is found to be on the decline. Parental rejection or deprivation have been found to produce juvenile delinquents, psychopaths, neurotics, psychotics and other behavioural disorders. As cases of divorce and separation have been increasing, many children have been led astray by false temptations and thus become institutionalized.
Laws with respect to delinquency vary from state to state. What may be treated as delinquency in one part of the country may not be the same in another. Hence it is not easy to state an all-India position in relation to delinquency. In some States and Union territories, there may not be legislative measures and where there are, they may not be uniform. Sometimes many cases may go unrecognised and those noticed may not have been recorded officially. Statistical data available are meagre and hence do not reflect the total reality. Therefore, the interpretations based on such data should continuously be taken into consideration.

A study on "Juvenile Delinquency and Correctional Administration," in the City of Madras has been undertaken as Tamil Nadu is one of the pioneer States, in India, right from the British period, that gave priority for the protection and upbringing of children belonging to the under-privileged sections of society.

The purpose of the establishment of juvenile courts and correctional institutions is to curb delinquency and rehabilitate the young offenders so that they may lead normal lives in society. For all external appearances,
R. Bhaskaran in his work, 'Habitual Offenders,' analysed the causative factors for becoming habitual delinquents. They did not make proper mention of the occasional and mal-adjusted type of delinquents.

R. Mendosa, in his work, 'Profile of a Teenager,' stressed on the problems in physical and psychological development during adolescence. The parent-child relationship was to some extent analysed.

'The Adjustment Reaction to Adolescence' by S.S. Jesurathnam is an attempt to find out the major characteristics of behaviour during the period of adolescence. She stressed only the level of adjustment in adolescents between the age of 15-17 years.

In the 'Effects of Parental Alcoholism on Children,' S. Meena highlighted only the ruination of a

family due to alcoholism. Other factors like smoking and gambling were not dealt with in detail.

The 'Study of Institutionalized Children' by O.Velan dealt mainly with the failure of children to develop a feeling of attachment to the staff and elders. They have no one to trust and care for them. Since it is a shift from the mother figure to another (institutional staff), the institutions have a great role to play in the personality development of children.

In 'A Study of Children with Special Problems', by L. Ramaiah, the maladjusted personalities of juvenile delinquents were studied.


T.P. Flossie in her ‘Study of Implementation of Probation of Offenders Act in Tamilnadu’, stressed the functions of the system of probation.

In her work ‘A Study on Vocational Training in School Agencies in Madras City’, B. Gowri listed out the various types of vocational training like finearts, tailoring, handicrafts, printing, textiles, carpentry, agriculture, and engineering works that could be easily adopted as a sort of technical career.

1.4 OBJECTIVES

Based on the above review of literature, the following objectives are formulated for the study.

i) to study instances of delinquency among boys and girls,

ii) to study the behavioural traits of children in correctional institutions,

iii) to find out the relationship between behavioural traits of delinquents and their socio-economic background variables,

iv) to study the functioning of correctional institutions in rehabilitating juvenile delinquents,

v) to study the role of emotional make-up in juvenile delinquency, and

vi) to study the efficiency of the existing process of the juvenile justice.

HYPOTHESES

The research work also attempts to formulate and test the following hypotheses:

i) There are no differences in the rates of admitted delinquency among different social classes,

ii) there is an inverse relationship between the level of income and the incidence of delinquency,
iii) there is no direct relationship between the urbanisation and the rate of delinquency.

iv) literacy has no role in delinquency,

v) adventure and fun are the main causes of juvenile delinquency,

vi) delinquency is committed mostly by gangs than by individuals,

vii) delinquency is innate and not acquired, and

viii) effective processes of juvenile justice and correctional administration enable juvenile delinquency to lead normal lives in society.

1.5 DATA BASE

The study makes use of both secondary and primary sources of data. The major sources of secondary data are:

Role of Police - Central Bureau of Investigation - India, and Moloney Committee Report on the Treatment of the Young Offender.


In addition, a number of unpublished M.Phil. and Ph.D. dissertations and thesis are also made use of.

The study is mainly based on primary data collected by the researcher through the field study.
1.6 SAMPLE DESIGN

The study is based on primary data collected from two correctional institutions in and around the city of Madras. There are about twenty correctional institutions - Special Homes for Boys and Girls managed both by the Government and by Private Organisations in Tamilnadu. For the purpose of convenience, two correctional institutions were selected. They are (i) Government Special Home for girls at Purasawakkam in Madras City and (ii) Government Special Home for boys at Chengalpattu.

In the former institution, the strength of the inmates (girls) is 264 while in the latter there are 240 inmates (boys). A sample of a hundred inmates was selected from each Home through systematic random sampling.

Specially designed and pretested questionnaires were used to collect information from the inmates through direct interview method.

Similarly, specially designed interview schedules were also administered to the staff of both the schools to collect the required data.
The data collected were carefully tabulated and analysed.

1.7 ANALYSIS OF DATA

Two-way tables, averages and percentages were used to analyse the data collected from the respondents.

1.8 CONCEPTS USED

**Juvenile**: Juvenile refers to a boy or girl who has not attained the age of sixteen years or eighteen years respectively.

**Juvenile delinquent**: Juvenile delinquents means a juvenile who has been found to have misbehaved or committed an offence.

**Juvenile Home**: refers to an institution established or certified by the State Government under Section 9.

**Juvenile Court**: is a court constituted under Section 5 to deal with offences of delinquents.
Correctional Institution refers to an institution found fit by a competent authority to receive and take care of young offenders.

Other relevant concepts and definitions were discussed at appropriate places.

1.9 LIMITATIONS OF THE STUDY

For purposes of convenience, only two Special Homes located in and around the City of Madras were chosen.

Time and resource constraints led to the study being confined to only two Special Homes located in and around Madras City. Therefore the inference drawn from the study cannot be generalised about and applied to the entire State.

To elicit correct and reliable information from the inmates, they have been interviewed twice - in the presence of teachers and in their absence. The information thus obtained was found to be correct. However, the survey method of research has its own limitations in obtaining reliable information.
In spite of these limitations, the study, however, throws light on the problem of juvenile delinquency, the nature, general and correctional administration, the working of correctional institutions, their impact on the reformation of children and the assimilation into good citizens in society.

1.10 PLAN OF THE STUDY

The study is divided into ten chapters.

Chapter I is the introductory chapter. It includes the background, the study, the review of literature, objectives and hypothesis, data base, sample design, analysis of data, concepts used, limitations and plan of the study.

Chapter II deals with delinquency in India. It explains the meaning, definition and types of delinquency the modus operandi of delinquent acts, the causes of delinquency, cultural, religious change, the social environment, modernization, urbanization, education and economic condition in India.
Chapter III presents the various theories of causation of delinquency in society, the family centred theories, the individual centred theories and the need for an integrated theory are explicitly explained.

Chapter IV focuses on the evolution of correctional process and administration. It includes a brief narration of the causes and abettors of delinquency, the schools of criminology, the determinant of the child-saving movement, the stress on the juvenile court system by the child savers and the evolution and enactment of the Children Acts in foreign countries and in India.

Chapter V deals with the juvenile justice process. It includes the juvenile justice in the past and present, the evolution of juvenile courts and the juvenile justice process. The process deals with the role of the police, juvenile court and the presiding judge. Besides, the hearing of the case, methods of disposition, detention of the delinquents, the jurisdiction and procedure of juvenile courts, juvenile courts abroad—England, U.S.A. and Switzerland and in India are discussed. The juvenile court and social welfare agencies, the new social approach, role player’s inter-action and integration and
the dual functions of the juvenile court are mentioned. The role of the Probation officers, and correctional institutions are explained. Finally the management of the correctional system and problems of correctional administration in India are discussed.

Chapter VI studies the history of correctional institutions in India.

The Special Home for boys at Chengalpattu and the Special Home for girls at Purasawakkam are explained.

The Juvenile Guidance Bureau is also mentioned.

Chapter VII deals with the Socio-economic background of the delinquents.

Chapter VIII presents the offence committed by the delinquents.

Chapter IX deals with the rehabilitative measures adopted by the correctional institutions in treating young offenders to lead normal lives in society.

Chapter X deals with the summary, findings, conclusion and recommendations.