Chapter II
DELIQUENCY IN INDIA

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DELINQUENCY IN INDIA

2.1 MEANING AND DEFINITION OF JUVENILE DELINQUENCY

Delinquency is a multi-dimensional problem which involves inter-actions between juveniles, adult social audiences and social control agencies. To understand the problem of delinquency one must grasp thoroughly the behavioural activities of youth, or adolescents and the methods by which the police, juvenile courts and other segments of social control machinery function. Apart from these aspects, it is necessary to understand the various legislative dimensions of the problem and the state of public opinion. Since the legislators and the citizens control the resources that can be allocated to delinquency control programmes, and rehabilitation and preventive endeavours, they also should take into account the study of the problem of delinquency.

The legal definitions of juvenile delinquency are contained in statutory laws. These laws enumerate specific actions that constitute delinquent behaviour. The children who are found to be engaged in such deviant
delinquent behaviour are then labelled by the juvenile justice court as delinquent.

Different experts have expressed diverse views. Some experts stress on the legal aspect while others emphasize the behavioural problems. As a matter of fact, this problem cannot be considered independently of the structure and function of society. According to Dr. Cyril Burt ‘Delinquency’ can be defined as the occurrence in a child when his anti-social tendencies appear so grave that he becomes or ought to become the subject of official action. Dr. James S. Plant who has conducted various studies on problem of children, defined ‘juvenile delinquents’ as young people who habitually respond to serious and prolonged frustration in aggressive ways. Prof. William H. Sheldon was of the opinion that "delinquency among children and youngsters is behaviour disappointing beyond reasonable expectation."

Juvenile delinquency, according to some, is the manifestation of desires and urges that remain unsatisfied in the normal way. For others, delinquency

signifies misbehaviour or misconduct. But for the delinquent, it is a normal response to inner desires and outer stimuli. In an etymological sense, delinquency is perfectly normal behaviour. It may be deviant in an overall statistical comparison of children's conduct but not in the developmental history of the individual delinquent child. On the other hand, it is a natural and inevitable result of all the elements and factors that have entered into his or her growth. The delinquent is similar to the non delinquent and is the product of the influence of specific conditioning circumstances.

The law-violators are infinitely varied like the law-abiding individuals. There are oceans of differences in their personalities and behaviour. The uniformities in their anti-social behaviour are negligible. 2 Their means of achieving goals in life are subjectively distinct from one offender to another. Inspite of this wide variability among offenders, there are certain types of influences during the development of delinquents, which produce deviancy.

An important result of modern empirical research and its various approaches has been the growth from single and simple to multiple and complex causational theories. In order to arrive at a common definition of juvenile delinquency, the term 'misbehaviour' is used. One can go a step further to say that delinquency is that behaviour which is an obstacle to the best psycho-social development of a child. However, the second United Nations Congress on the prevention of crime and the treatment of offenders held in London in 1960 deliberated on this problem and suggested that a standard definition of juvenile delinquency should be formulated. Accordingly, it recommended that the meaning of 'juvenile delinquency' should be restricted to the violation of the criminal law. The terms 'juvenile delinquent' and 'delinquent conduct' vary from one country to another.

In New York, the term 'Juvenile Delinquent' refers to a person over seven and less than sixteen years of age who commits any act which, if committed by an adult, would constitute a crime.

In India, according to the Juvenile Justice Act of 1986, a 'juvenile' means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years. A 'delinquent juvenile' means a juvenile who has been found to have committed an offence.

Delinquent conduct which indicates a need for supervision is that, other than a traffic offence, which violates a penal law of the state punishable by imprisonment or by confinement in jail or a reasonable and lawful order of a juvenile court.

A dependent child is one who is without proper parental care or control, substance, education as required by law, or other care or control necessary for his physical, mental or emotional help, or moral growth. He may have been placed for care or adoption in violation of the law or has been abandoned by his parents, guardians or other custodians or who has no parents, guardian or custodian. This child also may be habitually lacking in school attendance without justification, a

truant from school. The child who has also committed a specific act or acts of habitual disobedience of the reasonable and lawful commands of his parents, guardian or other custodian and who is uncontrollable and found to be in need of care, treatment and supervision also comes under the category of dependent child in the U.S.A.

According to the Juvenile Justice Act, 1986, in India, a 'neglected juvenile' is one who is found begging or without any home or settled place of abode and without any ostensible means of subsistence and is a destitute or has a parent or guardian who is unfit or incapacitated to exercise control over the juvenile. In some cases he may be living in a brothel or with a prostitute or is found to associate with any person who leads an immoral, drunken or depraved life. Finally he is one who is likely to be abused or exploited for immoral and illegal purposes or unconscionable gain.

Govt. of India, Ministry of Law, Juvenile Justice Act, New Delhi: Govt. of India Press, 1986, p.4.
2.2 DISTINCTION BETWEEN DELINQUENT AND NON-DELINQUENT JUVENILES

In many cases delinquent and non-delinquent juveniles are often confused. A clear line of demarcation between these types is hence necessary. The treatment facilities which the courts have at its disposal may be common to both cases of juveniles, who have committed offences and those who need protection, care, guidance and control. For example, two young offenders were caught by the police for stealing railway property, while other escaped. Those who were caught were legally treated as delinquents. The other who escaped cannot be treated legally as delinquents, though they are deviants and therefore need control and care. Hence it becomes quite difficult to find out the boys and girls who are undisclosed delinquents. As their delinquent acts are not found out initially, there is a tendency among such cases to commit more offences.

2.3 TYPES OF DELINQUENCY

There are various types of delinquency. Some delinquents earn money by gambling or picking pockets,
while some indulge in stealing watches, ornaments or silver utensils. Some become burglars and indulge in house burglary or theft. A delinquent youth may cause the death of his alcoholic father by striking with an iron rod while another may rape a girl either for fun or a bet. Some young offenders may help in trade of illicit liquor or kill his neighbour's pet dog or sheep. In some cases these boys may connive with other members of a gang to commit murder, others may beat a person to death owing to rivalry while others may steal ornaments from their parents and give it to their ring/gang leader in order to save their own life.

Girls, on the other hand are often involved in minor house thefts—utensils, clothes or ornaments. Some may fight with their parents, leave home and get entangled with pimps and other enticing agencies. Some may go for movies with boys from their neighbourhood, then for shopping and finally elope some day to escape social criticism. The worst delinquent behaviour is indulge in prostitution as a means of livelihood.

The above cited examples are representatives of other types. Some may be petty offences while others
serious. Some may commit single offences and others may be involved in multiple offences.

Delinquents found in society are of three main types - habitual offenders, occasional offenders and maladjusted ones. Hence, it is important to study the characteristics and causes of delinquency in general and examine the particular causes that are present in each type of delinquency.

2.4 MODUS OPERANDI OF DELINQUENT ACTS: IT INVOLVES TWO TYPES - INDIVIDUAL AND BANG

The personality of young offenders was analysed by Dr. William Healy. It was found that lying, stealing, truancy, running away from home, incorrigibility, pathological stubbornness, sex offences, destructive acts, hooliganism and rowdyism are the more usual manifestations and typical expressions of individual acts of juvenile delinquency. Delinquencies are generally committed by two or more children or adolescents getting

together. This group is known as a 'Gang or clique'. Each gang normally has a leader or boss who is more experienced and older than the other members. Children in gangs under expert instructions learn to pick pockets, sell stolen or smuggled goods in bazaars and even trick the police. These delinquents are normally involved in shop-lifting, pick pocketing, smuggling, gambling and in extreme cases, murder, too. The pick pocketing and theft at the railway stations and bus stands poses a great threat to the public. Very often, boys who are not engaged in delinquency are also linked with the other delinquents due to their friendly relationship. They may belong to the same school or neighbourhood.

In the more organised gangs or cliques, the labour is divided. The assignment of tasks varies with the type of theft. For instance, pickpockets divide jobs among themselves. One enters the bus along with the passengers, the other may give a jerk to the passenger so that he get puzzled while the third may help to run away with the snatched purse of the passenger. Pickpocketing is essentially group managed and not an individual crime. Some will be engaged in keeping a watch over the
activities of the public and police while others are safely engaged in their own tasks.

There are a few gangs which are involved in innocuous or harmless activities. They largely operate in a spirit of adventure. The formation of these groups is caused as children are not properly taught or guided about usefully spending their leisure time. They lack recreative and extra-curricular activities. The term ‘gang’ has many connotations. It covers a wide range of activities and interests. It includes the covering techniques of delinquencies, training in delinquency, methods of protecting its members engaged in delinquency and in maintaining the continuity in delinquent acts. The chances of frequently being engaged in delinquency is more when a child remains with a gang of other delinquents. He slowly gets involved with the gang. Once he is involved in it he needs protection from the police as well as from others who tend to suspect him. The child’s involvement in the gang depends on the degree

of alertness, activeness, power of remembrance and extent of propensity for delinquency. It is often a common happening that a good and decent boy may become bad in a gang. Each boy mutually provokes or stimulates the other better ones in their gang. Once a boy gets involved in a gang, it becomes very difficult to extricate himself from it. The child who leaves the gang often faces the fear of harassment from the other members. He is left alone to the mercy of others.

Shop-lifting in large, crowded and busy cities is a common occurrence. Boys and girls participate in gangs either for fun or for illegally earning money in a short period. Hooliganism, unrest and agitation of students are also popular delinquent acts. Vices like smoking, gambling, drinking and betting are all group activities. Each boy or girl earns a reputation based on the company that he or she is found in. The gang becomes a reference group for boys who belong to, or associate with it. These groups operate on the basis of interaction among the participants. The most simple case of collective behaviour in the gang is inter-stimulation and response among its own members mere loafing together or motor
activity of the playful sort. This may lead on to assuming the character of a common activity like gambling, smoking or sex. It is in this type of delinquent behaviour that the gang pa exhibits and develops enthusiasm, spirit and its expressive nature.

The mode of organisation, interests and activities vary from one gang to another. Even the number of members and the type of leaders in a gang are different. Gangs can be studied from two different perspectives - as a form of collective behaviour and as a practical problem. They are not formed as a result of spontaneous or instinctive responses but due to particular conditions present in the surrounding environment. Man, by his innate nature, is elastic and adaptive. He tries to adopt to several situations which are beyond the capacity of instinct. In such cases, he seeks redress in a gang which caters to the immediate effort of members to create a society for themselves. While associating with the gang, these boys enjoy the thrill and adventure of participation in hurting, teasing, capturing, conflict,

fighting, and escape. Rivalry with other gangs is a common feature. The boys or girls who associate with a gang are those who lack parental love, care and affection due to adverse home environment, broken homes, improper schooling and other abnormal ways of life. The theme behind joining a gang is that it acts as a substitute for what society fails to offer. It also provides relief from oppression, suppression and denial in the existing group. In other words, a gang is a natural and spontaneous type of organisation which emerges out of conflict. It is a symptom of disorganisation in the larger social framework and disintegration in the family. Within a gang, vices always creep in. Smoking, tobacco chewing or drinking becomes a regular habit with all the members of the gang. These bad habits are readily accepted by the members as a sign of emancipation from all the strings of control in the family. They develop a feeling of freedom, self-direction and independence. The activities of gangs are not long-planned programmes. The mind and spirit of each member is so channalized in an undirected, indisciplined and uncontrollable manner which may intensify forming mobs, causing great societal imbalances. This mob formation is common in students
agitations and unrest movements. When compared to the various interests which a gang, sex plays a latent and insignificant role. Girls and boys react also similarly in a gang. Hostility or indifference is common to both adolescent boys and girls. In some older gangs, sex is more emphasised which leads young boys and girls to establish marital relations.

Gangs serve as a contributory factor to juvenile delinquency. Boys get more involved in a gang as they look upon it as their everything. Hence to deal with the boy who has become a delinquent through the influence of his gang, two methods can be adopted. First, he must be removed completely from the gang. Finally, methods must be adopted to reform the gang to be more constructive in their approach. In both the cases, success cannot be guaranteed and hence delinquency through gang influence always remains a disease in society.

2.5 CAUSES OF DELINQUENCY

Juvenile delinquency is so rampant in the present times that it has a crucial issue which harms the smooth functioning of society. Delinquency among adolescents
must be studied not only from the legal point of view, but also from the social arena. It exists in varying degrees and assumes a variety of forms. Juvenile delinquency is an omnibus term which covers a wide spectrum of youthful infraction. Delinquent behaviour varies in frequency, duration and seriousness. It sometimes manifests in several forms of specialization. Some indulge in drug abuse, while others carry out sex offences, thefts, conflicts, violent fights and other patterns of misbehaviour.

Prevention of delinquency becomes necessary to overcome factors in the immediate environment of the children. The term prevention refers to different types of societal action. Control is a measure taken after a delinquent act has been committed. Both prevention and control should be viewed as sub-categories of society's negative attitude, and action against crime and delinquency. There are three types of prevention measures — punitive, corrective and mechanical. The main aim in punitive prevention is to control crime through

punishment devices, whereas in corrective prevention, the aim is to eliminate the causes, factors or motivations which lead to the commission of crime. Mechanical prevention is completely different from the other two types. In this type, barriers are placed in the way of the potential offenders that make it almost impossible for him to commit an offence. Constant and intensified police supervision, various security measures like dependable locking systems, bars on teller's windows, etc., have been used effectively in the prevention of crime.

Once the need arises to reduce the rate of delinquency it becomes essential to study and explore the causes, factors or etiology of delinquent behaviour. When the causes of delinquency are determined then steps can be taken to check these factors. For instance, if one finds out that poor school performance is related to high rates of absenteeism or truancy or delinquency, then new measures or approaches to education would be implemented to curb delinquency.

Another reason for taking into consideration the possible causes of delinquency is that it helps and guides the development of rehabilitative measures and techniques for the young offenders. Strategies for treatment of these juvenile delinquents must be devised so as to overcome or neutralise these causes in order to prevent further delinquency.

There cannot be a single cause of delinquency. It results from many factors which may be inter-linked. The most important factors which are responsible for the causation of juvenile delinquency are economic conditions, environmental factors and personality factors. Poverty may play an important role in the lives of many juveniles who do engage in such acts, while in some cases it may not be the direct cause of delinquency, but its wholesome impact on the child becomes disastrous. It generates a feeling of inadequacy leading to frustration and emotional insecurity which results in delinquency.

There are four basic needs of every child, namely, security, response, recognition and development. Every child wants to be loved and understood. As it develops
and grows, it expects more love, affection and guidance from the mother, father and other members of the family. In cases where the child fails to receive the requisite quantum of love and affection from the members of the family, it becomes hostile, indifferent and leaves the home in search of satisfying his/her unfulfilled desires. It then resorts to anti-social activities in order to gain sympathy and recognition from others. The most disheartening part is that these children unconsciously or consciously become pawns in the hands of unscrupulous persons who exploit and make use of them for nefarious and notorious ends.

A child develops anti-social tendencies at an early age due to sheer neglect and negative attitude of parents, broken homes, feeling of insecurity and lack of recreational facilities. Once the child goes out of the house, he gradually gets exposed to gang influence, indecent film shows, pornographic literature and the lure of easy life. A child prone to delinquency may be affected by one or a combination of some of these factors. The delinquent behaviour of a child is often the reflection of his parents and their concepts of right
and wrong. The influence of parental care and affection in childhood remains with the child all throughout his life. Now-a-days parents, as they concentrate on their working capacity, do not find sufficient time to provide proper guidance to the child. This leads to a feeling of neglect and isolation in the child. It has a tremendous impact on the behaviour of the child. He often seeks various anti-social channels to get relief from his accumulated and pent-up feelings of frustration and resentment. Thus parental rejection and neglect harm the proper personality development of the child. In educational institutions like schools and colleges, children are given orientation for a decent and harmonious life style. But, in reality, it becomes highly impossible for them to achieve the same as they cater to a large number of students. This situation leads to hatred and hostility among the young people against the established norms. The prevailing circumstances in industrial and urban environment increases this tendency. Moreover, the social control mechanism which was a potent and effective factor in controlling the anti-social activities in rural society is no longer operative in the ever-changing social milieu.
Many theories have been propounded to explain the cause of delinquent behaviour. There are three categories of theories of human behaviour, namely, sociological, psychological and physiological or biological. The sociological theories stress on the role of social structure and social environment in effecting delinquency. If the early experience within the family are denied, then it contributes to the development of deviant behaviour patterns and anti-social personality traits. Physiological theories of delinquency examine the relationship between deviant behaviour and inherited genetic traits, the basic assumption being that delinquency may have a biological basis.

Another alternative theory on delinquency is the 'labelling theory' which rejects both the sociological and psychological explanations of delinquency. It stresses the role of the process of juvenile justice in identifying those children who are labelled as 'delinquents'.

The juvenile delinquents normally belong to society. They become delinquent due to various circumstances - cultural, religious, social and economic.
2.6 CULTURAL, RELIGIOUS CHANGE AND DELINQUENCY

Indian society has deep historical moorings. These are situated in the contours of its geography composition of people, the ancient political tradition, the social systems, the Sanskrit language and its tradition bound culture. Pandit Nehru had once said that ‘Our Indianness is our heritage. We began in the unknown past. Think of the people who evolved and nurtured it; of their endeavour and effort; of their imagination and experimentation and of their failures and success of which much is unknown and much less known. We are moving, as our ancients felt, from untruth to truth, darkness to light and from death to immortality. That is the mission’. Our ancestors regarded India not as a mere geographical expansion, but as a spiritual entity.

The term culture in content is comprehensive. The various aspect of culture in a society can be explained easily, but it is hard to define it. No definition can be comprehensive enough to cover all the components and

variables of a cultural system. If possible, definition can only emphasize on some of its salient features. A general definition, at the same time is guiding and instructive. According to E.A. Hoebel, Culture is 'The sum total of integrated learned behaviour pattern which are characteristic of the members of a society and which are therefore not the result of biological inheritance. Cooley, Argell and Corr define culture as 'the entire accumulation of artificial objects, conditions, tools, techniques, ideas, symbols and behaviour patterns peculiar to a group of people, possessing a certain consistency of its own, and capable of transmission from one generation to another.

The differentiation of one community from another can be based on the lifestyle and social pattern of a society. This style and pattern has resulted as a direct consequence of the accumulated heritage of ages of the past. Culture, hence, is moral, intellectual and spiritual discipline for advancement. It is in

13 Ibid., p.4.
14 Ibid., p.5.
accordance with the norms and values based on the accumulated heritage. It involves and makes one own the lifestyle and social pattern of the group that he belongs to. The internationalization and socialization of cherished value for an enlightened and refined way of life is a long process. It moves continuously from 'darkness to light', from sophistication to imbibed simplicity, sweetness and truth.

The lifestyle and patterns of societies are developed within their habitat and environment. Men get accustomed and reconciled to the determined conditions of nature. They exploit nature to their maximum. The development of man from the early days to the present time is his movement from one cultural phase to another. In the meanwhile, during this process of movement, societies developed values and norms, patterns and code of conduct, customs and conventions, modes of living and thinking, institutions of socialization and education, artifacts and language. After the accumulation of all the values and thinking, they are taught and passed on to their succeeding generations. The acquired and learned behaviour which have been cultivated and expressed in
ordinary cause of conduct is our culture. It is culture alone which distinguishes us from animals and insects, as these act instinctively. It also distinguishes us from other societies as the culture of each society is conditioned by their habitat, heritage and history. Culture offers to a society, character, class, distinctiveness and a texture. It gives one the feeling of being its own. Maciver has described culture as 'the expression of our nature in our modes of living and our thinking in our literature, in religion, in recreation and enjoyment'. Culture is thus integrative, perspective and motivative. It is ethical and idealistic in terms of time and space. It is an end in itself.

Our Indian culture is the handiwork of time. To understand its origin and cause of development, one has to go through the history of several thousand years.

Continuity and change is the essence of our culture. There has never been an effort made to cause a total break with the past. Flexibility and adjustment with the

changing times is evident in our culture. Efforts have always been made to reconcile change with continuity. Every human group that settled here since pre-historic times have made their contribution to it. It was the Vedic people who produced a remarkable synthesis in the form of Varnashramadharma and Purushartha and these remain the foundation of our culture. Karma and Punarjanma are accepted as the exact and inescapable law of causality.

The elaborate Sanskaras, rituals and dogmas were evolved to internalise culture, to culturalise the detribalised, as well as to integrate the ever expanding, Indian family. Reforms were made as and when they were required to remove the hurdles and impediments in social advancement. The rise of Jainism, Buddhism, neo-Hinduism, Sikhism and the Bhaktimarga provides great efforts in the strive for advancement. These are all the variegated growths around the Vedic principles. Whatever differences are present in from and approach between the philosopher and the dogmatist, all disappear when they arrive at the meeting point of karma, janma, punarjanma, Moksha and the basic foundation of our religious systems,
the Ekam Satyam; or again to the Vedic heritage. There is a common saying ‘the father who created us knows the races and all things. He is one, being the same in many ways. Everyone wishes to know Him.’ The peaceful co-existence of different schools of religious thought, even if sometimes contradictory, remained equally upon this heritage, which formed the sum and substance of our culture. The stress has always been on the purification of the self serenity of thought and of the righteous action. Thus all religious systems grew and developed side by side. Thus Islam, Zoroastrianism, Christianity and Judaism could exist side by side. These religions and their cultures was brought in after the alien rulers ruled our country. From the earliest times to the present day, religion has been accepted as the tune that brings concord and harmony between man and man and man and his Master. According to many, this high national tradition was not observed by the foreign rulers who for their own interest used religion as a wedge to divide the people. They used it as a mask to cover their stupidity and barbarity, yet it has integrated the people into

single unity on cultural basis. The 'cultural unity transcends the numerous diversities of food, colour, language, dress, manners and faiths. 'Sir Herbert Risley has said that 'Beneath the many fold diversity of physical and social, language, custom and religion which strikes the observer in India, there can still be discerned, a certain underlying uniformity of life from the Himalayas to Cape Comorin. There is, in fact, an Indian character, a general Indian personality and culture which we cannot resolve into its component elements. Thus it is the culture or the emotional, psychological and behavioural unity that closely knits together individuals as in a family.

Our culture is deep rooted and does not entirely die by external challenge alone. It has an inbuilt capacity to survive and overcome the challenge by information or modifications.

2.7 SOCIAL ENVIRONMENT AND DELINQUENCY IN INDIA

The role of social environment in the study of causes of delinquent behaviour has been stressed by

sociologists. The major characteristics of societies with high rates of juvenile misconduct are industrialization, modernization and urbanization. These societies have a particular family structure and youth cultures that are thought to be influential in the behaviour of youth. Apart from the social structure, the increased affluence brought about by industrialization is also felt to be one of the stimulating factors affecting criminal behaviour.

Until recently, the joint family structure was in vogue. It consisted of husband, wife, children, married sons, husband's parents, his brothers, unmarried sisters and others. They would live under the same shelter and eat from the common hearth. All the working members would pool their earnings to the family head who would manage the entire household. All the members would enjoy equal rights in the family property, irrespective of the earnings they contribute. According to Karve, 'A joint family is a group of people who jointly live under

one roof, who eat food cooked on one hearth, who hold property in common, who participate in common worship and are related to each other as some particular type of kindred.’ Henry Maine, another sociologist had described ‘the Hindu joint family as a group consisting of known ancestors and adopted sons and relative to these sons through marriage.

2.8 MODERNIZATION, INDUSTRIALIZATION AND URBANIZATION

- FAMILY : A DIMINISHING FORCE

Modernization over the previous years has two great features - rapid industrialization and urbanization. This period has both its pros and cons. The merits are, better education, increase in science and technology, less manual work and so forth. The defects also have a telling effect on the system. As a result of the craving for modernization, rapid industrialization has taken place and is even on the increase. At the same time there is a great influx of people from rural to urban areas. Most of these people have broken away from the traditional joint families occupations and customs in

Ibid., pp.160-161.
search of employment for their families. The type of family structure commonly found in industrialized areas is the 'nuclear' or 'conjugal' family. In these societies, the family consists of husband, wife and their children. There is a relative independence of other kinship bonds. On one side, this type of family structure is highly beneficial to a fast growing industrialized social system as it increases mobility. Households are established independently. The decision to move to a city for better employment is taken up by the individual independently without the need for the approval of other relatives. The high cost of living in cities and urban areas does not allow relatives of families to stay under a common roof. The other side of nuclear family structure is rather negative. Parental authority and control over their offspring is on the decline in these families. There are fewer adults to act as socialization agents unlike in a joint family system, where all relatives have an equal say and control over any matter or affair. Parents become too engaged with

their job responsibilities. They are left with less time and energy to use their authority and groom the children for their future. As a result, there is loss of intimacy with the children. Thus, the family structure in an Indian society which has a strong force to guide, to advice and to caution has lost its significance in the modern times. The love, affection, understanding and care, family sitting together, friendly games or entertainment are lacking in the present society. Hence the youth look to their friends, club-mates, peer groups and whomever they come across to seek answers to their queries and problems that they have to face in their lives. These peer groups often play a role in leading to delinquent activity. They encourage children to oppose the adults and existing values in society. The absence of communication between the two generations makes them totally opposite as the parallel banks of the running brook.

The existence of 'youth culture' is found to be prevalent due to the increased length of dependency on

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one's parents. The youngsters instead of becoming productive members of society at the age of twelve years or so, do not act independently till the age of eighteen years and above. This is because of the stress given to education which further encourage this extended period of childhood and dependency on their parents. Since the youth are not expected to act for themselves or take on adult responsibilities, they have long hours of free time which is often unstructured and not supervised.

2.9 EDUCATION AND DELINQUENCY IN INDIA

The modern educational system does not serve the idea of imparting of culture as its goal. It started with social alienation and de-culturalization. In India, after independence, while education was given extension at all levels, culture continued to be neglected. The education imparted does not inculcate social values and norms. It has left out the ethical and spiritual aspect. A strong and healthy foundation with a minimum knowledge of common culture, heritage and ideology must be imparted for individual and social discipline. It would help to clear the doubts, confusion and chaos about the value
system and social institutions that exist in the minds of the young. There would also exist a sense of continuity through the educational system. It would also provide the impetus for our society to move ahead with the changing times. Education, without social and ethical content cannot be considered as a positive discipline.

According to the Indian tradition and custom, our society respected and accepted teachers as the ideal for the students. A teacher, in our educational tradition, has been compared to the God on earth. He was believed to be the model and the container or holder or knowledge. The young in his company were expected to emulate and follow in his steps.

However, in the present times, the much needed relationship and rapport has been lost between the teacher and the student. The teacher, like the parents too, has lost his role to guide, to motivate and to admonish and correct the child, whenever he commits an error. The economic and social decline of the teacher is the relic of the recent past. After independence, due to the powerful bureaucracy and influential politicians, the teacher has been made dependent and diminutive. The
education department which was of great value has also been left to the mercies of the politicians, who exploit the youth for their own political, economic and social advantage. The Universities which were educational institutions of great esteem have now been converted into political dens and cock-pits. The youth become an easy prey to politics as it is an easily available ladder to power for the ordinary and the common. Inspite of the high academic qualifications and moral values, the teacher is no longer considered to be an example for the youth. Due to this conflict of ideas and interests, education has been degraded from the level of literacy to aimless pursuit.

The education imparted to the youth is general. It is not based on the environment. It does not relate to life as it is. It has no corrective approach to the socio-economic problems. What is taught and learnt has not relationship to the actual life that prevails.

Education, especially the professional courses, are highly competitive and merit based. They are available only to a microscopic minority and beyond the reach of
the ordinary. In general, the present system of education does not hold any economic promise. A modern industrialised society has to keep an enormous industrial and administrative machine efficiently in operation. It therefore, becomes necessary to impart and defuse sophisticated, technological and managerial skill and intellectual equipment within large section of the community. This effort would add meaning to education and make it worthwhile.

In the Indian social institutions, morals and values aim at harmony and peace. Our society has been constantly undergoing social change to catch up with the political, technological advancement and developments in the world. These changes are bought about by the press, radio, television and other means of mass communication.

The differences of time and culture from one generation to another, especially between the young and the old is referred to as the ‘intergenerational gap’. The youngsters are full of energy and enthusiasm. They are ready to undertake all challenges with high belief and total confidence. They are overactive and have the capacity to act. They are highly ambitious and willing
to achieve their goals in life. During the course of time the youngsters find that romance and reality clash. Action and reaction seek equilibrium while imagination yields to hope and faith, religion and tradition. The norms and values discipline and harmony are regarded as the acceptable and reliable cushions of life. Challenge and change is disdained. One is keen to keep the acquired. It is with these feelings that conversatism creeps over one’s outlook. This state of orthodoxyism and conservatism is looked down by the younger generation. They look upon it as being odd and out-dated. The old man with his cautious ways and conservative attitude is taken to be an obstacle in the path of progress. The old finally yield to the young, who then become bossy with their manners, modes and habits. The generation gap is like a cycle which rotates continuously with the change in society. The intergenerational gap and the conflict of generations has always been there and shall continue to be. It is something that goes on like growth. It is a universal and eternal phenomenon. It cannot be removed nor by-passed. It is a psychological reality and a social fact. The intergenerational differences are

time and situation based. These differences are to be accepted to maintain peace, order and harmony with the new changes. The older generation must learn to be more broad-minded and open to accommodate the interests of the succeeding generation. In societies where this type of adjustment is lacking, there will always be the conflict of personalities and the clash of interests. The younger generation would never like their initiative and discretion to be inferred with by the older man. It is this divergence of attitudes, on matters social that adds elements of conflict or fuel to fire to the youth "laugh at their parents, belittle the experience of their elders and seem to think no end of themselves... education shakes a person's belief in the traditional ways and creates in them, new desire and ambition."

The youth are often exploited by influential people like politicians and other corrupt men. Instead of grooming them to be good citizens of the country, they are trapped into the evil machination of these so-called good men.

23 Ibid., p.186.
Children and youth are also led away into evil doings because of their peer groups or friends or the bad company that they keep. He/she gets into bad habits like smoking, drinking, taking to drugs, robbing, fighting, smuggling, running away from home, wondering aimlessly, staying with prostitutes, falling into prostitution, rape and sometimes committing murder. These youngsters, because of no experience to give thought to the consequences that might follow become the ultimate sufferers.

In the modern times, the younger generation are full of idealism and energy. They feel confident to achieve their set objectives. But when they come across abnormalities and social evils like corruption, bribery, dishonesty and exploitation, they are shocked. Their sensitiveness is touched. They feel distressed and disappointed. They then try either by themselves or in a group to commit unsocial activities so as to be recognized. It is this mental imbalance over their fear of disappointment that lands them in delinquent behaviour.
Affluence is another factor that contributes to crime among youth. In India there is a wide gap between the rich and the poor, haves and the have-nots. As a result, there is more opportunity for thefts when only some members of society enjoy material wealth. The rising expectation of ownership in wealthier countries provide an additional motivation for theft. Affluence may also weaken the ties within the nuclear family. Since women can support themselves and extended family ties are weak, marriages can be dissolved more easily. In our society, instead of divorce or the legal method of separation, families split up due to indifferent husbands/wives, alcoholism, adultery or illicit relations and so forth.

2.10 ECONOMIC CONDITION AND DELINQUENCY IN INDIA

Delinquency is often caused due to the deplorable economic conditions such as slum neighbourhood, low income and other conditions. Slum are also considered to

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be one of the chief places that breeds crimes. A slum is a building or area, unfit for human habitation. It is dilapidated and overcrowded with many family members. There are structural weaknesses, dampness, lack of light, no proper water supply, drainage and sanitation. These factors possess threats to safety, health and morality. Children, being innocent and vulnerable are the most helpless victims of this situation. Hence slums breed higher rates of juvenile misconduct.

The inhabitants of slums suffer physical deprivation, spiritual despair. Their mind is always in confusion and chaos. They become cynical towards the outside institutions.

Over crowding, the main feature of slum life is most common. It is psychological challenge to the child's sense of individuality as he is rarely alone. He lives in an illusion about others and thus develops a negativistic attitude towards his fellow-beings and life, 

in general. He is brought up in an atmosphere of adult weakness and greed. Hence children find it difficult to build up effective models. Crowding has a harmful effect on the study habits, attitude towards sex and parents' ability to meet the growing demands of children.

It intensifies the fatigue and irritability that contribute to erratic or irrational discipline and aberrant behaviour in children.

Slums in our society are most common in big cities and developing industrial centres. These slums are formed due to the great influx of people in search of employment from rural to urban areas. A common observation is that crime and delinquency are inextricably related to the social and cultural contexts within which they occur.

The concept of culture clarifies that people act and behave differently in various societies. The standards or social norms, by which behaviour is assessed and judged by others also vary from group to group and place to place. The specifications of a society's criminal law
reflect the ethos and condition of that society at any given point in its history. Such laws also reflect the ability of the influential and powerful sectors of the community to translate their desires, beliefs and values into public policy.

The influence of both the philosophy and the history of a country and its criminal law is nowhere better found than in the Soviet Union. Here the establishment and maintenance of their system require the rigorous suppression of the laissez-faire economic activities so cherished in the Western countries and where other acts demand harmful to the state, such as trafficking with foreigners, shunning work, and leading a "parasitic way of life" are dealt with harshly.

Juvenile delinquency is also subject to wide variations in definition. Each country defines a juvenile delinquent in different ways. The type of behaviour considered 'delinquency' by status also varies

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from one country to another. Some of these laws go far beyond child crime. They also include prohibitions against various kinds of ‘child immorality’, such as incorrigibility, ungovernability, habitual truancy, smoking, endangering one’s health and morals—all acts or conditions scarcely considered illegal when participated in by adults.

The amount of delinquency varies according to the type of breadth of the definition used. If the law defines delinquency either in the broadest of terms or not at all, leaving it up to the judgement of various officials, then rates of juvenile misconduct are likely to be high. If, on the other hand, only crimes committed by children are included under the banner of delinquency, then the rates would be substantially lower.

Apart from the variations in the definitions of delinquency, the differences in enforcement practices also vary in time and place. When the procedures for disciplining and controlling children become more

formalized, then the range of official misconduct becomes vast. This implies that one will have to depend upon law and upon the police, the courts and various public and private welfare agencies to control our children than upon the family and other informal mechanisms of control. This leads to an increase in the rates of delinquency.

The enforcement practices also vary significantly according to the social characteristics of the young offenders, as history provides much evidence. For example, the whole classical school of criminology, with its emphasis on an exact scale of punishments, arose in eighteenth century Europe in large part out of desire to remove the abuses of capricious and purely personal justice rendered by judges who favoured the upper classes.

The influence of social class and the differentials in power associated with class stratification are present in any society. Class position directly influences a person's life chances with respect to his educational and

occupational achievements. It affects the length of a person's life expectancy (starting with his chances of dying as an infant), and crucially influences many other facts of his life. Along with such social characteristics as age, sex, race and nativity, social-class position constitutes one of the "categoric risks which help to determine not only what kind of a crime a person is likely to have the opportunity, need, or occasion to commit, but also in very realistic and meaningful terms what happens to him (in terms of arrest, conviction, punishment) if he does not commit a crime.

Besides, the significant question as to how the pressures and strain of social-class systems generate pressures towards deviancy, the influence of social class among the apparently higher rates among the lower classes of delinquency and other forms of officially defined social deviations has seen summarized by a sociologist. These high rates "are atleast partly a function of two major sources: (i) the relative inability of the poor to purchase help in defending themselves against agencies

of social control; and (ii) the relatively few opportunities afforded the poor to engage in 'safe' forms of deviation”. Safe deviation varies for adult crime and juvenile delinquency. In the case of adult crime, safe deviation involves fraud, mis-appropriation and other types of white collar crime which is dealt with under the law. The "common law" crimes like robbery and assault are generally rigorously prosecuted. The safe deviation, in the case of juvenile delinquency includes the car-sex-alcohol type of offence of middle and upper-class adolescents, especially as practised by the privileged groups as college students. Among the poorer class, robbery, shabbing and rape and street killings, occasionally are quite common.

The impact of social, cultural and psychological conditions (in which these deviations occur) on crime and juvenile delinquency vary significantly. Crime and delinquency rates differ according to country and region, according to rural-urban differences and according to

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neighbourhood differences within particular cities. It is also correlated to its economic development. Those districts or taluks within a district which are developed or developing in commerce, education and political activities exhibit an increase in the percentage of crime and delinquency.