In the previous chapter we analysed the role of the family, peer-group, school and neighbourhood in the making of an individual as a delinquent. The present chapter will focus on the role of the state in the unmaking of an individual as a delinquent. In analyzing the role of the State, we will first examine the functioning of the Observation Homes, in the light of the various rules laid down by the State and secondly, we will study a few reported cases of delinquent behaviour in the city of Chandigarh, indulged in by children from affluent sections, thus debunking the prevailing notion of projecting delinquency as a function of poor underclass only.

According to the Penguin Dictionary of Sociology (p, 343) “The State is a set of institutions governing a particular territory, with a capacity to make laws regulating the conduct of the people within that territory and supported by revenue deriving from taxation. The capacity to make and enforce law is dependent on the State’s enjoyment of a monopoly of legitimate force”.

The above definition points out towards the importance of the State. Similarly the importance of care and protection of children has been brought into focus by various International and National forums. A Declaration on the Rights of a child was adopted by the ‘League of Nations in 1924. The need for special safeguards against every form of exploitation of the child was emphasized in that Declaration, but that Declaration failed to exist as a result of the second World War. Later on the Universal Declaration of Human Rights adopted by the United Nations in 1948 also emphasized the importance of the child and maintained that the child must be fed, nourished and protected against every form of exploitation and must be given the requisite means for its normal development so as to enable it to devote itself to the service of its fellow human beings. Similarly the Directive Principles of State Policy of the Constitution of India also provide under Article 39 (f) that the State shall in particular, direct its policy towards securing that the childhood and youth are protected against exploitation and moral and material abandonment. Further
the Government of India adopted the National Policy Resolution for children in 1974, which proclaimed that children who were socially handicapped, who, became delinquent, or had been forced to take to being or were otherwise in distress, should be provided facilities for education, training and rehabilitation so that they might become useful citizens in the years to come.

Thus, the problem of neglected and delinquent children can only be understood and dealt with in the context of the wider concept of child rights. The objectives of the Juvenile Justice (Care and protection of children) Act, 2000, are to ensure the care and protection of Children, to provide for their development and rehabilitation and most significantly to reorient the law regarding juveniles according to the standards and rules prescribed by the United Nations.

In order to analyse the role of the State in terms of the unmaking of the individual as delinquent, it is essential to discuss the various Juvenile Justice Rules, provided to the State of Punjab, with reference to the institutional management (Observation Homes). An attempt will also be made to analyse as to whether the State through its various agencies, like Observation Homes, is actually implementing these rules or not.

**Institutional Management of Observation Homes**

1. The State Govt. / Administrator as far as possible may establish and maintain either by itself or under an agreement with voluntary organizations, Observation Homes in every district or a group of districts, as may be required for the temporary reception of any juvenile in conflict with law during the pendency of any inquiry regarding them under the Act.

2. Each institution shall have a Reception Unit under the charge of a case worker for the admission of new arrivals. Newly admitted juveniles may in suitable cases be kept in the Reception Unit for ten days initially. The juveniles suspected to be suffering from contagious diseases, mental ailments, addition etc. shall be immediately segregated in specially earmarked dormitories or wards.
3. Every juvenile who is not placed under the charge of a parent or guardian and is sent to an Observation Home shall be initially kept in the reception unit of the Observation Home for preliminary inquiries, care and classification for juveniles according to his age group, such as seven to twelve years, twelve to sixteen years and sixteen to eighteen years, giving due considerations to physical and mental status and the type of offence committed for further induction into the Observation Home.

4. Daily Routine – Each institution shall have a well regulated daily routine, highlighting on regulated disciplined life, physical exercise, educational classes, vocational training, organized recreation, moral education etc.

5. Issue of clothing, bedding and other articles:- Each juvenile shall be provided with clothing and bedding including garments, towels, jersey for winter, school uniform for juveniles attending outside school, durry, bed sheets, blanket, pillow etc as the scale laid down by the State Govt.

6. Accommodation :- The minimum standard of accommodation is as follows:-
   a) Dormitory – 40 square feet per child.
   b) Classroom – sufficient accommodation
   c) Workshop
   d) Play ground

7. Medical Care:- Each institution shall provide for regular facilities for medical treatment, immunization coverage etc.

8. Institutional programmes:- Every institution shall provide for physical exercise and recreational facilities such as a provision for radio, T.V., library, music, games etc. with the trained staff available for the purpose.

The Juvenile Justice Act 1986 passed by the Parliament was enforced in the State w.e.f. 2.10.87. This Act has been replaced by the Government of India.
Juvenile Justice (Care and Protection of Children) Act, 2000 to consolidate and amend the law relating to juveniles in conflict with law.

The Government of Punjab in implementation of this Act, has established the following Homes at various places in the state. Five Children Homes have been established (See Annexure – IV (a)). In these Children Homes neglected and destitute children are admitted and are kept in the home for a period of three months. As soon as the case history of the child is completed, the children are transferred to the Juvenile Homes. Destitute and neglected children who are transferred from the Children Home are kept in the Juvenile Home upto the age of 18 years. Two Juvenile Homes have been established (See Annexure – IV (b)). After the completion of age of 18 years the Juveniles are transferred to the State After Care Homes, where they are kept upto the age of 21 years so that the juveniles may complete their studies / training (See Annexure – IV (c)). If any legal proceedings are initiated against a child who is below the age of 18 years, the child is kept in the Observation Homes. Two Observation Homes have been established. (See Annexure – IV (d)). If any child who is below 18 years is convicted by the Court, then the child is not sent to any jail but he is detained in the Special Home. Two Special Homes have been established (See Annexure – IV (e)).

An Assessment of Ground Reality

This scheme in being run on 50 : 50 basis as State and Central share for the maintenance of these children. As already mentioned, the present study is being conducted in the two Observation Homes located in Punjab, one in Ludhiana and the other in Faridkot. No, doubt, that the State Government for the effective implementation of the Act has established different institutions, but the inside story is completely different. After collecting detailed information with regard to the functioning of the Observation Homes, by using separate Interview Schedules for the officials and the undertrials, some interesting facts have come to light.

During the year 2001-2002, Government of India had released its share of Rs. 13,336,609/- but the state Government did not release full Central and State share. Moreover, the Scheme is being run on the 50:50 basis (State share
and Centre share) but the amount of State share has not been passed by the treasury due to which the Superintendents of Homes have been facing a lot of difficulties. Moreover, there is an acute shortage of staff for the proper implementation of Juvenile Justice Act. According to the norms of the scheme, 10 posts of probation officers, 9 posts of Medical officers (on contract), 10 posts of vocational instructors, 11 posts of B. Ed. Teachers, 8 posts of House Master/House Mistress, 11 posts of senior clerks, 36 posts of Watch and Wards / Care Taker, 9 posts of cooks, 11 posts of sweepers, 9 posts of peons and 9 posts of chowkidars are required which are not being sanctioned by the State government. Therefore, it is very difficult to provide the required infrastructural and other basic facilities to the Juveniles for the proper implementation of Juvenile Justice Act. Ultimately it is the State that can assure justice to children. But in the absence of an effective machinery for the implementation of the Juvenile justice Act, the State may in fact label these children as ‘delinquent juveniles’ as per the Act. Thus, children who come under the purview of this Act, may get even more victimized in the process. Thus, this process of ‘labelling and stigmatisation itself may breed criminality’.

According to Justice V.R. Krishna Iyer (1988), “The law in the past has lashed the child not loved it, whatever its pretensions. Correction informed by compassion, not incarceration leading to degeneration, is the primary aim of juvenile justice”. The Observation Homes in Ludhiana and Faridkot are in a very sorry state of affairs, as they do not even fulfill the minimum standards or norms framed by the State. In fact, we do have a detailed set of rules to be followed by the state in the institutional management of the Observation Homes, but in reality not even a single rule has been followed completely. For instance, it is stated in the rules that for induction into the Observation Home, a classification of the juveniles has to be made in terms of their age giving due consideration to their physical and mental status and the type of offence committed. But no such classification criteria are being followed in both the Observation Homes. Juveniles of diverse age groups were piled up together in small dingy accommodation violating the Rules. In the Observation Home in Faridkot the condition is even worse. The authorities
they have rented in an eight marla house in a residential area. On being asked, the Superintendent revealed that they have been allotted a place by the State Government on the outskirts of Faridkot, which is in a very bad condition. The place in order to be converted into an Observation Home will take a very long process, involving heavy investments. In terms of funds, which the government is not providing to them. The living conditions in the Observation Home in Faridkot are very poor, with no proper sewerage and water facility, no electricity, no playground etc. There is a small hall which has iron bars in front of it. Behind the hall there are only two small rooms for the undertrails to sleep. The security system is also very poor in the sense, that during my frequent visits, two of the undertrials ran away from the Observation Home by locking the guard in his room.

According to one of the Rules, these institutes must provide entertainment and recreational facilities, such as radio, television, library, music, games etc. with a trained staff available for the purpose, but there is a complete absence of all these facilities in both the Observation Homes. Infact rather than an optimum and qualitative utilization of time involving a number of co-curricular activities, most of the time the undertrials are usually sitting idle in the ground. Infact, some of the undertrials during their conversation with me, revealed that in the Observation Home, they infact learn new and latest techniques of stealing and other such delinquent activities from the older undertrials.

In the Observation Homes in Ludhiana and Faridkot there is an acute shortage of staff as there is only one superintendent, one clerk, four security men, one cook and one part time sweeper each. Moreover, there is no medical officer available in these Observation Homes. The undertrials told me that whenever they approached the Superintendent to get some medicine, they were always ridiculed and at times beaten. In such a deteriorated State of affairs where not even the basic necessities are being provided to the undertrials in the Observation Homes, how can we expect these homes, to perform a reformatory or rehabilitative role. In the backdrop of these conditions, we asked our respondents about their views with regard to the Observation Homes. These views were expressed as 'Observation Home is
bad, I hate it', or ‘It is O.K.’ Table 4.1 shows the distribution of the respondents on the basis of their views for the Observation Home.

**TABLE 4.1**

**Distribution of the Respondents on the Basis of Their Views for the Observation Homes**

<table>
<thead>
<tr>
<th>Views Expressed as</th>
<th>No. of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>'It is O.K.'</td>
<td>17</td>
</tr>
<tr>
<td>'Observation Home is bad, I hate it'</td>
<td>83</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Table 4.1 shows that majority of the respondents expressed their views as 'Observation Home is bad, I hate it'. It is quite clear that the Observation Homes have completely failed in providing a positive and congenial atmosphere which would have helped in reforming and rehabilitating the young adolescents, but rather it is acting as a jail or prison for most of the undertrials, and actively contributing towards the labeling or stigmatizing the adolescent as a delinquent.

**Recent statistics show a steady rise in violent offences by the juveniles.**

According to the Juvenile Justice Act (Care and protection Act, 2000) the Observation Homes should not only provide for accommodation, maintenance and facilities for medical examinations and treatment but also facilities for useful occupation. Useful occupation perhaps means an occupation which presently appeals to the child because it gives him a chance to express his creative talent or which will be useful to him later, with further training in that area to earn his livelihood.

The primary objective of the Observation Home is to keep a child in a place of safety and provide him with the basic necessities. The main aim behind this is not to provide him with skills in a trade, but to give him a positive attitude with learning and provide him with a sense of achievement at least in one area. Thus, the Juvenile Justice Act (Care and Protection Act, 2000) in spirit focuses upon the care and protection of the juvenile delinquents in the real sense but the success or failure of the Act depends on how well it is
implemented. However, the condition of the Observation Homes in Ludhiana and Faridkot is pathetic which clearly points out towards a lack of effective implementation of the Act.

Moreover, as we had discussed in the previous chapter, the treatment of these undertrials also varies with their socio-economic status. Generally delinquents coming from affluent families, get bailed out very easily and very rarely have to get themselves institutionalized in an Observation Home, whereas the ones coming from lower socio-economic status are the ones who are always caught, punished and put in an Observation Home for treatment. In analyzing the functioning of the Observation Home, in order to understand the role of the State in the making and unmaking of the delinquents we found it essential to ask our respondents, their views regarding what they liked most in the observation Home. The answers to the question provided us with the information regarding the kind of infrastructure being provided to the undertrials in the Observation Homes. Table 4.2 shows the distribution of the respondents on the basis of what they liked most in the Observation Home.

**TABLE NO. 4.2**

Distribution of the Respondents on the Basis of What They Liked Most About the Place (Observation Home)

<table>
<thead>
<tr>
<th>Liking Expressed as</th>
<th>No. of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Everything</td>
<td>9</td>
</tr>
<tr>
<td>Nothing</td>
<td>80</td>
</tr>
<tr>
<td>Some of the things</td>
<td>11</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Table 4.2 reflects on the poor condition of the Observation Homes through the expressions of the inmates with regard to their liking of these Homes. A majority of our respondents, i.e. 80 indicated that they liked nothing in the Observation Home, 9 liked everything in the Observation Home and 11 liked some of the things in the Observation Home. During my interaction with the undertrials in the Observation Homes, I came to know that some of the undertrials really liked to be a part of extra curricular activities, for example
painting, gardening, cooking etc. However they expressed their resentment over the fact that they had their ‘painting classes’ only twice a week, and when they asked their ‘teacher’ to extend the classes, she told them, that it was not possible as they had very little drawing material, for example drawing sheets, paints, canvas etc. Some of the undertrials were interested in reading books but again the books which were given to them were very old and in a bad shape. This clearly shows that the Juvenile Justice (Care and protection Act) 2000, has attempted only in renaming the existing institutions without any structural modifications towards improving the conditions to make it child friendly. It clearly reflects on the poor condition of the observation homes, structurally as well as functionally.

Similarly, on being asked about their view regarding the worst thing about the Observation Home, some very interesting facts came out. Table 4.3 provides us information with regard to their perceptions regarding the worst thing about the Observation Home. Table 4.3 shows the distribution of the respondents on the basis of their perceptions regarding the worst thing in the Observation Home.

**TABLE NO. 4.3**

*Distribution of the Respondents on the Basis of Their Perception Regarding the Worst Thing in the Observation Home.*

<table>
<thead>
<tr>
<th>View's Expressed in Terms of</th>
<th>No. of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Harsh Treatment by the staff</td>
<td>45</td>
</tr>
<tr>
<td>2. Unhygienic Food</td>
<td>25</td>
</tr>
<tr>
<td>3. Lack of means of entertainment</td>
<td>9</td>
</tr>
<tr>
<td>4. Any other (To remain behind bars)</td>
<td>13</td>
</tr>
<tr>
<td>5. Everything is Worst</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Table 4.3 shows that a majority of the respondents have expressed their resentment over the harsh treatment meted out to them by the staff of the observation home. A number of respondents expressed their anger and frustration over the rough & humiliating treatment meted out to them by the
staff who would ridicule them very often on petty issues. They were compelled
to make adjustments on whatever was provided to them in the Observation
Home, and if any one ever raised a voice or tried to complain against
anything, he was abused verbally and at times even physically. On the other
hand, the staff members have a completely different kind of a story to tell.
The Superintendent on being interviewed revealed that she has to adopt a
strict attitude, in order to regulate the conduct of the undertrials and to
maintain discipline in the Observation Home. The undertrials in both the
Observation Homes do not even get the basic necessities of food and
clothing. Most of the undertrials have only one or two pair of clothes of their
own and no clothes have been provided to them by the Observation Home.
The staff in the Observation Home is of the view that most of the undertrials
are of a very notorious and violent nature, and whenever anything new is
provided to them, they damage it completely within a few days. The
cconcerned officials revealed that it is because of this reason only, that
they do not provide them with beds to sleep.

Thus, there is a complete absence of mutual understanding and coordination
among the undertrials and the staff and even between the staff members
themselves. Thus, the best of legislation may fail for its beneficiaries if not
implemented properly in letter and spirit. An overview of literature on the
operations under the Children Acts reveals a wide gap between the theory
and practice of juvenile justice in India. Even though the studies are
concentrated on certain regions and are limited to individual aspects of the
Juvenile Justice system, they contain enough indicators to establish that the
children covered under the system have not been getting the promised care.
Non implementation, lack of resources, inappropriate personnel, substandard
service and other problems have been pointed out among the causes for the
unsatisfactory implementation. In the absence of any financial commitment
by Centre to the states for implementation of the JJ (C&P) Act, there is little
reason to accept a sudden change in the pattern of implementation merely
because this is another new legislation or because the Central government is
pursuing the States for its implementation. As mentioned earlier, this chapter
focuses upon the mechanisms through which the State, which is supposed to
reform and rehabilitate the juvenile delinquents, in fact reinforces their deviant behaviour by denying them a conducive and encouraging environment prescribed under the Act.

Another issue that has been consistently taken up throughout this study relates to the question as to whether juvenile delinquency, as conceptualized in conventional approaches, continues to be an underclass phenomenon? In view of the rise in the incidence of white collar crime, as reported in media and official reports, why is it that the number of juveniles from poor households continue to outnumber those from relatively affluent families.

In order to probe into this question, a few cases were identified through the police records in U.T. Chandigarh, in which children from educated, affluent families had been involved in various kinds of crime. The questions addressed included, why these children cannot be found in Observation Homes? What makes them invisible? How does the State or police tackle with these cases. Is there a difference in the way State approaches these children in comparison with children coming from poor families. The following cases will help us in understanding the problem of juvenile delinquency from a new perspective. These cases will also help us to debunk the prevailing notion of projecting delinquency as a function of poor underclass only. These cases will help us to debunk the myth that delinquents are from poor households rather these show that even when parents are highly educated, well placed, children may still indulge in delinquent behaviour. The following eight cases studies have been taken from Chandigarh. Presently, most of these delinquents have been bailed out, but all of them have spent some time in the Juvenile Homes as undertrials depending on the nature of the delinquent act committed by them.

CASE STUDIES

Case – I

Baljinder (name changed), a fourteen years old boy, of Chandigarh, has studied till higher secondary level in a private school in Chandigarh. His family has its own house and his father is working in the Department of Health. His father’s salary is rupees eight thousand per month. His mother is a house
wife. He has three brothers and one sister. His brothers are studying in a Government School. His sister is also studying in sixth class. Baljinder was booked under (IPC 302) that is murder case in 2002 and was remanded in Juvenile Home in Sector-15 for two years. The economic profile clearly shows that he belongs to a middle class family. He along with his father consumed alcohol daily. Informal interviews with his friends and relatives revealed that he is of a character as he was having an affair with two girls who were sisters at such a young age. Eventually when one of his girlfriends came to know about his loose character, she committed suicide by consuming some poisonous substance. When she was hospitalized she gave this statement to the police that she is committing suicide because of Baljinder’s disloyalty and cheating. Since, Baljinder’s girlfriend was hospitalized he was booked under IPC (307) that is attempt to murder but after some days when she did not recover and ultimately died, the case was converted to IPC (302) that is, murder. Presently, he is working as ‘munshi’ of an advocate in the district court and is earning an income of Rs. 2000/- per month. As the information indicates, he comes from lower middle class family. With the high cost of living in a city like Chandigarh, it is very likely for the lower middle class parents to keep engrossed in survival strategies and a struggle to make both ends meet. Thus the probability of the child going astray increase manifold. Also, the indulgence of a boy at a very young age in alcoholism and sexual behaviour further finds explanation in the ‘culture of poverty’ thesis, where the cultural norms of the family, neighbourhood and community hardly ever question such behaviour as delinquent. However this case does not fall neatly into this category since the household is certainly not poor. Yet a lack of discipline at home seems to be responsible for the delinquency in the child.

Case – II

‘Vikas’ (name not disclosed) is another boy of seventeen years of age. He has studied till the matric level. He was working as a verifier in a finance company. He has two brothers. His father owns a furniture showroom in Chandigarh. His elder brother is working in some finance company and his younger brother is working as a ‘munshi’ in the high court under an advocate. Vikas was involved in a group clash in a ‘Jagrata’. The clash took place
between two groups of boys due to some misunderstanding in which Vikas in his defence attacked the other group of boys. He was booked under Section 302, 307 of the Indian Penal Code. According to Vikas it was the other group which attacked first and he retaliated in self defence, which unfortunately hurt the other boy very seriously. Vikas was institutionalized for two years and then bailed out. Thus, it is clear from the above information that 'Vikas' also belongs to an educated, well placed family. Physical assault, brawls, group clashes have become quite common among youngsters irrespective of their social class. Show of aggressive behaviour especially in presence of peer group is mainly responsible for such an act of delinquency.

Case – III

Rajeshwar Singh (name changed) is fifteen years old. He also resides in Chandigarh. Both of his parents are in Government Service and have an income of rupees fifteen to twenty thousand per month. When he was studying in class tenth, he was caught for stealing a ‘maruti’ car of his neighbour. When asked, he has a very interesting story to tell, Rajeshwar wanted to go out on a ‘date’ with his girlfriend. His father also owns a car, but when Rajeshwar asked for the car, his father refused as he was too young to drive a car. Having no other choice Rajeshwar along with his friend who also resides in the same Sector worked out a plan of taking their neighbour’s car for going out on ‘date’ with his girlfriend. They arranged for the duplicate key of the ‘maruti car’ and stole it. However, they were soon caught and were sent to Juvenile Home. Rajeshwar’s strong intention in this case, was to take his girlfriend out for ‘date’ only in a car, which brought serious trouble for him. Here, in this case ‘adolescent subculture’ could be to some extent responsible for his deviant act. Adolescents, generally in order to fulfill the basic expectations of their ‘sub culture’, at times go astray. In their ‘culture’ to have a girlfriend is essential and one can have a ‘girlfriend’ only if one is rich, has a car and cash, to take her around and spend lavishly. ‘Adolescent subculture’ was emphasized by a study conducted by Hurrelmann, Kalus and Engel, Uure (1992) in which an attempt was made to study the relationship between recognition of status and prestige in the peer group and delinquency. Their findings showed a relationship between delinquency and inability to
succeed at school on one hand and failure to achieve full recognition of status and prestige in the peer group on the other. The results indicated that difficulties and problems connected with recognition within the peer group are associated with delinquency. In the above case also both Rajeshwar and Maninder are below average students, who academically have proved to be a failure on one hand, and on the other hand, in an attempt to get recognition of status and prestige in their ‘sub culture’ they adopted the deviant or delinquent path.

Case – IV

Sunny (name changed) is another young boy. He has completed his graduation. His parents are senior IAS Officers. He has been repeatedly involved in a number of deviant activities. He belongs to a very reputed and rich family. The family owns a lot of property in and around Chandigarh and has an income of more than one lakh per month. He has a long list of offences to his credit. A head constable of Chandigarh police was assaulted by him with his two friends near ‘Matka Chowk’ on Sept. ’26, 1996. This trial is sub-judice. On May 5, 2000, a police party had apprehended a boy of Sector-41 while driving a car under the influence of liquor. During the search of his car a 9mm pistol, 7 live cartridges, 2 swords were found. An arms licence in the name of ‘Sunny’s father was also found. The case was sub-judice since Sept. 22, 2000. Similarly on 17th May, 2000, another boy, a son of an industrialist was kidnapped by ‘Sunny’ and his friends. The boy was taken to Sunny’s house and was beaten with iron rods. FIR in the case was quashed by an order of Punjab and Haryana High Court. On May 5, 2001 Sunny and his friend were seriously wounded in an attack by six youths led by Harjit (name changed). The case is sub-judice. In June, 2001 Sunny set the car of Harjit on fire (Tribune India.com). Thus, there is a long list of delinquent and anti-social activities in which ‘Sunny’ has been involved time and again. How can one explain this kind of delinquent behaviour where one has almost everything such as status, prestige and all the luxuries of life. Thus, can one say that delinquents always come from poor households or that there is a direct relationship between poverty and delinquency. Is delinquency related to one particular socio-economic class only? Though Sunny has always been
involved in serious kinds of delinquent activities, all the cases or FIR’s are sub-judiced that is, ‘under judicial proceeding before hand’ (Mukherjee & Basu, 2000). Moreover, when the delinquent concerned is the son of senior IAS officers, then the whole system of punishment and treatment changes in their favour. Thus, here again ‘justice becomes negotiable’ (Cicourel, 1976).

Case – V

Sonu (name changed) is eighteen years old. He resides in Dadu Majra Colony in Chandigarh. He is a fruit seller on rehri along with his brother near Balmiki Mandir in Sector 24, Chandigarh. He is a drug addict. His mother is a housewife. He lives with his mother and brother in a rented accommodation in Dadu Majra Colony. His father has deserted his mother as he was an alcoholic, and there used to be frequent fights and physical abuses, in their house. Sonu was booked under Section 21, NDPS Act. Once when he was walking down towards Maloya from, sector 39, on seeing the police party which was at that time on patrolling duty, he suddenly turned back and started walking fast. On suspicion, he was apprehended by an assistant Sub-Inspector, as he tried to throw away something from his pocket of his pant. It was a polythene containing two grams of smack. He was then arrested and sent to judicial remand for fourteen days. However, when his mother came to know about it, she was very much shocked as she was not aware of her son’s habit of taking drugs. In this case, Sonu belongs to a poor family, where he works all day long to fulfill the basic necessities of life. Moreover, Sonu has a completely different story to tell, he retaliates that he was caught for no fault of his, as he was going to handover the polythene to someone and get money from him. He insists that he is not a drug addict. It was just because of want of money that he agreed to hand over the polythene to someone whom he doesn’t even know. Sonu feels ashamed as he says that he had never consumed drugs, but now after being caught, everybody in his locality has started calling him a drug addict. He was kept in the Juvenile Home for sometime and later he was bailed out. Although today, he is back to his old business of selling fruits, but still everybody calls him a ‘drug addict’ only. Here the most adequate explanation is offered by the ‘labelling theory’ (Becker, 1956), which holds that State Intervention in the Criminal Justice System is
itself crimogenic that is it causes crime (Tannenbaum, 1938). Labellists are not arguing that those labeled do not commit deviant acts, but that they are treated differently once the label has been attached. In the above case study Sonu’s label of being a ‘drug addict’ has become a master status for others, where one aspect of the person’s identity dominates the perception of others about the person.

Case – VI

Ravi (name changed) is a young boy of seventeen years. He has migrated from Bihar and was working as a peon in a house in Sector-19 in Chandigarh. He was booked under section 379, 411 of the Indian Penal Code for stealing a bicycle. FIR was booked in Sector – 34 police station on 23rd August, 2005. On being interrogated he revealed that he wanted to have a bicycle but with his income he could not buy it. Ravi, doesn’t have his father and what ever he used to earn, he used to send back to Bihar to his mother and younger sister. Therefore one day in order to fulfill his desire of owning a bicycle, he stole it but was soon caught by the police. He was then produced in the Juvenile Court and then sent to Juvenile Home for some days. In this case we can refer to Robert Merton’s theory of social structure which intends to discover how some social structures exert a definite pressure upon certain persons in a society to engage in non-conformist rather than a conformist route (Merton, 1938). Whenever there is a discrepancy between the institutionalized means that are available within the environment and the goals which the individual aspires to achieve, strain and frustration is produced, norms break down and delinquent behaviour may result.

Case – VII

Manish (name changed) was only sixteen years old when he was caught for attempting to snatch a chain of a girl walking down the road. He was booked under Sections 379, 356, 34 of the Indian Penal Code, (Theft, Assault or criminal force in attempt to commit theft of property worn or carried by a person) in Sector 34 police station. He lives in a rented accommodation in Sector 45 of Chandigarh. He belongs to a middle class family. Both his parents are working in a private job. At the time when he was caught for the
offence, he was studying in class tenth in a Government School in Chandigarh. In this chain snatching incident, Manish was accompanied by his friend Puneet who also resides in the same sector. The parents of both the boys were completely shocked on hearing about the incident. However, both the juveniles were produced before the Juvenile Court and were bailed out.

However, when asked, Manish blamed his parents for everything. He is of the view that his parents never paid any attention to his needs and demands. He was particularly annoyed with his father who never gave him any pocket money and even for a little thing, he would always have to beg from his friends. Manish and his friend wanted to see a particular ‘movie’, but when he asked his father for some money so that he could buy tickets for the film, his father turned very angry and verbally abused him. Thereafter, Manish and his friend with no other option left worked out this plan, in which they decided to go in for chain snatching. However, they got bailed out even before the formal method of treatment could have started.

Edmund Vaz is one of the few theorists who focused on middle class delinquency. He states that the apparent inconsistency between the protective upbringing of middle class children and their delinquencies is a result partly of middle class delinquency as viewed as a function of conformity to the expectations of the role of adolescent in the middle class youth culture and to apparently favoured activities. (Vaz, 1967). Vaz describes how certain activities are fostered, perpetuated and supported by adults. Parents consider it important that the child participates in these activities. For example, in the above case study, Manish’s parents emphasized on him to concentrate on his studies more rather than other activities. At the same time, the child feels that it is important to gain status with his peer and be an active participant in group activities (like watching movies with his friends etc.). It is from these activities that middle class delinquency develops.

**Case – VIII**

Monu (name changed) is a juvenile of fifteen years of age. He was booked under Sections 379, 411 of the Indian Penal Code. FIR was lodged on 27th May, 2003 in the police station in Industrial Area. He belongs to Scheduled Caste. He was caught by the police when he was trying to steel 'Saria' in Tata
Steel factory Yard in Durva Village of Chandigarh. Monu has a ‘farri shop’ and sells small things. At the time when he committed the offence he was living in a one room accommodation in Indra Colony in Panchkula. He lives with his parents, who are illiterate. His father is unemployed and his mother is a housewife. He is the only earner of the family and it was because of economic reasons, that he decided to steal ‘Saria’ from a factory near Chandigarh. With his very little income, he has to look after the needs of his parents in the family. A number of studies have been done which emphasize the relationship between social and economic deprivation as related to delinquency. However, in the above case when the parents of the accused came to know about the theft committed by their son, they were very much tolerant of the same. Infact his mother’s reaction was quite interesting as she said that it was no big deal, as earlier also he had been involved in such activities, it was only this time that he was caught by the police. According to some studies juvenile deviance depends on social and official tolerance. In this family plays a critical role. Parental reaction to different forms of juvenile behaviour paves the way for law abiding or law violating behaviour. This is best shown in the ‘colonies’ or ‘slum’ context. It was found that the social milieu and lifestyle in the slum neighbourhoods is relatively more tolerant of delinquent behaviour.

Inferences

A close examination of the case studies elaborated above, reflects the socio-economic background of the juveniles. Out of the eight cases of reported delinquency in Chandigarh, we have five cases which belong to the families whose parents are well placed and educated and the remaining three belonged to the lower socio-economic sections of the society. The second category generally includes the youngsters who have migrated from the States of Uttar Pradesh and Bihar and are now residing in the slums and colonies in Chandigarh.

However, one can perceive some differences in the nature and kind of delinquent acts committed by the juveniles belonging to these two categories. The juveniles belonging to the upper or affluent sections of the society are involved in more serious types of crimes such as fights leading to the death of some person, bank robbery, chain snatching, verbal and physical assault,
thefts etc. It is generally found that they get involved in such activities not because of some economic motive but to get readily accepted in their subculture. Having a car and a girlfriend are a part of their subculture. So, even if the parents don’t fulfill their demands such as having a car, to go on a ‘date’ with his girlfriend, he plans some mischievous adventure with his friend. Moreover, all the ‘five’ delinquents got bailed out in a short span of time, as compared to the other delinquents coming from poor families who had to spend a long time in the Observation Home.

Thus, empirical evidence produced in the first and second chapters and the case studies discussed above show that although apparently. Juvenile delinquency appears to be a correlate of poverty and deprivation, it may not be so simple actually. Two observations can be made here. One, juvenile delinquents do not always come from poor uneducated families. They may also belong to affluent families and may be committing even more serious kinds of crime. Second, and more important is that juveniles coming from affluent background usually remain invisible mainly due to the differential treatment they receive from the State, largely due to the manipulative capacities of their families.

Delinquents from affluent families get more easily and quickly bailed out or freed from legal proceedings, as compared to delinquents coming from poor families who get over represented among the convicts and undertrials. Under such conditions, justice has become a puppet in the hands of the people. Therefore Cicourel’s philosophy that justice is the result of negotiation in the interaction process is quite truly applicable in the present context. Cicourel (1976) rightly argues that delinquents are produced by the agencies of social control. Certain individuals are selected, processed and labeled as deviant. So when juveniles from rich, educated, affluent families are arrested, they are less likely to be charged with an offence as their parents are better able to negotiate successfully. They promise cooperation with the juvenile officers assuring them that their son or daughter is suitably remorseful. So, the adolescents from these families although being actively involved in deviant activities, generally tend to escape from the scene, and it is the poor who are always found guilty of an offence and are always under scrutiny and
suspicion. In the process, more juveniles from among poor families would get labeled as delinquents while more such juveniles from well off families escape much before such a process of labeling begins.

As a result, the State which is supposed to contribute to the unmaking of the delinquent, actually, through its institutionalized pattern, contributes to the making of the juvenile into a delinquent in an even more serious manner. As indicated by the responses of inmates of Observation Homes interviewed for this study, these Homes treat these children as hardcore criminals, denying them all care and protection promised in theory in the recent Juvenile Justice Act, 2000.

It may be concluded from the data discussed in this chapter that instead of the State working towards the unmaking of a juvenile delinquent, usually contributes towards reinforcing his/her label as a criminal, with hardly any input towards either his reformation or rehabilitation. Hence our findings substantiate the hypothesis that the State instead of reforming and habilitating a delinquent, in fact contributes to the process of labeling of a juvenile as a delinquent. Contrary to the prescription in the legal provision that these juveniles must not be kept in jail environment, the Observation Homes where they are kept are as good as jails, with a similar environment.

Thus, in the present state of affairs which is characterized by non-implementation, lack of resources, inappropriate personnel, substandard service, unfair method of treatment which changes itself according to the socio-economic status of the offender, the State is actively contributing towards the ‘making’ of delinquents. Moreover, as far as the functioning of the Observation Homes is concerned, the above chapter clearly shows that the Juvenile Justice (Care and Protection Act) 2000, has attempted only in renaming the existing institutions without any structural modifications towards improving the conditions to make it child friendly. Therefore, now it becomes essential to undertake a detailed appraisal of the Juvenile Justice Act, 2000 (Care and protection). The next chapter, would carry out a detailed appraisal of the Juvenile Justice (Care and Protection) Act, 2000 in the light of existing empirical evidence.