CHAPTER I

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In a society undergoing process of modernisation, sub-groups and communities within it find themselves confronted with rapid and complex changes in the opportunities and changes constituting life situation. This kind of social change has its own bearing on mankind and ultimately paves way for many social problems. Among the number of social problems identified today, deviant behaviour is one.

The concept of deviant behaviour differs from one society to another. For example, kissing among adults is considered deviance in Indian society whereas it is not in America. An action becomes good or bad depending upon the perspective of the people and cultural and social background of the viewer. This is in accordance with the proverb which says that a neatly dressed individual is a mad in the world of undressed or naked.
A particular act which is defined as deviant itself demands differential treatment due to age. For example, when a child runs out naked that is not viewed seriously, but the same act when committed by an adult is viewed seriously. On the contrary, there are very many of behaviours not prohibited to adults but which may lead to state intervention, if committed by youngsters on the assumption that these forms of behaviour are conducive to crime. For example, running away from home, disobedient to parents or teachers are forms of behaviour which adults can pursue with impunity but which may lead to a youngster being brought to court and perhaps even committed to a correctional institution.

In the first case the act of the child is not viewed seriously because the child is innocent and cannot be held responsible for its activities whereas an adult is fully responsible for his activities because he is mature and there is motive or intention behind his activities and so he is held responsible for his activities. In the second case, some acts of the child are viewed very seriously when compared to that of an adult because when its behaviour left uncurbed may lead to serious crimes and youngster of today may turn out to be a dangerous
criminal tomorrow. So, in order to avoid such a mishap he is checked initially.

A deviant act (violation of laws), committed by a child is defined as juvenile delinquency and the actor is juvenile delinquent. Deviance includes all violations of prevailing norms.

1.1 **Juvenile Delinquency:**

The word delinquency is derived from the latin word 'delinquere' which means 'neglect' and it may be interpreted in broad terms as neglect on the part of juveniles to conform to the accepted standards of behaviour in their society.

Delinquency denotes acts of varying degrees of social consequence from mere naughtiness to major assault, punishable by law. There is general agreement among the vast majority of the countries of the world that an antisocial act, which in their respective laws is defined as a criminal offence, constitutes delinquency when committed by a juvenile.
Some of the acts of juvenile delinquency are as follows:

A good number of delinquents may gamble, drink, smoke and tease girls for the sake of fun. Few delinquents may be uncontrollable where parents are not able to exercise proper care and control over the children. Few delinquents may found begging. Few may be in the habit of playing truancy to the school. Few female delinquents may live in brothel or with prostitutes. Some delinquents specialize in picking pockets and stealing things like jewellery, radio, transistors, electric fans, costly garments and utensils. A gang of delinquent boys may rob an official returning home from his office on a pay day. A village boy working in his farm, on finding an opportunity may prevail upon a girl working alone in the neighbouring farm, take her to the field of sugarcane and violate her virginity. Even a girl and a boy residing in the same locality of a town might take money and ornaments from their homes and run away to a distant city in the hope that they would get married. A wayward may be tempted by the contractor of a wine shop and assist him in adulterating liquor while another boy serving illicit liquor distiller in a village may carry the
country made liquor to the secret places fixed for its marketing. Some young shoe-shiners and unlicenced venders may be found travelling ticketless in trains who sometimes make good and then escape with the belongings of the passengers. Few of the youngsters may indulge in forbidden traffic under the supervision of the hardened adult criminals. Some young boys belonging to the well-to-do families may be found driving their vehicles negligently, sometimes hunting people and driving away with smiles on their faces. Even a group of boys may wreak revenge on one of the their classmates and stab him to death by taking him first to lonely place.

Despite numerous instances of socially disapproved acts committed by juvenile delinquents one may like to know what are the chief characteristics of a juvenile delinquent. While describing the common characteristics of a juvenile delinquent, Good¹ says:

(a) The individual is under the ages of 16 to 18.

(b) He has violated any law of the state that if committed by the person above his age group would be an offence punishable other than by death or life imprisonment.
(c) He has violated laws particularly designed for juveniles such as stealing, truancy, ungovernability and habitual disobedience.

Sethna\textsuperscript{2} says, juvenile delinquency involves wrong doing by a child or a young person who is under an age specified by the law (from the time being in force) of the place concerned. A statute may include in the definition of delinquent child even a wayward, incorrigible or habitually disobedient child. And a child or a young person growing up idly or living in crime or associating with thieves, robbers or bad characters, vagrants, prostitutes or vicious persons or a child who visits a gambling house or wanders about streets at nights or who absents himself from the home without the consent of parent or guardian may be regarded as delinquent child.

Good\textsuperscript{3} says, that the term juvenile delinquency includes detected anti-social deviants brought to the attention of social agencies. These social agencies may be the police, the court or correctional institution.
Sen says, juvenile delinquency is one of the mental handicaps which is both psychological and social. From the psychological point of view, a delinquent is emotionally unstable and is not satisfied with the society. He resents discipline and refuses to submit to normal social restrictions. He is egocentric or immature in his appreciation of right and wrong. His emotional ties with his family are usually not well knit. He rejects their advice and guidance and becomes disobedient from social point of view. Delinquency means any form of behaviour detrimental to the well being of society.

In the opinion of Cyril Burt, a child is to be regarded as technically delinquent when his antisocial tendencies appear to grave that he becomes, or ought to become the subject of social action.

James, S. Plant describes juvenile delinquency as a young person who habitually responds to serious and prolonged frustration in aggressive ways.

In his study of young delinquents Prof. Udayshankar describes delinquency as rebellion and expression of aggressions which is aimed at destroying, breaking down or changing the environment.
Prof. Udayshankar\(^8\) says, delinquent children do not protect themselves from a threatening situation either by escape or by adaptation to the situation by becoming comfortable and safe but by attacking to take revenge for the frustrations experienced at the hands of the members of the social group.

There may be no dichotomy of delinquents and non-delinquents in terms of behaviour. Prof. Udayshankar\(^9\) states that the anti-social individuals, however, do not specifically constitute a unique type of human beings. They have as truly human desires and natural yearnings as anybody called normal. They are also human beings though the victims of faulty upbringing and wrong treatment. They may be hiding behind the cloak of delinquency, which they put on themselves as a protest against social treatment meted out to them, as abundance of humanity and eagerness to respond to decent treatment. But they are hostile and rebellious against parents, teachers or the social organization which fail them in the satisfaction of their fundamental human urges and needs. They become rebellious to protect their own integrity and they attack the situation threatening their security and the urge to exist and to grow.
Robinson defines juvenile delinquency as any behaviour which a given community at a given time considers in conflict with its best interests, whether or not the offender has been brought to court.

1.2 Juvenile Delinquent and the Criminal:

Haskell and Yablonsky distinguish juvenile delinquent from the adult criminal by several factors:

(a) In most jurisdictions the cut off point between delinquency and criminality is marked by age, usually eighteen.

(b) Juvenile delinquents are generally considered less responsible for their behaviour than adult offenders and hence less culpable.

(c) In the handling of a juvenile delinquent, the emphasis is more on the youth's personality and the motivation for his illegal act than on the offence itself. The opposite is usually true of the adult criminal.

(d) Treatment of juvenile has been directed towards therapeutic programmes than punishment.
Although there have been some recent modifications the judicial process for a juvenile has tended to de-emphasize the legal aspects of due process and has been geared to more informal and personalised court procedure.

1.3 Dynamics of Juvenile Delinquency:

Numerous conditions, singly and in combination may be involved in the etiological pattern that leads to delinquent behaviour. James C. Coleman summarizes the role of four sets of conditions which appear to be of much importance.

1.3.1 More Pervasive Pathology:

The following are the types of delinquents in relation to more pervasive patterns of pathology.

a) Organic Delinquent:

These children are often hyperactive, impulsive, emotionally unstable and unable to inhibit action when strongly stimulated. Often such children experience strong guilt feelings following their explosive outbursts.
b) The Mentally Retarded Delinquent:

Low intelligence appears to be of etiological significance. Here the delinquent is unable to appreciate the significance of his actions or to foresee the probable consequences.

c) The Psychotic Delinquent:

Delinquent behaviour involves a pattern of prolonged emotional and social withdrawal which culminates after long frustration in an explosive outburst of violent behaviour. Here the delinquent act is the bye-product of personality disturbance rather than reflection of a consistent antisocial orientation.

d) The Neurotic Delinquent:

Here the delinquent often takes the form of compulsion such as peeping, stealing things which the individual does not need or firesetting. Often such individuals fight their inner impulses before delinquent act and then feel extremely guilty afterwards.

e) The Sociopath Delinquent:

As a consequence of their lack of conscience and reality controls, they often engage in seemingly 'senseless'
delinquent acts which are not planned but occur on the 'span of the moment' in reaction to some momentary impulse. These individuals are unsocialized delinquents who are largely at the mercy of their uncontrolled impulses.

f) The Sub-cultural Delinquent:

Here the delinquent belongs to a sub-group whose values do not conform to those of the larger group. The sub-culture often encourages the individual to engage in delinquent behaviour and rewards him when he does so successfully. Often the members of the delinquent gangs feel inadequate in and rejected by the larger society; they participate in gang activities as a means of gaining some measure of belongness, approval and status.

1.3.2 Pathogenic Family Relationships:

Although various pathogenic family patterns have been emphasized in juvenile delinquency, the typical situation appears to be one in which the father plays a reduced role and fails to provide an adequate model for the growing child. This pattern may take a number of forms - broken homes, parental absenteeism, mother's dominance, father's rejection, sociopathic fathers.
1.3.3 Delinquent Sub-Culture:

When we consider the conditions outside the home which tend to produce delinquency, two conditions are of key significance,

a) Social Rejects:

This is the growing population of sixteen to twenty year olds who lack the motivation to do well in the school but are unable to find acceptable jobs in the society. They are victims of social progress. Many of them sense and deeply resent their rejection by society. Their inner tensions are often revealed in serious delinquent injuries, wanton distribution of property, unable to find a meaningful role in the society, they lose their way.

b) Delinquent Gangs:

In the deteriorated areas of large urban centres where poverty and inadequate living conditions arouse frustration and discontent and foster hostile attitude towards society. In such areas the child is exposed to many anti-social models, and it is difficult for parents to impart desirable values or to maintain control over
the behaviour of their children. And it is in such areas that teenage gangs flourish. Many delinquent acts are ways of gaining the approved status in the gang.

1.3.4 Precipitating Events:

Many delinquent acts are based on the acting out of momentary impulses and that in other cases such behaviour occurs as a part of the regular activities of a delinquent gang. Delinquent behaviour may also be triggered by some relatively minor event, as when a fight between two youths triggers a riot among gathering of youths from a given area. In some instances traumatic events in the life of the boy or girl appear to act as precipitating events.

1.4 Needing of Juvenile Delinquency:

The present century has brought in its wake tremendous scientific advancements, catastrophic changes and mounting problems. As a result the structure and functions of society have undergone a change. Social disorganizations and maladjustments are the inevitable consequences of such rapid changes. Industrialization and urbanization have accompanied technological advances and have produced many fundamental changes in modern society.
"The growth of cities with heterogeneity of population, great mobility and fluidity, occupational differentiation, cultural variations, over crowded conditions has produced new ways of living. It has affected all phases of life, rural as well as urban. Juveniles are affected in an unusual way by the changing conditions".13

India cannot be exception to the situations which create the problem of Juvenile Delinquency. Since her independence, India is on her way to scientific advancements and industrial growth. The sense of loving care in a joint family is to a great vanishing. The rural India is still backward in many ways as regard to industrial and technological advancement of the country. The population having grown tremendously, the people in villages do not find proper employment. They are attracted to the towns and cities where they face several difficulties like those of housing, employment and cultural adjustment. All such difficulties are found to pave, among other social problems, the way for juvenile delinquency.

Karnataka is one of the states of the developing Indian union. Karnataka has been rapidly advancing
towards Industrialization and Urbanization. The political consciousness, increased facilities for communication and transportation, establishment of educational centres, increase in the number of cinemas, setting up of various industrial complexes etc., have brought great mobility among people in the state. The villages are taking the shape of towns and towns are likely to grow into cities. The towns and cities of Karnataka are facing the problem of overcrowding and unemployment.

As in the rest of India, so in the state of Karnataka the caste system and variations in standards of living have created social imbalances. The movies full of aggressive and unhealthy scenes leave a bad impact on the minds of younger generation. Some of the unprincipled political activities have misdirected the youth. There is no provision for crences for children of working women. Lack of community centres and recreational facilities for the young children is also leading them to wayward activities.

There is lack of adequate facilities for educational institutions. Indiscriminate educational programmes with no guarantee of job at the completion of certain courses have created frustration among youth.
The effects of social irregularities are feared to influence the young minds of the state of Karnataka in particular and India in general. There is every likelihood of the young impressionable minds to feel frustrated and insecure at the hands of society and consequently take the path of delinquency.

1.5 Incidence of Juvenile Delinquency:

The all India record of crime statistics maintained by the Ministry of Home Affairs in the Central Government shows a progressive upward trend in the incidence of juvenile crime. In all these statistical reviews and assessments, any crime committed by a person under twenty one years of age is reckoned as juvenile crime. Analysis of cognizable crimes under the Indian penal code shows that the volume of juvenile crime per lakh of population which was 4.5 in 1966 rose to 7.0 in 1977. The increase will appear much larger if juvenile crimes under the local laws and Special laws like Gambling Act, Prohibition Act and Suppression of the Immoral Traffic Act are also taken into account. It is also seen that a much larger number of juveniles come to notice in offences under the local and Special laws as compared to offences under Indian Penal Code. This trend of increasing involvement of
juvenile offenders in crimes of vice is a matter of serious concern.

"All India Crime Statistics is available in complete shape. About 51,000 juveniles were arrested for Indian Penal Code offences, while about 83,000 were arrested for offences under Gambling Act, Prohibition Act, Suppression of Immoral Traffic Act etc. It further emerges from the all India picture that about 90% of the juveniles arrested every year are new offenders. It means that every successive year, more and more new youngsters are brought within the coercive processes of our present criminal justice system with all its attendant adverse impact on their overall personality. It also emerges from the statistical study that more than 60% of the juveniles belong to the age group of sixteen to twenty one years." 14

"However as per the All India Statistics available, another important feature that emerges is that the increase among girl offenders in 1977 over 1967 was 92.8% and among boys was 107.6%. 15

Although these statistics are no indications to the real situation because of certain limitations in
detection. The increase in detected juvenile misconduct cannot be neglected. Does this increase indicate a failure of the legislation pertaining to juveniles or does it indicate an efficient machinery for detection of delinquency with a reformative philosophy is a debatable issue.

1.6 Therapeutic Legislation:

The problem of juvenile delinquency cannot be checked by following the ancient Theory of Retribution which justified punishment to the offender as the wages of his sin. It stressed 'tooth for tooth and eye for an eye'. This theory stands almost rejected in the present day. We can't also compromise with the Theory of Deterrence which advocated that more the punishment a criminal received, more the others will be deterred from adopting similar path. Rather, the problem of delinquency should be solved with the help of Theory of Reformation which contends that we must unmake the criminal in the man instead of punishing him. Reformation makes one an honest and law abiding person, whereas the punishment makes him vindictive and hardened person.

There is however, a short legal history containing such soft feelings for the juvenile delinquents in India.
In 1850, the Apprentices Act was passed. It was in fact, the first juvenile legislation in India. It was an all India measure to deal with children between the age of ten and eighteen years who had committed petty offences and were destitute. It authorised Magistrates to commit such children as apprentices to employers. The objectives of the act was to direct the misdirected energies of juveniles towards the learning of some trades so that they might make out a living on their own after completion of training. The Indian Penal Code 1860 was the first important codified law of land introduced by the British. Section 82 and 83 of the code related to the juvenile offenders by defining the lower age limit for criminal responsibility. The criminal procedure code was first enacted in 1861 and later modified in 1884 and 1898. Sections 29(B), 399 and 562 relate to the treatment of juvenile delinquents. These sections of the code carried with them the seeds of provision for socialised treatment of juvenile offenders and provided for a progressive approach towards them. The first special law dealing directly with the treatment of juvenile delinquents was the Reformatory School Act, 1876 which was modified late in 1897. It was an all India measure and provided for measures to deal with young offenders. It provided that
youthful offenders might at the discretion of the sentencing court, be ordered to be detained in such a reformatory school for a period of 3 to 7 years instead of undergoing a sentence of imprisonment. The criminal tribes Amendment Act 1897 provided for the establishment of industrial, agricultural and reformatory schools for the children between the ages 4 to 18 years of members of any so called criminal tribe. The government was empowered by this act to remove such children from criminal tribe settlements and place them in a reformatory under the charge of a superintendent. The report of the Indian Jails Committee 1919-1920 emphasised the treatment of the youthful offenders for their reformation. In pursuance of the recommendations of this committee, Madras, Bengal and Bombay enacted their Children Acts in 1920, 1922 and 1924 respectively. The main purpose of these acts in general, is to provide for the custody, treatment and training of children who fall foul with laws.

After independence almost all other states in India have fallen in line with the above states. The Government of India brought into being a Children Act 1960 for implementation in the union territories. The Government of Karnataka inspired by the Children Act 1960
passed the Mysore Children Act 1964 and Mysore Children Rules 1966 (Karnataka was known as Mysore during those days). The Karnataka Children Act, 1964 has elaborate provisions to rehabilitate delinquent children. Basically the act is intended to provide care, protection, maintenance, welfare, training, education and rehabilitation of children. Under the Act, child means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years.

According to 40(2) of Karnataka Children Act, neglected child means a child who,

(1) is found begging. Or

(2) is found without having any home or settled place of abode or any ostensible means of subsistence or is found destitute whether he is an orphan or not. Or

(3) has a parent or guardian who is unable or unfit to exercise or does not exercise proper care and control over the child. Or

(4) lives in a brothel or with a prostitute or frequently goes to any place used
for the purpose of prostitution, or is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved life. Or

(5) is otherwise likely to fall into bad association or to be exposed to moral, dangerous or to enter upon a life of crime.

The term Begging means,

(1) soliciting or receiving alms in a public place or entering in any private premises for the purposes of soliciting or receiving alms whether under any pretence of singing, dancing, fortune-telling, performing tricks or otherwise.

(2) Exposing or exhibiting with the object of obtaining or extorting arms - any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal.

(3) Having means of subsistence wandering about or remaining in any public place in such condition or manner as makes it likely that the person doing so exists by soliciting or receiving alms.
The term Brothel includes any house, room or place or any portion of any house, room or place, which is used for the purposes of prostitution for the gain of another person or for the actual gain of two or more prostitutes.

According to 43(1) of Karnataka Children Act 1964,

'Where the parent or guardian of a child complains to the competent court that he is not able to exercise proper care and control over his child, such court shall, if satisfied on enquiry, that it expedient so to deal with the child under this act, it may order the child to be committed to a certified school.

According to 60(c) of Karnataka Children Act,

Where a competent court is satisfied on enquiry that the child has committed an offence, then notwithstanding anything to the contrary contained in any other law for time being in force, the competent court may, if it so
The Government of India in 1977 adopted a national policy for children. Some of the policy measures include safeguards to protect and rehabilitate delinquent children.

1.7 Need for Study:

The report of the Sixth United Nations Congress on the prevention of crime and treatment of offenders, held in August 1980 states that "while by and large juvenile delinquency continues to project traditional pattern, there are certain new trends and dimensions of the problem such as student indiscipline, mass copying in examinations, ticketless travelling, vandalism, riots etc., which are rather unprecedented in character."

Juvenile delinquency is not a mere abstraction but something real, which is part of the social life of the people. As such it cannot be treated lightly nor can it be neglected. It is a living problem which if allowed to develop unchecked today may sap the very
vitality of the nation tomorrow. If the future society is to be planned, the problem has to be scientifically tackled now.

In school, delinquents not only create problem to the teachers and also, they violate the school environment. They are in school campus have rioted and have created wide spread problem of social indiscipline involves personal suffering as well as loss to society. It is clear from various evidences that the source of youthful power is not properly tapped for social, civil cultural and economic betterment. So, the problem of delinquency has become such an important issue that no conscious parent or teacher can ignore it.

Juvenile delinquent is not to be punished but to be treated carefully so as to render his reformation, correction and rehabilitation. Effective way of treatment of juvenile delinquents depend upon through understanding of the causes that have made him to act in socially disapproved way.

No other problem concerning human behaviour has been discussed and written about so much and so often than
the problem and yet so little is known so far about
its etiology. Eiology aspect is very significant one
because the problem is half solved whose cause we know.

Since the dawn of independence the number of
juvenile delinquents is constantly increasing. If it is
unchecked, the number of juvenile delinquents will keep
increasing and will become detrimental to the national
progress, as juvenile delinquency is gateway to
criminality.

Declaration of Geneva declared various rights
of the child that "The Child that is hungry must be
fed; the child that is sick must be nursed; the child
that is physically or mentally handicapped must be
helped; the maladjusted child must be reeducated; orphan
and waif must be sheltered and succoured. The child
must enjoy the full benefits provided by social welfare
and social security schemes, the child must receive
training which will enable it, at the right time to earn
a livelihood and must be protected against every form of
exploitation. The child must be brought up in the
consciousness that it's talents must be devoted to the
service of its fellowmen".17
Since, the delinquent is a victim of society, he requires special type of education as we generally aim at planning for the physically and mentally handicapped children. In a welfare state it is obligatory on the part of the state to provide free and compulsory education to all its children. United Nations Declaration of the Rights of the Child declares that "the child who is physically, mentally or socially handicapped, shall be given special treatment, education and care required by his particular condition". Thus by providing special education to the socially handicapped children, we shall be fulfilling one of the great aims of education.

Moreover the problem of juvenile delinquency has been of basic interest not only to the educationists but also to sociologists and psychologists. The subject of juvenile delinquency has received significant place.

The field of research has also been highlighting the need to study the problem of juvenile delinquency. Efforts have, however, been made in India, to study the problem of juvenile delinquency in the fields of Sociology, Psychology, Social work and Education. But still studies in this area, particularly in Karnataka are wanting.
Besides that, the investigator’s special subject was Education of Exceptional Children during his M.Ed. course and Social Deviance was the special subject during his M.A. (Sociology) course. In fact, the investigator used to listen, read and observe children who showed traits such as flouting the authority of the leaders, bullying their teachers, friends, siblings, deceiving others for the sake of fun and even truancy, gambling, smoking, fighting, sex perversions, looting the street hawkers, violation of social discipline etc. Thus the investigator was interested in knowing the causes of same. Finding the present field of study left unexposed, he got equally interested in conducting the study with the hope that this would be useful for parents, teachers, social workers, administrators, to all those who are interested in the welfare of children.

1.8 Objectives:

The main objectives of the study are:

(1) To find out the psychological variables that correlate with juvenile delinquency.

(2) To find out the familial variables that correlate with juvenile delinquency.
(3) To develop a method of identifying potential delinquents.

1.9 Scope and Limitations of the Study

The present study may be regarded as very important study in the field of causation of juvenile delinquency especially in Karnataka State.

The study extends to all the ten certified schools of Karnataka. It includes both male and female delinquents. All institutionalised delinquents (i.e. Recidivists as well as first offenders) were taken up for the study.

However, the study has the following limitations:

(1) The study is limited to senior certified schools only.

(2) The investigator has to depend upon the official report that are made available.

(3) The source of information is the respondent only.

(4) The sample is limited to Karnataka State.
(5) Non-delinquent students are chosen from the high schools of Harihar and Davangere only, where the investigator have close contact with schools and pupils.

(6) Delinquent students are institutionalised, convicted by courts only.

(7) In the present study, the term juvenile delinquent implies a boy or girl in the age group of thirteen to eighteen who behaves in a manner which is not accepted as normal by the social groups to which he or she belongs and which calls for official action in the eyes of law.
FOOT NOTES


8. Uday Shanker, ibid, p.3.

9. Uday Shanker, ibid, p.2.


18. M.S. Gore & D. Deshmukh (ed.), ibid, p.265.