Determinants of Female Juvenile Delinquency

(1) Factors Prompting Female Juvenile Delinquency

(2) Reasons for respondents entry into the Juvenile Justice System
   i) Run away
   ii) Minor Thefts
   iii) Abandonment

(3) Case Studies

Juvenile delinquency amongst girls is an important social problem. The number of crimes has increased and the problem is being widely discussed. However, the discussions most often concentrate merely on the fact itself and its scale, and tend to forget the factors that determine the situation. To better understand why young girls commit acts of delinquency it is essential to know the factors that determine juvenile delinquency.

This chapter discusses the main factors that influence the delinquent behavior of young girls. Yet, it does not mean that only these factors are important. It is also noteworthy to mention that the reasons analyzed in this chapter do not necessarily lead to delinquency. On the one hand, all girls affected by these factors don’t necessarily become delinquents and on the other, there are girls who become delinquents, even though they haven’t experienced such an influence. The presence of the factors determining delinquent behavior only indicates the higher probability of delinquency.

Before discussing the factors, it is important to note that the socio-cultural background of these girls is rather complicated and diverse. Respectively, the factors that lead to delinquent behavior work only in the complex way and have to be linked with the socio-demographic background of the respondents which has been discussed in detail in the previous chapter.
We need to keep in mind that no single path leads to trouble, there are multiple, composite ways of reaching there even if you are not trying to. A combination of factors may collide just as a girl is hitting adolescence, leaving her at risk of delinquency.

**FACTORS PROMPTING FEMALE JUVENILE DELINQUENCY**

A multitude of factors contribute to the understanding of what leads someone to engage in delinquent behavior. The theories that attempt to explain or predict delinquency mention and examine many different **societal factors** or units within society that is applicable within the theories. Families, peers, schools, and socio-economic status are all social factors that are examined in many of the causal theories. **Socio-economic** instability is often linked to persistent unemployment and low incomes among the young, which can increase the likelihood of their involvement in criminal activity. **Families** are important to consider when trying explaining juvenile delinquency. The family unit is crucial to a child's development and healthy upbringing. In addition, much of what a child learns is through their family or guardians.

A criminal parent can teach their child adverse lessons about life when their child views or witnesses their parent's delinquent behavior. Studies show that children who receive adequate parental supervision are less likely to engage in criminal activities. Dysfunctional family settings—characterized by conflict, inadequate parental control, weak internal linkages and integration, and premature autonomy—are closely associated with juvenile delinquency. Children in disadvantaged families that have few opportunities for legitimate employment and face a higher risk of social exclusion are overrepresented among offenders.

The plight of ethnic minorities and migrants, including displaced persons and refugees in certain parts of the world, is especially distressing. The countries in
transition are facing particular challenges in this respect, with the associated insecurity and turmoil contributing to an increase in the numbers of children and juveniles neglected by their parents and suffering abuse and violence at home.

**Peers** can also teach an adolescent or child criminal behavior just as the family member can. Family members and peers can also cause delinquent patterns of behavior by labeling their child as delinquent. This is somewhat of the "if the shoe fits, wear it" saying. If a child feels as though they are viewed as delinquent, then they will act as such and find a sense of self-esteem by doing so.

Youth policies seldom reflect an understanding of the role of the peer group as an institution of socialization. Membership in a delinquent gang, like membership in any other natural grouping, can be part of the process of becoming an adult. Through such primary associations, an individual acquires a sense of safety and security, develops knowledge of social interaction, and can demonstrate such qualities as loyalty or leadership. In “adult” society, factors such as social status, private welfare, race and ethnicity are of great value; however, all members of adolescent groups are essentially in an equal position and have similar opportunities for advancement in the hierarchical structure. In these groups well-being depends wholly on personal qualities such as strength, will and discipline.

Quite often delinquent groups can counter-balance or compensate for the imperfections of family and school. A number of studies have shown that juvenile gang members consider their group a family. For adolescents constantly facing violence, belonging to a gang can provide protection within the neighborhood. In some areas those who are not involved in gangs continually face the threat of assault, oppression, harassment or extortion on the street or at school. If a juvenile has many ties or bonds to members in society, they are less likely to make the choice to commit a crime for fear of ridicule, embarrassment, or scorn from those they associate with.
The demographic characteristics of a person's living environment can also be a contributing factor to criminal patterns of behavior. Adverse living conditions and a crime-prone neighborhood can lead to criminal activity.

Cultural factors also exert a very real influence, probably greater than it is realized. The very definition of criminality is culturally determined, varying from one society to another. Murder in defense of family honor may be condoned or condemned; the taking of someone else's life is not everywhere or always a crime; the same is true for alcoholism or suicide. Delinquency in any community will be influenced also by the patterns of behavior characteristic of the police, the members of the Juvenile Justice Board, and all other officials with whom the young offenders come into contact. Both initial reactions and recidivism may vary considerably according to whether 'they' are regarded as friends or foes.

The stress on cultural factors in the aetiology of delinquency makes the assumption that this form of behaviour may be 'learned'. Imitation of others is rarely a blind process. We imitate because we think we can gain something, either materially or in terms of acceptance or prestige, or because imitation has been a rewarding experience in the past. All these factors may play a part in the learning of delinquency. The fact remains that such learning is usually limited to the patterns of behaviour already present in our social environment. Delinquent behavior often occurs in social settings in which the norms for acceptable behavior have broken down. Under such circumstances many of the common rules that deter people from committing socially unacceptable acts may lose their relevance for some members of society. They respond to the traumatizing and destructive changes in the social reality by engaging in rebellious, deviant or even criminal activities.

Gibbens T C N & Ahrenfeldt R H (1966), Cultural Factors in Delinquency, London, Tavistock Publications Ltd., pg.170
The contradiction between idealized and socially approved goals and the sometimes limited real-life opportunities to achieve them legally creates a sense of frustration in many young people. A criminal career becomes one form of addressing this contradiction. One of the reasons for delinquent behaviour is therefore an excessive focus on proposed goals (achieving success) coupled with insufficient means to achieve them.

Another factor leading to delinquency is neglect. The neglected and the delinquent children cannot be regarded as two exclusive and separate entities and hence they need to be considered together. This is why the Juvenile Justice Act/ System cater to both of them with same priority. The analyses of the various causative situations indicate that the factors for neglect and delinquency are mostly common. In most of the crimes, neglected children turn delinquent on account of various socio-economic and psychological reasons. Poverty, broken homes, urbanization leading to migration, breakdown of social values and joint family system, atrocities by parents or guardians, faulty educational system, the influence of media besides the specific reasons of slums and such other conditions explain the phenomena of juvenile delinquency.

The neglect of children by their parents, family, society and the nation create detrimental affect on their growth and personality. The unhealthy living conditions and given situations of abuse and exploitation of children, inevitably, results in delinquency. To that extent, the delinquency must be considered to be the direct offshoot of neglect.

Media too plays a very crucial role in juvenile delinquency. Television and movies have popularized the "cult of heroes", which promotes justice through the physical elimination of enemies. Many researchers have concluded that young people who watch violence tend to behave more aggressively or violently, particularly when
provoked. This is mainly characteristic of 8-12-year old boys, who are more vulnerable to such influences.

Media brings an individual to violence in three ways\textsuperscript{204}. First, movies that demonstrate violent acts excite spectators, and the aggressive energy can then be transferred to everyday life, pushing an individual to engage in physical activity on the streets. This type of influence is temporary, lasting from several hours to several days. Second, television can portray ordinary daily violence committed by parents or peers (the imposition of penalties for failing to study or for violations of certain rules or norms of conduct). It is impossible to find television shows that do not portray such patterns of violence, because viewer approval of this type of programming has ensured its perpetuation. As a result, children are continually exposed to the use of violence in different situations—and the number of violent acts on television appears to be increasing. Third, violence depicted in the media is unreal and has a surrealistic quality; wounds bleed less, and the real pain and agony resulting from violent actions are very rarely shown, so the consequences of violent behavior often seem negligible. Over time, television causes a shift in the system of human values and indirectly leads children to view violence as a desirable and even courageous way of re-establishing justice. However it seems that the effect of media is more on boys than girls when it comes to take up acts of juvenile delinquency.

Each year the Federal Bureau of Investigation (FBI) compiles crime data from over ten thousand law enforcement agencies in the United States and publishes these figures in Crime in the United States: Uniform Crime Reports. The report includes information on characteristics of persons under the age of eighteen arrested for a variety of offences. The 2003 arrest figures picture of delinquency derived from statistics maintained by law enforcement officers. Most obvious is that far fewer girls than boys are arrested for delinquent behavior. Although 378,895 arrests of girls

occurred in 2003, arrests of males outnumber female arrests by more than a 2:1 ratio, meaning that more than two boys are arrested for every girl.

Arrest statistics also can provide a portrait of the character of both female and male official delinquency. The distribution of arrests within each sex cohort (Table 1) shows that most offences for which both males and females are arrested are relatively minor and that many do not have a clearly defined victim. For example, larceny-theft dominates both boys’ (13.1 percent) and girls’ (20.8 percent) delinquency.

Table 1. Arrests of Persons under 18, by Sex, 2003

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td>Total</td>
<td>910,981</td>
<td>100.0</td>
</tr>
<tr>
<td>Index Crimes</td>
<td></td>
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<tr>
<td>Homicide</td>
<td>560</td>
<td>*</td>
</tr>
<tr>
<td>Forcible Rape</td>
<td>2,366</td>
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<tr>
<td>Robbery</td>
<td>13,262</td>
<td>1.5</td>
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<tr>
<td>Aggravated Assault</td>
<td>26,923</td>
<td>3.0</td>
</tr>
<tr>
<td>Burglary</td>
<td>44,700</td>
<td>5.0</td>
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<tr>
<td>Larceny-Theft</td>
<td>119,520</td>
<td>13.1</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>20,114</td>
<td>2.2</td>
</tr>
<tr>
<td>Arson</td>
<td>4,089</td>
<td>0.4</td>
</tr>
<tr>
<td>Total Violent</td>
<td>43,111</td>
<td>4.7</td>
</tr>
<tr>
<td>Total Property</td>
<td>188,423</td>
<td>20.7</td>
</tr>
<tr>
<td>Total Index</td>
<td>231,534</td>
<td>25.4</td>
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<tr>
<td>Part II Offences</td>
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</tr>
<tr>
<td>Other Assaults</td>
<td>91,865</td>
<td>10.1</td>
</tr>
<tr>
<td>Forgery/Counterfeiting</td>
<td>1,813</td>
<td>*</td>
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<tr>
<td>Fraud</td>
<td>2,817</td>
<td>*</td>
</tr>
<tr>
<td>Embezzlement</td>
<td>433</td>
<td>*</td>
</tr>
<tr>
<td>Stolen Property</td>
<td>12,400</td>
<td>1.4</td>
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<tr>
<td>Vandalism</td>
<td>54,957</td>
<td>6.0</td>
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<tr>
<td>Weapons</td>
<td>20,230</td>
<td>2.2</td>
</tr>
<tr>
<td>Prostitution</td>
<td>232</td>
<td>*</td>
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<tr>
<td>Other Sex Offences</td>
<td>9,916</td>
<td>1.1</td>
</tr>
<tr>
<td>Drugs</td>
<td>87,805</td>
<td>9.6</td>
</tr>
<tr>
<td>Gambling</td>
<td>306</td>
<td>*</td>
</tr>
<tr>
<td>Offences Against the Family</td>
<td>2,330</td>
<td>*</td>
</tr>
<tr>
<td>DUI</td>
<td>9,200</td>
<td>1.0</td>
</tr>
<tr>
<td>--------------------------</td>
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</tr>
<tr>
<td>Liquor Laws</td>
<td>51,646</td>
<td>5.7</td>
</tr>
<tr>
<td>Drunkenness</td>
<td>7,841</td>
<td>0.9</td>
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<tr>
<td>Disorderly Conduct</td>
<td>73,573</td>
<td>8.1</td>
</tr>
<tr>
<td>Vagrancy</td>
<td>1,044</td>
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<tr>
<td>Curfew and Loitering</td>
<td>60,165</td>
<td>6.6</td>
</tr>
<tr>
<td>Runaway</td>
<td>30,724</td>
<td>3.4</td>
</tr>
<tr>
<td>All Other Offences</td>
<td>160,165</td>
<td>17.6</td>
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</tbody>
</table>

*Less than .1%


Status offences play a more significant role in girls’ arrests than boys’ arrests. The status offences of running away and curfew/loitering accounted for about 19 percent of all girls’ arrests in 2003, but only 10 percent of boys’ arrests. Arrests of girls for one status offence alone, running away, account for almost 12 percent of all girls arrests, compared with only less than four percent of boys’ arrests. Both girls and boys are arrested in large numbers for alcohol-related offences, but burglary and vandalism (which account for about 11 percent of boys offences) are relatively unimportant in the delinquency of girls (accounting for only 4 percent of their arrests).

Generally, official delinquency is dominated by less serious offences, and this is particularly true of female delinquency. A ranking of offences that account for the greatest number of girls and boys arrests over time (Table 2) clearly shows this. For the past two decades, boys were most likely to have been arrested for larceny-theft and “all other” offences. Larceny-theft ranks first among girls arrests for both 1994 and 2003, accounting for a quarter of all girls’ arrests in 1994 and just over one-fifth in 2003. Running away also dominates girls arrests, constituting just under one-fifth in 1994 and about one out of six in 2003.
Table 2: Rank Order of Arrests for Juveniles, 1994 and 2003

<table>
<thead>
<tr>
<th>Male</th>
<th>1994</th>
<th>2003</th>
<th>Female</th>
<th>1994</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larceny-theft (17.8)</td>
<td>All Others (17.6)</td>
<td>Larceny-theft (24.8)</td>
<td>Larceny-theft (20.8)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Other\textsuperscript{205} (14.9)</td>
<td>Larceny-theft (13.1)</td>
<td>Runaways (18.9)</td>
<td>All Other (16.1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other assaults (7.7)</td>
<td>Other Assaults (10.1)</td>
<td>All Other (13.3)</td>
<td>Runaway (11.6)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vandalism (7.3)</td>
<td>Drugs (9.6)</td>
<td>Other Assaults (8.3)</td>
<td>Other Assaults (11.6)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drugs (6.7)</td>
<td>Disorderly conduct (8.1)</td>
<td>Disorderly conduct (5.8)</td>
<td>Disorderly conduct (8.8)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Male</th>
<th>1994</th>
<th>2003</th>
<th>Female</th>
<th>1994</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrests for Serious Violent Offences\textsuperscript{206}</td>
<td>5.9</td>
<td>4.7</td>
<td>2.8</td>
<td>2.6</td>
<td></td>
</tr>
<tr>
<td>Arrests for All Violent Offences\textsuperscript{207}</td>
<td>13.5</td>
<td>14.8</td>
<td>11.1</td>
<td>14.2</td>
<td></td>
</tr>
<tr>
<td>Arrests for Status Offences\textsuperscript{208}</td>
<td>10.0</td>
<td>10.0</td>
<td>25.1</td>
<td>18.5</td>
<td></td>
</tr>
</tbody>
</table>


In recent years, drug offences have jumped into the top five for boys arrests, accounting for just under 10 percent in 2003. Thus, running away and larceny-theft continue to dominate girls delinquency arrests, as has been the case since 1970, and together these two offences have accounted for more than one-third (44 percentage in 1994) of all female arrests. Arrests for disorderly conduct emerged in the top five for males for the first time in 2003, while for girls this offence was number five for both years.

As stated above, girls predominantly come in contact with the Juvenile Justice system for non-violent crimes. These offences are activities like running away from home, being incorrigible, or being beyond parental control and are often called Status

\textsuperscript{205} "All other" refers to a variety of offences, usually state and local ordinances. Among the most common include public nuisance, trespassing, failure to appear on warrants, contempt of court, and, for juveniles especially, violation of various court orders (e.g., probation, parole) and certain status offences. This category does not include traffic offences.

\textsuperscript{206} Arrests for murder, robbery, rape, and aggravated assault.

\textsuperscript{207} Also includes arrests for other assaults, a Part II crime.

\textsuperscript{208} Arrests for curfew and runaway.
offences. Even in the present study the data collected from the 200 respondents that were interviewed from both the homes, revealed broadly three reasons, running away (172 respondents), minor thefts (3 respondents) or abandonment by family (6 respondents), that have played a major role in bringing girls into the Juvenile Justice System. Keeping in mind the high percentage of girls running away from home this chapter will focus more on the reasons behind running away while briefly discussing minor thefts and abandonment.

**Figure 1: Reasons for Respondents' entry into the Juvenile Justice System**

Overall, girls do pose a smaller problem than male delinquency in numbers. They commit far fewer crimes than boys. In the year 2000, the ratio of girls apprehended to that of boys was 1:3 under IPC. The number of girls apprehended in 2000 (4128) declined by 6.1 percentage when compared with figures for 1999. Girls who break the law may not be perceived as a danger to society because, traditionally, they have

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**MINOR THEFTS**

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come into contact with the Juvenile Justice System for non-violent offences which includes minor thefts. Even in the present study girls apprehended for minor crimes was 1.5 percent of the total sample size.

ABANDONMENT

There are more than 11 million abandoned children in India\textsuperscript{211}, where a growing number of newborn babies are being dumped anonymously in cots placed outside orphanages in an initiative to deter infanticide. About 90 percentage of those abandoned are girls whose poor young mothers cannot afford to keep them. They face a bleak future as beggars, prostitutes or menial labourers if families cannot be found for them.

Although the Government in India has woken up to "a national crisis", the response has been to condone the abandonment of female babies. "If you don't want a girl, leave her to us," Renuka Chowdhury, India's Minister of State for Women and Child Development, said recently. The government "will bring up your children. Don't kill them". The announcement was a desperate response to stem India's dramatic deficit of women. In the west, women outnumber men by at least 3 percentage. India has almost 8 percentage more men than women.

A son, by contrast, is an asset to his family. Even leaving aside the wealth his bride will bring, a boy will retain the family - and the caste - name. He will also inherit the property, and is seen as a way of securing parent-care in old age. Indians, therefore, have come to view the girl child as a burden, an investment without return. A favorite Hindi saying translates as: "Having a girl is to plant a seed in someone else's garden." One of the results is that women themselves face immense family pressure to get rid

\textsuperscript{211} India pleads: adopt our orphan girls: British couples urged to aid 'lost' 11, million Dean Nelson, Delhi, The Sunday Times April 8, 2007
of the girl in their womb. Feminists in India argue that criminalizing women who have got rid of the girl in their womb, is to ignore how fiercely patriarchal the value system is. As some see it, a woman who participates in the killing of her own child is actually denying her own self-value and should not be punished but be treated with concern.

In developing countries, the birth of a girl causes great upheaval for poor families. When there is barely enough food to survive, any child puts a strain on a family's resources, but the monetary drain caused due to a daughter is realized even more severely, especially in regions where dowry is practiced. The dowry practice makes the prospect of having a girl even more distasteful to poor families. It also puts young women in danger: A new bride is at the mercy of her in-laws should they decide her dowry is too small. National Crime Records Bureau: Crime in India 2005 estimates that there are 6787 dowry death and 58319 cases of torture reported in the year 2005.

In the sample, there were six girls who were deliberately lost by their parents or their guardians for the despicable yet very harsh Indian reality being that these girls would grow up to be a burden on them, a burden in many cases which their supposed caretakers could not- literally- afford. But why the girl child in almost every case when they might have over 5 sons on the other hand? Because society has declared that the girl child is the burden to them. She will bring no monetary respite to the family in hard times; instead the dowry issue will only take away from the hard earned money of the family. Again, why? Because she will not be allowed to work or make something of herself, it’s not even an option, so what if she might be the most talented amongst all her siblings? Being abandoned at a most vulnerable age of her childhood can be the most devastating and scarring experience that could take an entire lifetime to correct.
RUN-AWAY PHENOMENON

The relationship between girl’s problems and their attempts to escape these forms of victimization by running away etc are unique aspects of the girls’ interaction with the system. All of the girls from the present study sample who had run away (N= 172) from home reported to have taken such a step because of Neglect (N=26), family turbulence (N=60) and Physical and Sexual Abuse (N=86) considered it as an act of rebellion against their situation at that point of time (See diagram below)

![Figure 2: Reasons for running away from home](image)

A multitude of factors exist that contribute to the understanding of what leads someone to engage in delinquent behavior. Several specific factors put girls at a greater risk of coming in direct contact with the Juvenile Justice System by running away. Seldom do these factors occur in isolation. More typically, risk factors are interconnected like a web; with each risk potentially both cause and consequences of the other. Risk factors of special concern to girls in the present context include:

1) **Family Turbulence and Dysfunction**: The family unit is a crucial body for the child development and healthy upbringing. In addition, whatever a child learns is mainly through their family or guardians. The family and the surrounding of the children is the main cause of their delinquent behaviour.
Studies show that children who receive adequate parental supervision are less likely to engage in criminal activities. Dysfunctional family settings—characterized by conflict, inadequate parental control, weak internal linkages and integration, and premature autonomy are closely associated with juvenile delinquency. Children in disadvantaged families that have few opportunities for legitimate employment and face a higher risk of social exclusion are overrepresented among offenders. The plight of ethnic minorities and migrants, including displaced persons and refugees in certain parts of the world, is especially distressing. The countries in transition are facing particular challenges in this respect, with the associated insecurity and turmoil contributing to an increase in the numbers of children and juveniles neglected by their parents and suffering abuse and violence at home.

The family as a social institution is currently undergoing substantial changes; its form is diversifying with, for example, the increase in one-parent families and non-marital unions. The absence of fathers in many low-income families can lead boys to seek patterns of masculinity in delinquent groups of peers. These groups in many respects substitute for the family, define male roles, and contribute to the acquisition of such attributes as cruelty, strength, excitability and anxiety.

The importance of family well-being is becoming increasingly recognized. Success in school depends greatly on whether parents have the capacity to provide their children with “starting” opportunities (including the resources to buy books and manuals and pay for studies). Adolescents from low-income families often feel excluded. To raise their self-esteem and improve their status they may choose to join a juvenile delinquent group. These groups provide equal opportunities to everyone, favorably distinguishing themselves from school and family, where positions of authority are occupied by adults.
A notable observation from the sample of the present study was that family fragmentation and dysfunction was one of the factors that provoked these young minds to take up such drastic steps in their life. A total of 54 respondents said that family fragmentation and dysfunction was the reason behind them leaving their homes.

The common family problems were, alcoholism of parents (N=54), lack of freedom to girls (N=6), poverty and socio-economic instability resulting in financial crisis (N=23).

Poverty in family of origin was found to have major influence on their decision of running away. The reasons could be that overly stressed parents experiencing financial strain (possibly working multiple jobs) may be unable to provide adequate nurturance of monitoring of the child’s behavior. Most of the official statistics indicate that delinquency rates are higher in inner city, high crime and poverty stricken areas than in suburban and wealthier areas. According to Janice Joseph
(1995)\textsuperscript{212}, number of sociologists postulated that socio-economic status was a major factor contributing to delinquency.

However, later researchers suggested that socio-economic status was a determining factor in whether a juvenile becomes part of the official statistics rather than in whether a particular juvenile will become delinquent. Police may devote more resources and time to lower socio-economic areas, and consequently the apprehension and arrest rates may be higher in these areas. This relationship may also be explained by police discrimination whereby police may be more likely to arrest and apprehend lower-class juveniles more often than those from middle and upper classes. However, the class-delinquency relationship remains one of the most controversial in criminology.

Another common family problem found in the present study was of alcoholism or substance abuse by parents. A number of researches show that children of substance abusing parents are more likely to experience abuse physical, sexual, or emotional—or neglect than children in non-substance abusing households.\textsuperscript{213} Parents who abuse substances are less likely to be able to function effectively in a parental role. This can be due to:

- Impairments (both physical and mental) that occur while under the influence of alcohol or other drugs.
- Expenditure of often limited household resources on purchasing alcohol or other drugs.
- Time spent seeking out drugs.
- Time spent using alcohol or other drugs.

\textsuperscript{212} Joseph Janice (1995), Black Youths, Delinquency, and Juvenile Justice, Westport, Greenwood Publishing Group, pp- 12-13

The basic needs of children, including nutrition, supervision, and nurturing, often go unmet due to parental substance abuse, resulting in neglect. Additionally, families in which one or both parents abuse substances, and particularly families with an addicted parent, often experience a number of other problems including mental illness, unemployment, high levels of stress, and impaired family functioning, all of which can put children at risk for abuse. According to the U.S. Department of Health and Human Services, 1999, maltreated children of substance abusing parents are more likely to have poorer physical, intellectual, social, and emotional outcomes and are at greater risk of developing substance abuse problems themselves.

Substance abusing parents may divert money that is needed for basic necessities to buy drugs and alcohol. Parental substance abuse may interfere with the ability to maintain employment, further limiting the family's resources. The substance abusing behaviors may expose the children to criminal behaviors and dangerous people. Substance abusing parents may be emotionally or physically unavailable and not able to properly supervise their children, risking accidental injuries. Children living with substance abusing parents are more likely to become intoxicated themselves, either deliberately, by passive inhalation, or by accidental ingestion. Heavy parental drug use can interfere with a parent's ability to provide the consistent nurturing and caregiving that promotes children's development and self-esteem.

2) Neglect: The neglected and the delinquent children cannot be regarded as two exclusive and separate entities and hence they need to be considered together. This is why the Juvenile Justice Act/ System cater to both of them with same priority. The analyses of the various causative situations indicate that the factors for neglect and delinquency are mostly common. Today the rejection of the unwanted girl can begin even before her birth: prenatal sex determination tests followed by quick abortions eliminate thousands of female foetuses before they can become daughters. This can

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be attributed to the preference for male children and the presumed burden of having to pay high dowries at marriages for daughters. Many female children are killed in the womb or at birth, or through neglect of physical and medical needs during childhood.

A midwife in Bihar, for instance, regularly killed female infants upon request of parents, which made it easier than killing them later. She charged Rupees 40 for delivering a baby, and it if were a girl, an additional Rupees 40 to snap the spinal cord and declare the infant stillborn\textsuperscript{215}. In 1997 there were on an average 105 female infants...killed every month in Dharmapuri District of Tamil Nadu\textsuperscript{216}. Death of females due to murder and neglect has created a gross imbalance in India’s sex ratio. According to the 2001 census, there were 933 females in India to very 1000 males, and for the youngest age group, birth to age six; there were 927 females to every 1000 males, indicating a worsening trend.

Those girls who manage to survive till birth and beyond find that the dice is heavily loaded against them in a world that denies them equal access to food, health, care, education, employment and simple human dignity.

According to widely accepted criteria on status assessment, there has been a deterioration of the relative status of women in post independent India. Indian women, though not a minority numerically, are acquiring the features of a minority in terms of enjoying lower class, status and political power\textsuperscript{217}. In spite of the constitutional provisions for women in India, the drop in their numbers vis-à-vis men in their life expectancy, literacy rate, internal migration rates and economic participation denote instead a tremendous insecurity and helplessness. Girl’s enrollment in schools is much lower than that of boys. Though women theoretically

\textsuperscript{215} Carmichael M (2004), No Girls Please, Newsweek, January 26, pg- 50
\textsuperscript{216} The Hindu (1998), Female Infanticide Alarming in Dharmapuri, August 2, pg-1
\textsuperscript{217} Singh Renuka (1990), The Womb of Mind: A Sociological Exploration of the Status-experience of Women in Delhi, New Delhi, Vikas Publishing House, pg-45
have access to all avenues of learning and public appointments in India, in actual practice only a small percentage is either highly qualified or holds a top position in a public or private organization. Members of a girl’s family, both men and women, socialize her in such a way as to ensure her subjugation into a docile, submissive and subordinate being. Amniocentises in the urban areas with the sole purpose of determining sex, female infanticide among poor agricultural labour families, widespread harassment of brides, and an increasing number of dowry deaths among the middle and upper classes speak all too clearly of women’s predicament.

The Report of the committee on the status of women in India contains statistical data on important social and economic variables affecting the personal development and patterns of social behaviors of women in India. Nevertheless, it doesn’t succeed in touching upon the subjective dimension of the status of women, which to a considerable extent determines their perceptions. This report documents a decline over the years in the actual position of women relative to men: a rising life expectancy, yet a persisting and widening gap between male and female life expectancy; an increase in the rate of dowry; the persistent notion that a woman’s place is in the home; an absolute decline in women’s participation in the labour force and in agriculture; a rising percentage of farm laborers. Since independence, fewer women have become political leaders though voting participation of women has risen. Similarly, there is an absolute rise in the number of illiterate women although the development of women’s education since independence has been described as phenomenal.

Born into indifference and reared on neglect, the girl child is caught in a web of cultural practices and prejudices that divest her of her individuality and mould her into a submissive self-sacrificing daughter and wife. Her labour ensures the survival

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218 Singh Renuka (1990), The Womb of Mind: A Sociological Exploration of the Status-experience of Women in Delhi, New Delhi, Vikas Publishing House, pg-47
and well-being of her family but robs her not only of her childhood but also of her right to be free of hunger, ignorance, disease and poverty. In developing countries, the birth of a girl causes great upheaval for poor families. When there is barely enough food to survive, any child puts a strain on a family's resources, but the monetary drain caused due to a daughter is realized even more severely, especially in regions where dowry is practiced. For the same reason, women, particularly the girl child, are considered more of a burden than a boon for the family. The birth of a boy upgrades the social status of the family as boys are considered to be bread winners.

The dowry practice makes the prospect of having a girl even more distasteful to poor families. It also puts young women in danger: A new bride is at the mercy of her in-laws should they decide her dowry is too small. National Crime Records Bureau: Crime in India 2005 estimates that there are 6787 dowry death and 58319 cases of torture reported in the year 2005. Sex-selective abortions are even more common than infanticides in India. They are growing ever more frequent as technology makes it simple and cheap to determine a foetus' gender. Either girls are killed in the womb itself or if born are subjected to various forms of discrimination and deprived of their rights to health, nutrition, education and overall development. An integrated and holistic approach to the girl-child's development is essential for the creation of a new environment in which she can be valued and nurtured.

According to P. Kapoor (1995)\(^{219}\), the human rights of female children in India and elsewhere, even when protected on paper, are violated in practice. An equitable and egalitarian world order must be established. A comprehensive campaign is needed that combats gender-based inequalities, discrimination, exploitation, oppression, abuse, violence, inhuman values, and violations of human rights, particularly against female children. People must radically change their attitudes and actions towards female children. Female children are not a commodity or sex-object but "an equally

worthy human being to be loved, respected, and cared for." Strategies that accomplish these ends include the promotion of human and spiritual values of love, compassion, and nonviolence, and discouragement of values of consumerism and materialism and worthlessness of human beings.

Effective education and mass media should counter corruption, dishonesty, selfishness, and inhuman actions. Family structures need to strengthened and enriched. The abuse of female children occurs due to the following interrelated factors: entrenched patriarchal value systems, the perpetuation of traditions and practices that identify girls as inferior to boys, the gender-biased and discriminatory attitude that identifies girl children as a burden or liability and as a sex-object or commodity, and prevalent illiteracy, poverty, and negative parenting life style patterns. Other factors include the low status of women, the reduction in human and spiritual values, and the rise of consumerism and corruption. Girls are subjected to female infanticide, foeticide, lack of social and economic development, burdensome domestic work, early marriage and childbearing, neglect and denial of healthy living conditions, sexual abuse and exploitation, prostitution, rape, and a denial of their right to protection.

The neglect of children by their parents, family, society and the nation create detrimental affect on their growth and personality. Even in the present study 32.5 % (65 girls) of the sample claimed to have felt neglected in some form or the other. The indicators of neglect for the purpose of this study were less attention and less food given to the girl child, asked to leave good food for siblings, more faultfinding done with them and denial of opportunity.
However despite being neglected only 26 girls reported to have run away because of neglect from their family members. The indicators of neglect in such cases were lack of education opportunity and engagement of children in income generation activities. Despite the ongoing efforts of the Government towards free and compulsory education, children are still not being enrolled in schools and are encouraged by the parents in income generation activities. It is this denial of the ‘Rights of the Child’ as envisaged in the UNCRC that constitutes to the neglect of children.

3) Abuse and Exploitation: Numerous national studies have found that juvenile females are much more likely to have been a victim of sexual and/or physical abuse or exploitation than males. Most often abuse is perpetrated by family members or close family friends who are perceived as trusted adults sexual abuse can have a profound impact on a girl during adolescence, resulting in lessened self-esteem, inability to trust, and other serious concerns. Researches have argued that
victimization trigger girls entry into delinquency as they try to escape abusive environment²²⁰. The table below reflects the data on crime against girls.

Table 3: Crime against Girls in India between 1994-96

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<tbody>
<tr>
<td>Child Rape (up to 16 years)</td>
<td>3986</td>
<td>4067</td>
<td>4083</td>
<td>Section 379 to 379</td>
</tr>
<tr>
<td>Kidnapping and Abduction</td>
<td>864</td>
<td>726</td>
<td>571</td>
<td>Section 360, 361, 366, 367</td>
</tr>
<tr>
<td>Procurement of minor girls</td>
<td>206</td>
<td>107</td>
<td>94</td>
<td>Section 366 A</td>
</tr>
<tr>
<td>Selling of girls for Prostitution</td>
<td>34</td>
<td>17</td>
<td>6</td>
<td>Section 372</td>
</tr>
<tr>
<td>Procurement of minor girls</td>
<td>4</td>
<td>19</td>
<td>22</td>
<td>Section 373</td>
</tr>
<tr>
<td>Procurement of minor girls</td>
<td>491</td>
<td>570</td>
<td>554</td>
<td>Section 317</td>
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<tr>
<td>Procurement of minor girls</td>
<td>131</td>
<td>139</td>
<td>113</td>
<td>Section 315</td>
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<td>Procurement of minor girls</td>
<td>45</td>
<td>38</td>
<td>39</td>
<td>Section 315 and 316</td>
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<td>Procurement of minor girls</td>
<td>53</td>
<td>57</td>
<td>89</td>
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Adolescent females who are unable to end abuse and crime against them through legal channels often run away and end up on the streets with few legitimate survival options. A similar trend was seen in the present study sample, 69 girls reported to have faced physical abuse and 17 said that were raped by one of the family members and thus they ran away from home (see Figure 6).

Figure 6: Abuse of Respondents by Family Members

For example, one of the respondents from the study sample was repeatedly raped by her father for a period of two years and further was succumbed to torture and physical abuse by her step-mother. This was the main cause for her rebellion and running away from home. When asked whether she wanted to go back, she said that this act of running away has put a stigma on her and the people around will call her a delinquent, but she does not consider herself to be a delinquent. This life history throws light on the fact that the society tends to castigate girls as delinquents while they actually may not be so. Most of the children were victims of physical abuse. Here it is noteworthy to mention that the extent of physical abuse was so grave that the condition of the children in their own family settings was deplorable.

They also felt that due to the financial constraints and lack of support from the parents they will never be able to achieve what they want. The educational status of parents was very poor and also their financial status was not satisfactory. This may be one of the reasons why the parents were behaving in such a non-cooperative manner as a result of which the girls act out from what is expected from them by the society and family.

After interacting with the girls it was found that one of the main reasons for them to adopt delinquent behaviour is abuse in forms of physical, sexual and neglect. Most of them run away because of sexual abuse at home. It could be by a family member or a friend, but the punishment for not quietly accepting it as “fate”, and choosing instead to escape the torment, society terms these children as delinquents, while the real delinquent carries on leading a guilt free life. Is that fair...no but it certainly is reality for these children.

The process of juvenile justice can thus be defined as a dynamic process. It is not just a legal phenomenon with purely legal consequences but is rather a much more complex sociological phenomenon. What we need to understand is that no child actively wants to disobey or violate the law. He or she is forced to do the same. This
external force acts upon the child and governs his behaviour. The various delinquency theories by and large support the above inference. The researcher too feels after interacting with the delinquents that indeed the social environment in which the offence was committed is very important if we want to ensure that the child is back in the mainstream of society.

It is very simple to send the child to prison and treat him/her like an ordinary criminal. But the implications of the above have to be kept in mind; after all it is the child's future that we would be playing with. There is no denying the fact that a separate juvenile system is essential if our long term aims are to be achieved. However, what is equally important is the way the system works in our daily lives. Is it in accordance to the ideals and substance of the substantive law or does it make it useless and ineffective? What in essence is being said is that the procedural law should ensure that the substantive law is being implemented properly. So there would be no use of acts like Juvenile Justice Acts if the same is not implemented in a proper manner.

There is much more to be done if a healthy revival of the delinquent is to be achieved. The family and cultural support systems have to take up the challenge and stand up to it. The problem should be looked from a wider perspective. Problems of religion, caste, poverty and deprivation are all interconnected to each other and juvenile delinquency as well. The policies should be made with the active awareness of all the above issues. It is a long road left to the goal bringing down the juvenile crime to a minimum in our country but it is not unachievable. With the right kind of approach and attitude the same can be achieved. No doubt the juvenile crime rate in our country has declined over the years\(^{221}\) but it is still substantial and it must be further brought down.

Case Number 1

‘For as long as I can remember my mother and I never got along. We were always fighting and she would beat me up on some pretext or the other. She was very conservative and didn’t allow me or my sisters to go out to play, let alone attend school. While she was nice to the other children she was always mean to me. She would tell my siblings to stay away from me and wouldn’t allow me to mingle saying I would influence them.

One day while I was washing clothes, my mother and I got into a huge fight. She took the washing bat and beat me with it. I couldn’t take it anymore and ran away from home. I went to my maternal uncle’s home where I fell in love with a boy. As everyone was opposed to our relationship we eloped and went to Madras. There too things were no better. My husband’s family convinced him to leave me. Deserted I went back home but they too disowned me.

Left with no choice I came to Delhi and found a job. The person I was living with was into sex trade and she tried to get me involved in the same profession despite my resistance. I became friendly with a girl who stayed there too. Soon she eloped with her boyfriend. It came as a shock to me as well but her family blamed me for it and filed a case against me. That is how I got dragged into this Juvenile Justice System. My family hasn’t come to visit me ever. I also never want to go back home. There’s nothing worse that can happen to me now and I know I can survive without anything or anybody.

Case Number 2

‘I am around 16 years old, with a sister and a brother and belong to a very poor family. My father passed away when I was very young and my mother brought us up with great difficulty. My earliest recollection of childhood is, me being raped by a
boy. Though at the time I didn’t know what was happening except for the fact that I didn’t like it. I realized much later that it was rape and that my life had changed forever.

After that incident, my mother withdrew me from school since she thought my life is ruined and education is not necessary. At the age of 12, I was married off to a man who was more than twice my age. It seemed as if my mother was getting rid of me and I had suddenly become a burden on her. I resigned to my fate. Later I also realized that my husband was promiscuous and had illegitimate relations with a lot of women. He came drunk every night and would brutally beat me on any small pretext (and at times even without it). My in-laws too treated me very badly and taunted me for not bringing enough dowry. When I was around 8 months pregnant, my drunken husband got into a fit of rage and tried to burn me.

Fortunately (or unfortunately) I escaped from his wrath. That night, I ran away. A stranger gave me the number of an institution. I reached there, and from there I was brought to this current institution. I was heavily pregnant, and had to be admitted into the local hospital. I delivered my baby. He brought a hope in my life and I saw purpose to my existence. I loved him dearly. After 28 days the authorities at the institution told me he had died. None of my questions met with any answers. I’m quite sure that he has been given away for adoption. I hate this institution, I want my baby back and I want to get out of here. I have even tried committing suicide twice. Everything would be fine if I could just have my baby back, my hope back. I love him.’

Case Number 3
‘I am 17 yrs old and I have studied till 10th standard. Till few years back life was quite normal for me. I still hadn’t fallen in love. 4-5 years ago I became friendly with this boy and soon we realized that we were in love with each other. My parents never approved of our friendship and did their best to stop me from meeting him. Finally I
eloped with him and got married. My parents were furious when they found out and sent me to stay with one of our relatives in Rohtak, where I was locked up in a room for days.

For 2 years, I was kept under a strict watch and was tortured, physically and emotionally. I was treated worse than an animal. My parents put a false charge of "kidnapping" against my husband and wanted me to give a testimony for the same. They also threatened to kill him and I knew they had the means of doing so. I succumbed to their pressures (since it was a choice between having him dead and having him convicted). I soon came to know that my husband had been arrested on the false charges.

I had to save my husband and managed to escape from the room. The police found me on the streets and brought me to this institution. My parents still come to see me, they conspired with the authorities and produced evidence that I am a minor, when I am sure that I am over 18 yrs of age now. They want to keep me here, in this prison like accommodation, so that I cannot save my husband. I just want to go back to him, rescue him and live peacefully. I don't want to go back home, my parents will never forgive me and would want to kill me. I wish I get rid of the guilt for testifying against my husband and I wish he forgives me.

Case Number 4

I was very young when in an unfortunate accident both my parents passed away. I was thus orphaned and sent to live with my uncle and his family. My uncle and his family never really accepted me. I felt like a burden on them and was treated very badly. I was kept like one would keep a dog. They never let me study or do anything I wanted and I was to live in this tiny corner of the house. They were forcing me to get married and would continuously beat me. Around this time my uncle raped me. I ran away from home at age 12. I was found by the police and sent to the institution. I now have an untenable temper and the only way I can control my anger is by
physically hurting me. I do things like cut myself or burn myself. Sometimes when I think of how my life has been I think that someday I will end up killing myself. I want to go back home to my uncles, only to teach him a lesson.

**Case Number 5**

My life was as normal and good as it could be, but after both my parents passed away within one month of each other, life took on an unbearable turn. I have a sister and an elder brother who I was living with after my parents passed away. I was taken out of school as my brother could not afford to continue sending us and my extended family didn’t want to keep us either. I couldn’t take it any longer, there were constant fights at home with my brother. My sister and I decided to run away. On the train we met this kind couple who befriended us and took us home with them as they realized we were run-aways. There she contacted our brother. My brother came and took us back home. Things continued to be bad, and we ran away again.

This time in we met this girl who was very kind and who took us to her home in Rohini. We stayed with her for a few months despite the fact that the girl’s parents weren’t too keen to have them there. We were however treated nicely. We did odd jobs around the house. Then one day, their neighbour in Rohini, on the pretence of getting them registered in court, brought us to this institution. Since then we have been here. Life is very unhappy at the institution. The children are very unfriendly, and a lot of fighting goes on. The matron in-charge of us is very unkind and rude. She does not look after us properly. The reason why I am staying on in the institution is because of the educational opportunities, which we are getting here. The only thing I want to do in life is study hard and become something so I am not dependent on others and can stand on my own feet.

**Case Number 6**

When I was young I was orphaned as both my parents were killed in an accident. I lived with my paternal uncle and his family but they never really accepted me. I was
being denied not only educational opportunities but also the love and affection of family members. I could not take it any more and I ran away from home at the age of eleven. I was out on the roads when some boys raped me. They left me on the roads after which I was taken to the hospital and then sent to this institution. I do not like to live here. There are many restrictions and I want to go out. I will never be happy till I am not out on my own.

I also had a boyfriend who convinced me of his love for me. One day when I was returning from school, I ran away to meet my boyfriend. Though I have tried running from school at least two to three times, I was successful only once.

As I was outside the school, a man promised to help me reach my boyfriend’s house but instead took me to a deserted route and raped me. I was again sent back to the institution. I am now 18yrs old. I am waiting to be released from here so that I can marry my boyfriend. I am uncertain about my future. My boyfriend drinks a lot and that scares me. However, I am sure that I do not wish to return to my family as they have never loved me and don’t care for me. I only pray to God that no one goes through the same trauma of rape and not being loved by family just the way I have been through.

**Case Number 7**

I remember mother and father use to fight a lot. Father would often come home drunk and hit both me and mother. I think my Mother had an affair with this uncle who would often come home when father was not there. I was too young to understand the complexities behind such things. It was in my innocence that one day I told father about the man who came to visit mother at very odd time in the night. I was only ten years of age when one morning police came and took my father away. He was charged for killing my mother. Life changed completely for me. I was sent to a shelter home for girls in Delhi. I now share my room with 15-20 girls. I don’t like living in Delhi or in the shelter home. I miss my mother and father very much though I am
very upset with him. Why did he have to kill her? Maybe if I hadn’t told father about the mother’s affair she would be alive, father would not be in jail.

**Case Number 8**

I thought I was old enough to look after myself and moved out of home to live in a hostel. I was not happy living at home with my stepfather and mother. My step-father would humiliate me for minor mistakes and for spending time with a boy whom I liked. I hated these restrictions and missed talking to someone about how I felt.

Soon after settling at the hostel, an older girl offered to help me to make my life economically better. But it was too late before I would understand the intentions of this girl. All her promises and stories were a lie. But I found it out much too late. She took me to a hotel room one day under the pretext of arranging an interview for me. But the reality was something else. She locked me in the hotel room with a strange boy who drugged me and took me to Pune.

In Pune life was a hell for me. I was regularly beaten and molested over and over again for many days before I agreed to be sold into prostitution. I was asked to have sex with my clients and was raped by every customer. This misery continued for an entire year.

Finally, with the help of the police, I escaped to Delhi. I now live in a home run by an NGO. I have started going to school and have a clean, spacious place to sleep every night. There is breakfast every morning, a visit to the doctor if it is needed, people are friendly to me and I am happy to be living here.

**Case Number 9**

Everyone says that I am not mentally sound. Though I am not mentally retarded I am slow in almost everything I do and it takes me time to understand certain instructions. Probably this is the reason why my parents left me in a shelter home for girls because
they were incapable of taking care of me. Even in the village people would have pity on me and would sympathize with my parents about my condition. Children of my age made fun of me and did not like playing with me because I was slow in almost everything that I did. Though I like living in this institution, I wish to go out and make friends. The shelter home authorities had got me admitted in a school by the name of Tamanna. But I am not allowed to go there anymore.

This all happened after the incidence of my running away from the school. It so happened that a boy would wait for me everyday after school and would want to talk to me. I could not talk to him because we were suppose to be in a line and get into our bus after school we even had a caretaker who would ensure that none of us went haywire. One day he managed to ask me to bunk school the next day. So I decided to run out of school once the caretaker had showed us in. It worked, he was waiting for me. I did not realize his intentions. He took me to his friend’s room and there he forced me to have sex with him. I could do nothing except to succumb to the pressure. Later he dropped me back to the institution. It was then that I told them about what had happened to me.

(The above stories are true-life experiences of the girls whom I have interviewed during the data collection for my Ph.D work. The narrations given by the girls was further checked up in the official records available with the authorities of the institutions)

These composite case studies illustrate a combination of factors that may collide just as a girl is hitting adolescence, leaving her at risk of delinquency. These young girls suffering from a degraded opinion of their value as people are more likely to engage
in damaging and disempowering and self-defeating behaviours\textsuperscript{222}. The stories told by the girls prove this point.

It is very simple to send the child to a prison and treat him/her like an ordinary criminal. But the implications of the above have to be kept in mind, after all it is the child’s future that we would be playing with. Institutional care for delinquents has been the answer for the above problem. This system tends to be better than prisons but the fact remains that it is not an adequate solution. What we need to do is substitute such institutionalization to an approach which would promote community based family focused services. However, as of now we have the Institutions for delinquent children as an answer and care must be taken to ensure that the best interests of children are kept in mind.

The next chapter throws light on the institutional treatment of the girls and the condition of these institutions.

\textsuperscript{222} Richie E Beth, Tsenin Kay & Widom S Cathy, Research on Women and Girls in the Justice System: plenary Papers of the 1999 Conference on Criminal Justice Research and Evaluation- Enhancing Policy and Practice Through Research, Volume 3, pg- 29