

Juvenile Delinquency

The notions about juvenile delinquency held by laymen and social scientists are inadequate, faulty and misleading. For one thing, they often assume that juvenile delinquents are simply under-aged criminals, that is, non-adult criminals or juveniles who engage in offences that constitute crimes when carried on by adults, and are between the age of seven and 16 or 18 years, as prescribed by the law of the land. The maximum age today for juvenile delinquents according to the Juvenile Justice Act of 1986 is 16 years for boys and 18 years for girls, but earlier, according to the Children Acts, it was different in different states. In states like Uttar Pradesh, Gujarat, Kerala, Maharashtra, Punjab and Madhya Pradesh, it was 16 years but in states like Bengal and Bihar, it was 18 years. In states like Rajasthan, Assam and Karnataka, it was 16 years for boys and 18 years for girls. However, the nature of offence is equally important.

Youths who are involved in 'status offences' such as truancy, vagrancy, immorality and ungovernability also fall within the definition of juvenile delinquency. Neumayer, Ivan Nye and James Short Jr., Richard Jenkins and Walter Reckless have also emphasized on the 'type of behaviour' in the concept of juvenile delinquency. According to Walter Reckless (1956), the term juvenile delinquency applies to the "violation of criminal code and/or pursuit of certain patterns of behaviour disapproved of for children and young adolescents". Thus, both *age* and *behavioural infractions* prohibited in the statutes are important in the concept of juvenile delinquency.

The difference between a delinquent child and an adult criminal is important from the case-work approach. The difference between the

two is made by the conduct involved, the methods employed by the court, the philosophy and methods applied in treatment, and the individuals' status, reputation and civil rights in the community after adjudication.

Classification of Juvenile Delinquents

Juvenile delinquents have been classified by different scholars on different basis. For example, Hirsh (1937) has classified them in six groups on the basis of the kinds of offences committed: (1) *incurability* (for example, keeping late hours, disobedience...), (2) *truancy* (from home or school), (3) *larceny* (ranging from petty theft to armed robbery), (4) *destruction of property* (including both public and private property), (5) *violence* (against community by using weapons), and (6) *sex offences* (ranging from homosexuality to rape).

Eaton and Polk (1969) have classified delinquents into five groups according to the type of offence. The offences are : (1) minor violations (including disorderly conduct and minor traffic violations), (2) major traffic violations (including automobile thefts), (3) property violations (4) addiction (including alcoholism and drug addiction), and (5) bodily harm (including homicide and rape).

Robert Trojanowicz (1973 : 59) has classified them as accidental, unsocialised, aggressive, occasional, professional and gang-organised.

Psychologists have classified juvenile delinquents on the basis of their individual traits or the psychological dynamics of their personality into five groups: mentally defective, psychotic, neurotic, situational and cultural.

Nature and Incidence

Of the total delinquencies committed by the juveniles, hardly 2.0% come to the notice of the police and the courts. The statistics compiled by the Police Research Bureau, Delhi give some indication of the incidence of juvenile delinquency in India. Upto 1987, every year about 50 thousand delinquencies were committed under the Indian Penal Code (IPC) and about 85 thousand under the local and special laws. But the new definition of a juvenile after the enforcement of the Juvenile Justice Act in October, 1987 (passed in 1986) excludes males in the age-group of 16 to 21 years and females in the age-group of 18 to 21 years. Crime cases attributed to juveniles naturally have been reduced now. This is why juvenile delinquency in and after 1988, compared to

1987 and earlier years has decreased both under the IPC and the local and special laws. In 1988, about 25 thousand (exactly 24,827) delinquencies under the IPC and about 25 thousand (exactly 25,468) delinquencies under the local and special laws were committed. Similarly, (after 1987) about 54 thousand juveniles were apprehended (38 thousand or 70.0% under the IPC and 16 thousand or 30% under the local and special laws) for different crimes (*Crime in India*, 1988: 138-145). The percentage of juvenile crime to total cognizable crime in India today is about 2.0% (in 1988, it was 1.7%). Before 1988, this percentage (of juvenile delinquency to total cognizable crime in India) was about 4.0%. Juvenile crime increased by about 25.0% between 1978 and 1987 but in 1988, it decreased by 53.0% under the IPC as compared to 1987 and by 70.0% under the local and special laws.

The highest number of crimes committed by the juveniles are against property, that is, theft, burglary, robbery and dacoity. These four crimes account for 36.0% of the total cognizable crimes under IPC committed by the juveniles (theft—22.5%, burglary—11.0%, robbery—1.6% and dacoity—0.9%). This is 3.0% more as compared to the percentage chart of same crimes committed by the adult criminals. After the property crimes, 12.0% juveniles are apprehended for riots, 3.0% for murder, 1.3% for rape and 1.3% for kidnapping and abduction.

The largest contribution, under the local and special laws from 1988 onwards, is from offences under the Prohibition Act (34.0%) and the Gambling Act (16.2%) (upto 1987, it was 27.0% and 21.0% respectively). The incidence of juvenile delinquency varies widely in different states. The four states—Maharashtra (43.0%), Madhya Pradesh (13.0%), Bihar (7.0%) and Andhra Pradesh (5.0%)—account for about 68.0% of the total juvenile delinquencies in the entire country under the IPC. For crimes under the local and special laws, two states—Maharashtra (47.0%) and Tamil Nadu (26.0%)—account for about 73.0% of the total offences (*Crime in India*, 1988: 132-136).

Out of about 38 thousand juveniles apprehended and sent to courts every year for delinquencies under the IPC from 1988 onwards, about 11.0% are sent to their homes after advice/admonition, 25.0% are released on probation, 2.0% are sent to special homes, 13.0% are fined and 10.0% are acquitted. About 39.0% cases remain pending (1988: 149).

Characteristics

Following are some of the important characteristics of juvenile delinquency in India :

(1) The delinquency rates are much higher among boys than among girls, that is, girls commit less delinquencies than boys. The percentage involvement of girls in the juvenile delinquency upto 1987 was about 6.0% to 7.0%. This suddenly increased to 13.4% in 1988 due to the change in the definition of juveniles by which, in the age group of 16-18 years only, girls are considered as juveniles. If we take the figures pertaining to the earlier years and work out the percentage of girls within the newly defined range of age, it comes to 13.1% which compares well with 13.4% in 1988. Thus, the present figures suggest an overall arrest ratio of 64 boys for each girl.

(2) The delinquency rates tend to be highest during early adolescence (12-16 years age group). Since the new definition of the age of juvenile delinquency in 1988, about four-fifths delinquents (81.0%) fall in this age group of 12-16 years. Earlier (between 1978 and 1987), it was observed that a large number of delinquents (71.0%) belonged to 18-21 years (late adolescence) age-group, 15.0% belonged to 16-18 years age-group, 9.0% to 12-16 years age group, and 5.0% to 7-12 years age-group. Now the percentage share of two age-groups has changed. About 9.0% belong to 7-12 years age-group and 10.0% to 16-18 years age-group (1988 : 141). The share of 12-16 years age-group has increased from 10.0% in 1978-87 to 81.0% in 1988 because since 1988, 18-21 years age-group has entirely gone out of the ambit of the juvenile consideration.

(3) Juvenile delinquency is more an urban than a rural phenomenon. The metropolitan cities like Delhi, Bombay, Madras, Calcutta, Ahmedabad, Hyderabad and Bangalore produce more juvenile delinquents than small cities and towns.

(4) At the time of arrest, about two-thirds (64.0%) of the delinquents are found living with their parents, about one-fourth (23.0%) with their guardians and another one-fourth (13.0%) are homeless (1988 : 150). This shows the importance of family environment in juvenile delinquency.

(5) About two-fifths (42.0%) of the juveniles are illiterate, half (52.0%) are primary, middle and secondary passed, and a very small number (6.0%) are educated upto the high school level and above (1988 : 150). Thus, most delinquents come from illiterate and less educated families.

(6) About three fifths (57.0%) of the delinquents come from homes with an income of less than Rs. 500 per month (that is, very poor class) about one-fourth (27.0%) from homes with income between Rs. 501 and 1,000 per month (that is, poor class), about one-tenth (9.0%) from homes with income between Rs. 1000 and 2000 per month (that is, lower middle class), and a very small number (5.0%) from homes with income between Rs. 2001 and 3000 per month (that is, upper-middle class) or with income above Rs. 3000 per month (2.0%) (that is, upper class) (1988 : 151). This shows that juvenile delinquency is more a lower-class phenomenon. Almost all studies conducted in our country on juvenile delinquency and its relation to the socio-economic order show that those at the bottom strata have been found to have the highest rates. The extent to which this is true varies under different conditions, but one general point that has been made in almost all studies (Ruttonsha, Hansa Seth, Sushil Kumar and Verma) is that the impact of socio-economic status shows its effect most strongly the further one goes into the delinquency adjudication process.

(7) More than four-fifths of the juvenile delinquents are first offenders and only about one-tenth are recidivists or past offenders. The average between 1981 and 1987 shows that 87.0% were new offenders.

(8) Most of the delinquencies are committed in groups. In the United States also, Shaw and McKay in their study had found that 90.0% children had companions in their delinquencies.

(9) Though more delinquencies are committed in groups but the number of juvenile gangs having support of organised adult criminals is not much in our country.

Types

Delinquency exhibits a variety of styles of conduct or forms of behaviour. Each of the patterns has its own social context, the causes that are alleged to bring it about, and the forms of prevention or treatment most often suggested as appropriate for the pattern in question. Howard Becker, (1966 : 226-38) has referred to four types of delinquency: (a) individual delinquency, (b) group-supported delinquency, (c) organised delinquency, and (d) situational delinquency.

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Individual Delinquency

This refers to delinquency in which only one individual is involved in committing a delinquent act and its cause is located within the individual delinquent. Most of the explanations of this delinquent behaviour come from psychiatrists. Their argument is that delinquency is caused by the psychological problems stemming primarily from defective/faulty/pathological family interaction patterns. Researches of Healy and Bronner, Albert Bandura and Richard Walters, Edwin Powers and Helen Witmer, and Henry Meyer, Edgar Borgatta are based on this approach. Healy and Bronner (1936) compared delinquent youths with their non-delinquent siblings and analysed the differences between them. Their most important finding was that over 90.0% of the delinquents compared to 13.0% of their non-delinquent siblings had unhappy home lives and felt discontented with their life circumstances. The nature of unhappiness differed : some felt rejected by parents and others felt either inferior or jealous of siblings or suffered from mental conflict. They indulged in delinquency as a solution to these problems, as it (delinquency) either brought attention from parents or provided support from peers or reduced their guilt feelings. Later studies also identified important aspects of family relations leading to delinquencies. Bandura and Walters compared the aggressive actions of white delinquents with those of non-delinquent boys with no clear sign of economic hardship. They found that delinquents differed from non-delinquents a little in their relationship with their mothers but more in their relationship with their fathers. Thus, father-son rather than mother-son relations seemed more crucial in delinquency, as delinquent boys could not internalise moral values because of the absence of good role models in their fathers. In addition, their discipline was also more harsh and stern.

Group-Supported Delinquency

In this type, the delinquencies are committed in companionship with others and the cause is located not in the personality of the individual or in the delinquent's family but in the culture of the individual's home and neighbourhood. The studies of Thrasher and Shaw and McKay talk of this type of delinquency. The main finding in understanding why the young became delinquent was their association and companionship with others already delinquent. This was later put very clearly by Sutherland, who developed the theory of differential association. Unlike the psychogenic explanations, this set of ideas focuses on what

is learned and who it is learned from rather than on the problems that might produce a motivation to commit delinquencies.

Organised Delinquency

This type refers to delinquencies that are committed by developing formally organised groups. These delinquencies were analysed in the U.S. in the 1950s and the concept of 'delinquent subculture' was developed. This concept refers to the set of values and norms that guide the behaviour of group members, encourage the commission of delinquencies, award status on the basis of such acts and specify typical relationships to persons who fall outside the groupings governed by group norms. Cohen was the first person to refer to this type of delinquency. He was followed by Cloward and Ohlin and a few others.

Situational Delinquency

The above mentioned three types of delinquency have one thing in common. In all of them, delinquency is viewed as having deep roots. In individual delinquency (according to the psychogenic explanation), the roots of delinquency lie primarily within the individual; in group-supported and organised delinquencies (the sociogenic explanation) the roots (of delinquency) lie in the structure of the society with emphasis either on the ecological areas where delinquency prevails or on the systematic way in which social structure places some individuals in a poor position to compete for success. The situational delinquency provides a different perspective. Here the assumption is that delinquency is not deeply rooted, and motives for delinquency and means for controlling it are often relatively simple. A young man indulges in a delinquent act without having a deep commitment to delinquency because of less developed impulse control and/or because of lesser reinforcement of family restraints and because he has relatively little to lose even if caught. David Matza is one scholar who refers to this type of delinquency. However, the concept of situational delinquency is undeveloped and is not given much relevance in the problem of delinquency causation. It is a supplement to rather than a replacement of other types.

Factors Involved

Researchers generally agree that a number of factors play an important part in a youngster's delinquencies. We can divide these factors into

two groups: individual factors and situational factors. The former include personality traits like submissiveness, defiance, hostility, impulsiveness, feeling of insecurity, fear, lack of self-control and emotional conflict while the latter may be subdivided into five groups: family, companions, school environment, movies and work environment. We will here mainly discuss the family's contribution to delinquency.

Family

Many theorists consider family as the most significant factor in the development of juvenile delinquency. Class status, power group relations and class mobility, are also directly or indirectly related to the family environment. Psychological theorists like Irving Kaufman (1959 : 15), Sidney Burman (1964 : 142) and August Aichhorn (1969 : 16) are primarily concerned in the causation of delinquency with early childhood experiences, emotional deprivations and child-rearing processes, which influence the formation of the personality and the development of attitudes, values, and a lifestyle. The abnormal expression of behaviour expressed in an anti-social form is the result of these factors according to the psychologists. Whereas, the psychologist is concerned with the identification of individual variables, such as motivation, drives, values, and needs, the sociologist is concerned more with the social environment, the factors in the social system, and the functioning of the institutions that affect delinquency. Thus, the psychologists focus on internal control and the sociologists focus on external control.

Family environment producing delinquent behaviour may be analysed with reference to a broken home, family tension, parental rejection, parental control, and family economics. A *normal* family is described as one which is structurally complete (with both parents alive), functionally adequate (each member performing his expected roles which reduces conflicts), economically secure (gratifying important needs of the members) and morally strong (each member conforming to the moral values of the culture). The family is *abnormal* if it lacks any of these characteristics.

The *broken family* (where one parent is absent because of parental separation, divorce or death) fails to provide affection and control to the child. Sheldon and Glueck (1968 : 12) found in their study of delinquents and non-delinquents that more than half of the delinquents studied were reared by one parent, whereas only 10.0% of the non-

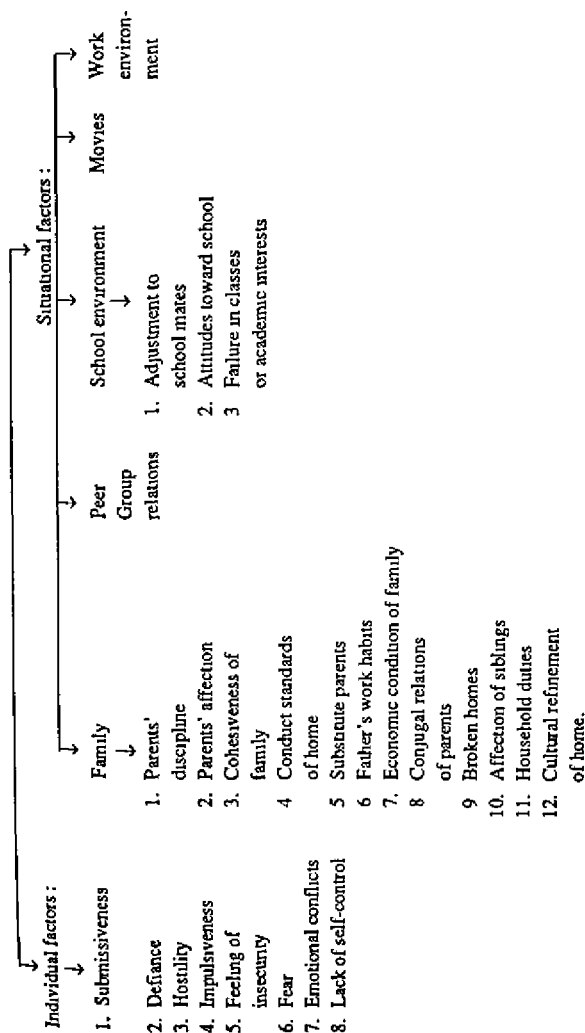
delinquents were reared by one parent. Monahan (1957 : 250-58), Browning (1960 : 37-44), Gold Martin, Slocum and Stone (1965), and Peterson and Becker (1965) also found that a significantly greater number of delinquents than non-delinquents were from broken homes.

Family tension is also a major contributing factor to delinquent behaviour. Abrahamsen (1960 : 43) found that family tension results from hostility and hatred. The youngster does not feel secure and content in the tension-filled family environment. Long-term tension reduces family cohesiveness and affects the parents' ability to provide a conducive atmosphere to satisfactory child-rearing and family problem-solving. McCords and Zola (1959) also found that cohesive homes produce fewer delinquents whereas homes where tension and hostility exist are good breeding grounds for future delinquents. Gluecks (1968 : 8) found that one in three delinquent families, as compared with one in seven non-delinquent families, were disrupted when one of the parents left the family because of a tension-filled and quarrelsome relationship.

Parental rejection or emotional deprivation has much to do with juvenile delinquency. If a rejected or neglected child does not find love and affection as well as support and supervision at home, he will often resort to groups of a deviant nature outside the family. Studies have found that mutual rejection of parent and child markedly affects positive relationship and can ultimately result in delinquent behaviour. Jenkins (1957 : 528-37) found that parental rejection had a direct effect on the child's development and growth of a conscience. He stated that lack of adequate conscience, combined with feelings of hostility for being rejected, led to aggression. Andry (1960 : 64) also has maintained that delinquents were the recipients of less parental love both in quantity and in quality than were the non-delinquents.

Just as a broken home, family tension and parental rejection can affect the capability of the family structure, methods of *parental control* or forms of discipline also can play a part in the development of delinquent behaviour. The type of discipline used by parents in rearing children varies from situation to situation and from child to child. An authoritarian approach to discipline affects the child in his peer group relationships as the child will not be able to interact freely with his peers. Conversely, a too lenient discipline will not provide the child with the necessary controls to guide his behaviour. Unfair or partial discipline fails to form an adequate conscience in the child, prevents the adults from serving as a model to be imitated by the child, and reduces the adolescent's wish to avoid hurting the parent and the

Table 13.1: Factors in Juvenile Delinquency



delinquent behaviour. Gluecks (1968 : 15-16) found that the parents of delinquents used physical punishment more than verbal discussion. Both the parents were less consistent in their disciplinary measures than were the parents of non-delinquents. If the methods of disciplining are classified as love-oriented discipline, punitive discipline, lax discipline, and erratic discipline (punitive and lax), the last three types can be related to delinquency

Emotional instability and behavioural disturbances in one or both of the parents also lead to a child's delinquent behaviour. The child of the parents who are constantly in conflict often exploits the situation and gets away with a great deal of misbehaviour.

Lastly, *family economics* is also an important contributing variable in delinquency. A family's inability to provide for the material needs of the child can create insecurity and affect the amount of control that the family exerts over the child, because he often seeks material support and security outside the home. Peterson and Becker (1965) have pointed out that the homes of delinquents are often physically deteriorated which can affect the boy's perception of himself and can act as a repellent, driving him away from the home. It should, however, be pointed out that economic status and material possessions do not explain middle and upper class delinquency. The economic condition of the family can be one of many contributing factors in a multiproblem family.

Neighbourhood

The impact of the neighbourhood on the child is more in urban areas than in rural areas. After the family, the child spends a good part of the day in company of children in his neighbourhood. The neighbourhood can contribute to delinquency by blocking basic personality needs, engendering culture conflicts, and fostering anti-social values. On the other hand, it can supplement the influence of the home in the maintenance of social values. Congested neighbourhoods with inadequate recreation facilities deny the natural play impulses of children and encourage the formation of delinquent gangs. Picture houses, cheap hotels and video-halls in the neighbourhoods become breeding places of vice and delinquency.

Cinema and Pornographic Literature

Movies and comic books featuring immorality, smoking, drinking and brutality leave a strong impression on the young minds of the children

and the adolescents. Many-a-time, they teach the techniques of crime and delinquency. Several children are arrested in different parts of our country for using the same techniques to commit thefts, burglaries and kidnapping. They claimed to have seen such procedures in the movies. These movies also develop attitudes conducive to delinquent behaviour by arousing desires for easy money, suggesting questionable methods for their achievement, inducing a spirit of toughness and adventurousness, arousing sexual desires, and by invoking day-dreaming.

Sociology of Juvenile Delinquency

The major sociological theorists who have contributed to the criminological knowledge of delinquency are Merton, Frederick Thrasher, Clifford Shaw and Henry McKay, George Herbert Mead, Albert Cohen, Cloward and Ohlin, Walter Milter, and David Matza. Since we have described their theories in details in the preceding chapter, we will only briefly summarise them here for ready reference.

Merton's Anomie Theory (1938 : 672-682) is that when there is a discrepancy between the institutionalized means that are available within the environment and the goals that individuals have learned to aspire for in their environment, strain or frustration is produced and norms break down and deviant behaviour may result. Merton, thus, does not discuss individual motivational factors in deviance, (that is, in selecting one of the five alternative modes of behaviour suggested by him) or he fails in explaining why all persons in similar situations do not choose deviance.

Frederick Thrasher's Gang Theory (1936 : 381) concentrates on group delinquency and explains positive peer influence as Cohen's, Cloward's, and Miller's theories did later on. Thrasher does not say that the gang is a cause of delinquency but he says that gang facilitates delinquency. Explaining the process whereby a group takes on certain behavioural characteristics and then transmits them to its members, he says that a gang originates during the adolescent years from spontaneous play groups and conflict with other groups, transforms it into a gang for protecting its members' rights and satisfying the needs which their environment and their family could not provide. Gradually, the gang develops distinct characteristics such as a mode of operation and disseminates criminal techniques, excites mutual interests and attitudes and provides protection to its members. Thrasher emphasized that not all gang activities were necessarily devious and that much of

the gang members' time was spent in normal athletic activities as well as in other teenage endeavours. His thesis, thus, mainly describes how environmental pressure is conducive to delinquent behaviour.

Shaw and McKay's Cultural Transmission Theory (1931 : 386) holds that delinquency is transmitted through personal and group contacts and that lack of effective social control agencies contributes to the high incidence of delinquency in some parts of the large cities. These 'delinquency areas' are the low-income and physically deteriorated areas whose members suffer from economic deprivations. Furthermore, the boys in these areas are not necessarily disorganised, maladjusted or anti-social. It is the exposure to delinquency traditions present in these areas which makes them delinquents. But for this exposure, they would have found their satisfaction in activities other than delinquency. Shaw and McKay acknowledge that other factors may cause certain youngsters to become involved in delinquent activities, but they feel that these factors are secondary to the economic and social factors that exist in the community. It is this learned phenomenon of delinquency which is developed in Sutherland's theory also.

George Herbert Mead's Role Theory and Theory of the Self (1934 : 577-602) explains why only a limited number of persons assume criminal identities while the majority of the people remain law-abiding. He says, becoming a delinquent and assuming a criminal identity involves more than merely associating with law violators. 'The associations have to be meaningful to the individual and supportive of a role and self-concept that he wants to become committed to.

Albert Cohen's Working-Class Boy and Middle-Class Measuring Role Theory (1955 : 119) maintains that delinquency is mainly a working class phenomenon. He states that the working-class boy finds himself at the bottom of a status hierarchy whenever he moves into the middle-class world. To the degree to which he values middle class status either because he values the good opinion of middle-class persons or because he has, to some degree, internalized middle class standards himself, he faces the problem of adjustment. A delinquent sub-culture deals with the problems of adjustment (that is, of status problems) by providing a criteria of status which these children can meet. Not having learnt the behaviour that will equip them to deal with the competitive struggle for their success, the working class boys feel frustrated, react against middle class values and standards, and adopt their very antithesis, that is, non-utilitarian, malicious and negativistic

values. Group or gang delinquent activity legitimizes and supports aggression against middle class institutions.

Cloward and Ohlin's Success and Opportunity Structures Theory (1960 : 86) copes with the discrepancies of Sutherland's, Merton's and Mead's theories and explains the types of alternatives available as a result of strain and lack of legitimate alternatives to satisfy the needs. Faced with limitations on legitimate avenues of access to their goals and unable to revise their aspirations downward, the lower-class youths experience intense frustrations which results in their exploring non-conformist and illegitimate alternatives. Cloward and Ohlin's theory is difficult to test and evaluate empirically.

Walter Miller's Lower-Class Boy and Lower-Class Structure Theory (1958 : 6) rejects 'delinquent sub-culture' and talks of 'lower-class culture' itself which comes about as a result of the process of immigration, migration and mobility. Those persons who are left behind as a result of these processes comprise the lower class. They develop a distinct pattern of behaviour (which is not necessarily reactive against any other class) based on distinctive (lower-class) traits like toughness, smartness, excitement, fate and autonomy. The street group provides the lower-class adolescent boy an opportunity to act tough and become involved in masculine activities. Many of his activities, thus, revolve round his desire to become a 'real man'. The major criticism of Miller's theory is that today with mass communication, it is difficult to believe that the distinct lower-class culture, which Miller describes, can exist in such a pure form. Lower class is bound to be influenced by the other classes.

David Matza's Delinquency and Draft Theory (1964 : 11) rejects the deterministic orientation of the Positive School that delinquent behaviour is caused almost entirely by emotional and environmental factors. Matza feels that man is neither totally free (as the Classical School assumes) nor is he totally constrained (as the Positive School assumes), but he is somewhere between being controlled and being free. Drift stands midway between freedom and control. The youngster, therefore, drifts between criminal and conventional action. Even though most of a youngster's activities are law-abiding, he can periodically drift into delinquency because the normal conventional controls that usually inhibit delinquent behaviour become neutralized as a result of the drifting process. Once he indulges in delinquency, he drifts back to conventionality. Matza, thus, emphasizes on the 'will to crime'. It is this 'will' which explains why some youngsters choose delinquent

behaviour while most of their peers within the same environment choose socially acceptable modes of adaptation. He also explains why delinquency is not an 'either-or' proposition. Most youngsters exist somewhere along the continuum between convention and crime. Total commitment to delinquency is uncommon.

If we now take all the sociological theories of juvenile delinquency together it may be said that all sociologists have emphasised on the environment of the social structure and on the learning process unlike the psychologists who consider the individual and his motivational patterns important in delinquency.

Methods of Treating Delinquents

Many approaches and methods can be used in treating the delinquent. Some important methods are: (1) psychotherapy, (2) reality therapy, (3) behaviour therapy, (4) activity therapy, and (5) milieu therapy. Punishment is not discussed as a treatment method because it is no longer viewed as a viable technique of treatment, though some do feel that pain serves as a deterrent to further criminal action. Restrictions and reprimands can be effective supplements to the major treatment approach utilized but punishment cannot become an end in itself.

The two basic approaches in dealing with youngsters are the *individual* and the *group* method of treatment. Of these, it is generally the individual method which is used by psychologists, psychiatrists, sociologists and social workers, though psychologists sometimes do use the group method as well. Sociologists usually take a 'social engineering' approach to delinquency, that is, they deal with the conditions of the social structure that breed delinquency, while psychologists treat the individual and emphasise his interpersonal dynamics. Sociology is regarded as a theoretical discipline researching the causes and effects of crime and delinquency. The profession of social work is the 'practical arm' of the sociologists (Trojanowicz, 1973 : 229). As such, the above-mentioned six therapeutic methods are generally utilized by psychologists, psychiatrists and social workers. We will briefly discuss each method separately.

Psychotherapy treats emotional and personality problems by psychological means, that is, by changing the attitudes and feelings about significant persons (say, parents) in the client's (delinquent's) past. When the early relationship of the youngster with his parents was not satisfactory, his emotional development was often retarded, with the result that he was often impulsive in his attempt to satisfy his infantile

urges, not satisfied in the normal manner within his family. Satisfying these urges and impulses can take the form of anti-social behaviour. Through psychotherapy, the delinquent is allowed by the therapist to operate in an atmosphere of love and acceptance where the person does not have to fear severe rejection or physical punishment. This is due to the transference established in which the client and the therapist feel comfortable in exchanging communication. Thus, this therapy involves facilitating the solving of conflicts and providing positive alternatives to behaviour adaption by the client.

Reality therapy is based on the view that people, unable to fulfil their basic needs, act in an irresponsible manner. The object of the reality therapy is to help the delinquent person act in a responsible manner, that is, refrain from anti-social activity. For example, if the boy does not attend school classes due to the harshness of the teacher, he is made to understand that the teacher is not harsh but is interested in helping him shape his career. Here, the present is delinked with the past as the past cannot be changed. This therapy can be given by any one (police officer, counsellor, teacher, social worker, family member or a friend) because it does not emphasise nebulous psychiatric terms, extensive testing or time-consuming case conferences. This method differs from the psychotherapeutic method in the sense that the latter is concerned with the past behaviour while this is concerned with the present behaviour. Whereas the basis of psychotherapy is that a person cannot change his present behaviour unless he can clearly tie it to the events in the past, the basis of the Reality Therapy is that the past is insignificant. In this therapy, since a child is treated as a responsible person and not as an unfortunate youngster, it transmits strength to the youngster. The child is expected to obey rules but he is not rejected when he breaks one.

Behaviour therapy is modifying the learnt behaviour of the delinquent through the development of new learning processes. Behaviour can be changed through positive or negative reinforcements, that is, rewards or punishments. Negative or unpleasant reinforcements (like restrictions) will reduce/eliminate negative behaviour (that is, delinquent activity), while positive or pleasant reinforcements (like rewards) will maintain/increase positive behaviour (like success on the job and in school). This requires determining each individual's 'reinforcers,' that is, those aspects which the individual (delinquent) will strive to achieve to gain personal satisfaction. Money, praise, attention, food, privileges, admission in school, freedom to play with

children and good clothes, can be considered as positive reinforcers, while threats, confinements, ridicule, physical punishment and depriving of money are negative reinforcers. For modifying behaviour, both the reinforcers can be employed.

In activity therapy, many children do not have the verbal ability to communicate effectively in a conventional individual or group situation. In this method, a group of 6-8 children are gathered/invited to meet at a specific time/place to engage in play or some artistic endeavour. The atmosphere is permissive and the youngsters can use their time as they wish. Thus, a moderately neurotic child finds great release in a permissive environment where he can express his hostility and aggression in creative work, play, or mischief. Because his behaviour does not call for retaliation, punishment, or disapproval, pent-up emotions find appropriate discharge.

Milieu or environment therapy attempts to produce an environment that will facilitate meaningful change and satisfactory adjustment. This is used for persons whose deviant behaviour is a reaction to unfavourable life conditions.

Besides using the above methods, three more methods are also used in the treatment of juvenile delinquents. These are: (1) *social case-work* that is, assisting the maladjusted youngster in coping with his problems. Although similar in many respects, technically social case-work is different from psychotherapy. Whereas a social case-worker could be a probation officer, prison counsellor, mental health worker, or hospital social worker, a psychotherapist is essentially a doctor by profession. The case-worker prepares the case history of the client to explore his background, environment and relationships with his family, friends and school-fellows and evaluates his personal strengths and weaknesses so that a treatment plan can be devised and carried out. This method, however, is often not successful with the delinquents because on the one hand, it is difficult to obtain the delinquent's cooperation as he has no trust in the case-worker and on the other hand, the delinquent's family also resists and feels threatened by the case-worker's 'probing'; (2) *individual counselling*, that is, re-educating a delinquent to enable him to understand his immediate situation and solve his problem. In this method, no attempt is made to affect a fundamental change of the client's personality; and (3) *vocational counselling*, its main purpose is to increase the delinquent's knowledge of his career choices, job specifications and qualifications and training needed for successful employment. The positive attitudes, skills and habits that the youngster

develops and refines in the work situation can be carried over to the community and can positively affect his relationships with others.

Custody in Juvenile Institutions

Remand Homes, Certified Schools, Reformatory Schools, Borstal Schools and Probation Hostels are the important institutions used for the custody and correction of the juvenile delinquents in India.

Children Acts were enacted long back in different states for the treatment and protection of young offenders, and the custody, trial and punishment of the juvenile delinquents. Madras (present Tamil Nadu) enacted such an Act in 1920, Bengal in 1922, and Bombay (Maharashtra) in 1924. After that, all states passed these Acts. Besides juvenile delinquents, these Acts also dealt with the neglected, destitute and socially handicapped children, victimized children and uncontrollable children. But these Acts have now been replaced by the Juvenile Justice Act, 1986. The review of the situation shows that besides the Children Act 1960, passed by the Parliament for the Union Territories, all the states except Nagaland had enacted their laws. Around 55 districts of the country, however, were not covered by any of the Children Acts. With the new 1986 Act, which supersedes the 25 different Children's Acts in different states and union territories, the whole country has now been brought under it.

The Children Acts suffered from many deficiencies in the absence of a uniform law for the country as a whole. Some of these deficiencies were : (1) the upper age limit in defining a 'child' varied from state to state; (2) all states had not provided for Juvenile Courts; (3) the institutional facilities were devoid of any well-defined criteria and norms to regulate capacity, staff, and programmes; (4) no minimum standards for basic needs, living conditions or therapeutic services existed; and (5) in most of the states, neglected children are huddled together with juvenile delinquents.

An important feature of the 1986 Act is that it provides a differential approach in dealing with the 'neglected juvenile' as opposed to the 'delinquent juvenile'. The former category includes juveniles who are likely to be abused, exploited and inducted into criminogenic life and are in need of legal support to be weaned away from such situations. The juvenile delinquents under no circumstances are to be lodged in jails with other prisoners. The neglected children will have to be kept in Children's or Observation Homes. Under the Act, boys upto 16 years of age and girls upto 18 years will be dealt with under the juvenile law in

case of commission of crimes. While the neglected juveniles are to be produced before the Juvenile Welfare Board, the delinquents are to be dealt with by the juvenile court. The neglected juvenile is to be sent to a juvenile home only if his care with a parent, guardian, or a fit person or an institution is not found conducive. For juvenile delinquents, special homes are required to be set up to offer facilities for accommodation, education, vocational training, and character building. The Act requires the state governments to create a fund for exclusively utilizing it for the welfare and rehabilitation of juveniles dealt with under the Act and also to constitute Advisory Boards to advise on matters relating to establishment and maintenance of homes, mobilization of resources, and so forth.

Juvenile Courts have been established in some states to try and convict specifically the juvenile delinquents. The first juvenile court was established in Calcutta in 1922, followed by Bombay in 1927 and Madras in 1930. Since then some more states have also created such courts. The methods used by the juvenile courts are much different from those used by the adult criminal courts. Generally, the presiding magistrates of these courts are female magistrates. Police officers in official uniform are not permitted in these courts. In trial also complete secrecy is maintained. Members of the public are not permitted to be present at the sittings of the juvenile courts, except by special permission. Lawyers are not entitled to appear in any case before the juvenile courts. However, if a juvenile court is of the opinion that in the public interest, the appearance of a legal practitioner is necessary, he is authorised to appear in ordinary dress in particular cases. The conviction by this court does not affect the trial for the second crime in some other court. The main features of the juvenile courts are: informality of procedure, de-emphasis on deterrent or retributive justice, protection and rehabilitation of juveniles, and use of socialised treatment measures. Structurally, the juvenile courts are an integral part of the judicial hierarchy, as all appeals from juvenile courts are forwarded to higher adult courts. The methods used for the disposal of the cases by the juvenile courts generally are restoring to guardians, release after admonition, imposition of fine, release on probation, commitment to reformatories, schools and borstals, and imprisonment.

Remand Homes or Observation Homes

These homes are meant for the children during the pendency of trial in the courts, but they are also used for keeping the homeless, destitute

and neglected children. The stay here is used for evaluating their personality traits and behaviour. As such, these Homes are viewed more as observation homes than as places of detention.

The important characteristics of good Remand Homes are: segregation, education, training, recreation facilities, health care, controlled discipline and effective supervision. Since the child in the Remand Home comes into contact with the law for the first time, if the environment is not kept conducive, the child might become suspicious and defiant towards the court.

In India, Remand/Observation Homes do not exist in all states. According to 1987 figures, Remand Homes are found only in 11 out of the 25 states and in one union territory. The highest number of Remand Homes are found in Maharashtra, followed by Gujarat, Karnataka, Tamil Nadu, Kerala, U.P., Bihar, Andhra Pradesh and West Bengal. Of about 139 Remand/Observation Homes, a little more than half are run by the government and little less than half are voluntary. There are separate Homes for boys and girls. Of the total inmates in the Remand Homes, 15 to 20% are juvenile delinquents and the rest are homeless, destitutes, neglected and so forth. Of the total inmates, two-thirds belong to the 7-14 years age-group while the remaining one-third are either below seven years or between 14 and 18 years.

About 50.0% inmates are kept here for less than six weeks, 35.0% between six weeks and six months and 15.0% for more than 6 months. Doctors are appointed for health care on both full-time and part-time basis. When the average expenditure per inmate per month in a Remand Home in 1973 was about Rs. 60, at present (1991) it is believed to be Rs. 270 per month per inmate.

Certified or Reformatory Schools

Juveniles given detention order by the court are kept in Reformatory Schools for a minimum period of three years and a maximum period of seven years. Inmates about 18 years are transferred to Borstal Schools. These schools, meant only for the boys, remain under the supervision of prison department. Each school having a capacity of 80-100 inmates is divided into 4-5 dormitories and each dormitory has 4-5 cells. Each school has a superintendent, deputy superintendent, deputy jailor, assistant jailor, doctor, 3-4 instructors, 2-3 teachers and some wardens. Training is given in tailoring, toy-making, manufacturing leather goods, and agriculture. Each training programme is of two years. The inmate gets the raw material from the school and the things manufactured by

him are sold in the market and the profit deposited in his account. After the deposits have reached a fixed amount, the inmate has to produce things only for state use. The inmate even gets basic education upto the sixth standard and he has to appear in the examinations (at the end of the year) conducted by the Inspector of Schools. If the inmate wants to study beyond the sixth standard, he is admitted in the outside school. Since no work is forced upon the inmates here, they live like family members. However, no follow-up records are maintained by the Schools after the release of the inmates. Secondly, the training programmes are too old and traditional.

Borstal Schools

Provision was made in the 1920's for the segregation of adolescent offenders from the adults so that correction services, free from the authoritarian atmosphere, be made possible for the young offenders. Borstal Schools were thus established for youthful offenders in the age-group of 16-21 years. Upto 1987, there were Borstal Schools in nine states only in the country : Tamil Nadu (1926), Andhra Pradesh (1926), Bihar (1926), Punjab (1926), Madhya Pradesh (1928), Maharashtra (1929), Uttar Pradesh (1938) and Kerala and Karnataka (1943). The capacity of each school varies from 100 to 350 inmates. Though these schools, function under the general supervision of the Inspector General of Prisons, each school, however, has its own Visiting Committee consisting of one session judge, one district magistrate, district level school officer and four non-government members. No inmate is kept here for less than two years or more than five years. Thus, only those delinquents are sent to these schools who are awarded more than three years term. Each school is divided into Houses and each House has a House-Master. Each House is further divided into groups and each group has a Monitor. These monitors are selected from the inmates themselves. There is a grading system too in the school : ordinary, star and special star grades. Those inmates who violate the norms are demoted to penal grade, but in the ordinary cases, they are promoted from one to the other grade. No inmate is eligible to be released from the school unless he has reached the special star grade. On admission in the school, he is first observed for three months and given some ordinary work like, say, gardening. On being kept in the ordinary grade, he is assigned some training programme, depending on his education and potential. Each promotion entails more freedom and more privileges. The total number of inmates in the nine Borstal

Schools in the country was estimated to be 1,295 in 1987, of which 35.0% belonged to 16-18 years age-group, 60.0% to 18-21 years age-group and 5.0% to either 15-16 years or 21-22 years age-group. The inmates of last category are admitted as special cases. The expenses per inmate, per month are estimated at present to be about Rs. 600. This is about double the expenses in the Children's Home. The daily routine includes two hours' basic education and 5-6 hours vocational training. Every inmate gets 15 days leave in one year to visit his home. Normally, the inmate remains in continuous contact with his family members through correspondence and their visits. Some schools have created a *panchayat* system too and have thus associated the inmates with the management of the schools. In many cases, inmates are released from the schools before the expiry of the term also. For example, out of 1,167 inmates who left the various Borstal Schools in 1987 in the country, 47.0% were released after the expiry of the term, 13.0% were released on bail, 8.0% were let out on 'license,' 6.0% on appeal, 9.0% on some other basis and 2.0% of them escaped. Another 15.0% were transferred to some other institution. Before the release from the Borstal School, the Discharged Prisoners Aid Society is informed so that it can chalk out the after-care programme for the released inmate.

Probation Hostels/ Homes

These institutions established under the Probation of Offenders Act, are meant to provide residential care and treatment to the offenders released under probation under the supervision of a probation officer. The inmates are given complete freedom to go to the market and also to take up jobs of their choice.

An evaluation of all the types of juvenile institutions show that though inmates' life-style is satisfactory and they enjoy better freedom but the institutions suffer from being over-crowded, the management is centralised, the training programmes are too traditional and inmates are not given individual attention. The budget allocation for them is also too low. One study to evaluate the juvenile correctional institutions was made by the Indian Council of Social Welfare under the Directorship of S.D. Gokhle in 1968. In this study (1969 : 83-89), 229 inmates released between 1958 and 1963 were interviewed. It was found that the (1) training given in these institutions does not help the inmates get jobs, (2) institutions do not provide facilities for formal school/ college education, (3) counselling and case-work facilities are inadequate, (4)

individual attention is not paid to the inmates, and (5) institutions have limited budgets which prevents them from making adequate planning.

A study of 27 institutions for the socially handicapped children in Rajasthan (including Juvenile Reformatory, Observation Homes, Probation Home and Children Home) conducted by M.S. Bedi in 1975-76 also pointed out that : (1) institutional facilities are underutilized and occupancy rate of institutes is much below their capacity, (2) the quality and the content of vocational training is poor. It does not equip the inmate to rehabilitate himself economically after being discharged from the institute, (3) space and physical amenities for inmates fall short of the minimum standards laid down by the Central Social Welfare Board, (4) protection services during institutionalization (against tough and aggressive inmates, homosexual assaults, snatching of eatables and other things by fellow inmates) and after discharge (against old accomplices, police harassment, immoral traffickers....) are not provided, and (5) facilities to inmates for communicating with family members, kins and friends are inadequate.

Preventive Programmes

Juvenile delinquency being mainly an urban phenomenon, both private and public agencies have to be involved in delinquency prevention, particularly because of complexities of the urban society.

The three approaches to delinquency prevention are: (1) organising activities that contribute to healthy personality development and adjustment of children, (2) controlling environment of children contributing to delinquency, and (3) organising specific preventive services for children. The *first* approach links the delinquency prevention with (i) general improvements in the institutional structure of the society, for example, family, neighbourhood, school, (ii) raising the income levels of poverty-stricken families, (iii) providing job opportunities to children, (iv) establishing schools, (v) improving job conditions, (vi) providing recreational facilities in neighbourhoods, (vii) improving marital relations through family counselling services and family social work, and (viii) imparting moral and social education, among other measures. Preventive activities of the *second* type include community organisation and the efforts of welfare and child care agencies. Preventive activities of the *third* type include probation and parole services, Certified and Borstal Schools, Children Homes, Probation Hostels and so forth.

The preventive programmes have also been classified as (Trojanowicz, 1973: 188) : (1) pure prevention or primary prevention, which attempts to inhibit delinquency before it takes place, and (2) rehabilitative prevention or secondary prevention, which deals with youngsters who have been adjudicated delinquents by the court.

Peter Lejins (1967 : 3) has classified the prevention programmes as : (1) punitive prevention, (2) corrective prevention, and (3) mechanical prevention. The first is the threat of punishment based on the idea that punishment will forestall criminal acts ; the second refers to an attempt to eliminate potential causes before the criminal behaviour actually takes place; and the third emphasises placing obstacles (like increased security measures or increased police protection) in the way of the potential criminal so that he will find it difficult to commit an offence.

The agencies concerned with the prevention of delinquency between the 1950's and 1980's in India are the voluntary children's organisations administering child welfare, schools, social welfare departments, rescue homes, orphanages and psychiatric centres. The efforts of voluntary organisations are less coordinated, while those of government departments are more planned and systematically organised.

An overview of the functioning of the government institutions (Children Homes, Certified Schools...) for 'rehabilitative prevention' is given in the earlier pages (with a discussion on "Custody in Institutions"). We will briefly discuss here the 'pure prevention programmes'. The most important areas where the government needs to take up some measures like providing educational, recreational, and vocational training facilities for preventing delinquencies are the slum areas in cities. A big chunk of population lives in the slums in the big cities. If theories propounded by Thrasher, Shaw and McKay, Cohen, and Cloward and Ohlin, regarding learning of delinquencies from environment and lack of neighbourhood cohesiveness have some justification, it is necessary that the government takes up some measures for the welfare of the children in these areas and for their better integration into community life.

Family is another institution which needs greater attention. The role of functionally inadequate families, structurally incomplete or broken families, poor families, immoral families and indisciplined families in juvenile delinquency has already been elaborated. Unless these disorganised families are reorganised, unless an environment or milieu therapy is provided, frustrated and emotionally disturbed children cannot be prevented from developing a relationship with delinquents.

Police running recreation units for children is a new concept. Juvenile units in police department in cities like Bombay and Delhi have undertaken these tasks. The police-school liaison programme on similar lines will go a long way in removing hostility and mutual suspicion between the police and youngsters; in the police helping teachers in handling problem youth; and, in improving the police image in general.

Initiating community programmes for educating the youngsters regarding the detrimental affects of using drugs and becoming involved in devious social behaviour is yet another measure in the prevention of juvenile delinquency. Drug abuse in recent years has increased among school children and slum-dwellers. Providing counselling services to these children experimenting with drugs will be an effective means of combating illicit drug use in particular and juvenile delinquency in general.

Programmes for run-away children also need attention. Homes for these children to give them a chance to reflect on their own situations with the assistance and guidance of staff members need to be established in big cities and towns. These Homes can help in promoting a positive communication between run-away children and their parents and guardians so that serious problems can be resolved.

It may be concluded that the development of a sound public policy regarding all aspects of delinquency prevention and control requires both planning and evaluation by rigorous research methods. This requires coordination between the government agencies, universities, police, judiciary and social workers.

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