



JUVENILE DELINQUENCY: PROBLEMS OF DEVIATION

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**I live in a house called torture and pain,
It's made of materials called sorrow and shame,
It's a lonely place in which to dwell
There's a horrid room, and they call in hell.
From the fancets run tears that I 've cried all theses years,
And it's heated by my heart made of stone
But the worst part to face is
I'll die in this place-
And when I die I'll die all alone.
(--- Coleman, *Abnormal Psychology and Modern Life*)**

***"No nation is safe, unless in the average family there are healthy and happy children.
If these children are not brought up well, they are not merely curses to themselves and their parents, but they
mean the ruin of the state in the future".
(---- Theodore Roosevelt , The former President of U.S.A.)***

The child of today is the citizen of future. Now, if the children do not conform to the social norms, values and goals of the nation one cannot expect good citizenship for the nation in future. That is why we are to provide proper care to our children from their early childhood so that they can turn into good citizens. According to Dr. Annie Beasant, "The good citizen has to be made in the days of the school, because it is in the time of boyhood that the character is shaped, when the whole nature is plastic "(A. Beasant, *The school boy as citizen*, Madras, 1942, p.3).

Juvenile delinquency is one of the major social problems of deviation which almost all modern societies have to face. But the nature and extent of juvenile offences varies considerably from one society to another and even

among the different strata of the same society. For example, the following are some of the acts that are considered by the United States as delinquent acts. (Robinson, *Juvenile Delinquency: Its Nature and Control*, N, Y., 1961)

1. Driving a car without a license
2. Skipping school
3. First fighting
4. Running away
5. School probation or expulsion
6. Defying parents authority
7. Stealing items worth less than US \$ 42
8. Stealing items worth more than US \$ 450
9. Gang fighting
10. Using narcotics
11. Having sex relations.

In India, Juvenile delinquency is something different in nature as compared to other societies. For example, vandalism is treated as an expression of a juvenile offence. In our country one can find that urchins are destroying public properties like street bulbs buses, school property, and so on. Then, theft is also prevalent. Different types of theft cases are found. For example, there are youngsters who are employed in the houses as servants of cooks. Generally these boys, if they get opportunities depart secretly with valuables. Besides, some of the boys who work in a hotel or a tea- stall decamp with money in the absence of the owner of the hotel or the tea-stall. Apart from this, there are pilfering cases. In fact, in almost all states, juvenile delinquency takes its acute form on the railways. Pilfering of railway property is very often committed by juveniles. A large number of neglected or destitute children take shelter at the railway stations. It is a common sight that a neglected child is very often tempted by the valuables of the railways stations. Thus, railway station becomes the asylum for the pre-delinquent children. Moreover, hawking also gives access to the delinquent acts on the part of the juveniles. The children who are allowed to hawk in the street, learn smoking and become addicted to cinema, bad literature and the like. So, in order to fulfill these desires they try to get money by involving themselves in stealing, cheating, ect. In the long run, if their activities are not checked at the very beginning, they get out of control of the parents. Apart from this, black-marketing also plays a part behind delinquent activities. There are some antisocial elements who have devised several methods to circumvent the law. They very often utilize the children for this purpose. The innocent youngsters who are particularly destitute or neglected are tempted easily by the anti-social elements. These children want to earn money to get their livelihood with the minimum of labour. In this way, the antisocial activities corrupt their morals and they, in the long-run, develop delinquent propensities. It is delightful to note that sex offence is practically absent in India. Again, clear-cut gang activities are not very common in our country. Syed Hussian who has discussed broadly about the nature and content of juvenile rebellion has also mentioned vandalism, theft, pilfering, street hawking and black- marketing as the nature as well as the source of juvenile delinquency in India (Hussain, *Juvenile Delinquency*, 1967).

So it has been noticed that the range of inclusion in regard to juvenile delinquency varies considerably from culture to culture. In spite of that certain acts or activities are treated in a, similar way of the delinquent acts or activities by the different societies of the world. So, it has been seen that juvenile delinquency, as a living social problem, has emerged on account of the rapid pace of industrialization. Industrialization, in conjunction with urbanization, has shaken the very foundation of the traditional mode of living. Social order is undergoing bewildering metamorphosis. In the new situation, the family, due to its structural as well as functional changes, is losing its control over the children. The process of socialization of a new born baby is falling short due to the apathy on the part of the members of modern family. Children often develop the propensities towards anti- social

or non- normative behavior pattern and ultimately become delinquents. So the role of the family in relation to its incidence on delinquency has become most crucial in modern times (Sarkar: 1987).

Hence, juvenile delinquency is essentially a problem that has caused great concern to the social scientists as well as reformers of different advanced societies in the world. Criminology as a special branch of contemporary social sciences has come into the picture only in the recent years. Sheldon Glueck and Elnear Glueck have stated, “we know much more today, about the impulses and surrounding conditions of juvenile delinquency than we did fifty years ago” (Glueck & Glueck, *Unraveling Juvenile Delinquency*, Cambridge, 1951). Even then in the beginning of the present century starting from Healy (*The Individual Delinquent* , Boston, Little Brown , 1915), Cyril Burt (*The Young Delinquent*, New York : Appleton , 1925), J.Slawasan (*The Delinquent Boy* , Bosto, R.G. Badger, 1926) , C.R. Shaw (*Delinquency Areas*, Chicago, University of Chicago Press , 1929) to Bernand Glueck, Kenworthy, Bronner and other pioneers in child guidance have blazed on the intricate process of maladapted behavior pattern of the children and the adolescents. Progress in the field of criminology has been achieved during the last three decades. Social scientists like Sheldon Glueck and Elnear Glueck, Edwin Sutherland, Robert Linder and Walter Bromberg and many others have raised a substantial fund of knowledge in this field. Psychologists are of the opinion that “the individual repeats, throughout his life, the basic patters of social action established in his youth”(McCord and cCord, *Origins of Crime*, Colombia, 1959). But yet very few psychologists have studied directly, the relation between family atmosphere and criminality. Undoubtedly Walter Bromberg, Robert Linder , Benjam in Karpman, Richrd Jerkins and David Abrahamesen are the exceptions sociologists in general, while is studying delinquency and criminality, have emphasized on social environment or situation as the determinant factors of maladaptive behavior formation on the part of the individuals.

The Indian society even being predominantly rural in nature and still clinging to old tradition and culture could not escape the attack of these powerful forces and in future Indian may encounter the same problem of increasing social maladjustment as the most industrialized countries of the West are facing now. So efforts should be made to find out the nature and extent of the problem of juvenile delinquency in Indian Society. This is more so because juvenile delinquency has evidently a bearing on the problem of adult criminality. Experts of the Western countries have explicated that a large percentage of criminal careers have their origin in childhood. Most of the experts in criminology have considered juvenile delinquency “as the widest gateway to crime”(McCord and McCord, *Origins of Crime*, Colombia, 1959). So for the purpose of checking adult criminality, juvenile delinquency is the most promising field. That is why, a comprehensive study of delinquency is essential in order to prevent or reduce criminality in Indian society.

But in India, no serious and systematic research has been undertaken in this area. Some doctoral dissertations have been made in Agra University and Delhi University as reported by the Indian Council of Social Science Research (I.C.S.S.R.). In Agra University Mr. Goyal studied five hundred juvenile delinquents with relation to home and other social situations in 1965. Mr. Singh studied emotional factors in juvenile delinquency in 1970. In Delhi University Mr Mukherjee made a comparative study on Delhi and Maharashtra in 1970. Apart from this some articles of different authors are occasionally published in “ *Indian Journal of Social Work* “ and these articles generally cover different aspects of the concept (*Indian Journal of Social Work*, Bombay). But no such work has been practically done in West Bengal. In such a situation it becomes necessary to analyze the whole problem form a sociological point of view. A sociologist should be interested in questions like what is juvenile delinquency; who constitute these juvenile delinquents: what are their social and economic background; what type of socialization had they been subjected to; the structure of morality and values among them; the nature of their present social relationship; the social and economic impact of rehabilitation programme among them and the like (Sarkar: 1987).

Ever since the inception of humanity or human civilization it was always a tendency of the man to protect the weaker, helpless and the victims of the society. This way this instinct of the man has developed and manifested

up to its religion to protect the right of the children to protect them from the many anomalies of the social life for their all-round developments. As far as the humanity is concerned a child must be provided with basic amenities like food, nourishment and protection against any exploitation. The directive principle of the state policy in the Constitution of India also provide under Article 39(f) that the State shall in particular, direct its policy towards securing that the child and youth are protected against exploitation and moral and material abandonment.

Though various government and non-government agencies and throughout the world, many steps and actions have taken to get rid of the problems of children, but still the condition of the children in many spheres have not changed. Many a time the children are subjected to cruelty, deprivation and exploitation.

Etymological meaning of Juvenile Delinquency:

The word 'Juvenile' has come from the Latin word 'Juveniles' which means 'young people'. 'Delinquency' is 'failure' or 'crime'. Thus 'Juvenile Delinquency' indicates any failure in or omission of duty or fault or crime on the part of a young or a child. So, 'Juvenile Delinquent' refers to an offender or a transgressor who is child.

Definition of juvenile Delinquency:

Juvenile deviance or anti social tendency is a social milieu which is expressed in different ways by different experts. When social norms are violated the activities are deviant and unexpected by the society. Many thinkers have tried to give the right definition for delinquency. Most of them have expressed different views. Therefore there is no proper definition as expressed by various experts. But in ordinary way the juvenile delinquency can be expressed as the misbehavior and anti-social propensity. To express the right definition, some thinkers emphasize upon the legal aspects, where as others are behind the social behavior as the reason for juvenile act. Dr. Cyril Burt defines delinquency as occurring in a child "when his anti-social tendencies appear so grave that it becomes or ought to become the subject of official action." In the opinion of Prof. William H. Sheldon "delinquency is behavior disappointing beyond reasonable expression". According to Reckless(1956) the term 'Juvenile crime' applies to the "violation of criminal code and/or pursuit of certain pattern of behavior disapproved of for children and young adolescents." Friendlander says, "Delinquency is a Juvenile misconduct that might be dealt with under the law". According to Second United Nations Congress on the Prevention of Crime and Treatment of Offenders". By Juvenile Delinquency should be understood the commission of an act which, if committed by an adult, would be considered a crime." Mamoria said, "Juvenile delinquency may be loosely used to cover any kind of deviant behavior of children which violates normative rules, understanding or expectations of social system."

Juvenile Deviance:

Time has seen many changes in every sphere of human social life. The process of development and progress in all spheres has affected the socio-cultural life of the people as a whole. The old traditions and customs have lost their beauties. Various scientific development and urbanization gave social life a different shape which made the society to face many problems like population growth, cultural variations, variation in jobs, and overcrowded cities are facing endless problems to survive in right way. Emile Durkheim said that, antisocial activities thrive in such a state of anomalies that the social control system which is still prevalent in congenial rural settings ceases to remain in the strange atmosphere of slums in cities. The normal regulatory, and social order break down upon migration of people to urban slums, this create social disorder. Discrimination in the development of the rural urban area and its people has become a serious problem in developing country like India. The recent problems like want of suitable employment, frustration, lack of opportunities have also added with the problems of juvenile deviance and maladjustment. The old tradition, customs and values have very little effect on the young generation of today and they are very less interested on the advice of the parents and the teachers. Though there many effect of the peer group of the child in his socialization on the part of the social behavior of the child, but it is also very important that the child gradually starts learning certain things, first in his family only.

This way family becomes the first socialization agent for the child, and then comes other groups like peer group, social group and school group.

Types of Juvenile Delinquency:

Juvenile Crimes have been classified by different scholars on different basis. Trojanowicz (1973) has classified them as accidental, un-socialized, aggressive, occasional, and professional and gang- organized. Hirsh (1973) has classified juvenile crimes in six groups on the basis of the kinds of offences committed:

- 1) Incurability (for example , keeping late hours, disobedience, etc.),
- 2) Truancy (staying away from school)
- 3) Larceny (running from petty theft to armed robbery)
- 4) Destruction of property (including both public and private property),
- 5) Violence (against individual or community by using weapons),
- 6) Sex offences (ranging from homosexuality to rape)

Psychologists have classified juvenile crimes on the basis of the individual traits or the psychological dynamics of their personality into five groups, such as: psychotic, defective, situational, cultural and neurotic. Eaton and Polk (1969) have classified juvenile crimes into five classes according to thy type of offence. The offences are (a) minor violations (including disorderly conduct and minor traffic violations),(b) major violations (including automobile thefts), (c) property violations ,(d) addiction (including alcoholism and drug addiction), and (e) bodily harm (including rape and homicide).

Juvenile Delinquency: Indian Situation:

Our traditional agricultural society and the intimate social atmosphere provided by the joint family prevented any delinquent tendency on the part of the child from becoming a major social problem. The rapid growth of industrialization and urbanization are now working against that intimate social atmosphere. Naturally, delinquent inclinations are increasing day by day (sarkar: 1987). If we see the statistics that, a total of 44008 crimes have been committed under Indian Penal Code(I.P.C.) by the juveniles in the year 1977 recording an increase of 18.9 percent over 1976. The volume of juvenile offences per one lakh of population is on the increases from 4.6 percent in 1967 to 7.0 percent in 1977. Again, a total of 73434 crimes were committed by the juveniles under the local and special laws during 1977 recording an increase of 7.6 percent over 1976. (Crime in India , 1977, Bureau of Policy Research and Development, New Delhi , Govt. of India). In 1988, of the total crimes reported in India, 1.7 percent related to juvenile delinquency. The figures were 0.5 percent in 1994, 0.6 percent in 1996 and 0.5 percent in 1997. (Crime in India, Ministry of Home Affairs, 2001 Report). A large number of delinquencies committed by the juveniles under the IPC in 1997 related to theft (1,975 cases) , hurt (1,242 cases) ,burglary (1,162cases) and murder (316 cases) . The maximum number of cases registered under IPC against the Juveniles were in Madhya Pradesh (2154 cases), 27.2 percent of the cases registered (Crime in India Report). A study of data published by the National Crime Records Bureau, reporting the incidence and rate of Juvenile delinquency in India reveals that the incidents of juvenile crimes have declined from 12588 in 1991 to 9267 in 2000(Crime in India, 1998, 1999 & 2000 report).

Causes of Juvenile Delinquency:

Modern sociologists and psychologists are of the opinion that socialization of an individual plays the vital role in personality formation. For example, Grant S. Meclenllan says, “We must accept these fundamental premises: No child is good as we make it possible for him to be good(Mecluan, Juvenile Delinquency , N.Y., 1956).Socialization is the process by which the newborn child acquires the values of the group and is shaped into a

social being. Socialization consists of learning the way in performing certain social roles satisfactorily. A child learns a set of roles, first in the family and then in other groups. A child from the day of his birth lives and grows up in the family. Naturally, the family lays down the foundation upon which other agencies must build. Family is regarded as the primary socializing agent while other groups like neighbour, peer, school, etc. are considered as the secondary socializing agent. So the role of family in the process of socialization is unique and unrivalled. The Gluecks, are very emphatic on this issue and have argued, " Despite the genetic toots of many characteristics, a potent involvement of early childhood influences in the home is also operative in the development and moulding of traits of personality and character of a crippling kind which add to the child's incompetence to meet the demands of life that are made on him in the ever-widening world outside the borders of home'(Glueck & Glueck, Family Environment and Delinquency, London, 1962).According to Healy & Bronner, the causes of Juvenile delinquency are

- 1) Bad company
- 2) Adolescent instability and impulses
- 3) Early sex experience
- 4) Mental conflicts
- 5) Extreme social suggestibility
- 6) Love of Adventure
- 7) Motion picture
- 8) School dissatisfaction
- 9) Poor recreation
- 10) Street life
- 11) Vocational dissatisfaction
- 12) Sudden impulse
- 13) Physical condition of all sorts

According to Cyril Burt:

- 1) Environmental
- 2) Physical
- 3) Intellectual
- 4) Ideal

Here we discuss the following causes.

Frustration in Age Group: Most of the time, it is seen that the reason behind the juvenile act is mainly because of the frustration in a particular age group. The children of a particular age group may be frustrated because of many reasons that are directly or indirectly related to social, economical or political phenomenon.

Illiteracy and Conflicts: As we see in most of the village areas are full of illiteracy and that leads them to face many conflicts over various matters and they go for anti-social activity. As economy is the most important aspect for a man being the member of a society, he has to earn or manage some money anyhow to meet his daily need. Illiteracy sometimes becomes the barrier to achieve the goal of financial requirement for an individual child and commit crime.

Growing Young: Aggression, rebellion, all these activities are associated with growing physical strength and independency of young persons in particular. Social impression and recognition are important factors which mean

the young children very much at their adolescence stage; instead they become arrogant against anything which is beyond their will and wish.

Child Environment: It is also believed that juvenile delinquency is the behavior of that kind which is an obstacle of psycho-socio pattern for the development of a child. It is very important for a child where and how his nourishment and socialization has taken place. The entire environment is responsible for the overall development of a child. A sudden shift, from the village life to the life of urban area, for the sake of earning, where the child has to fight with the non-conducive situation, which is a competitive life for the survival.

Economic factors: Economic factors are also responsible for the deviance in the behavior of the child, which make him to go for untoward incident to create for its survival. Then there is a sharp need of money, children do not fear to commit mistakes for want of the need of the day. In a democratic country like India, still there is much discrimination as far as the monetary status of the people is concerned.

Personality factors: Personality factors sometimes become the reason for juvenile act, as this defers from child to child while being the part of socio-cultural set up of the society. As every individual is deferent from the others, in case of the general nature and behavior of the children is concerned, children personality can be considered as unique in nature for their development of personality, whether good or bad.

Environment factors: The environment factor is another reason for crime, where a child may not get the right conditions to grow as per the need of the society. Right opportunity and condition for the development of a child make him a good citizen; else he may easily be transferred into an anti social element.

Other social causes: As regards causes of delinquency, there are multifarious factors. The conventional thinking is that the delinquency has its basic route in its heredity.

As per the view mention above the juvenile delinquency forms deferring in physical and mental situation. The chief exponent of this theory was Casare Lombroso and even earlier exponent of physiognomy and phrenology found meaningful co-relation between the physical feature and social behavior. In fact in the eighteen century physiognomy, the study of facial feature and penology, the study of external confirmation of the cranium developed considerably. However, in course of time, these theories as a basis for explanation of anti social propensities' have fallen into disuse.

Wrong bringing up: The factors that give rise to anti social tendencies of a child at the initial stage are wrong bringing, neglect and lukewarm attitude of parents, unhappy home , a large family , feeling of insecurity, lack of recreational facilities, abject poverty, odd environment . Illiteracy of the parents makes them unaware of the required steps to be taken for the right upbringing of their children.

Less restriction to go out of home: For want of basic requirement in the family, the child goes out of their house for the earning, and does the antisocial activities. This way the child slowly involve in the gang to do the bad activities. Parents have very little or no control over such activities of their children. Sometimes children are out of the control of the parents, and the children involve in earning or doing antisocial activities.

Adverse Environment: Because of these reasons or some of these factors leads a child to face adverse direction and finally he commits crime. Now- a-days, films, advertisement etc. are presented in the intolerance way, and finally which lead a child to go for illegal activities, which creates a bad impression in the mind of the children.

Being unaware of the consequences they involve in odd activities, from where afterwards they cannot come out, and then they come to know the aftereffects of that.

Economic factors: Economic factors play a vital role in deciding the development criteria of a child in his society, which ultimately lead a child to choose the anti-social activities. A large scale migration of the people from the village to the urban area causes a serious nature of unemployment problem for the people. Many of them are sometimes unemployed or under employed. To cope up with such social differences the children of that particular community go for the anti-social activities.

Poor and Unhygienic Area: People of the urban slum area most of the time lead their life in the unfavorable and unhygienic area, where there life is not normal and suffers from medical and psychological problem and they, especially children do the unpleasant act which are against the norm of the society. A strange cultural society with anomie occurs in such a situation and the children become the pray of that abnormalities.

Methods used to deal this Problem:

As a delinquent child is not a young criminal, so since the beginning of the present century almost all countries accept the principle that children transgressing the law, must be treated differently from adult (Hussain: 1967). Two methods have been suggested to deal with this problem. Such as (1) Preventive method and (2) Rehabilitative method.

Preventive Measures:

Govt. as well as private agencies to take initiative: Juvenile crime is mainly an urban phenomena, and very complex in nature, both private and government agencies should involve solving and preventing the juvenile crime. General people can also take initiative in area basis to tackle the problem. The defaulters, directly involved in encouraging this, should be punished in exemplary way.

Improvement in Institutional Structure: It is very much necessary to organize the activities, which contribute to develop a good personality and adjustment of the children to be good members in society. The structures of institutions in the society like family, school, neighborhood, income of the family etc. should be favourable for the development of the child.

Improving Marital Relationships: It is very important to improve marital relationships through family counseling services and family social work, and it is required to impart moral and social education to children as well as members of the society. Local authority and government agency should not forget their responsibility towards this to have an enhanced result.

Controlling Environmental factors contributing to Crime: Various community organisations and efforts of welfare and child care agencies are to consider the problem for its early solution. They have to take initiative to remove the factors responsible for juvenile crime in the society. Initiative should be taken to make them to follow the disciplined life by sending them to attend regular classes in the school.

Specific Preventive services: The approaches like parole services, boarding schools, children homes etc. can provide very good situation for the children of the area to have right environment to go for education, and are made to act and a study under the guidance of some agencies. NGO'S can play a vital role to guide them under the special environment and guidance.

Family needs greater attention: The family of the child is very important institution where a child learns his first hand experiences, and prepare himself for the outer world. Thus, family is a very important place for the child to develop his personality and gain experiences to adjust himself in the society. Thus utmost care should be taken by the parents and family members to make a child into a good citizen from a biological being.

Indian Jail Committee and Its Recommendation:

The Indian Jail Committee was appointed in 1919 to review the conditions prevalent in jails. The Indian jail committee during its visits noticed, many children in jails and prisons confined along with adult prisoners. In Para 368 of its report, the committee site a case of a small child, whose age had been originally marked as six but afterwards changed to seven years, was under detention on a charge of cheating, in the under-trial yard of a district jail in Bengal. This was the most flagrant case among a number of cases came across by the committee. The committee criticized very badly the confinement of children in prisons and jails during its report. One of its observations made in Para 367 is quoted below:-

“..... a child who commits crime cannot have the same knowledge and realization of the nature and consequences of his act as an adult. The cold-blooded character of the crimes sometimes committed by the children may generally be attributed to this lack of realization, just as boys are often cruel from mere thoughtlessness. It is well known that full recognition of the laws of property comes gradually and that offences against property committed by young persons are largely due to the lack of suitable training and to bad upbringing proper training will , in the great majority of cases be successful. But such training cannot be provided in a prison. It should be given in a special institution devised and equipped for the purpose. Moreover, it is undesirable to familiarize the young with the sights of prison life or to blunt the fear of prison which is one of the most powerful deterrents for crime.”

The committee also recommended various measures regarding the child offenders. These are briefly noted below:

- (a) The child criminal is mainly the victim of adverse circumstances, and, therefore, he is entitled to a fresh chance under better surroundings. At this stage the habit does not become fixed; so reformation is easier.
- (b) The provisions of the English Law on the subject should be generally adopted throughout India.
- (c) Children’s Court should be established. Where the number of children to be dealt with is small , the ordinary magistrate should sit at special hours, and ,if possible, in a separate room to hear charge against child offenders.
- (d) The magistrate should be given a clear understanding of the fact that he is dealing with a case of special character, in which he is expected to assume a different role, from different standpoint and with a more paternal attitude.
- (e) The appointed of one special magistrate, in a large does more harm than good because of the inconvenience caused in taking children to long distances from their homes to appear before special magistrates.
- (f) In order to arrive at a decision, the magistrate should have before him information regarding child’s home, his habits and circumstances, which led him into the crime. In the meantime, the court should be adjourned and the child should be released on ball or sent to a remand home.
- (g) The scope of release on probation of good conduct under the Code of Criminal Procedure should be widened and more discretion should be given to Courts to releases children under that provision. It should be combined with a stipulation regarding payment of fine, damages or costs.
- (h) Offenders so released should be placed under the supervision of a probation officer for a fixed period, with such further conditions and penalties as the court deems fit.

- (i) The probation officer should not be given more cases than he can look after properly and if the number is great it should not be scattered over too large an area. Voluntary probation workers should not be entrusted with more than two cases.
- (j) The reformatory schools and such other institutions should not be located in jail building or near them. Properly planned buildings on cottage system should be provided.
- (k) Inmates should be carefully trained in habits of self-control and self-reliance and gradually given more freedom and independence.
- (l) Contact with pupils discharged from a reformatory should be kept to render them any help or assistance possible in their after-career. Record should be kept of the members who turn out well or ill in after –life.
- (m) Offenders should be examined to ascertain their mental and physical conditions before committed and immediately after that in the reformatory. Mentally defectives should be sent to institutions specially provided for them and physically defectives should be hospitalized.
- (n) The potential criminal should be removed from the bad environments, before he actually comes within the ambit of criminal law (Sirohi: 2004).

The Borstal Schools for Adolescent offenders in India:

On the basis of the recommendations of the Indian Jail Committee (1919-1920) the various States passed special laws for detention and training of adolescent offenders. These are known as Borstal Schools. The Acts passed by the States in India are mentioned, in chronological order, as follows:

- (1) The Madras Borstal Schools Act, 1926.
- (2) The Punjab Borstal Schools Act, 1926.
- (3) The Bengal Borstal Schools Act, 1928 (Repealed by the West Bengal Children Act, 1959).
- (4) The Central Provinces Borstal Schools Act, 1928.
- (5) The Bombay Borstal Schools Act, 1929.
- (6) The United Provinces Borstal Schools Act, 1938
- (7) The Mysore Borstasl Schools Act, 1943.
- (8) The Travancore Borstal Schools Act, 1945.
- (9) The Kerala Borstal Schools Act, 1961.

Various Children Acts:

- (1) Andhra Pradesh – (i) The Hyderabad Children Act, 1951
(ii) The Madras Children Act, 1920
- (2) Gujrat - (i) The Saurashtra Children Act, 1956
- (3) Haryana - (i) East Punjab Children Act , 1948
- (4) Jammu & Kashmir (i) The Jammu & Kashmir Children Act , 1946
- (5) Kerala - (i) The Travancore Children Act, 1945
(ii) The Cochin Children Act, 1936
- (6) Maharashtra - (i) The Bombay Children Act, 1948
- (7) Madhya Pradesh – (i) C.P & Berar Children Act, 1923
- (8) Karnataka - (i) The Mysore Children Act, 1964
- (9) Rajasthan - (i) The Bikaner Children Act, 1931
- (10) Uttar Pradesh - (i) The Uttar Pradesh Children Act, 1951
- (11) West Bengal - (i) The west Bengal children Act, 1959

Necessary Enactments:

- (i) The Merchants Shipping Act, 1923
- (ii) The children (Pledging Labour) Act, 1933
- (iii) The Factories Act, 1948
- (iv) The Plantation Labour Act, 1951
- (v) The Mines Act , 1952
- (vi) The Employment of Children Act, 1958
- (vii) The prevention of Juvenile Smoking Act.
- (viii) The prevention of children taking Intoxicants Act,
- (ix) The suppression of Immoral Traffic in women & Girls Act, 1956
- (x) The child Marriage Restraint Act , 1929
- (xi) The Young Persons (Harmful Publication) Act, 1956

The Juvenile Justice Act, 1986

In view of this amendment, the Children Acts, enacted prior to the Amendment in 1976 of Article 39, are to be considered for amendment accordingly and to achieve this and also a Central Legislation applicable to all States had been suggested by jurists, sociologists, courts and other rehabilitative agencies working in this field. The Government considered all the aspects in this regard and finally a Central legislation entitled “ The Juvenile Justice Act , 1986 (No 53 of 1986) “ has been enacted by the Parliament and it has received the assent of the President on December 1, 1986 and published in the Gazette of India, Extra, Part II , dated 3rd December , 1986, pp. 1-23

In this context, the said legislation aims at achieving the following objectives:-

- (i) To lay down a uniform legal framework for juvenile justice in the country so as to ensure that no child under any circumstances in lodged in jail or police lock-up. This is being ensured by establishing Juvenile Welfare Boards and Juvenile Courts.
- (ii) To provide for a specialized approach towards the prevention and treatment of juvenile delinquency in its full range in keeping with the development needs of the child found in any situation of social maladjustment;
- (iii) To spell out the machinery and infrastructure required for the care, protection, treatment, development and rehabilitation of various categories of children coming within the purview of the juvenile justice system. This is proposed to be achieved by established observation homes, juvenile homes for neglected juveniles and special homes for delinquent juveniles
- (iv) To establish norms and standards for the administration of juvenile justice in terms of investigation and prosecution, adjudication and disposition and care, treatment and rehabilitation;
- (v) To develop appropriate linkages and co- ordination between the formal system of juvenile justice and voluntary agencies engaged in the welfare of neglected or socially maladjusted children and to specifically define the areas of their responsibilities and roles.
- (vi) To constitute special offences in relation to juveniles and provide for punishment therefor,
- (vii) To bring the operation of juvenile justice system in the country in conformity with the United Nations Standard Minimum Rule for the Administration of Juvenile Justice (Sirohi: 2004).

Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006

A new Juvenile Justice Act, 2000 has been enacted in 2000. It repeals the Act of 1986. The preamble of the Act refers to Constitution of India. Articles 15 (3) , 39 (e) and (f) ,45 and 47 , the Convention on the Rights of Child as adopted by the General Assembly of the United Nations on 20th November , 1989 which has been ratified by the

Government of India on 11th December, 1992, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules). The United National Rules for the Protection of Juveniles deprived of their liberty (1990) and all other relevant international instruments. The Act makes the provision for Juvenile Justice Board, Juvenile in conflict with law, child in need of care and protection, rehabilitation and social Integration besides miscellaneous provisions. The act has been amended in 2006 (Srivastava: 2007).

Various Institutions to Rehabilitate Juvenile Delinquents:

To solve or minimize this problem, rehabilitative or reformatory measures are also necessary. Here some of the institutions played an important role to solve this problem. Such as

- (i) Juvenile Courts
- (ii) Remand Homes
- (iii) Certified Schools
- (iv) Auxiliary Homes
- (v) Foster Homes
- (vi) Reformatory Schools
- (vii) Brostal Institution
- (viii) Observation homes
- (ix) Special Homes
- (x) After-care Organization
- (xi) Fit Persons Institution and Uncared Children Institution
- (xii) Advisory Board
- (xiii) Child Protection Unit

In conclusion, it can be said that juvenile delinquency has acquired a new dimension all over the world since Second World War. It is a by-product of industrialization and urbanization. Again, almost all societies have accepted reformatory approach instead of punitive approach. But existing reformatory measures could not bear fruit due to its structural inadequacy and functional inefficiency. To overcome this situation, it is generally agreed that prevention is better than cure. Preventive devices should be formulated in the context of family, because any preventive measures are connected with the causes of the problem. It has been explored that defective familial relationship generates stress and strain on the part of individual and ultimately begets socially maladaptive behavior pattern. Efforts are required to be made with a view to remove this defective familial relationship. Again, prevention of delinquency at the root is desirable but reformatory measures of delinquency cannot be totally ignored. It should be scientific and free from all sorts of corruption. The entire programme of delinquency control should be viewed on philanthropic attitude. Co-operation and co-ordination between parents and personnel are also required in the process of restoration. Only government or voluntary organization cannot be as much effective as parents. Parental endeavour is also the vital point in respect of rehabilitation. Hetherington and Parke have beautifully stated, "the beliefs, values and attitudes of the culture are filtered through parents and presented to the child in a highly personalized selective fashion (Hetherington & Parke, Child Psychology, 1975).

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