A Study of the Causal Factors Leading Juveniles to be in Conflict with the Law in Tamilnadu: Sociological Perspective

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Executive Summary

Introduction

Juvenile Delinquency is one of the serious problems of deviation which the children of almost all the modern societies of the world are facing. It is non-conformist behavior on the part of the child and it does manifest as a problem of personal disorganization but also a symptom of social break down. The phenomenon has been considered as a matter of great concern for every class of society down the ages in one or the other forms. According to Morrison (1991, pp.88-89) juvenile delinquency to be major social theme of the current period and he moralizes about the phenomena as “a peculiarly nasty product of the new freedom” involving teenage monsters of both sexes who take drugs, rob, riot and kill “just for kicks”. India is the home of more than one billion people, of whom one-third are children under 18 years of age. At approximately 440 million, not only does India have the world’s largest number of children, but also the largest number of vulnerable child population, of them nearly 44 million are in difficult circumstances. India has witnessed an increase both in crimes committed by children and those committed against them (Renu Sharma, 2010, pp.329-350).

Concept of Juvenile Delinquency

The concept of juvenile delinquency is very complex and varies from country to country and even in the various provinces of the same country. No single definition may suit all nations because the sociologists, psychologists and legalists define ‘Juvenile Delinquency’ in their own way. It varies from nation to nation, for what is forbidden to do at one place, is allowed in the other place. For example, defying parents authority, skipping from school are treated as delinquent acts in USA but in India, these acts are not treated as delinquent acts. Likewise, a boy under the age of 14 years cannot be made of guilty of sex offence in England. In
India, vandalism, theft, pilfering, street hawking and black marketing are treated as the nature and source of juvenile delinquency. (Shipra Lavania, 1993, pp.1-14).

The term ‘juvenile’ which is derived from the Latin word ‘juvenis’, meaning young. The term juvenile is very delicate as it denotes the fragile nature of children. In India, Juvenile Justice Act of 1986 is treated as model legislation to provide uniformly in the country in respect of juvenile delinquents. It was amended in 2000 named as by Juvenile Justice (Care and Protection of Children) Act, 2000. According to this Act, ‘Juvenile’ or ‘child’ means a person (boys and girls) who has not completed eighteenth year of age. The act also refers to certain children as neglected juvenile. Neglected juvenile pitfall means that is found begging, without home, without ostensible means of subsistence, destitute, uncontrollable and victimized.

According to the new act named as means Juvenile Justice (Care & Protection of Children) Act 2000, the term ‘delinquent’ is renamed as “juvenile in conflict with the law” But for universal understanding the term delinquent is retained by the researcher in the present study.

**Juvenile Justice (Care & Protection of Children) Amendment Act, 2006**

The working of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2000 for about five years showed that some of the provisions of the Act merited reconsideration. Therefore the act was amended in 2006 with a view to adopting a child friendly approach in the adjudication and disposition of matters in the best interests of children and for their rehabilitation and overall development. (N.V. Paranjape, 2011).

**Juvenile Justice System in Tamilnadu**

The juvenile justice system comprises of various agencies such as the police, probation, Juvenile Justice Boards, and institutions (observation homes and special homes)

(A). **Police**: In the juvenile justice system police is the first agency with whom a juvenile in conflict with the law comes in contact (Bhardwaj, 2010). The Juvenile
Justice (Care and Protection) of children Act 2000, provides for the constitution of Special Juvenile Police Unit (SJPU) – a special unit of the police force – to deal with a Juvenile in conflict with law. The act also states that one officer in every police station need to be designated as Child Welfare Officer (JCWO). In the state of Tamil Nadu, at the police station level, there are some officers designated as child welfare officers; it is understood that such officers are also assigned other tasks. Moreover, there is no statistics available on the number of such child welfare officers.

(B) Probation: The probation system is represented by probation officers. In the state of Tamil Nadu, adult probation system comes under prisons department, whereas juvenile probation system functions under the Directorate of Social Defense. The probation officer is considered as a friend, a philosopher, and a guide of the children in conflict with law because he or she plays a crucial role in the whole criminal justice process right from the apprehension by police till rehabilitation and Social re-integration. At present, there are 26 probation officers in the state. Generally, one probation officer is incharge of a district.

(c) Juvenile Justice Board: The JJ Act 2000, mandates the constitution of Juvenile Justice Board in every district. Section 4(2) of the Juvenile Justice Act 2000, provides for constitution of a board which shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the First class, as the case may be, and two Social workers of whom at least one shall be a woman. In the state of Tamil Nadu there are only eight Juvenile Justice Boards which are as follows in response to the amendment of the Juvenile Justice (Care and Protection of Children) Act, 2000, in 2006 (Central Act No.33 of 2006), the Government of Tamil Nadu has issued order to constitute 24 JJBs, so as to have one JJB in each district. The process of selection and appointment of social worker member in all the JJBs has also been completed. If is understood that government is yet to issue orders.

(d) For the juvenile in conflict with law, there are two categories of home: (1) Observation homes and (2) Special homes
Observation homes are meant for temporary reception of juveniles who are alleged to have come in conflict with law. Section 8 of JJ Act, 2000, provides for establishment and maintenance of observation homes in every district or in group of districts such homes house the juveniles during the pendency of any enquiry. Total number of observation homes in Tamil Nadu is 8.

Special homes – Section 9 of JJ Act, 2000 provides for establishment and maintenance of special homes in every district or in a group of districts. Special homes are meant for rehabilitation of juveniles in conflict with law. There are 2 special homes in Tamil Nadu, including 1 for boys and 1 for girls.

**Review of Literature**

The main purpose of reviewing the studies in the concerned area of research is to focus the significance of the present study. The following reviews give us a brief account of some prominent delinquency studies.

Sheth, H. (1961, p.40) made a study of 400 offenders and 180 non offenders from Greater Bombay and a part from Ahmadabad and Poona. Her study emphasized on three main aspects namely (i) Legal setup, (ii) Offences and offenders and (iii) Social background of juvenile delinquents. Sheth also found that poor economic conditions of the family and resulting sense of insecurity produce certain psychological reactions in the minds of children which find expression in delinquency. It is fact that deprivation hinders proper socialization of the child. The Child does not learn the proper value of life and cannot adjust himself to the situations which he has to face in life and very often, he expresses his frustration in the form of delinquent activities.

Madras State Women’s Council (1964, pp.41-42) published a study on socio-economic background of juvenile delinquents. The total sample of study were 75 delinquents as well as destitute in the age group of 7 to 18 years from the reception home of Madras. The main findings of the study include that 72 percent of the juveniles were in the age group of 11-14 years and belong to slums. Nearly 30 percent of the delinquents were unemployed and had stopped their schooling before
apprehended. The unemployed boys formed gangs and they were much more involved in group crimes. Family relations of the delinquents were found satisfactory but most of the families were found to have been lax in discipline. Apart from these factors, inadequate supervision, poverty, large family size and absence of either of the parents in the family were found as other reasons of delinquency.

Indian Council of Social Welfare (1969, p.42) published a research project on Impact of Institutions on juvenile delinquents. The project covered the delinquents released during the period of five years (1958 to 1963) from certified schools of Maharashtra. The total samples of the study were 229 inmates. The main findings of the study regarding the background of the delinquents include that 69 percent of the delinquents were reported to be truants from school and left the school before the apprehension 17 percent of the delinquents had not gone to school at all. Around 43 percent of the children worked as unskilled worker like hawkers, coolies, domestic servants etc. 35 percent of them were engaged in illegal occupation, 55 percent belonged to broken families and 91 percent of the broken families reported the death of one or the both parents.

Thilagaraj (1983, p.20) made an important study on parent-child relationship and its impact on delinquents. He took a sample of 40 delinquent boys for study and the parents of these delinquents were also interviewed. The results of the study showed that in about 60 per cent of the families, the parent’s attitude towards children was one of indifference which naturally led the child to delinquency as the boy felt insecure and craved for recognition and affection. In 31.7 per cent of families, children experienced hostility or rejection due to parental conflict and lack of co-operation between them. Around 54 percent of the parents were found always fighting and quarrelling between themselves and about 50 percent of the families (either parent in older siblings) was involved in immoral practices like, drunkenness, criminality and keeping another women or man. Only 15 percent of the parents were living together without much incompatibility as against 37.5
percent of maladjusted, yet living together making the children witness endless battles. There were about 13 percent parents who were separated or father had deserted his wife and children. The findings of the study revealed that unhealthy parent-child relationship is one of significant causes of delinquency.

**Formulation of the research problem**

The problem of juvenile in conflict with the law is stupendous and growing in almost all the society of the world irrespective of their being developed or developing. Various factors also influence on deviant behaviour among the children i.e. family type, poverty, broken homes, peer influence, uncongenial family environment, illiteracy and immorality etc. The main limitation of the existing criminal justice system is that it usually takes cognizance of an ‘offence only after its occurrence and that’s why community / people participation is essential for any successful plan.

Prevention of deviancy includes forestalling deviant behavior by taking advance action in terms of individual and environmental adjustments. In other words prevention in this sense includes the efforts to improve family relationship better adjustments in schools, So, all the programmes for the prevention of deviancy are to be directed not only to those who have already indulged in deviant behavior but also who have shown some tendency of deviancy in future due to personal and environmental operating against them. With the light of the above discussion the present study is entitled. “A Study of the Causal Factors Leading Juveniles to be in Conflict with the Law in Tamil Nadu: Sociological Perspective”

**Objectives of the study**

1. To identify the insights about the personal and family background of the juveniles in under the conflict with the law in Tamil Nadu.
2. To explore the nature of offences and charges committed by juveniles such as offence against person, property, etc.,
3. To analyse the role of family and other agencies for the cause of juveniles who are charged committing the offence.
4. To find out the institutional life of the juveniles and their opinion on the services provided in the institutions for their care and rehabilitation

**Area of the study**

The area of study is covered the eight observation homes and one special home located in the State of Tamil Nadu.

**Pilot Study**

After selecting the homes for an in-depth study, the researcher went to Madurai government observation home for getting preliminary information towards the personal and family background, nature of offences and charges. Role of family and other agencies for the cause of juveniles who are charged offence and their life experience in institutional care and rehabilitation programmes. During that period observations and informal discussions with different age group up to 18 years old children come in under the conflict with the law in the home were done. This field visit helped the researcher in formulating the structured interview schedule properly.

**Sampling**

All the 8 observation homes and 1 special home in TamilNadu were selected for present study and all the children were selected for interview, numbering 148 were considered, at the time of investigation. The study was conducted by census method. Home wise distribution of the respondents given below the table.
Table - 3.2

Observation home wise distribution of the respondents

<table>
<thead>
<tr>
<th>Sl No</th>
<th>Place of Home</th>
<th>Number of Respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Chennai</td>
<td>26</td>
<td>17.5</td>
</tr>
<tr>
<td>2.</td>
<td>Cuddalore</td>
<td>14</td>
<td>9.5</td>
</tr>
<tr>
<td>3.</td>
<td>Salem</td>
<td>21</td>
<td>14.2</td>
</tr>
<tr>
<td>4.</td>
<td>Coimbatore</td>
<td>8</td>
<td>5.5</td>
</tr>
<tr>
<td>5.</td>
<td>Thanjavur</td>
<td>4</td>
<td>2.8</td>
</tr>
<tr>
<td>6.</td>
<td>Tiruchirapalli</td>
<td>7</td>
<td>4.7</td>
</tr>
<tr>
<td>7.</td>
<td>Madurai</td>
<td>32</td>
<td>21.6</td>
</tr>
<tr>
<td>8.</td>
<td>Tirunelveli</td>
<td>19</td>
<td>12.8</td>
</tr>
<tr>
<td>9.</td>
<td>Chengalpet Social home</td>
<td>17</td>
<td>11.4</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>148</strong></td>
<td><strong>100 %</strong></td>
</tr>
</tbody>
</table>

Tool for data collection

The structured interview schedule was used for collecting primary data.

Sources of secondary sources

The secondary data were collected from books, journals, website and appropriate places where the data is related to the Juvenile in conflict with the law.

Primary sources

Primary data were collected directly from the respondents through structured interview schedule and observation method.

Tools of data collection

A structured interview schedule was preferred for collecting primary data from the respondents through personal interview by the researcher.

Analysis of data

The data analysis with the computer assisted package named SPSS package.

Limitations

In this study the researcher had faced some difficulties during the initial stage of the project. No prior permission provided by staff of all the observation homes to meet the children who have charges with in committed the offence against person and property. Hence, the researcher went to meet the Commissioner of
Social Defense to collect data from eight observation homes and one special home for interview from the children detained in above said institutions.

**Chapterisation**

The introductory chapter covers the meaning, significance, theoretical and legal explanation of the juvenile in conflict with the law.

The second chapter presents the review of various studies based on juvenile delinquency. The third chapter explains the methodology adopted for this study.

The fourth chapter discusses the personal and family background of the juveniles. The fifth chapter explores the nature of offences and charged committed by juveniles.

The sixth chapter to analyses the role of family and other agencies for cause of juvenile charges with in conflict with the law. The final chapter finds out the life experience in institutional care and rehabilitation for juveniles.

The last chapter describes the major findings, conclusion and suggestions.

**Major Findings and Conclusion**

The identification and analysis of the variables relevant to the Causal factors leading Juveniles to be in conflict with the Law in Tamil Nadu had brought out several realities prevailing in the Homes. The result of the analysis is presented in four chapters as socio-economic background of the Juveniles, Nature of offences and charges, with committed by the Juveniles, The role of families and other agencies for cause of Juveniles charged to have involved the offence and, Life experience in Institutional care and rehabilitation for Juveniles.

It is found out from the analysis a vast majority (97.4 percent) of the respondents belongs to 16-18 years are male children. While female children is very low (2.7 percent) among them, only one girl child belong to 11-15 age group and 3 belong to 16-18 age group.

When compare to educational status with place of residence of the respondents was analyzed, it was found that there were out of the total 6.1 percent of the respondents are illiterates, among them 55.6 percent of the respondents
belongs to rural areas as their areas of residence and 44.4 percent of the illiterates are from urban areas. Among the children who have attained education level up to primary schooling, mostly 71.1 percent of them belong to urban areas followed by 28.3 percent in the rural areas.

Family structure plays a vital role in the behavior formation of the child. The data reveals that the majority of the respondents (61.9 percent) hailed from nuclear who have families, are below 4 members and 37.4 percent of the children’s families have 5-7 members, in their family. On the other hand, 50 percent of the respondents hailed from families of 5-7 members or above 8 members. So it may be concluded that majority of the respondents belong to nuclear families who have below 4 members available in their family. It is clear from the study that nuclear families are more conducive to deviant behaviour formation among the children.

The relationship between caste and nature of offences and charges committed by the children shows that among the children of scheduled castes, 63.9 percent are charges under the offences like theft, assault cases (19.4 percent), murder/ attempt to murder (8.3 percent), rape/attempt to rape cases (5.6 percent) and dacoity (2.8 percent). The children from backward castes are expressed that involved in the theft cases (50 percent), murder/ attempt to murder (20 percent), assault cases (12.5 percent), rape/ attempt to rape (10 percent) and dacoit (5 percent).

The relationship of education with nature of offences and charged with, committed by respondents reveals that among the illiterates children who are charges for involved in murder are 11.1 percent, charges under theft cases are more common (77.8 percent), followed by sex offences like rape and attempt to rape (11.1 percent), among the children who have attained education level up to primary schooling, normally (6.5 percent) they have charges for involved in murder (or) attempt to murder, mostly 71.7 percent are registered under the theft cases, followed by sex offences like rape or attempt or attempt to rape (4.3 percent) and 15.2 percent have alleged to committed the offences under the dacoity.
Analyzing the relationship between the place of residence and drinking habits of the respondents reveals that majority of them are having drinking habits, belong to urban areas. The relationship of family income with the drinking habits among the respondents reveals that majority of them having drinking habits belong to the high level income category.

When analyzing the use of drugs and Alcohol nearly one third (32.4 percent) of the respondents are subjected to the use of drugs and alcohol. Another 18.2 percent of the respondents involved in theft i.e. stealing of small things from stalls, neighbour houses, work place and public places before came to the home. 6.8 percent of respondents have mostly watch film and pornographic literature.

Analyzing the respondent’s opinion about whether regular food and basic amenities were provided by their parents/ guardian, it is found that most of the children, who were charged under the cases of theft, were driven by poverty and lack of basic amenities. So the children were may be involved in small offences like theft for fulfillment of their food and basic amenities.

When assessing the academic performance of the respondents those who are school going children before came to the home, Out of the total 40 (27 percent) respondents are school goers before came to the home, among them 17 (11.5 percent) respondents’ academic performance was good, while 19 (12.8 percent) children were normal performers and only 4 (2.7 percent) respondents had poor performance in their education when schooling.

Analyzing the satisfaction of respondents towards the vocational training provided in the home reveals that 78 percent of the respondents were satisfied with the vocational training given by the trained staff in the institution and also collaborated to work with Non-Governmental Organizations. NGOs’ services for children detained in home for charges with offences are the important components of correctional treatment. It is clear from the study a vast majority (52.7 percent) of the respondents are happy towards all the treatments and services provided by the NGOs’ visit to the home. While 34.5 percent of the respondents responses are very
happy towards services provided by them. Only 5.4 percent had a miserable attitude towards NGOs’ services.

The relationship between the respondents’ educational status and their future planning after being released from the institutional care reveals that majority of them who have completed only primary level of education have decided to continue their child labour work at construction and household sectors. Another majority of the respondents who have attained secondary, matriculation or degree level decided to continue with their schooling.

**Conclusion**

The main factors responsible for this kind of deviant behavior on the part of children are restrictive family type, poverty, broken homes, peer influence, uncongenial family environment, unsupervised by their parents, low level of education, drinking habits, smoking habits and immorality etc. The study concludes that among the respondents a vast majority of them are male while female children are very low among them. As far as economic condition of parents of the respondents is concerned sizeable number of them came from poor economic condition of their parents (or) family. When analyzing the relationship between age group and the nature of offences and charges committed by the respondent shows that a vast majority of them is among the age group of 11-15 years and have been booked under the case of theft and also majority of the respondents were belonging to 16-18 years have been indulged in theft. All the male children belonging to 16-18 years have been booked under the case of murder (or) attempt to murder and another group of them also has been indulged in rape (or) attempt to rape cases.

The basic reason for charges with commit the offence by the respondents indicates that more than one-third of them involved due to self-interest. Less than one-third of the children have expressed that they have involved in anti-social activities for economic benefits. Nearly one third of the respondents are subjected to the use of drugs and alcohol. The inference drawn from the analysis is that a vast majority of the respondent’s opine that their parent’s/guardian’s attitude towards the respondents and their siblings are equal. The analysis reveals that over whelming
majority of the respondents expressed favorable opinion about the food and basic amenities provided by the home. This study also concluded that a vast majority of the respondents have satisfied with the vocational training and various services given by the trained staff in the institution and also collaborated to work with NGO’s. This study finds that majority of the respondents who have attained secondary, matriculation or degree level decided to continue with their schooling. While a vast majority of the rural children like to be continuing their education at the same time most of the urban children expressed their to continue as child labourers.

**Suggestions**

1. Training should be given to the parents who are not able to adjust with their children’s behavior, by the family counsellors
2. Create the awareness about the moral education and behavioral changes among the school children by the school teachers, NGO’s, counsellors
3. Creating and inspiring team work of private and public agencies to prevent the increasing delinquency
4. Giving preparatory training to the members and staff of all organizations concerned with delinquency control.
5. Establishing child guidance clinics to give appropriate treatment to the disturbed and maladjusted children in schools and all local areas especially rural and slum areas.
6. Counselling centre in every school should be established for early detection and care of the problematic children in the school
7. General awareness programmes should be launched for educating the family to motivate the children in developmental activities.
8. Proper healthy recreational facilities should be provided in rural areas and slums so that the children may channelize their energies in the right directions and neutralize the criminal tendencies.
9. Giving proper assistance to underprivileged children to build them with good character.

10. Improving the social environment – slum areas, devoid of gambling centers to prevent children from getting polluted.

11. Special police force can be introduced in every district to deal with juvenile in conflict with law.

12. Government and NGO’s should motivate the religious priests to regularly visit the every home, which has dealt children in conflict with the law.

13. Parents should pay sincere attention to children in order to know everything about them, especially their concentration about the new media (Internet mobile phone, pornographic literature, face book, etc.

14. Media organization should be more aware on promoting children based programme especially developing moral education.

15. Censorship also need to scan out the unwanted scene/ sequence in children programmes and others.

16. Advertisements and advertisement agencies should take special note on delivering a product in a proper way to attract the children not to make them violent.

17. Academicians especially Sociologists, Criminologists and Students are needs to give special attention to study and research dealt with juvenile in conflict with the law for preventing delinquent behaviour among the children.

18. Government and legal expert should may possibility to amended the age limitation of juveniles from 18 to 16, because most of the heinous offences like murder and rape also committed by 16-18 age category.

19. The government must provide all the facilities to the discharged children for their socio-economic rehabilitation for they may be provided the reservation in government jobs and loan facilities for self employment.