

# “ANALYSIS OF JUVENILE DELIQUENCY IN NIGERIA AND INDIA IN A COMPARATIVE PERSPECTIVE”

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## Abstract

Many children in Nigeria face a life of poverty, family instability, inadequate educational opportunities and poor physical and mental health which hinder their ability to develop into healthy adults, live an improved quality of life or fulfil their life aspirations. These factors have also been associated with juvenile delinquency and need for institutional care.

## Introduction

Nigeria is the most populous sub-Saharan country with a predominantly youthful population of less than 15 years of age. However, many of its children face a life of inadequate educational opportunities, poor physical and mental health. In spite of the enormous natural endowment of the country, development has been slow due to poor public management, and serious crisis of governance resulting in decaying infrastructure, stagnant economy, corruption and widespread poverty. A life of want, family instability, exposure to physical, sexual and emotional abuse has been associated with delinquent behaviour among children, and so a large number of Nigerian children are expected to be involved with the juvenile justice system.

The Children and Young Persons Act II is the major piece of legislation dealing with matters affecting children and young persons in Nigeria. Its stated purpose is “to make provision for the welfare of the young, and the treatment of young offenders and for the establishment of juvenile courts”. Under the terms of the children and young persons law (CYPL), there are three categories of children who may become involved with the juvenile justice system: *children in conflict with the law* (those who have committed crimes similar to adult crimes), *children in need of care and protection* (those who have been abandoned or left destitute by their parents, or children of criminals, beggars or destitutes), and *children beyond parental control* (those brought to the attention of the authorities by their parents and are alleged to have engaged in minor criminal activity as well as truancy and running away from home).

Institutional care for juveniles in Nigeria could be in remand homes, approved schools or borstal institutions. Remand homes serve as detention/ custody sites (maximum of 3 months) for juveniles awaiting

trial, or disposal after a guilty verdict. Children in need of care and protection and children beyond parental control are also commonly kept in the remand home while a social inquiry report is being prepared. Approved schools are more permanent educational facilities for children in contact with juvenile justice where they are placed for at least 3 years, while Borstal institutions are specifically designated for the institutionalization of offenders and other categories of children between the ages of 16-21, for a period of about 5 years.

Studies on juvenile justice systems in Nigeria reveal that these facilities were established for the purpose of reformation, rehabilitation and reintegration of juveniles and as such facilities for vocational and formal educational instruction were put in place in order to realize these goals. These facilities however have undergone a marked deterioration since the 1980's due to lack of proper policy, legal and institutional frameworks, gross under funding, inadequate staff, and lack of necessary training facilities.

Children who enter the Nigerian juvenile justice system usually meet the police as their first point of contact. A study carried out on the treatment of Juveniles during arrest and detention by the police found that about two-thirds (66.5%) of the juveniles reported being verbally abused, physically assaulted (64.7%), and threatened with beating (68.5%). Only 13.7% reported being well fed in police cells; and 12.9% were provided with adequate materials for personal hygiene. Within the custodial institutions, the situation was only slightly better with a high proportion of juveniles reporting subjection to mental or psychological torture by threats of beating (45.9%), denial of food (30.0%) and long detentions (31.7%).

In spite of these reports, little attention had been paid to the psychological well being and eventual outcome of these children till date and they often lack access to mental health care. Moreover, recent studies suggest that about two thirds of youths involved with the juvenile justice system meet criteria for one or more psychiatric disorders, even after excluding conduct disorder. As an important step towards planning and providing mental health services for these children in Nigeria, the mental health needs of children and adolescents in a remand home facility in South West Nigeria were determined.

### **Observation**

This study was carried out in Ibadan, the largest traditional urban centre in Africa with an estimated population of two million. The Ibadan remand home is the only juvenile correctional facility located in the city and was established by the state government in 1955. It is located on an expanse of about four acres with one dormitory which is partitioned for males and females, a central administrative area which is attached to another building currently being renovated for use as a classroom, and 2 other bungalows that serve as living quarters for some of the staff members. The staff strength is made up of three wardens who are also social workers, 2 part time nurses and 3 supporting staff (one caterer, and two night guards). Meagre health services are provided by the nurses who work few hours between 8 – 4 pm on weekdays only. There is no provision for emergency services and the home lacks even a first-aid box.

This study was part of a mental health programme organized in partnership with a faith based organization to provide mental health services to children in this facility. Approval for the programme was granted by the Oyo state Ministry of women affairs, community development and social welfare. Visits were made on a monthly basis and all children living in the home at the first visit, plus new admissions over a one year period were interviewed. Parental consent was waived in accordance with the practice in other parts of the world in view of the difficulties envisaged in tracing the parents. However, individual consent was obtained from children above the age of 13 years. Participants were administered face-to-face interviews in a private area of the facility. All interviews were conducted by trained clinicians and lasted approximately 30-40 minutes.

### **Psychosocial needs**

Significant psychosocial needs were identified in all of the children. 54 children (96%) had problems with their primary support group before being brought to the remand home evident as separation from parents, family dysfunction/disruption, and abandonment. Seven children (12%) had been living on the streets for several months in the last one year before incarceration.

In addition, 9(15.2%) reported physical abuse before incarceration from caregivers, while 2 (3.5%) reported sexual abuse. All who reported sexual abuse were females. 26(45%) were not attending school at the time of being brought to the home and none had gone beyond secondary school education. Only 5(8%) of the children were currently attending school from the remand home, even though majority of them had been living there for over a year.

### **Psychopathology**

At the initial assessments, psychopathology was identified in 55 (97%) of the children. Anxious preoccupations and depressive symptomatology were the most common psychopathologies identified. Depressive symptoms (21.9% vs 17.9%), suicidal ideation (28% vs 21.4%) and attempts (12.5% vs 7.1%) were higher in males than females though not significantly. Suicidal ideations and attempts were significantly associated with depressive symptoms but not with any other type of psychopathology. [66.7% of children with current depressive symptoms also had suicidal ideation ( $\chi^2 = 13.88$   $p < 0.001$ ) while 50% of those with current depressive symptoms had attempted suicide ( $\chi^2 = 26.667$ ,  $p < 0.001$ )]. Conduct behavioural problems were present in 16.7% of those with depression.

### **Explanation**

This study shows that majority of the children in the Ibadan remand home have significant problems with their primary support, social and educational systems, as well as emotional, learning and behavioural problems. The first needs assessment carried out in this juvenile facility by Odejide & Toyé in 1976 (30 years ago) assessed 64 inmates categorized as offenders (54%), care or protection (34%) and beyond

parental control (7%) with a male to female ratio of 3.3:1. A similar study of 51 juveniles in a borstal remand centre in South West Nigeria found the commonest reason for admission as being beyond parental control (68.6%). Our present findings suggest that there are now more females involved in the Nigerian juvenile justice system and more children in need of care or protection which is not likely to be due to a decrease in the rate of crime in Nigeria. Possible explanations for this could be the widespread cultural beliefs, which encourage abandonment of children with mental disabilities, congenital abnormalities or epilepsy as our results show that about 10% of inmates had mental retardation while 8% suffered from epilepsy.

Another possible explanation for the high rates of children in need of care and protection could be the rapid migration from rural to urban areas which occurred in Nigeria between 1985 and 1993 when about 20% of the rural poor moved into urban areas which did not have provisions for them. The ensuing poverty and lack of social support may have led to the disintegration of families thus, producing more abandoned children. In addition, there are also indications that police officers who are usually the first point of contact for children who enter the Nigerian juvenile justice system, often falsify the ages of children in order to pass them off as adults so as to avoid adherence to the complex legal requirements for their disposal. This may also have pushed more child offenders into the regular adult criminal justice system.

The psychosocial needs of the inmates of the home identified in this study are similar to what was reported by Odejide and Teye (1976), who found that only 31.3% of children in the home had parents living happily together. The parents of the remaining children either frequently quarrelled were separated/divorced or dead. The situation seems to have deteriorated with only 15% of parents in this study being married. Likewise, in the 1976 study, less than a third (29.7%) were attending school and in the present study only about half (45%) were attending school before incarceration. Another study which looked at inmates in similar institutions from 15 Nigerian states, also found that only 37.4% were from monogamous homes, majority of parents (as in the present study) had unskilled or semiskilled jobs and only 41.5% attended school before incarceration. It is noteworthy, that a significant percentage of children in this study could not give their sociodemographic details. Possible reasons for this could be that some children were too young to remember such information correctly. Others may have been reluctant, fearful or deliberately refused to disclose information that could help in tracing their parents following different forms of abuse. The mental retardation observed in some of the children may also have contributed to this inability.

In recent years, several studies have focused on vulnerable children in Nigeria and these have been classified as orphans and street children. Apart from similarities in dysfunctional family backgrounds coupled with poverty and poor educational backgrounds, street children seem slightly different from the children in this study. Firstly, they are older (mean age of 18.4 years vs 11.8 years), have higher rates of substance abuse, (50 – 70% vs 5%), higher rates of conduct and oppositional problems such as school

truancy and suspension, stealing, lying and prostitution (35 – 50% vs 18%), and very low rates of stay in remand homes (9.4%). It is possible then that because these children are older, they are able to avoid the law and survive economically on the streets, but there is probably still some overlap between the two groups. Rates of psychopathology among children in the general population worldwide and in Africa have been estimated at 15 -20%. Incarcerated youths however are reported to have much higher rates (66% - 72%), probably due to a combination of risk factors such as poor parenting, parental marital failure, violence and low social class which compromise neural functioning needed for normal stress reactivity and self regulation. Maru et al, (2003) in Nairobi reported the crude psychiatric morbidity (CPM) rate in a Kenya juvenile court as 44.4% with conduct, mood and hyperkinetic disorders being most common. In this study, the rate was as high as 96.5%. Anxiety and Depressive symptoms which have been reported to be most common among incarcerated youth were also found to be most common in this study. Though higher rates of psychopathology have been reported among incarcerated female youths as compared to males, this study did not find a statistically significant difference between the sexes. The former studies however were carried out among samples of pure offenders with larger sample sizes, while this study had a more heterogeneous group and very small size. The risk of suicide is reported to be greater in incarcerated youths due to high rates of psychiatric disorder and trauma. Conditions associated with confinement such as separation from loved ones, crowding, sleeping in locked rooms, and solitary confinement further increase the risk for suicide. Suicide ideation was the 2<sup>nd</sup> most common psychopathology identified in this sample with a prevalence of 25.4%. This doubles the 6 month prevalence rate of 10% reported by Abram *et al*, (2008) among newly detained juveniles in Chicago. However, the lifetime prevalence of previous suicidal attempt (11%) reported in Abram's study is comparable with ours.

The high rates of psychopathology found among children in this study constitute important preliminary epidemiological data which could serve as a guide for health planners and policy makers. This is based on the fact that in a country like Nigeria where mental health resources are scarce and the limited mental health services are poorly organized children in institutions are likely to be last on the allocation list for resources. The major strengths of this study is that it provides preliminary data on the demographic profile, psychosocial needs, and types of psychopathology among incarcerated children in a developing African country in the 21st century. It also identifies them as another sub-group of vulnerable children. The study was however limited by the small sample size, thus making it difficult to generalize the findings.

### **In india**

As we all have understood, delinquency trend in India, like in global scenario as pointed out in earlier context, has been changing now-a-days. The passing of the Juvenile Justice (Care and Protection of Children) Act of 2015 is a land mark in the criminal Justice administration in India. Earlier, if a boy of below 16 years or girl of below 18 years commits an offence, he or she was called a juvenile delinquent. But

after commencement of J.J. Act of 2015 a boy of below 18 years or a girl of below 18 years commit an offence they shall be considered as juvenile in conflict with law, that is juvenile offender. Not only the conceptual framework for the word "delinquent" has changed, but also the size, pattern and the rate of the delinquency has also been changing. The number of the juvenile in conflict with law in India, that is juvenile delinquency as traditionally called, is decreasing in rural areas and in district places. The delinquency rate is also clearly finding downward swing in recent years. But at the capital places like Bangalore and other mega cities in India it is little increasing. But in Karnataka Delinquency rate is decreasing a bit. Not only in Karnataka in India but in larger context of the world too is delinquency rate decreasing due to various factors. By definition of the Act all those who are under 18 when committed a crime are called juvenile delinquent, being treated specially and separately as per the provision of JJ Act of 2015. 1

### 3.2 Juvenile Delinquency: A Global Phenomenon-

Juvenile Delinquency has become a cause of social concern all over the world. It is mentioned in the earlier sections that delinquency an universal phenomenon, in the sense that it is found in all human groups. Perhaps there is no society with having a pause as far as misbehavior or crime by individuals, more so among the younger ones that is children. The nature of human behavior is such that violation of standards of behavior or actions are sometimes hardly kept intact, in tune with that of norms, regulations, code of conduct, values etc. of the society. The problem of human misbehavior has been observed and felt throughout human world and at all levels of strata. However, the causation of delinquency, nature and extent of juvenile delinquency, genesis of delinquency, forms of delinquency and patterns of delinquency vary from time to time, place to place and well with in a community, society, region and national society etc. The dynamics of juvenile delinquency is very interesting to be considered for enquiry to understand analytically and to develop accounts about the changing pattern of behavior as well as misbehavior among people, more specifically among children which is a new development which has come about with the changing social, economic, political and cultural arrangements in human groups due to rapid industrialization and urbanization all most over the world. There are considerable variations in the socio- cultural, economic and psychological bases of causation of juvenile delinquency across the societies in the world. The economic growth trends as well as levels and the changing pattern of human behavior are quite observable. With the changing economic structure, as viewed in Marxian perspective, there would be change in the socio-cultural arrangements leading to inconsistent behavioral pattern among people during such transitional times. Changes in basic constitutional arrangements like in the family, are quite expected due to economic upheavals. Industrial way of life, that is industrialism, crept into the 20th century society in Europe and Northern America. The changes in their economy lead to changes in every way those societies had been obtained earlier. Though industrialism was not a sudden development, it emerged as a resultant effect of



mechanized production system due to scientific and technological innovations that were successfully followed in the western 2 societies. The overall changes in those societies could be seen in the rapid transitional growth of communities into the modern typical industrial- urban ones. To suit the ongoing changes, the regulative institutions like law, police, judicial administration also changed drastically. The laws governing deviant behavior among children as well as adults have also undergone a drastic change. The handling of misbehaving individuals has got developed into a highly civilized one and lot of changes to the existing laws have also been affected in this background. Infact the new conceptualization of "Juvenile in conflict with law" enacted recently in Indian legal system in place of the old concept of "juvenile delinquent" has been one such illustration for the sophistication of labeling misbehaving children which has been borrowed from the west. Misbehavior among Children has changed in its content, tenor, orientation, approach, method as well as in its handling too. A change in the family life has its direct impact on misbehavior among children. Lack of love and carelessness, growing phenomena of individualism at all levels of social life, loose neighborhood relations, association of bad guys increasing incidence of intolerance among children, impact of media like cinema, television etc., and access to arms and ammunitions have all in some permutation combination influence children in their behavioral aspects. What we have learnt from media these days is that the children getting in to easy way of life and for the purpose of which they force themselves to commit economic offences like shop lifting, pick pocketing, stealing goods from wherever and however possible. There is also increasing scale of sex offences among children which is a dangerous development in modern society. The girls getting into these kind of offences are becoming conspicuous Drug and alcohol have demoralized the children and adults who have been into them. In fact they are often starters in the long criminal career of children and adults. Emotional disturbance has often been manifested in their criminal tendencies. The psychological basis of crime has been very well documented in the context of different socio-cultural situations. Juvenile delinquency is a common problem every where. How societies conceptualize it is the thing which matters most for the fact that delinquent behavior is a defined behavior. Only when a child is defined delinquent he is delinquent, otherwise not.

### **Causes of Juvenile Delinquency in India**

As we have already learnt there is no single cause or simple explanation provided for the development of delinquent behavior. According to Healy and Bronner , the causes of juvenile delinquency are quite wide ranging covering from the (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: and (13) physical condition of all sorts. The factors of causation of juvenile delinquency could be broadly classified under two major head as (a) Social factors, and (b) Personal factors. The social factors of causation of juvenile delinquency are broken homes, poverty, delinquency area companions and gangs ,

beggary ,school learning dissatisfaction , films and pornographic literature, deep seated inner desires etc . The personal or individual factors of causation of delinquency among children are mental deficiency, emotional problems etc. The details are provided in following paragraphs. Broken Homes: British and American investigations reveal that nearly 50% of the delinquents come from broken homes. In one of the studies conducted by Uday Shankar in India only 13.3% of the 140 delinquents that he studied came f not only mother's love but also parental control and becomes an easy victim to the outside anti-societal influence. It cannot, however, be said that broken home invariably leads to delinquent behavior on the part of children. Poverty: A very large proportion of delinquent children come from poor homes. It is generally, although not accepted by professional students of juvenile delinquency, the vast majority of delinquents come from the lower class. They commit their offences as member of gangs. Uday Shankar's study has revealed that as many as 83% of the children come from poor families still it cannot be generalized that the children of the poor homes invariably become delinquents. Poverty compels sometimes both of the parents to be outside the home for a very long period to earn their daily bread. The children will be uncared for. Such children may consciously or unconsciously join hands with gangsters and become delinquents. This mostly happens in slum areas and areas in which mostly working class people live. Delinquency Areas: It is said that some areas are highly vulnerable to delinquent trends. Several studies have showed that there are certain underclass areas in metropolitan cities from where the majority of delinquent children come. The delinquents mostly come from the areas of poor housing, overcrowding and the areas in which cinema houses, hotels, night clubs, liquor shops are found in a large number. It is true that when a family is living in the central business districts or its adjacent locales in towns a cities the chance is greater for the children of such families to pick up delinquent behavior. It is to be noted here that not all the children living in the so called defined delinquent areas are delinquents. Companions and Gangs: As the child grows older he or she goes into the neighborhood and becomes a member of the playgroup or peer group. If by chance he joins the group or the gang that fosters delinquent attitudes he is also likely to become a delinquent. In fact much delinquency spring up from the prevalent attitudes in the groups within which the youth has immediate contacts. That is why it is maintained that "delinquency is a product of community forces". 5 In cities, particularly in slum areas, very peculiar social groups called 'gangs' are found. Generally the gangster is a playgroup. In the absence of playground facilities, the children will start playing in street and finally organize themselves into gangs. The gang has all the qualities of an in group such as loyalty, co-operation, social solidarity and unity. These gangs are found to be associated with crime in all its aspects like delinquency, rioting, corrupt politics, and so on. Children coming from poor families and broken families easily become the victims of gangs. Due to bad companionship also offences are committed by the adolescents. Studies have shown that delinquent acts are done in company. Several surveys have showed that there were hundreds and thousands of boys involved in crime. It is largely found that in most such surveys the crime committed was only in group of boys\girls of two or more. In Uday Shankar's study in



India about 23% of persons committed delinquent acts due to bad company. It cannot, however, be presumed that more companionship by itself causes delinquency. Beggary: Beggary is often the cause of juvenile delinquency. Child beggars mostly come from either very poor families or broken homes. These children are betrayed of the needed love and affection of the parents. They crave for the satisfaction of their inner impulses, desires and ambitions. They choose to become beggars for the same. As beggars they get annoyed to see others enjoying life. Some of them may even become rebels. They realize that only through deviant practices, they can satisfy their desires and meet their needs. They thus become delinquents. School Dissatisfaction. Some get dissatisfied with school life. Parental irresponsibility, unmanageable students-teacher ratio, lack of entertainment and sports facilities in schools, indifference of the teachers may all contribute to this. Such dissatisfied students become regular absentees in schools and start wandering in streets. They may even form gangs of their own and become gamblers, eve-teasers, pick-pocketers, drunkards, smokers and drug addicts. Films and Pornographic Literature has also added to the magnitude of delinquency. Cinema, television and obscene literature may often provoke sexual and other impulses in 6 adolescents. Hence they may start their 'adventure' in satisfying them and in the process of which they commit crimes. Deep-seated inner desires coupled with outside pressures, compulsions and temptations also contribute to juvenile delinquency. For example, on hearing the interesting narration of the illicit sex experience or such other criminal experience from one's gang mate, one may be tempted to follow the same. There are also personal factors such as mental deficiency and emotional disturbances which may also contribute to juvenile delinquency. It has been observed that good number of delinquents are mentally deficient have revealed that there is larger proportions of mentally defective in the juvenile delinquent group than among the normal children. The relationship between intelligence and delinquent behavior has been studied carefully. The average intelligence in a normal group of children is 100 (Intelligence Quotient). Some studies from Europe have shown that the average I.Q. of delinquent children is 85 while in an Indian study Uday Shankar found that it was 83. These and many other studies have revealed that the average intelligence of the juvenile delinquents is certainly lower than the average intelligence of the normal group of children of the same age. Such children are often used by the more intelligent children of the gang or the adults for their criminal purpose. Mental troubles and emotional maladjustments are strong factors in delinquency. Emotional problems of inferiority, jealousy and being thwarted are very common among the delinquent children. Healy and Bronner in the study of 143 delinquents found that 92% of the delinquent studied revealed emotional disturbance. It is reported that in America about two-thirds of juvenile delinquents suffer from emotional, personality and mental deviations. Thus from the psychological point of view "Delinquency is a rebellion and an expression of aggression which is aimed at destroying breaking down or changing the environment". This rebellion is mostly against the social conditions which deny the individual his basic rights and the satisfaction of his fundamental needs. Thus, delinquents are not born so, but they become so due to social circumstances and personal deficiencies. They are mostly maladjusted

person. 7 According to psychoanalytic view, the delinquent is an individual who is governed by the "pleasure principle". He wants to get immediate pleasure and immediate satisfaction for his needs. So he becomes a victim to his own impulses. He is neither able to control his impulses nor able to imagine to think the consequence of his action. It is also said that delinquent breakdown is an escape from emotional situation for some particular individuals with peculiar individual and family background. Some emotionally maladjusted children become delinquents to get the attention of their parents or as a protest against their treatment. Thus it may be said that juvenile delinquency is the result of both social or environmental and personal or individual factors of causation of it. The above mentioned factors of causation of delinquency have become common aspects in crime committed by the children in India. To treat such individuals committing delinquency, there are different methods adopted while the important ones are from preventive purpose. The other is rehabilitative nature. The details of these methods are discussed in brief in this chapter.

### **3.4 Remedies for Juvenile Delinquency –**

The problem of juvenile delinquency is one that has drawn the attention of Indian society also. It is known that the delinquent child today may turn out to be a chronic criminal tomorrow. Discussions, debates and studies have been made at the national as well as international levels by scholars to seek out effective remedy for this problem. Two methods have been suggested to deal with this problem: (A) preventive method, and (B) rehabilitative or curative method. In the former, factors leading to delinquency, delinquent children are to be helped to become normal citizens. In order to prevent juvenile delinquency from its occurrence the following measures have been suggested: V Creating and inspiring a team of work of private and public agencies devoted to preventive work. 8 V Giving proper training to the members and staff of all organizations concerned with delinquency control. V Establishing child guidance clinics to give appropriate treatment to the disturbed and mal-adjusted children. V Educating of the family so as to help the parents to realize the importance of giving proper attention to the needs of their young children. V Establishing wholesome recreational agencies to prevent young children from becoming the victims of illicit or unwholesome recreation. V Giving proper assistance to under-privileged children to build in them good character and law-abiding attitude. V Adopting various means of propaganda such as radio, movies, television, newspapers, magazines, etc., to realize the importance of law abidingness and how it is always appreciated and rewarded. V Improving the social environment -slum areas, busy market places, gambling centers, etc., to prevent children to get polluted. V Spotting potential delinquents by predictive tests in schools and giving appropriated treatment to such children. V The problem of beggary and poverty are to be removed or controlled and the general economic standards of the people must be increased to prevent children from becoming- delinquent due to economic exigencies. The children who become criminal for whatever reason better known and whatever conditions under which they committed crime need to be

rehabilitated. Punishment is no measure and legally too it is not allowed. A suitable way (s) in which they could be rehabilitated is thought of in this connection. The main purpose of the method of rehabilitation is neither to punish nor to take upon the delinquent. The intention behind this method is to help the delinquent children to get proper guidance and training so that they become normal children and never repeat delinquent acts. The measures taken for the prevention and treatment of juvenile delinquency in India after are briefly examined here: 9 There are several legal measures that have been thought of and brought to practice in India.

Various legislations have been made in India from time to time to deal with juvenile delinquency. Some of them are mentioned here. They are as presented in the following paragraphs.

(a) **Apprentices Act of 1850:** This Act has been the earliest step in India taken in the direction of preventing delinquency. The Act provides for the binding of children, both boys and girls, between the ages of 10 to 18 as apprentices. Orphans and poor children could take the benefit of this Act. Employers could take such children as apprentices with the intention of training them in some trade, craft or employment by which they gain a livelihood later. The father or guardian may bind a child above 10 and under 18 up to 21 years of age for a period not exceeding 7 years. A female child may be so bound until her marriage. The Act also dealt with children who committed petty offences.

(b) **Reformatory Schools Act of 1897:** This Act be considered a landmark in the history of treatment of delinquency in India. This Act is in force in almost all the states of India. Under this Act, courts were empowered to send for detention youthful male offenders to Reformatory school for a period of not more than three years. It could be extended to seven years depending each of delinquent case. No person may be detained in it after he attains the 18th year of age. In conformity with this Act the state Governments may establish and maintain Reformatory schools. Every school to must provide sanitary arrangements, water supply, food, clothing, bedding, industrial training and medical aid to the inmates. These Reformatory Schools are reported to have done useful work.

(c) **Provision in the Criminal Procedure Code:** Under Section 399 of the Criminal Procedure Code of India, convicted young offender below the age of 15 could be sent to Reformatory Schools established by the State Government. Section 562 of the Cr.P.C. also permitted discharge of certain convicted offenders on probation. It also permitted their release with advice. Under Section 82 of the Indian Penal Code ,children under seven cannot be held responsible for their criminal acts. Section 83 of the Code relaxes this age up to 12 under some conditions.

(d) **Children Acts:** During colonial rule in India, various provinces of India took interest in making some comprehensive laws in 1920 and afterwards to deal with delinquent children. Of these, children Acts

enacted by Madras in 1920 and followed by other States, are more important. The main provisions of children Act are as follows:

(1) No child under 14 years of age can be imprisoned under any circumstances and no young person between 14-16 years of age can be imprisoned unless he is certified to be an unruly person;

(2) Except in the case of grave offences any person arrested on a charge and is below 16, is required to be released or bailed. In any case such person could not be kept in jails;

(3) The child or youthful offender cannot be sentenced to death or imprisonment except under extraordinary conditions. Persons below 12 are to be sent to Junior Certified Schools and 12 to 16 Senior Certified Schools; and

(4) The court may discharge the person after due admonition, it may hand him over to his parents or guardians after taking a bond from them that they would be responsible for his good behavior for 12 months.

(5) **Juvenile Smoking Acts:** Some Acts to deal with the specific pattern of antisocial behavior among children have also been passed. Of these the juvenile Smoking Acts are in force in most of the states. This Act prohibits the sale of tobacco by children of below 16 years of age. Children of below 16 years age are not supposed to smoke in public places according to this Act (But these Acts were never enforced in any of the States)

(6) **Suppression of Immoral Traffic Acts** .These Acts are passed in order to protect young girls and to suppress prostitution. The Acts prohibit certain practices connected with prostitution such as soliciting in public places using residential premises for running brothels, forcibly detaining young women in brothels, etc. provisions are also made to protect girls from brothels or from moral danger.

(7) **Probation of Offenders Act.** Under these Acts Juvenile Courts can place the youthful offenders under the supervision of probation officers.

(8) **Borstal Schools Acts for Adolescents:** These acts were passed to give a special treatment for adolescent offenders, that is, offenders between 15 and 21 year of age. A Borstal School is a corrective institution and is one in which the offenders are subject to disciplinary and moral influences. These influences would help their reform.

### 3.5 Institutions to Rehabilitate Juvenile Delinquents

Preventive measure alone is not enough. Rehabilitative or reformatory measures are also needed to solve juvenile delinquency. Some of the institutions aimed at rehabilitating the juvenile delinquents are there in India which may be briefly examined here. Juvenile Courts: Juvenile Courts are established in order to treat

separately juvenile delinquents from other adult criminals. Juvenile Courts have their own building, judicial bench and other arrangements. Juvenile delinquents cannot be tried in ordinary courts. Whenever the juvenile courts are not there they could however be tried in other courts but on a separate day and at a fixed time so as to keep them separately from other adult criminals. Juvenile offenders cannot be chained and they cannot be produced to the courts by the police in their uniform. No advocates are needed to plead for them. The main intention behind this special treatment is to create positive feelings in the minds of juveniles. Remand Homes (Observation Homes): When a child is arrested under the Act, he is produced before the magistrate within 24 hours and kept in Remand Home till the case is investigated. The child is kept in Remand Home until the final disposal of the case. Sometimes person convicted are sent to Remand Homes for a few days and released later. These homes are mostly managed by private Welfare agencies with the governmental assistance. 12 Certified Schools: Certified Schools are established mainly to give some general education and technical training to the children. Here the children are sent for long-term treatment. They are run by voluntary bodies or local authorities with the financial assistance of the government and the public.

There are two types of schools: (i) junior Schools for boys under 12, and (ii) Senior Schools for boys under 16. The children are confined here about 2 to 3 years. They school authorities can also make early discharge. After their release they are put under the charge of a Welfare or probation officer who watches their activities. Auxiliary Homes: These Auxiliary Homes are attached to Certified Schools just like remand homes. Here the convicted delinquents are kept for some time and studied by a social worker. Later on they are sent to certified schools depending upon and attitude of the young offender. Foster Homes. Foster Homes are mostly run by the voluntary agencies and the government gives grants to. They are specially created for delinquent children under 19 who cannot be sent to approved or certified schools. Reformatory Schools: In states where are no Children Acts, Reformatory Schools are established. They are meant for the education and vocational training of delinquent children. The young convicted offenders below 15 years are detained here for 3 to 7 years. The delinquents are removed from bad social environments through these schools. Borstal Institutions: Under Borstal system special treatment is provided for adolescent offenders between the ages of 15 to 21 years.

Borstal institutions are of two types : (i) open type and (ii) closed type. Open institution is a camp in the open country with no surrounding wall. Closed institution is a converted prison building in which maximum security is given to inmates. Though it is called 'closed' institution most of its activities meant for children are carried on outside the building. Young offenders are very often sent to Borstal institution for rehabilitation rather than kept under imprisonment. The term of Borstal is 2 to 3 years and in any case it should not exceed 5 years. If the offenders are found to be unruly and incorrigible they are sent to jails. Separate arrangement is there to give training to boys and girls. The training, physical exercises and

education that are given here are very tough so as to prevent the inmates from committing offences again. Fit Person Institutions and uncared children institutions: These are the two non-government institutions managed by private bodies and philanthropists. These institutions give refuge and protection to the destitute, neglected children, children in the predelinquent stage, and to the delinquent children. Such children and their activities are supervised by the appointed officers. In the backdrop of this understanding of the general causative factors of juvenile delinquency legal frameworks and methods and approaches for treatment of young offenders in India, we shall move on to know and understand the trends and patterns of juvenile delinquency in India as well as in Karnataka in the following sections . 3.6 Trends of juvenile delinquency in India-

India has been a very traditional society where informal means of control have worked very well in regulating behavior of people of all ages, caste, sex and other typological categories. The customs, traditions, mores, values, norms developed and adhered to locally as well as universally in Indian society by people across groups and places have all had helped maintain low crime and delinquency incidence for generation and centuries. Religion played a vital role as an agent of social control. There were no formal rules and regulations, police, court until the advent of British Rule in India. However, the kind of informal surveillance system that was developed and sustained served society in a better way for generations and centuries. The community level juridical system contributed its might in regulating human conduct locally and helped maintain order. Industrialization, urbanization, modernization, growth of population, dwindling natural resources, have all lead to a kind of new situation where some sections started getting deprived of basic facilities to settle down and experience better living arrangements. This leads to a kind of expression on their part by deviating the expected 14 informal standards of behavior has got developed in the recent past. The inter-cultural, social, economic, religious and political variation in different areas had never helped in evolving uniform codes of conduct for people to observe in different social situations. As such there were not clear standards of behavior developed by state or society and while they are kept violated by one or the other sections for one or the other reasons. Juvenile delinquency, like crime, is socially defined, culturally interpreted, economically measured and politically punished. This in the sense that different dimensions of it needs to be taken into account while it being empirically investigated. We are trying to consider at the national level as to what has happened and happening now as far as human conduct is concerned. Particularly with the persons up to the age of 18 years who are in legal as well as social considerations are children or juveniles. As children they are supposed to be under strict control of parents , relatives , neighborhood, community, etc. but where situations encourages and warrants they turned to be violating standards of behavior as fixed by the community/ society leading to be called juvenile delinquents within the ambit of legal frameworks . In the present analysis only those children who are defined delinquents in the eyes of legal standards are taken into account. Possibly there could be many whose delinquent behavior may not have been brought under the legal provisions and recorded by the authority or agencies of the state



either intentionally or unintentionally. Possibly there could be lot of violations of standards of behavior carried out by children in villages and other unnoticeable areas which goes without being recorded. For this reason, the facts and figures that are made available through the records of the state agencies are limited but in a way provide a basis for our understanding the nature, extent and variations in the context of changing residential and regional and sub regional situations. In the present inquiry, an attempt is made to take in to considerations of the statistical details recorded by the state agencies regarding the crime incidences conducted by children which serve a basis for understanding the trends and patterns of delinquent behavior in our society. In the beginning, we shall take into consideration of the statistical details regarding the various types of crimes committed by the children in different state areas in 15 India in the beginning of 21st century. i.e. the year 2001 -2002. The details have been culled out from the statistical abstracts 2002 of the Ministry of Statistics and Programme Implementation Government of India.

### Conclusion

The findings from this study serve as a renewed call for developing African countries to urgently address the economic and social empowerment of families, eradicate poverty, and provide free, compulsory quality education and health care services for children. Mass public enlightenment programmes in areas such as family values, child discipline and parental skills need to be invested in, and the laws protecting children need to be reviewed and implemented so that children's rights are protected both within the family and whenever they may come into contact with the law.

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