

41st ALL INDIA CRIMINOLOGY CONFERENCE PROCEEDINGS

**PREVENTION OF CRIME AND
CONTROL STRATEGIES IN CONTEMPORARY
WORLD & WAY FORWARD...**

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Prevention of Crime and Control Strategies in Contemporary World & Way Forward...

**A STUDY ON CAUSAL FACTORS INFLUENCE OF JUVENILE IN
CONFLICT WITH THE LAW IN TAMILNADU: ISSUES AND
PREVENTION MECHANISM**

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Introduction

Children are the foundation on which the dynamic and vibrant future of a nation to build. They are the greatest assets of the nation. Today children are the citizen of tomorrow. The delicate mind of a child can easily be molded and to a vulnerability towards criminal activities. This has now turned out to be most debatable issues for the civilized society. Delinquency and juveniles both these terms constitute to form the most important subject matter of criminology. (B.B.Pande, 2017). Prevalence of juvenile in conflict with the law not only ever increasing in India but also these problems widespread common issues in Tamilnadu. It necessitates to find out the root cause of the juvenile involving criminal activities particularly juveniles who are involving the heinous crimes such as rape, murder, and other serious offenses. Apart from that, Prevention mechanism can be ensured by taking cautious action in terms of individual and environmental adjustments and aftercare and rehabilitation services are one of the essential duty of the state and the whole community. (DarshanKumar, 2003)

Definition of Juvenile Delinquency

The Oxford dictionary explains a juvenile delinquent as "a person below the legal age of (criminal) responsibility and above a certain minimum age, who is held punishable for breaking the law"

The Encyclopedia of 'Crime and Justice' (1983) defines Juvenile delinquency as such conduct by children which is either volatile of the prohibition of the criminal laws or is otherwise regarded as deviant and inappropriate. (Shipra Lavania, 1993)

In India, Juvenile Justice Act of 1986 was enacted as model legislation to provide the uniform definition in the country in respect of juvenile delinquents. It was amended in 2000 named by Juvenile Justice (Care and Protection of Children) Act, 2000 and the further amendment of the Act was on 2006 with a vision to adopting a child-friendly approach in the negotiation and disposition of matters in the best interests of children and for their rehabilitation and overall development. (N.V. Paranjape, 2011).

Juvenile Justice Care & Protection of Children) Act, 2015

Some notable summary of the JJ Act 2015 are given below/- The bill will allow a Juvenile Justice Board, which would include psychologists and sociologists, to decide whether a juvenile involved in criminal activities in the age group of 16-18 should be tried as an adult or not. While the possibility of children between the ages of 16 and 18 years being tried as adults for heinous offenses has arisen. This means that a distinct set of reform and rehabilitation measures will have to be taken for such children. (The Gazette of India, 2016, Ministry of Child and Women Development).

Juvenile Justice (Care and Protection of Children) Module rules, 2016

These module rules give some guidelines to the Juvenile Justice System deals with juveniles comes under conflict with the law. Here is that rules are the prevention of children from conflict with the law. Such as "Individual Care Plan" is an all-inclusive development plan for a child based on age and gender-specific needs and case history of the child, prepared in consultation with the child, in order to renovate the child's self-esteem, dignity and self-worth and nurture him into a responsible citizen and consequently the plan shall discourse the following, including but not inadequate to, desires of a child, namely:- (a) health and nutrition needs, including any special needs; (b) emotional and psychological needs; (c) educational and training needs; (d) leisure, creativity and play; (e) protection from all kinds of abuse, neglect and maltreatment; (f) restoration and follow up; (g) social mainstreaming; (h) life skill training and etc.

There are two categories of home: functioning under the Juvenile Justice system in TamilNadu

(1) Observation homes and (2) Special homes

(a) **Observation homes** are meant for temporary reception of juveniles who are alleged to have come in conflict with the law. Section 8 of JJ Act, 2000, provides for establishment and maintenance of observation homes in every district or in the group of districts, such homes house the juveniles during the pendency of any inquiry. There are eight observation homes in Tamil Nadu at present.

(b) **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 functions for rehabilitation of juveniles in conflict with the law. There are 2 special homes in Tamil Nadu.

This present paper entitled A Study on Causal Factors influence of Juvenile in Conflict with the Law in TamilNadu: Issues and Prevention Mechanism is an outcome of a study conducted on the conditions of juveniles detained in eight observation homes in the cities of Chennai, Cuddalore, Coimbatore, Thanjavur, Salem, Madurai, Trichy, and Tirunelveli. At the time of the study, altogether 148 children have selected census method.

Research Design

The design structured for this study is descriptive.

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 viz. 1. Chennai, 2.Tirunelveli, 3.Thanjavur, 4.Tiruchirapalli, 5.Salem, 6.Cuddalore, 7.Madurai, 8.Coimbatore and one special home situated at Chengalpet.

Objectives of the Study

1. To find out the insights about the personal and family background of the juveniles
2. To investigate the nature of offenses and charges committed by juveniles such as offense against person, property, etc.,
3. To analyze the role of family and other agencies for the cause of juveniles who are charged committing the offense.
4. To know the institutional life experience of the juveniles

Sampling

All the eight observation homes and one special home in Tamilnadu were selected for present study and all the children were selected for an interview, numbering 148 were considered. The study was conducted by the census method.

Tool of Data Collection

The structured interview schedule was preferred for collecting primary data. The secondary data were collected from different sources such as books, journals, documents, etc

Analysis of Data

The quantitative data collected from the respondents through interview schedule were applied in the SPSS software package. The data were then codified and processed by the SPSS package.

Duration of the Study

The period of study for data collection was done from March 2013 to September 2013.

Major Findings and Discussions

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

The data conceals that the majority of the juveniles (61.9 percent) hailed from nuclear families, and 37.4 percent of the children's from the joint family system. It is clear from the study that nuclear families are more conducive to deviant behavior formation among the children.

Religion also plays important role in shaping the behavior of the individual. A majority of the children (79.7 percent) belong to Hindu religion, 10.8 percent of them came from Christian religion and a little number of children (only 9.5 percent) belongs to Muslims.

Caste-wise analysis of the respondents shows that majority of them belong to most backward class (30.4 percent) followed by backward class (27 percent) and remaining 24.3 belong to scheduled caste and 18.2 percent of juveniles belong to other caste categories.

A vast majority (64.2 percent) of the children who have been charges with committed the offenses came from families having of both parents (Father and Mother). 17.6 percent of them were brought up by their mother, while 10.8 percent of the respondents were brought up by their fathers.

A vast majority (56.1 percent) of the respondents are living with their both parents (Father and Mother), who shared a cordial connection between them before the children were kept to the homes; only 8.1 percent of the respondent's parents were separated. Remaining 35.8 percent of the juvenile is not applicable to the above data, because they had either lost one or both of their parents.

Nearly 70 percent of the juveniles are the wards of wage earners. 11 respondents have lost their parents and these children are grown up in children homes and do household work in the homes of wealthy people.

Forty-two percent of the respondents came from the poor economic background. Around 47 percent of the juveniles belong to the normal economic condition of their family and also only 5.4 percent of the juvenile came from the rich background.

When analyzing the relationship between age group and the nature of offenses shows that vast majorities (86.7 percent) of the juveniles is among the age group of 11-15 years and have been booked under the case of theft. Nearly 60 percent of the children were belonging to 16-18 years have been indulged in the theft. All the (15 numbers) male children belonging to 16-18 years have been booked under the case of murder (or) attempt to murder cases.

The relationship between the place of residence and nature of offenses committed by the juveniles clearly portrays that the respondents from rural areas are charged for involving in offenses like murder (10.9 percent), most (64.1 percent) of the children have been charged with for the offence of stealing, sex offences like rape (7.8 percent), assault (12.5 percent).

The relationship between the place of residence and nature of offenses and charges with committed by the juveniles evidently represents that the children from rural areas are charged for involving in offenses like murder (10.9 percent), most (64.1 percent) of the children have been charged with for the offence of stealing, sex offences like rape (7.8 percent), assault (12.5 percent).

The study clearly indicates that majority of the juveniles have been booked under the theft and all the male children that belong to 16-18 years have been charged under murder and rape cases.

When analyzing the use of drugs and Alcohol nearly one third (32.4 percent) of the juveniles are subjected to the use of drugs and alcohol.

It is found from the study that a vast majority (47.3 percent) of the respondents mostly watched violent movies followed by 37.2 percent of them watching normal programmes i.e. love and affection movies and only 6.1 percent have mostly seen blue films and read pornographic literature, this group of children who were being charged with for involving in sex offenses i.e. rape, attempt to rape and molestation.

Out of the total 40 (27 percent) 254 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) children had poor performance in their education when schooling.

The relationship between age group and drinking habits of the juveniles reveals that majority of them who are having drinking habits belong to the age group of 16-18.

The relationship between educational status and having drinking habits of the juveniles reveals that majority of the children completed primary level education has mostly had drinking habits. While a majority of the children do not have drinking habits have also attained matriculation level and diploma/ degree level.

Analyzing the relationship between the place of residence and drinking habits of the juveniles reveals that the majority of them are having drinking habits, belong to urban areas.

The relationship of children's family income with the drinking habits among the respondents reveals that the majority of them having drinking habits belong to the high-level income category.

The age group and smoking habits of the juveniles reveal that majority of them having smoking habits are belonging to the age group of 16-18.

The relationship between the age group of the juveniles and their attitude towards parental supervision of their activities before coming to the home reveals that majority of the children belong to the age group of 16-18, then age category of 11-15 reported that their parents regularly supervised their every activity.

When analyzing the relationship between a size of the family of juveniles and the parental supervision of their regular activities reveals that majority of them belong to small size family i.e. below 4 members reported that their parents regularly supervised/watched their routine activities.

The analysis reveals that overwhelming majority (93.2 percent) of the juveniles articulated favorable opinion about the food and basic amenities provided by the home.

A concerned majority of the juveniles have companions with same age category of peer groups inside the correctional institution. And a vast majority of (44.6 percent) juveniles pass their leisure time in playing with the fellow mates. Other 37.8 percent of the respondents used to watch the TV and listening to the radio during their leisure time. While 11.5 percent of the children read books.

Analyzing the satisfaction of juveniles towards the vocational training provided in the home reveals that 78 percent of the juveniles were satisfied with the vocational training given by the trained staff in the institution and also collaborated to work with Non-Governmental Organizations

Regarding the satisfaction of counseling given by religious priest reveals that 91.9 percent of the juveniles reported that religious priests visited the institution for counseling and psychological treatment to the children for their behavior modification and rehabilitation. It is clear from the study that the majority of the children reported that religious priests visit the home which is helpful to the growth and adaptation of mental behavior and attitude.

NGOs' services for children stayed in the home for charges with offenses are the important mechanisms of correctional treatment. It is clear from the study a vast majority (52.7 percent) of the juveniles are happy towards all the treatments and services provided by the NGOs' visit to the home. While 34.5 percent of the juveniles responses are very happy with the services provided by them. Only 5.4 percent had a miserable attitude towards NGOs' services.

Analyzing the parents/guardian visit to the home reveals that majority (66.2 percent) of juvenile's parents/ guardian paid visit to the home. But one third (33.8 percent) of the juvenile's parents/ guardian never paid the visit to the home. It is clear from the discussion that parent/ guardians having an indifferent attitude towards children are disadvantageous in the treatment, hence,

parents/ guardian should be informed by the home to interact freely/ regularly with their children and staff members for the effective treatment. It is clear from the discussion that majority of the juveniles are below 1 month for the stay in the institutional care who belonged to the age group of 16-18, while most of the juveniles have above 3 months of stay in the home who belonged to age group of 11-15. As far as educational status is concerned the majority of the children who had completed secondary level of education have less than 1 month of detainment in the institutional care. The relationship between children's native place of residence and period of apprehension in the institutional care for the offense committed by them reveals that majority of the rural children are charged with involvement in the less serious offenses like theft, while urban children also have charged for serious offenses like murder and rape etc.

This proves that they have realized their deviant activities. And there was no important relationship between juveniles educational background and home experience because most of the children felt that life was miserable in the home.

The age group and future planning of the respondents after being released from the home reveal that majority of the juveniles who came from the age group of 11-15, expressed their interest in continuing their schooling. While another majority of the children belong to the age group of 16-18 said that they have to continue labor work in various fields. So it may be concluded from the above analysis that majority of the respondents coming from the age group of 11-15, have regretted their anti-social activities. While there were changes from the juveniles of the 16-18 age group.

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

Conclusion

Juvenile in conflict with the law is one of the numerous forms of personal disorganization or deviation, which is the result of extraordinary complex contact of child and his social environment. The problem of juvenile delinquency has prolonged the mechanisms of supervision. Given the velocity of the problem, punitive measures or legal interventions alone will not serve the purpose. The main factors responsible for this kind of deviant behavior on the part of children are the restrictive family type, poverty, broken homes, the negative impact of peer group influence, unpleasant family environment, lack of parental care, low level of education, drinking habits, smoking habits, and immorality etc. These factors also play a significant role in determining the gravity of the problem which varies from individual to individual and from one place to another. Therefore, it needs an in-depth study so as to suggest suitable preventive mechanisms should be adopted for the prevalence of non-confirmative behavior among the younger generation. In the civilized society in advanced developed countries, children are protected from structured laws and strategies and moreover some control mechanism such as state-level stakeholders to protect mainstream children. This study has been concluded and also found the various issues related to children in conflict with the law and to find the availability of protective mechanism within the community. The government, NGOs, academicians, doctors, social activists, and media organizations should be effective participation to control juvenile crimes.

Basic suggestions for the prevention of delinquency and better adjustments with children by the Parents, the State, Public and like NGO's'

1. Preparatory training should be given to the parents who are not able to adjust with their children's behavior, by the family counselors'
2. Generate the probable awareness about the moral education and behavioral changes among the school children by the school teachers, NGO's, counselors. (Our Former Chief Minister of Tamilnadu Selvi J.Jeyalalitha, was announced the allocated fund for moral instruction

- classes to be conducted for pre-school children at Anganwadi centers, it makes them will be a better citizen in the future society. (Indian Express News dated on 21.09.2013).
3. Establishing child guidance health center to give suitable treatment to the problematic and maladjusted children in schools and all local areas particularly rural and slum areas.
 4. Counseling center in every school should be customary for early detection and care of the problematic children in the school (already many schools appointed a counselor for counseling to the problematic children)
 5. General awareness programmes should be boosted for educating the family to motivate the children in developmental activities.
 6. Proper healthy and recreational amenities should be provided in rural areas and slums so that the children may channelize their dynamism in the right ways and counteract illegal tendencies.
 7. Giving proper support to marginalized children to build them with good character.
 8. The government along with NGO's and other stakeholders must motivate the religious priests to regularly visit every home, which has dealt children in conflict with the law.
 9. Parents and guardians should pay sincere care to their children in order to know the whole thing about them, especially their attention towards new media (Internet mobile phone, pornographic literature, facebook, etc.
 10. Media organization should be more awareness to promoting children based programme especially developing moral education.
 11. Censorship also necessities to scan out the undesirable passages/ sequence in children programmes and others.
 12. School teachers must be avoided corporal punishment, as well as forced children, get marks, because most of the children who are dropout the school for fearing the school punishment, and etc. (Dr.P.Manorama, Former Chair Person of Child Welfare Committee, Chennai, "Teaching should moderately focus more on emerging disposition and personality of Children than marks. Hence teachers should be accomplished to cherish and enhance such qualities among students." (The Indian Express News on 16th June 2014).

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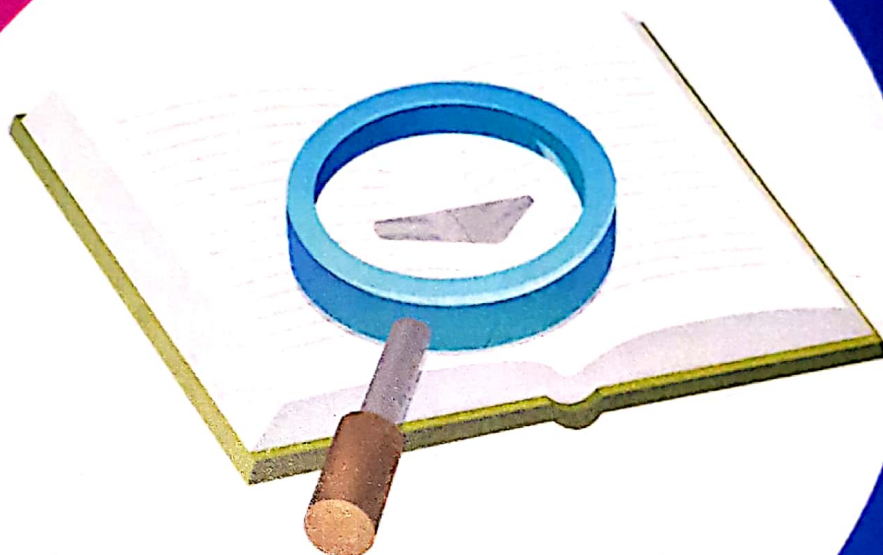
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