

WHY CHILDREN COMMIT OFFENCES

Study on Children in Conflict with Law in Delhi



**Delhi Commission for Protection
of Child Rights (DCPCR)**

June 2015

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ABBREVIATIONS

Children in conflict with law (CCL)
Committee on Child Rights (CRC)
Delhi Commission for Protection off Child Rights (DCPCR)
Empowerment of Children and Human Rights Organization (ECHO)
Juvenile Justice Board (JJB)
Indian Penal Code (IPC)
National Crime Records Bureau (NCRB)
National Law University (NCRB)
Observation Home (OH)
Office of Juvenile Justice and Delinquency Prevention (OJJDP)
Probation officer (PO)
Special Home (SH)
Special Local Laws (SLL)

FOREWORD



A large number of cases of children in conflict with law residing in various/institutions/Homes of Delhi, set up for their reform and rehabilitation, were reported in the recent past. In order to identify and analyse the reasons for dissatisfaction of children in these homes and also objectively look at the efficacy of the existing infrastructure and systems, the Delhi Commission for Protection of Child Rights commissioned a research study to look at these aspects. The Commission entrusted this work to the NGO, Butterflies who were facilitated in carrying out visits to the Observation and Special Homes in Delhi and interacting with Superintendents, Care takers as well as the children themselves.

The Study Report looks at the socio-economic profile of the children in conflict with law, the nature of offence which these children were accused of having committed and has analysed the factors that predispose children to deviant behaviour. The report brings out the role of the family, the community, the school/education as well as peer influence in the life of children in conflict with law. For this purpose, 182 children in various Observation Homes/Special Homes/place of safety in Delhi were studied using pretested interview schedule and guides.

The findings of this study were presented before the Commission and were debated and discussed before the report was finalized. DCPCR is grateful to Ms. Mamta Sahai, Member DCPCR for her supervision and monitoring of the study process and her regular coordination with Ms. Rita Panicker of Butterflies in fine-tuning the Report. The Commission is sure that the report would be found useful by the concerned Departments of the Government of Delhi and other stake-holders.

Arun Mathur

Chairperson

Delhi Commission for Protection of Child Rights

June 2015



Executive Summary

The problem of juvenile delinquency hits the headlines in the media every now and then. Children involved in delinquent acts are called by many names: criminal, thief, murderer, rapist etc. The society sees them as fierce, vicious, rough and forgets that these are children, who have much to learn, much to do, and much to hope for. It is in this context that DCPCR conceived this present study on children in conflict with law in association with the NGO Butterflies. The study is centered on two prime objectives 1) to find out the factors that predispose children to crimes/offending acts and 2) to ascertain into their experience with the Juvenile Justice System with the intent to understand the extent to which it has moved forward in achieving its set objectives. The required data or information in relation to the subject of the study was gathered primarily from a sample of 182 children in conflict with law who are apprehended and are serving in the detention centers- observation homes, special homes and place of Safety in Delhi, using pre-tested interview schedule and guides.

Profile of Children in Conflict with Law

Children to a large extent involve in deviant behavior as a part of the normal growth process. Their involvement increases with age. Almost all children in the detention centers were either in their early or middle or late adolescence. Since Delhi as mentioned offers opportunities for both skilled and unskilled jobs, people from all states migrate to Delhi for job prospects. Though a majority of the children hailed from Delhi itself, a good number had migrated from other states. Almost all the children in these centers depicted certain common characteristics such as: they are victims of multiple deprivations; from low economic households: had parents who were less educated: hailed from disrupted families; were dropped outs; were working either independently or with their parents; and were from backward classes. From these common features it may be easy to conclude that deviant and offending behavior is the monopoly of children from low economic class and that poverty is an invariable cause for deviance. The facts, however are quite different. Children from higher strata of society though involve in such behavior, rarely come for adjudication process as most instances by them are settled out of court. Moreover, non-reporting of the cases fearing damage to the family status makes them invisible in the statistics. Thus data shows that offending/ deviance is an issue prevalent in all socioeconomic classes but only those from the lower class are more likely to be incarcerated, charged, convicted, sentenced to prison, and given longer prison terms. The evidence and experience thus strongly contests the premise that poverty is the root cause of all offences. It may only be one among the several risk factors that may lead to deviance.

Nature of Offences

Juveniles are involved both in heinous and non-heinous crimes. Most (57.1%) of the children in detention centers were involved in offences related to property (theft, dacoity, robbery). Offences related to person (murder including attempt to murder) and sexual harassment including rape constituted 21.9% and 11.5%. However, these figures are of those accused and not of those found guilty. Reports of children accused of rape suggest that out of the 21 rape cases reported 11 were either consensual sex or false accusations by the parents of the girls who did not consent to their relationship. Majority

of those children (10 out of 13) in special homes and place of safety were involved in offences against person rather than offences against property. Children and adolescents involved in deviant acts/offences differ from adults in their intent, thinking, reasoning, self regulation and future orientation which generally calls for the mitigation of their culpability and blameworthiness. Most of their acts of offences were the result of either peer influence or age specific/developmental characteristics such as impulsiveness, provocation, adventurism etc. With respect to murder and attempt to murder, it was primarily provocation that led to the act of offence. Whereas in rape or sex related instances, several of the cases were mere allegations and some others were consensual sex but they were charged as rape on the basis of the complaints of the parents. Early onsetters to deviance are more likely to grow to persistent offending than late on setters. However, 90% of the children under study were late starters as their age of first commission of offence is reported to be above 14yrs of age indicating lesser chance to persist. The empirical data also showed that majority (70.3%) of the children were quite unaware about the consequences of their acts indicating their less future orientation. The less developed status of the brain of children however doesn't mean that adolescents can't make rational decisions or appreciate the difference to act impulsively, on instinct, without fully understanding or considering the consequences of their actions. But it does mean that, particularly when confronted with stressful or emotional circumstances, they are more likely to drift to deviant acts. 58.8% of the offences were done in groups. Of these, in 90% cases, those joined for the offences were friends reestablishing the influence of peer. There is no evidence to suggest that harsher punishment or transfer of adolescents to criminal system will deter them from deviances/recidivism. Instead, there is strong evidence to suggest that they increase recidivism. All this does not mean that children/adolescents who are involved in offences or deviances should not be held accountable for what they have done. They should be held responsible and accountable but the means for ensuring such accountability should be grounded in child/adolescent psychology, the human rights of children and a deeper understanding of the circumstances that led to such behavior/actions.

Factors that Predispose Children to Offences

Family

There is no single reason for children's attraction and involvement in deviant and offending acts. Family plays a determining role in their drifting to deviance. Families that spend time together, show warm relationships, open communication, dine together, stay together in attachment and show cohesiveness are likely to desist deviance as this acts as virtual supervision mechanism. However, absence, neglect or lack of many of the above factors lays the base for their lure to deviant and offending acts. Majority of the children in detention centers were deprived of a safe, secure and happy childhood. They were deprived of appropriate care, attention, supervision, guidance and support. For most parents, parenting is limited to the providing the basic necessities to children. They fail in their roles of parenting like critical parenting from father and nurturing parenting from mother. Empirical study finds that parental neglect particularly supervision is found to be pervasive and major cause for deviance and offences. Parental conflicts, deviance and family disruption too acted as a risk factor in the case of a number of children in detention centers. Failure of parents to initiate and instill in them social values and norms resulted in perceiving the negativities they experienced in their immediate environment as the way of their life. Under such circumstances, they are likely to get discontented and get easily drawn to children with deviant acts. However, not all children who experience deprivations or vulnerabilities turn to be delinquents. Aforementioned factors can act as risk or vulnerable factors that can be instrumental in the production or creation of juvenile delinquents. Checking these vulnerabilities and by strengthening the parenting skills and adequately combining the critical and nurturing parenting along with an effort to build close knit families could bring about a substantial change in children falling to crime or offending behaviors.

School

Failure to keep children in school by making it more relevant to their cognitive capacity is seen to be another contributory factor for their drift into deviant and offending acts. It was found that out of 182 children, only 43 were studying at the time of their apprehension. Under achievement, truancy and low school attachment are reported to be the factors that are related to the fallout of children from school than poverty and other problems. Almost cent percent of the children in detention centers were underachievers as all had very low grades. . A child who experiences neglect, non-attachment, disruption etc.at home tends to carry these to school. It indicates a “roadmap to offending” among most children, which starts with difficulties in the classroom, moves through low self-esteem, poor behaviour and school exclusion, and ends in offending. Poor academic accomplishments are also likely to limit their capability to accurately perceive options and make right choices making them vulnerable to deviant opportunities as it limit their intellectual maturity for reasoning.

Peer Factors

Adolescents/ children generally commit offences in groups rather than individually. Empirical data reveals that 58.8% of the children had committed offences in the company of others mostly friends indicating the role of peer pressure. They also get attracted to opposite sex. And not all peer groups are deviant. It therefore matters whom one chooses as a friend. Peer rleationship with children who are law abiding creates law abiding people and vice versa. In the case of children/adolescent in detention centres most had been victims of multiple deprivations and vulnerabilities and they generally get attracted to people of similar nature. In these cases most were having peers who were deviant and to get their acknowledgement and allegiance, adopted all their ways which were often of devinat nature like alcoholism, substance abuse, smoking, offences etc. It was also observed that most had only very few friends and to lose any one of them would be like losing the world. Hence they generally were willing to show allegaince by doing anything which often drifted them to deviance. Children and adolescents tend to form strong peer attachments when the family, parental controls and supervision are weakened. The current study highlighted that failure in the roles expected to be played by the parents ultimately led to their association with deviant peer. Thus, the peer factors were found to be the proximate reasons for the engagement of most children in crimes/offending acts, though family factors were also distant factors.

Community Factors

Community/Neighbourhood that is deviant and violent is likely to lure children to deviant and offending acts. Conversely bonding within neighbourhood acts as a virtual supervision that prevents children from deviance. Violence, availability of illegal drugs and gang membership though not in huge percentage were prevalent in many communities where these children resided. Many children were victims to all these that automatically attracted or lured them to be parties to it. More than one fourth of the children were addicted to drugs/substance abuse. Participation in community systems/clubs, religious activities and community games promotes unity and cohesiveness of communities and neighbourhoods preventing unlawful behaviours by adolescents/children. However, only a small percentage of children in detention centers were involved in any of these, indicating lesser attachment to community resulting in weak control of community over them. All families and all children in violent and crime ridden communities were not deviants. There are studies which show that even in violent and crime-ridden neighborhoods, “good families” are winning the battle.

Experience with the JJ System

Though JJ Act 2000 mandates a humane treatment of children in conflict with law, observation and interaction with them reveals a different story. The excerpts and voices of children describe that in spite of the well established guidelines in the act for treating the children differently from adults, in

practice children/juvenile still bear the brunt of right violations and misdemeanors. Many of them spoke about their traumatic experiences at the hands of the police. Many were handcuffed, beaten up, forced to confess, falsely charge sheeted, and were kept in police lock up for days together along with other adult criminals endangering the hope of their rehabilitation and restoration. The following accounts of children in detention centers speak of what they had to undergo with the police, 'I don't remember what all they did to my body. They stamped me with their boot, beat me left and right with their lathis, when I asked for water they gave beatings etc. They continuously tortured me and other friends for about 12 hours' Another boy cites, 'they slapped me left and right, dragged me on the floor, threw me into the police lock up, questioned me continuously for three days using harsh methods like making me stand on head, stand naked, pinched my penis, forced me to stand and sit by keeping lathis between my legs etc.' Any such psychological, physical and mental trauma inflicted upon a child by police or for that matter any of the structures of the JJ system could stunt their restoration and could even turn them to be hardcore offenders..

The term 'home' was used purposefully to make sure that children do not feel incarceration as in a jail but get an experience of the home. But the structure of these homes did not resemble a home but showed congruence with a jail or prison with high walls and two to three iron gates manned by several security persons. The rehabilitative and restorative measures available at the homes were rudimentary in form. Behavioral reform, reflections of the deed they committed and analyzing the same through psycho-social therapies, case work and group therapies, family conferencing.....in other words professional mental health programme and de-addiction treatment for those who are abusing drugs are of paramount significance for these children. However, these services were found to be absent in all the centres. Similarly, though the homes reported about educational and vocational training programmes which was also shown in the timetable, it was learnt to be rudimentary, ineffective and for namesake. There are no documentary reports or responses that speak of the effectiveness or of any cases of rehabilitation. Non-interesting classes and absence of demand or interest based trades made the participation of children in these programmes just ornamental. None of the educational and vocational programmes corresponded to the aspirations and capacities of the children indicating an absence of adequate assessment of children-their problems and needs. Absence of Individual Care Plan as envisaged in the Act was absent for all children. However, in the special home out of the 4 children 2 were continuing their education one with his +2 privately and another preparing for 10th Examination through NIOS. What all this tells us is that it is not the Act that has failed; rather it is the implementation that left much to be desired, particularly in relation to the rehabilitation and reintegration of these children in compliance with law.

Juvenile detention therefore needs a new focus and a new rationale. We should move more towards bringing about a constructive change in children rather than traditional ways of punishment like incarceration, life sentence and death penalty. It is essential to maintain a fine balance between hope and despair. Restorative Justice is found to be the answer to it. Evidences from various studies across Western countries and other nations that implemented restorative justice have shown that it has reduced recidivism among the adolescents/children and that it has assisted in easy and effective reintegration of the deviants into the society. The study therefore advocates that the JJ order could include more restorative measures such as diversion, community services, victim offender mediation, family conferences, group therapy etc that would benefit the individual, family, community and the victim instead of mere incarceration and minimal welfare services. On the preventive side, while addressing the proximate reasons /risk factors at one end, efforts are also required to be made to strengthen family structures in order to prevent children from drifting to crimes or unlawful acts.

Introduction

Children are valued assets of any family and society. They bring new hope, new joy, new life and vigour. No parent ever wishes to make the lives of their children miserable. Yet, in the process of growing up many children acquire undesirable characteristics and fail to achieve a sense of security and an attitude of respect for themselves and others. Some get involved with unlawful acts. Why this happens is the pertinent question that demands urgent answers.

The fast pace of technological and scientific advancements have brought in remarkable changes and developments across various spheres. It has also infused transitions in the lives of individuals, families and society. Social relations that ensured a smooth process of socialization began to collapse, life style trajectories are becoming more varied and less predictable. These advancements presents individual risks and opportunities to the adolescents of which some are beneficial and some potentially harmful. Quite often advantage is being taken of illegal opportunities and they commit various offenses, become addicted to drugs and use violence against their peers. Juvenile delinquency thus is a fact and at the same time a serious problem in many parts of the world.

The term Juvenile delinquency is understood and explained differently by various authors. Sadler (1992) states that some people think that any boy or girl is delinquent who wears tight jeans, leather jackets or unusual clothes, have a strange haircut or uses odd sounding slangs. Coleman (1996) on the other suggested that juvenile delinquents are boys or girls who have shown a pattern of breaking the law whether they have been tried or not. He accurately pointed out that the term delinquent is inappropriate to describe a person who for one reason or the other breaks a rule only once and unintentionally. According to Reckless (1956) it applies to the “violation of criminal code and /or pursuit of certain patterns of behaviour disapproved of for children and young adolescents” Thus by and large Juvenile delinquency refers to a large variety of disapproved behaviour of teenage and adolescents.

Every person below the age of 18 is considered a child in India. The age of criminality commence from the 7th year of the person. It is one of the lowest in the world. A child below the age of 7, even if he or she commits an offence it is considered not mature enough to distinguish between legal and illegal and between right and wrong.

All international standards and national legislations on the administration of juvenile justice have the overarching aim of ‘social integration and guarantee for the respect of their rights.’ The achievement of such an objective demands an in-depth analysis of the status of children in conflict with the law with a focus on why they resort to offences. The development and designing of any measures to curb the incidence of children in conflict with law essentially requires prevention of crime by them. Such crime control will succeed only if we unpeel the real and root causes that prompted him/her for such acts.

Media as well as a number of other sources report a hype in the offences committed by children quoting either the NCRB data or stray heinous incidents committed by children in different parts of the country. In India, crimes are classified as those under the Indian Penal Code (IPC) and under the Special and Local Laws (SLL). There was a marginal increase in offences committed by juveniles in India under IPC & SLL. It increased from 28763 in 2010 through 33887 in 2011, 39817 in 2012 to 43506 in 2013. The share of IPC crimes committed by juveniles to total IPC crimes reported in the

country during 2002-2012 period has shown a mixed trend but was contained between 1% and 1.2%. The report also highlight substantial differences in the number of offences committed by boys and girls in India. In 2013, a total of 43506 offences were committed by juveniles alone, of which 41639 were committed by boys and only 1867 were by girls. Thus, girls contributed only 4.3% of the total offences committed by adolescents in India in 2013 showing a decrease of 0.9% from the previous year (Crime in India, 2013). The marginal increase in the offences committed by the juveniles should be seen in the wider context of societal changes and in the increase in reporting of offences. Moreover, the statistics from NCRB should be used with caution. Not all the accused persons are found guilty or convicted. Further, the increasing rate of arrests has to be looked at objectively, as the arrest rate can be influenced by changes in policy, in police practices, the growth of child population and in the number of offenders arrested per offence.

The figures from NCRB highlight that the IPC crimes committed by juveniles in Delhi has increased marginally over the years. Its share rose from 4.09% in 2012 to 5.01% in 2013 with a reported registration of 1590 cases in 2013 as against 1144 cases in 2012 (Crime in India, 2012& 13). This is much higher when compared with bigger states in the country like Uttar Pradesh, West Bengal etc that reported only 1070 & 683 registered cases in 2013. Three types of offences are observed to be the most commonly committed offences by juveniles' viz., offences against property, offences related to murder and sexual offences. The former includes theft, burglary and robbery and it amounted to 703 registered cases in Delhi. Murder which also includes the attempt to murder and CH not amounting to murder comprised 95 registered cases. Sexual offences amounted to 137 cases which showed an uprise of 80 cases over the previous year. (NCRB, 2013)

The involvement of children in offences seems to have serious socio-economic implications. Approximately 51.3% of Juvenile offences are committed by children who have never gone to school or had education upto primary level. Moreover, a large chunk of juveniles (50.2%) belong to poor families whose annual income is up to Rs. 25,000/. (NCRB, 2013) Most of these children whether petty offenders or serious offenders are children who are facing challenges in their care and protection and in their relationships with their families, communities and society. Their lives, choices and opportunities are affected to a great extent by the communities increasingly fragmented through urbanisation, chronic poverty, social and inter-personal violence and increased pressure from commercialisation and materialism. (NCRB, 2012)9 yet, majority of these children are treated as if they are all committing serious and violent offences. By putting them to the justice system, children are exposed to situation and environments that are inherently repressive and which takes them away from the social and familial environment that is supposed to 'socialise' them. Their rights to development, protection and participation are violated though they are expected to learn about responsibility in the artificial environment of detention where others make choices for them, imposed rules define their everyday living and decide their every move and where all the challenges they faced in the real world are temporarily removed but not dealt with. And once they come out they are back into the same context and environment that led to their offending in the first place. Thus, their contact with the justice system can be detrimental to their development due to the repressive nature of the system. (Martin & Williams, 2005).

As per one view, poor economic conditions, low literacy rate and family conditions such as the prevalence of alcoholism and violence usually determine whether a child ends up in the world of crime. Chandra Suman, a legal aid counsel at the Juvenile Justice Board at Kingsway Camp, says drug abuse is one of the primary reasons for youngsters getting involved in theft and robbery. (Mukherjee, U 2012)

Suman adds that exposure to violence is also affecting their behaviour. "90% of juvenile criminals are from the lower strata of society, so the economic disparity is also a factor," he says. (ibid)

Blaming the rise in juvenile delinquency to an overall environment of violence, Shahbaz Khan from the HAQ Centre for Child Rights says, "A dysfunctional family, incidences of violence in the family, community, school or a bad peer group result in juveniles taking to crime." Most of the reasons and

explanations suggest that juvenile offences are primarily an environmental and social disease. No child is born as delinquent and most of his/her delinquent behaviour is learned from his/her interaction with others.

It is to be noted that while a lot has been spoken about child welfare and child protection, there has not been enough done to penetrate into the phenomenon of juvenile delinquency and unearth the factors that lure juveniles to offences in order to check the same. Apart from the theories and general literature available, there is a serious dearth of empirical and evidence based information on the phenomenon. For the Juvenile Justice system to be effective it is essential to identify the push and pull factors that predispose children to being in conflict with the law.

The primary focus of this study is to capture, from the voices of the children in conflict with law on why they commit offences and what are their experiences with the juvenile justice system? The objective is to facilitate development of appropriate strategies to prevent offences by juveniles and also to make the Juvenile Justice system more proactive and efficient in achieving the overarching aim of the Act i.e., restoration, rehabilitation and reintegration of the children in conflict with law into the society.

1.1 Objectives

To examine critically the factors that predisposes children to being in conflict with the Law in India.

Specific objectives

1. To gather quantitative and qualitative data on the profile of children in conflict with law in Delhi.
2. To establish trends in offences committed by Children in Conflict with law
3. To identify and describe the factors that pre-dispose children to being in conflict with the law.
4. To facilitate stakeholder discussion and collect practical and strategic recommendations and suggestions to prevent children falling into conflict with law.

1.2 Research Setting

Union Territory of Delhi

The Union Territory of Delhi covering an area of 1484 sq. Kms has a population of 16.3 million people (2011). It borders the Indian states of Haryana on the north, west and south and Uttar Pradesh (UP) to the east. The literacy rate in the state is about 86% a figure that has always been high due to the city being the country's capital and home to some of the most important educational institutions. The sex ratio in Delhi is 866 women for 1000 men. The NCT has 11 districts and 5 municipal corporations.

Department of women and child development of the Govt. of Delhi is the nodal agency for providing services to women and children. The department implements and monitors the execution of the Juvenile Justice Act in its territory. Delhi Juvenile Justice (Care and Protection of Children) Rules 2002 have been notified on August 19, 2002 u/s 68 of this Act. NCT has already created Special Juvenile Police Units in each of the 11 police districts and railways and IGI Airport units to co-ordinate and upgrade police treatment of children. Three observation homes (2 for boys and one for girls), 1 special home (for boys) and three Juvenile Justice Boards are set up under the Juvenile Justice Act to handle the cases related to children in conflict with law. Similarly, to handle the cases of children in need of care and protection, NCT has constituted 6 child welfare committees and has identified 27 NGOs to set up shelter homes that function as drop-in-centers cum night-shelters for children in need of urgent

support who are brought to such homes. Further, 7 Children's Homes are created across the NCT for the reception of the child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation.

I.3 Research Methodology

The present research for the study makes use of a qualitative, explorative, descriptive and contextual method of research through unstructured and structured interview of various stakeholders. Being a party to the UN convention on the rights of children (UNCRC), the country has established a separate legislation titled Juvenile Justice Act 2000 to deal with cases of children in conflict with law and children in need of care and protection. Under the Act all states are to establish different structures like Juvenile justice Boards, Observation homes, Special homes and After care homes for dealing with cases related to children in Conflict with law. The research area under study has already set up a number of such institutions across their geographical area though inadequate in number.

The population of the study consisted of 2 groups. Group 1 Children who are apprehended and detained at various observation and special homes; and Group -2 other stakeholders such as parents of the children in observation and special homes, the law enforcement authority and the superintendent of the homes.

Selection of Observation Homes and Schools

The state of Delhi has three observation homes, one place of safety and one special home run by govt. The study covered children from all these institutions.

Selection of Respondents

Each of the residential facilities for children in conflict law accommodated different number of children. To have a comprehensive picture regarding these children, all of them were contacted to elicit the required information pertaining to the subject of study. A total of 182 children covering all the 5 institutions were thus interviewed.

For sample 2 the other stakeholders viz., 15 parents of the children in conflict with law, 3 probation officers and 4 superintendents of the observation and special homes and 4 counsellors were contacted and relevant information related to various aspects of the study was gathered.

Thus 208 face to face contacts/interviews were undertaken with 182 children in conflict with law, 15 parents of the CICL, 3 probation officers, 4 counsellors and 4 superintendents of the homes to gather information on the subject of study.

I.4 Data Collection Methods

A variety of data collection techniques were employed to achieve the stated objectives of the study. They included:

Secondary literature review: The research proceeded based on the collection, compilation and review of secondary data involved with Children in Conflict with Law (CCL) from various sources like International, national and state level reports, data from various central and state government departments, records/documents available at JJB, Observation Homes and SHs etc. Such reviewed information formed an essential and integral part of the development of research instruments and for establishing trends in the situation of Children in Conflict with Law (CCL).

Interviews with children in conflict with law (those in observation homes and special homes) were done using pre-tested interview schedules consisting of a set of questions carefully worded and arranged with the intention of eliciting from each respondent maximum information related to his personal life, offence/crime which he/she had committed and the factors which prompted them to do such acts.

Key informant/stakeholder interviews were organized using a separate interview guide for each of the other stakeholders. The guide included an outline of a set of issues that are to be explored from each respondent related to the children's involvement in crime/offending behaviour.

Focus group discussions with children in conflict with law were held - to get high quality data on the subject of study. It provided freedom for the researcher to explore, probe, and ask questions that would elucidate and illuminate on factors that expose children to crime.

Case Studies: 6 case studies generated through the various research techniques were also made use to throw light on the reasons for the involvement of children in criminal activity.

1.5 Limitations of the Study

The research had certain limitations. Unwillingness to disclose all the aspects of the case was a major challenge experienced by the researchers. Accordingly, the researcher had to converge the versions of the child and that of the FIR to reach at some conclusions regarding various aspects related to his/her involvement in the offence. Repeated visits and different strategies had to be used to make them comfortable and have a sense of security to speak about their experiences. All children were told about the objectives of the study and their consent taken to interview them. The information presented in the report is the one collected from self reporting by the children. There is the possibility of participant demoralization or disinterest reflected in the Report as they saw the researchers would not be able to get them out of the present situation. There is also the possibility that some questions produced a social desirability effect whereby children answered according to what they believed their interviewers wanted to hear. However, on such occasions, an unstructured and informal method of seeking information was resorted to using diversified questions.

Socio-Economic Profile of Children in Conflict with Law

To understand the socio-economic status of children in conflict with law, information was gathered from 182 children representing all the government observation homes, special homes and places of safety Delhi. The home-wise representation is depicted in the following table.

Table 2.1
Category-wise Distribution of Sample

Detention Centre	Frequency	Percent
Observation home	169	92.9
Special Home	4	2.2
Place of safety	9	4.9
Total	182	100

2.1 Social Profile of the Children in Detention Centres

Adolescents are likely to fall to deviant behavior due to the developmental stage of their cognitive, emotional, physical and sexual faculties. Almost all children in various detention centres- observation home, special home and place of safety- were either in their early or middle or late adolescence. The average age of the children in these centres was 16yrs. Figures showed that the frequency of offending grew with increase in age. Those in their late adolescence (16-18yrs) were represented in higher proportion with 45.1% followed by those between 12-16yrs with 36.08%. Data from NCRB statistics 2013 also shows that 53.7% of the children apprehended in Delhi were in the age group 16-18 which is also in line with the national figures of 66.3% in the same age group.

Disaggregation of data according to the type of institution too portrayed that almost all the children in Special home and Place of Safety were in their late adolescence. A few have even crossed the cutoff point mark of 18.

Though children may engage with offences, it is not likely that all continue or grow to be persistent / habitual offenders. Studies and literature of juvenile delinquency shows that most children mature out of offences as they become adults. Affirming the same, the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) has stated that “youthful behaviour or conduct that does not conform to overall social norms and values is often part of the maturation and growth process and tends to disappear spontaneously in most individuals with the transition to adulthood.” Nevertheless studies prove that early onset of offences is likely to persist unless it is mended through appropriate and timely intervention. Hence, due supervision and subsequent modifications in the behavior should be reinforced on children educating them to differentiate between right and wrong and the valued norms of society.

Table 2.2**Age-wise Distribution of Sample**

Age in yrs	Type of Institutions			
	Observation Home	Special Home	Place of Safety	Total
Less than 10yrs	1 (0.6%)	0 (0.0%)	0 (0.0%)	1 (0.5%)
10-12	4 (2.4%)	0 (0.0%)	0 (0.0%)	4 (2.2%)
12-14	23 (13.6%)	0 (0.0%)	0 (0.0%)	23 (12.6%)
14-16	65 (38.5%)	1 (25%)	1 (1.1%)	67 (36.8%)
16-18	76 (45%)	2 (50%)	4 (44.4%)	82 (45.1%)
Above 18	0 (0.0%)	1 (25%)	5 (44.4%)	5 (2.7%)
Total	169 (100%)	4 (100%)	9 (100%)	182 (100%)

Place of Residence

Children/adolescents' involvement in non-conforming/unlawful behavior is not restricted to any particular region though its extent may vary from one to another. The current study trends show that out of the 182 children in various detention centres, most of them (58.8%) were residing in the urban areas at the time of the commission of crimes. The data also shows that a good number of children who are found involved in offences in Delhi migrated from various states across the nation particularly those states lying adjacent to the State of Delhi. The cosmopolitan nature as well as the national capital status of the country attracted population to the state of Delhi. The records show that only 43.9% of the children with whom the researcher had interacted belonged to Delhi. Among the rest, the states of UP and Bihar were represented at a higher rate with 24.7% and 12.1% respectively. The other states that were represented included: Rajasthan (4.4%), Uttarakhand & Jharkand (5.5%), and Haryana (2.7%). Rest had migrated from Nepal, Madhya Pradesh, Punjab, Tamil Nadu, Bengal and Orissa. Though migrated from other states, many of these children and even their families were residing in the outskirts or streets of Delhi since several years.

Migrated adolescents generally live on the margins of society and they often seek comfort in their own environment and culture. The interactions with them revealed that many have migrated to the city long back along with their families or alone in search of better survival means. Many of them live on the streets too. Generally, these children are less supervised and controlled, since their parents are busy in making two ends meet. Conversely, most children involve themselves in various jobs at the risk of their likely association with the deviant elements/peers in the area.

Table No. 2.3**State-wise Distribution of the Children in Detention Centers**

Residential States of Children		
State	Frequency	Percent
Delhi	80	43.95%
Uttar Pradesh	45	24.7%
Bihar	22	12.1%
Rajasthan	8	4.4%
Haryana	5	2.7%
Uttarakhand/Jharkand	8	4.4%
Nepal	3	1.6%
Madhya Pradesh	2	1.1%
Punjab	1	0.5%
Tamil Nadu	2	1.1%
Bengal	5	2.7%
Orissa	1	0.5%
Total	182	100%
Urban	107	58.8%
Rural	75	41.2%
Total	182	100%

Education Status of Children

Children in conflict with law were found to be either of low educational status or who had never been to school or who had dropped out of school for a number of reasons. The data elicited revealed that out of the 182 interviewed 20.9% had never been to school. 29.1% on the other had only primary level (1-5 classes) of education followed by upper primary education (24.2%). Disengagement or dropping out from the educational stream is found to be a hallmark of the children in conflict with law. It was found that out of the 182 children interviewed only 43 i.e., less than one fourth of them were pursuing education at the time of apprehension. The rest had dropped out long time back or had never been to school. Children who performed poorly academically and were not in any manner supported by the school system to better their performance showed disinterest in studies. These children were also more prone to risky behaviors to get recognition among their peer. They were seen by their peers as the bullies, bold, and fearless of the consequences of their actions. The findings go in line with the NCRB report of 2013 which accounted 51.9% juveniles apprehended as either illiterate or with primary level of education. It does not mean that children or juveniles with higher education do not involve in deviant or offending behaviour. A rapid assessment of the cases received by the counsellors in a few elite schools in the geographical area of the study revealed that children in these schools did involve in offending behaviour such as theft, violence, love affairs, substance abuse, pornography etc. Nevertheless, such cases are never reported to the police station or come for adjudication.

A significant numbers of children who are involved in heinous offending acts such as murder and rape were with lesser levels of schooling. Out of the 54 (33 murder and 21 rape) cases of heinous acts, 44 (25 + 17 respectively) were not studying at the time of their apprehension. 11 had never been to school and 31 had dropped out either at the primary or upper primary level.

Table No. 2.4**Education Status of Children**

Education	Type of Institutions			
	Observation Home	Special Home	Place of Safety	Total
No formal schooling	36 (21.3%)	0 (0.0%)	2 (22.2%)	38 (20.9%)
Primary (1-5 classes)	51 (30.2%)	2 (50%)	0 (0.0%)	53 (29.1%)
Upper Primary (6-8 classes)	42 (24.9%)	0 (0.0%)	2 (22.2%)	44 (24.2%)
High School (9-10)	25 (14.8%)	1 (25%)	4 (44.4%)	30 (16.5%)
Higher Secondary	15 (8.9%)	1 (25%)	1 (11.1%)	17 (9.3%)
Total	169 (100%)	4 (100%)	9 (100%)	182 (100%)

Custody of Children

Parental love, care, warmth, attention & support are essential ingredients in the life of a human person particularly in his younger years of childhood and adolescence for proper growth and development. It demands that they be brought up in the families under the control of dual parents. A child brought up in dual families enjoys critical parenting from the part of father and nurturing parenting from his/her mother. However, in the case of the children under study, it was found that only 62.6% enjoyed the protective environment of both the parents. Among the rest 18.9% were living with one of the parents - 15.9% with mother only and 5.5% with father only. 1.6% on the other hand lived with either mother or father and their second partner. In the case of 14.2%, they were with neither of their parents but were instead, living with their relatives, non relatives, friends or were on the streets. The data depicted that two fifth of the children had a disrupted family and it is very likely that such disruptions affect the normal behavior of children. Though it would be wrong to state that disruption will intrinsically result in deviation, it can be rightly pointed out that this could be a strong risk factor for deviance inviting for a watchful eye on children particularly in families that notices disruptions.

Table No. 2.5

Custody of Children

Custody	Frequency	Percent
Living with both Parents	114	62.6%
Living with mother only	29	15.9%
Father only	10	5.5%
Mother and step father	1	.5%
Father and step mother	2	1.1%
With relatives	10	5.5%
With non-relatives	5	2.7%
Abandoned/orphan	11	6%
Total	182	100%

Family background

Families and particularly parents play the pivotal role in instilling in the children the pro social norms, values, beliefs, and ideals. Their failure to accomplish this task may result in serious consequences for the individual as well as for the society at large. Earlier research studies confirm that children raised in supportive, affectionate, and accepting homes are less likely to become deviant. Children rejected by parents are among the most likely to become delinquent. The relationship between parents, therefore, not just the relationship between mother and child, has a powerful effect on young children. Their profile in terms of marital, educational and occupational status has a strong bearing on children.

Information on Parents

Parents play a pivotal role in the lives of children. The study made an inquiry into their background particularly regarding the marital, educational and occupational status of the parents considering that all these factors are likely to have its influence on the lives of children.

Data on marital status revealed that parents of most (72%) of the children were living together. However 23.1% of the children either had both parents dead or were or partially orphaned (either father or mother had expired).

Disaggregated data in relation to the nature of offences showed that of the 54 children who were involved in heinous crimes (murder (33) & rape (21)), 14 were either doubly orphaned or partially orphaned.

The likelihood to drift to deviance was much higher in children due to the absence of either one or both parents and a lack of bonding among them or their inability to give time and care to them or due to the strain in the marital relationship of parents. Even in families where both parents lived together, tension in relationship was quite common either due to economic strain or due to alcoholism, drug abuse etc., of the male partners. Thus, strain in marital relationship could be instrumental in children drifting to offences, since such tensions result in inadequate supervision and monitoring of the children.

Table No. 2.6**Marital Status of Parents**

Marital Status	Frequency	Percent
Married and living together	131	72
Married but separated	9	4.9
Married but both deceased	4	2.2
Married but father/mother deceased	32	20.9
Total	182	100.0

The value system parents uphold in life has a serious bearing on the lives of their children. However, the findings from the study indicated that corresponding to the low educational status of children, most of the parents of the children in various detention centres were with lower level of education. 54.9% fathers and 70.9% mothers of the children in detention did not have any formal schooling. Among those who had formal education a substantial number (19.8% fathers & 11.5% mothers) were with either primary or upper primary level of education. Those with higher secondary education or above were very few. Parent's inability in motivating, guiding and supporting the children to study restricted their educational aspirations. It is also seen from the data that most of the children under study had dropped out from school long back. Low level of education alone may not be a predictive factor for deviance but low education is likely to result in lower survival means and subsequent economic strains. They along with inadequate parenting are likely to drift the children to unlawful acts as the parents fail to supervise and guide them due to the above handicaps.

Table No. 2.7**Educational Status of Parents**

Educational Status of Fathers		
Education	Frequency	Percent
No Formal schooling	100	54.9
Primary (1-5 classes)	26	14.3
Upper primary (6-8 classes)	10	5.5
High school (9-10)	15	8.2
Higher Secondary	12	6.6
Graduation	9	4.9
Post Graduation	1	0.5
NA	9	4.9
Total	182	100

Education of Mothers		
No Formal schooling	129	70.9
Primary (1-5 classes)	12	6.6
Upper primary (6-8 classes)	9	4.9
High school (9-10)	12	6.6
Higher Secondary	6	3.3
Graduation	3	1.6
Post Graduation	1	0.5
Total	182	100

2.2 Economic Status

Poor economic status was a pervasive feature of children in detention centres. Several studies in the past have also reiterated that poverty is one of the factors invariably linked to children's vulnerability and one of the tipping factors pushing them to the chances of offending. Nevertheless a data set gathered from the counselors of a few elite schools in the geographical area of study highlights that children in these schools, mostly hailing from high and middle income groups are involved in almost similar kind of offences as those in the detention centres.

The self reports of children in various detention centres revealed that 50.3% of these children were deprived of adequate housing conditions. They were living either in jhuggis/streets or in rented accommodation or in kachcha houses, including tents. Absence of house of their own was reported by 39.5% of children. Among those involved in heinous offences of murder and rape 48.4% and 70.8% of the children respectively were deprived of proper housing. Deprivation of land and a house threw many of the children and their families on to the streets making them vulnerable to various risks. Lack of opportunity and inequality therefore could be factors for pushing a child into delinquency and crime.

Occupational Status of Parents and Juveniles

The poverty status of the children in detention centres is further reestablished by the occupational status of their parents. Data finds that majority of the fathers were engaged either in labour or service oriented occupations rather than salaried jobs. The salaried employees were only a handful. The labour and service sectors in which they were engaged included:- construction works, wood cutters, gardeners, cleaners/sweepers, carpentry works, tailoring, driving, barber, chair weaving, electricians, sculptors etc. These families could not fend for themselves on the sole income of fathers. Accordingly, mothers as well as children were found to be engaging in various occupations that fetch an additional income to the families to make both ends meet. The data revealed that 29.7% of mothers resorted to one or the other type of labour/service oriented works. The major type of works in which they were involved were: cleaning and sweeping, ayah, working in dabhas or sabji shops (vendor) or working as tailor, rag picking or working in private company.

Table No. 2.8**Occupation of Parents**

Occupation of Fathers		
Occupation	Frequency	Percent
No work & not applicable (as father is not alive)	40	22
Daily wage/coolie	58	31.8
Govt. Job	5	2.7
Skilled labour/self employed (tailoring, carpenter,)	27	14.8
Driver	26	14.2
Small business/vendor	11	6
Farmer/agriculture works	15	8.2
Total	182	100
Occupation of Mothers		
No Work/Housewife/NA	128	70.3
Domestic work	33	18.1
Vendor/selling	6	3.3
Tailoring	3	1.6
Sweeper	2	1.09
Ayah	3	1.6
Private company	4	2.2
Teacher/nurse	2	1.09
Rag picking	1	0.5
Total	182	100

Employment of Children/Adolescent

The results of the study show that 62.1% of the children in detention centres were working at the time of their apprehension. Most of these children had been denied education and made to work to earn an additional income for the family to overcome their economic difficulty.

A co-relation with the nature of the offences showed that out of the 49 children involved in heinous offences 34 were working in various places along with adults. Children who join the work force are more vulnerable since they are in an adult world and can be easily influenced by adults into risk taking behaviour. Adults exploit their immature, impulsive & adventure seeking nature and may use them for deviant acts for their own benefits.

The income earned by the children were used both for personal use such as for watching movies, for confectionaries/food, cigarettes, alcohol etc., and for family requirements. However, a major part was spent for their own purposes. Even here the absence of parental supervision and guidance is visible as they rarely inquire about them. Nevertheless, it would be unfair to put the blame on them as they struggle with their own lives.

The present study findings denote a lesser or insignificant co-relation between deviant behaviour and the family size. It is generally presumed that in large families siblings themselves act as safety nets for each other. Under such circumstance it is hard to conclude that these could be influence of family size on children being drawn to deviant and offending acts.

2.3 Poverty and Offending

Poverty is generally perceived to be a serious cause for children's drift to the path of deviance or offences. The data from the empirical study as found in the preceding pages too reveals that almost all of those involved in offences and security in various detention centres hail from low income families. They face a multitude of difficulties and problems and become victims of manifold deprivations.

However, poverty is only one among the several risk factors that may lead to deviance. The data elicited from the counselors of a few elite schools existing in the geographical area of study supports that a good number of children in these schools were reported to have been involved in various types of offences such as theft, physical assault, sexual harassment, use of drugs, alcoholism, nicotine etc., but were protected from contact with the justice system through internal settlements, negotiations and compromises fearing defamation of the family. Such cases thus never reach the adjudication process. Non-reporting of their cases is also quite common. .

Children, who are raised in poverty, have parents who may not have the time to spend with their children and teach them right from wrong. Similarly, in the case of children from middle and high income groups, parents may spend more time outside home either in the office or in other places, disregarding the supervision or monitoring of children which ultimately leave the child to do whatever he/she likes. In certain other cases, the child centredness of parents especially in the present context of the nuclear family situation (with one or two children) may prompt parents to ignore even the deviant acts of their children which in turn encourages the children to involve in more severe offending acts. Thus offending or deviant acts cut across children from all type of families. Yet the laws are harshest on those who are without social, political or fiscal capital with which to escape the law (Donald 1974). Thus, only those from the lower economic strata enter the adjudication process and subsequent detention giving a notion that deviance and offending behavior is the monopoly of those who are poor.

Nature of Offences

3.1 Extent and Nature of Offences

Data from various sources portray that children are involved in all types of offences. Nevertheless, in concurrence with the global trend, offences against property surpass all the others. The empirical data elicited from 182 children residing in various observation and special homes across the state revealed that more than half (57.1%) of those apprehended were involved in property offences. It included shoplifting, theft, robbery and dacoity. Crimes against person which includes murder, aggravated assault and sex related offences accounted for 28.5% (17%- murder & 11.5% -rape) of the population covered. The other offences in which children were engaged included: fight/scuffle (4.9%) unnatural sex (1.1%), kidnapping (1.6%) and cyber crime (0.5%).

Statistics from National Crimes Records Bureau show that out of the 1590 offences reported in Delhi during the year 2013, 41% were related to offences against property that included theft, burglary, robbery and dacoity. In contrast, murder including attempt to murder and rape constituted 14.6%. Delhi has seen a slight increase of 0.92% in the juvenile offences in 2013(5.01%) over 2012 (4.09%). Nature of offences shows that while murder cases decreased by 3.8% in 2013 over 2012, rape cases a 3.7% increase over 2012. The report thus appears to indicate a rise in juvenile offence prima facie but it needs to be seen in the context of the population of children in Delhi also growing in 2013 as compared to 2012. The NCRB data is based on the FIR i.e., persons who are accused of offence and not those found guilty. Moreover, it was learnt from interaction with the children that in several of the rape cases, it was a consensual sex act but they were apprehended and detained based on the complaint registered either by the parents or relatives of the girl.

Table No. 3.1
Type of Offences Committed by Children

Offences	Observation Home	Special Home	Place of Safety	Total
Offences against property				
Theft, snatching & Robbery	75(44.4%)			75(41.2%)
Dacoity	25(14.8%)	1(25%)	3(33.1%)	29(15.9%)
Murder	29(17.2%)	1(25%)	1(11.1%)	31(17%)
Kidnapping & murder			1(11.1%)	1(0.5%)
Rape & murder		1(25%)		1(0.5%)
Attempt to Murder	6(3.6%)		1(11.1%)	7(3.8%)
Rape	19(11.2%)		2(22.2%)	21(11.5%)
Fight	8(4.7%)		1(11.1%)	9(4.9%)
Kidnapping	3(44.4%)			3(1.6%)
Cyber case (terrorism)		1(25%)		1(0.5%)
Others (sodomy, teasing)	4(2.4%)			4(2.2%)
Total	169 100% (92.8%)	4 (100%) (2.2%)	9 (100%) (4.9%)	182 (100%) (100%)

It is also true that children adjudged guilty of offences are often not convicted. As per the NCRB report on disposal of cases in 2013, out of the 1590 cases in 149 children were acquitted from the charges indicating that they were not found guilty of the offence.

Many of the children in detention centres alleged that they were falsely charge sheeted because of the influence of the victim/his/her family on the police.

The study shows that out of the 21 rape cases reported, 11 cases were either of consensual sex or false accusation by the parents of the girls who did not consent to such relationship. There are also several media reports and studies which state that not all children who are accused are found guilty.

Children and adolescents involved in deviant acts/offences differ from adults in their intent, thinking, reasoning, self-regulation and future orientation which generally calls for the mitigation of their culpability and blameworthiness.

In many cases related to murder or other serious crime, there may no pre-meditated or pre-decided motive for involving in the offending act. But it generally occurred either unintentionally or by the immediate provocation caused to them. Thus the motive or intent of the adolescents is not same as that of the adults. The intent of adolescents is mostly driven by their unique development stage and characteristics. Out of the 182 children under study, for majority there was no pre-determined or pre-meditated reason for the act. In 17.3% of the cases it was unintentional provocation that resulted in the commission of the offence. 2.2% were involved in offending acts in the process of self-defense. In 13.7% of the cases it could be false accusations that caused their detention. In all other cases it was the age specific behavior, impulsiveness, curiosity/exploration and adventurism that drifted them to deviance. Revenge as the motive was suggested by 5.5% and all of these were mostly related to gang rivalry.

Analysis across the nature/type of offences showed that even in the cases of those involved in serious and heinous offences most had done it out of provocation or under peer influence. None reported to have done it as a pre-meditated activity. In the case of those in special home too most had done it under peer pressure or pressure from adults with whom they were associated.

Table 3.2

Motive for the Offence

Offences	Provocation & unintentional	False Allegation	Self Defense	Revenge	For Money	Age specific features like peer influence	Total
Theft, natching& Robbery	4 (5.3%)	8 (10.7%)			55 (73.3%)	8 (10.7%)	75 (100%)
Dacoity		2 (6.9%)		1 (3.4%)	21 (72.4%)	5 (17.2%)	29 (100%)
Murder	15 (45.4%)	8 (24.2%)	3 (9.09%)	5 (15.1%)	2 (6.06%)		33 (100%)
Attempt to Murder	2 (28.6%)	3 (42.8%)		2 (28.6%)			7 (100%)
Rape	2 (9.5%)	2 (9.5%)				17 (80.9%)	21 (100%)
Fight	5 (55.5%)	1 (11.1%)	1 (11.1%)	2 (22.2%)			9 (100%)
Kidnapping	3 (100%)						3 (100%)
Cyber case (terrorism)		1 (100%)					1 (100%)
Others (sodomy, teasing)	4 (2.4%)					4 (100%)	4 (100%)
Total	31 100% (17.3%)	25 (100%) (13.7%)	4 (100%) (2.2%)	10 (100%) (5.5%)	78 (100%) (42.8%)	34 (100%) (18.7%)	182 (100%) (100%)

If peer influence and the deprivations experienced in life were the major factors that lured children to involve in property related offences, it was provocations that played the major role with respect to murder and attempt to murder. In the case of rape or sex related instances, several of the cases were mere allegations and in some cases though consensual sex, they were charged of rape on the basis of the complaints of the parents.

Their thinking and decision making differ greatly not only in their cognitive and mature judgment capacity which affects their culpability, but also in their amenability to rehabilitation, in the nature of their behavior, in the circumstance/ motive of offences and in the likelihood that they will reoffend. Developmental and psychological research clarifies that decision making is a function of social, emotional as well as cognitive processes, and a full account of youthful judgment reflect the interaction of all these influences.(Steinberg & Cauffman 1996). However, in adolescents as Neuro scientists confirm the pre-frontal cortex which is responsible for important functions such as planning, reasoning, organizing, judgment, and impulse control is the slowest to mature, a process that completes at the age of 25. Accordingly, even if adolescents attain cognitive competencies that are equivalent to an adult by the age of 16, the socio-emotional capacities that influence adolescent judgment and decision

making continue to develop even after adolescence. This gap in the development of cognitive and socio-emotional system creates a period of heightened vulnerability to risk taking during middle and late adolescence. (Steinberg 2008). Due to this underdeveloped status of the faculties of the brain they are more susceptible to peer influence than adults and tend to focus more on rewards and less on risks in making choices.; they are less capable of anticipating future consequences, and are more impulsive and volatile in their emotional responses.

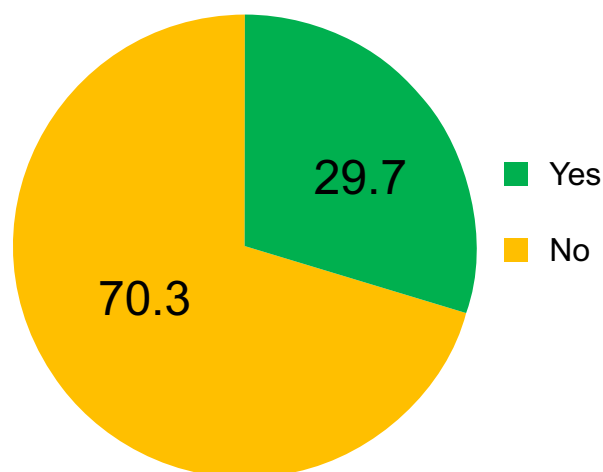
The findings also suggest that children involved in heinous and serious offences begin their of offending and deviant behavior at a later stage than children involved in other crimes. 90% of the children under study were late starters in offending behavior as their age of first commission of offence is reported to be above 14yrs of age. Only 10% were reported to be early starters of offending and deviant behaviour. Those involved in theft and snatching were reported to be the majority who had an initiation into offending and anti social behavior at an early age. None of those involved in rape cases started early and only 1 of those involved in murder cases was reported to have had an engagement in this regard before the age of 13.

3.2 Future Orientation

A majority (70.3%) of the children who were serving in the detention centres were quite unaware about the consequences of their acts. It is inferred that driven by the immediate rewards and other unique characteristics such as impulsiveness, adventurism/risk taking and susceptibility to peer influence, they tend to make wrong choices. They are less likely than adults to think ahead before acting. Adolescents and adults thus may perceive risks similarly (in the real world) but evaluate rewards differently, especially when the benefits of the risky decision are weighed against the costs. What distinguishes adolescents from adults in this regard is not the fact that teens are less knowledgeable about risks, but rather that they attach greater value to the rewards that risk taking provides (Steinberg 2004).

Figure 3.1

Awareness about the Consequences of the Offences



The less developed status of the brain of children doesn't mean that adolescents can't make rational decisions or appreciate the difference to act impulsively, on instinct, without fully understanding or considering the consequences of their actions. Other social science and behavioral science also shows that kids focus on short-term payoffs rather than long-term consequences of their actions and engage in immature, emotional, risky, aggressive and impulsive behavior. But it does mean that, particularly when confronted with stressful or emotional circumstances, they are more likely to drift to deviant acts.

Peer Influence

The results of the study also suggest that children and adolescents involve themselves in offending as a group indicating the influence of peers in their decisions. Data reveals that 58.8% of the offences were done in groups. Of these, in 90% cases, those joined for the offences were friends reestablishing the peer influence in the commission of the unlawful acts. In these circumstances, in order to show their allegiance to the peer and to gratify their inner urge for approval children may be coerced to act against their will.

3.3 Children in Conflict with Law and Treatment under Adult Criminal Justice System

There are studies which suggest that incarceration may not be the most appropriate or effective option, even for many of the most serious adolescent offenders; that longer stays in juvenile facilities did not reduce reoffending.

All this does not mean that children/adolescents who are involved in offences or deviant behaviour should not be held accountable for what they have done. They should be held responsible and accountable for what they have done to the victims and should compensate for the same. Nevertheless, it should not be by harsher punishment but through more restorative measures. The means for ensuring such accountability should be grounded in child/adolescent psychology, the human rights of children and a deeper understanding of the circumstances that led to such behavior/actions. The Committee on the Rights of the Child has gone to the extent of stating that the overriding factor in responding to severe offences by children must be “the need to safeguard the well-being and best interests of the child and to promote his/her reintegration”. The existing juvenile justice system has the potential to provide an enabling framework to promote justice with healing for the victim, the community and the juvenile through restorative justice programs. More efforts are needed to implement the same in letter and spirit.

Therefore, it can be concluded that though children/juveniles involve in heinous crimes they should be treated differently taking into consideration their capacity for amelioration and rehabilitation with appropriate interventions.

Punishments such as imprisonment and the death penalty have rarely shown the anticipated results of serving as deterrent. The study shows that children/adolescents engagement with offences is mostly due to the characteristics of the adolescent period which is marked by a spurt of cognitive, emotional, physical and sexual development. The multiple vulnerabilities and deprivations experienced by them at the family, school and community level amplify their bent towards deviance. Structured educative programmes and behavior modification therapies may enable them to understand the serious consequences of their action, and to return to law abiding life. Therefore, rather than retributive justice, the focus should be on designing and delivering adequate services to these juveniles through dedicated professionals during the period of his/her stay in the special homes so that they can indeed be reformed, rehabilitated and re-socialized.

Factors that Predispose Children to Deviance/Offence

There is no one reason why juveniles involve themselves in crimes or unlawful acts. Practitioners and researchers have sought for decades to explain why juveniles engage in criminal deviance. A child who is vulnerable to higher number of risk factors is likely to indulge in offending or unlawful activities.. Yet analyzing the case histories as narrated by the children in detention centers, it could be inferred that several factors interplay and contribute to his/her commission of offences. Various risk factors that may lead one to offences have been categorized under 4 major heads: familial factors, school factors, peer factors and community factors. Several other factors which emerged from the interaction and analysis and seemed to have a bearing in offending attitude have been brought under one of the above broader brackets.

4.1 Familial Factors

Family is central and basic right of every child. It is also the primary socializing unit where through appropriate parenting children are provided with a warm, secure home life, helped to learn the rules of life and to develop good self esteem. Wright and Wright (1994) consider family as the foundation of human society. Children who are rejected by their parents, who grow up in homes with considerable conflict, or who are inadequately supervised are at the greatest risk of becoming children in conflict with law. Parents in the family are their immediate role models. Subsequently they tend to imitate what their parents or elders perform or do. If they act positively showing concern, care, love and act in conformity with the human values, children too are likely to follow the same. On the other, if parents and elders in their family act without caring for the human and societal values, children are also likely to be in confrontation with these values and norms. Hence, the kind of home and parents that children have seems to influence their behavior outside home. Loeber and Stouthamer-Loeber (1986) have grouped the familial/parental factors under 4 heads viz., neglect, conflict, deviant behavior and attitude and family disruption. The current study had utilized this classification to make a detailed analysis and subsequent understanding on the familial factors that predispose children to being in conflict with law.

4.1.1 Parental Neglect

The survey data elicited from 182 children residing across various observation homes, special home and place of safety suggest that an overwhelming majority of the children in these centres were victims of multiple deprivations in life. Most of them hailed from very poor families that struggled to make both ends meet. This struggle in life generally leaves the parents with very little option to look after their children through adequate supervision and monitoring.

Besides, the profile of the children in various detention centres does portray that almost all of the children were either in their early or middle or late adolescent years which is characterized by a spurt of cognitive, physical, emotional, psychological and sexual development. His/her growth from adolescence to an adult is a process of confusion and conformity. It is therefore the most troublesome period as there is struggle for autonomy, for establishing sexual identity, for romantic relations etc. It demands that they should be supported, monitored and supervised closely so that they do not get drowned in the confusions or problems and go astray. It suggests that his/her growth as a citizen greatly

depends on how he resolves his confusions and to what factors and situations he conforms. Parent's supervision and involvement are expected to help the child in this regard. Supervision here refers to monitoring of children in terms of where they go? With whom they go? What they do? When do they return home? etc. Monitoring becomes all the more important as children move into adolescence and spend less time under the direct supervision of parents or other adults and more time with peers. Lack of involvement/supervision is likely to be instrumental in luring children to deviant peer groups and to involvement in deviant activities which are against the values and norms of society.

Data on the variables related to supervision such as inquiring about children's activities, their friends, communication and sharing between them portrayed that most of the parents neglected these as they were more pre-occupied with their daily work. As seen in the table below only about 16% each of the children responded positively about some sort of sharing and communication between parents and their children. Neglect in supervision was thus pervasive in the lives most of these children which generally left them on their own risking to be lured to deviant groups and acts easily.

As seen from the data, 14.2% of the children were not living with their parents and 23% were living with either single parent or with their step parents. In the case of children living with both parents the struggle in the life as well as the dawn to dusk work culture or multiple works prevented the parent from providing adequate supervision. Incompetence in adequate parenting and supervision due to ignorance worsened the situation.

Absence of adequate supervision was a pervasive phenomenon across children in all detention centres irrespective of the type of home and nature of offences they were involved in. The data shows that only about 16% of the parents inquired about the whereabouts of their children or communicated/ shared with them openly. Parents never bothered to understand the truth of what the children shared. It is quite evident from the responses of the children that majority of the parents were busy in finding means to meet their daily expenses rather than caring and supervising their children. They also kept their parents in the dark regarding their friends or what they did or where they went. Probably a proper guidance in selecting friends could have saved many children from their initiation into deviant/ offending ways.

Lack of adequate supervision thus was a general feature among the children of all detention centres.

Table No. 4.1

Parental Supervision

Factors	Yes	No	Occasionally	Rarely	NA (not living with parents)	Total
Inquiring about you and your activities	29 (15.9%)	62 (34.1%)	71 (39%)		20 (11%)	182 (100%)
Sharing with parents	28 (15.4%)	65 (35.7%)	39 (21.4%)	30 (16.5%)	20 (11%)	182 (100%)
Parents knowledge of your friends	69 (37.9%)	101 (55.5%)			20 (11%)	182 (100%)
Bringing friends to home	47 (25.8%)	122 (67%)			20 (11%)	182 (100%)
Communication	28 (15.4%)	65 (35.7%)	39 (21.4%)	30 (16.5%)	20 (11%)	182 (100%)

Parent's unwillingness to involve with children gives room for their easy detachment from family and attachment to groups that provide concern and attention to them. Often children who experience hardship and deprivations tend to associate with children of similar nature. Further, the specific adolescent characteristic of adventurism, risk taking and impulsiveness lures them to acts that are adventurous and challenging. When such acts bring immediate rewards they fail to value the consequences. If parents are able to involve themselves in the lives of children, they could be properly guided, supported and supervised to pro-societal values, norms and cultures and prevented from contact with deviance.

Parental involvement/interaction and bond between parents and children thus are essential and inevitable factors for the appropriate growth and development of juveniles. Child-parental involvement ensures a feeling of being loved, cared, appreciated, encouraged, accepted and supported. Less than half of the children in various detention centres had experienced a feeling of being loved and accepted. In most of the cases, the expression of love and care was mostly referred merely to the provision of material things such as food, shelter and dress etc. Factors that assisted in maintaining a close knit family such as spending time together or eating together etc. were found to be weak in most of the families of these children who are detained. In the case of 14.2% they were not living with their parents suggesting a complete absence of these valued goals. In another 24% they were either single parented or were looked after by step parents. Even in the case of those living with dual parents, the love and care or support they gained did not seem to be very high as the struggle in their lives always limited them in providing the children with the required love and care.

Families that spend time together, show warm relationships, open communication, have meals together, attend functions as a family and show cohesiveness are likely to desist deviance as the above acts as virtual supervision mechanism. The absence, neglect or lack of the same tend to generate tension and stress within families. Most of the children in detention centres were deprived of many of the above factors in their families. It was found that only (29%) of the children's parents spend time with their children and less than two fourth self reported about communication/sharing between them. Only 15% of those in special home and 36% from the observation home affirmed about some kind of sharing/communication between them and the parents; and only less than two fourth of these families dined together. Moreover, even in cases where they came together, the quality of their togetherness was always a question mark.

Weak bonding between family members resulted in subsequent weak supervision, guidance and involvement that led to possible drift to unlawful acts.

For some other children who stated that parents spend time with them, it only meant that they were assisting the parents in their work. Other than such involvement, very little of interaction is reported between them and their parents. It could be inferred from the analysis of the data as well as the life histories of the children that the basic necessities that a normal child enjoyed like care, warmth, love, attachment, cohesiveness, supervision etc., was a luxury for most of these children in the detention centres.

The lives of the juveniles who serves in the detention centres, highlighted that parents' involvement was absolutely neglectful, which naturally gave the children the indirect license to associate with deviant peers and involve in deviant and delinquent activities.

Adolescent deviant behavior from the social norms is also associated with parents' relationship with adolescents. Children whose parents show high amounts of affection, acceptance, and support report lower levels of anxiety and depression. Lack of emotional ties between parents and adolescents also contributes to involvement in maladaptive behavior (Glueck & Glueck, 1962). It is also inferred that the negative quality of relationships between the adolescents and their parents is related to higher levels of externalizing problems, such as disturbing others, verbal and physical aggression, and acts of violence (Nelson, Rutherford, & Wolford, 1996)

Unfortunately, the parents of these children were incapacitated to provide adequate parenting in terms of supervision, concern and guidance to the children due to their struggle to make both ends meet.

Table No. 4.2

Parental Involvement

Factors	Yes	No	To Some extent/ don't know	NA/Not Applicable	Total
Parents' love	75 (41.2%)	87 (47.8%)		20 (11%)	182 (100%)
Parents' care	83 (34.6%)	66 (36.3%)	13 (7.1%)	20 (4.1%)	182 (100%)
Eating together at least one meal	79 (43.4%)	58 (31.9%)	25 (13.7%)	20 (11%)	182 (100%)
Praying together	57 (31.3%)	75 (41.2%)	30 (16.4%)	20 (11%)	182 (100%)
Acceptance in family	78 (42.8%)	29 (15.9%)	55 (30.2%)	20 (11%)	182 (100%)
Going out for film with family	14 (7.7%)	148 (81.3%)		20 (11%)	182 (100%)

The findings drawn from the responses of children show that neglect in adequate parenting played a significant role in children drifting to deviance. Majority of the children in detention centres were deprived of a safe, secure and happy childhood. They were deprived of appropriate care, attention, supervision, guidance and support. For most parents, parenting is limited to the provision of the basic necessities to children. They fail in other roles of parenting like critical parenting by the father and nurturing parenting by the mother. Under such circumstances, they are likely to get discontented and get easily drawn to children with same problems and are likely to seek attention of the society through deviant acts. Glueck and Glueck in a study found that juvenile offenders are more likely to come from homes where they did not feel love and support (Hollist et al 2009). That family behaviours particularly parental monitoring and disciplining seem to influence association with deviant peers throughout adolescent period (Cashwell & Vace 1994). That lack of parental monitoring contributes not only directly to child's anti social behavior but also indirectly to the opportunity to associate with deviant peer which is predictive of higher levels of deviant acts (Kim et al 1998). Although, these factors need not invariably lead to deviance, yet, they can be considered as strong risk factors/predictors that are likely to make children to offences and unlawful acts.

4.1.2 Parental Conflict and Discipline

Children and adolescents generally look upto their elders and imitate their behaviours. If parent acts in a negative way the child is more likely to follow parent's negative attitude. The role model exhibited by parents hence has an enduring effect on children. Similarly, while none undermine the significance of disciplining and monitoring to check delinquent behavior, it is found that overly harsh punishment in the name of discipline will not stop it. (Simmons et al 1991)

The survey findings of the study revealed that 41.8% of the homes of the children under study reported either quarrel or fight at varying frequency and intensity. 18.1% on the other had witnessed beatings of one parent by the other in the height of their heated and harsh words of exchange or quarrel. 74.2% reported mental and psychological torture. The frequency of such quarrels and fights varied from rare occurrences to every day. While 6% reported it as an everyday routine activity at home especially in the evenings, for 16.5% the fights and quarrels were occasional. Alcoholism of the father, family issues

and financial issues were the prominent reasons stated for the eruption of quarrels among parents or among family members.

Quarrels between siblings were also quite common in the households of the population under study as 44.2% commented about the same. The theory of role modeling is seemed to be relevant in these cases as analysis showed that in households where parents had frequent quarrels and fights, the sibling too quarreled among themselves on various issues. At times they became part of the quarrels and fights between parents. It substantiates the inference that children mould themselves after parents or elders and that conflict between parents tend to influence the deviant behavior of children. However, this should not be viewed/considered as an invariable cause- effect paradigm i.e., not all siblings of quarreling parents tend to quarrel or fight each other.

Table No. 4.3

Parental Deviance

Factors	Yes	No	NA	Total
Disciplining by beating	143 (78.6%)	19 (10.4%)	20 (11%)	182 (100%)
Sexual abuse	0 (0%)	182 (100%)		182 (100%)
Mental torture	135 (74.2%)	27 (14.8%)	20 (11%)	182 (100%)
Quarrel and fight at home	76 (41.8%)	86 (47.3%)	20 (11%)	182 (100%)
Parent Beating the other	33 (18.1%)	129 (70.9%)	20 (11%)	182 (100%)
Quarrel among sibling	54 (44.2%)	58 (47.5%)	20 (11%)	182 (100%)

While disciplining is essential and is an inevitable element in the life of a child and adolescent, the way one is disciplined matters greatly. Harsh and erratic disciplining is expected to be counterproductive and is likely to cause negative results. Physical punishments may be viewed by the child as unfair and unjust prompting them to act out in a revengeful and deviant manner. An inquiry into the physical punishment inflicted on children found that 78.6% of the children had experienced physical punishment either in the form of slap, beating or kicking. Reasons varied from person to person. While for some it was due to their wrongful acts, for a few others it was the wrath of the alcoholic father and get, for a few others it was for not studying.

Nevertheless, in the current study, more than the harsh and erratic disciplining, it was the non-disciplining that emerged as the major factor that influenced or contributed to the deviant behavior of the children. Disciplining using harsh measures however was found to be at a lower level. The physical punishment meted out by children under study was not for any wrongful acts but rather they were victims of the wrath of the alcoholic parent who vented their anger on them. It is inferred from the responses that the conflict and aggressiveness seemed to have been a risk factor for children drifting to offending behavior since such conflicts strained the relationship and thereby weakened the supervision and involvement/interaction of parents with their children. Linking the conflict atmosphere with the theory of modeling it can be premised that the conflict and quarrels that disrupt the family atmosphere is more likely to prompt the children to have an easy association with deviant peers on one side and their involvement in offending and unlawful activities. Non supervision which arises from conflict and quarrel worsens the situation.

4.1.3 Deviant Behavior and Attitude

Though the hereditary transmission of offending behavior from parents to their children may not be that strong in the study, there are other deviant behaviours of parents such as use of alcohol, smoking and drugs etc., which seemed to have had an influence on the juveniles.

57.4%, 45.1% and 26.2% of the parents of the juveniles in detention centers were habitual alcoholics, smokers and users of pan, hans and other tobacco products. In comparison, 34.4%, 26.2% and 18.9% of the juveniles had affirmed about the use of alcohol, smoking and use of pans, hans, whitener, thinner, fevicol etc. These figures can be viewed only as the tip of an iceberg as most children seemed to have been hesitant in disclosing the truth about their habits fearing harsh punishments from the authorities of the home. Yet, it indicated that more and more children are lured to these kinds of bad habits and deviant behaviour mostly due to the role models within their reach- the parents and the peers with whom they associate. There have been stray incidents reported by the children in which they were forced to take certain drugs by adults in order to utilize them for the selfish motives of these adults which included violent and delinquent acts. Thus, the findings of the study conform to the already existing literature pool which states an association between parental deviancy and juvenile delinquency. Loeber and Stouthamer (1986) says that parents with a history of deviancy themselves are more likely to pass this behavior on to their children (Patchi 2006). The causative figures are unclear. Yet it is hypothesized that adolescent deviant behavior is learned from their parents or that the environment and the way children are nurtured influences the delinquent behaviours (Brooks-Gunn Duncan, Klebanov & Sealand 1993)

Table No. 4.4

Deviant Behaviour

Factors	Yes	No	Total
Involvement of parents/siblings in crimes	15 (8.2%)	167 (91.6%)	182 (100%)
Use of alcohol by parents/siblings	106 (58.2%)	76 (41.8%)	182 (100%)
Alcohol use by the juvenile	82 (45.1%)	100 (54.9%)	182 (100%)
Smoking by dear ones	104 (57.1%)	78 (42.9)	182 (100%)
Smoking by Juvenile	61 (33.5%)	121 (66.5%)	182 (100%)
Use of drug by parents	63 (34.6%)	119 (65.4%)	182 (100%)
Use of drugs by Juvenile	52 (28.6%)	130 (71.4%)	182 (100%)

It is also likely that children believe such behaviours as acceptable since they find no punishment or correctional measures for the behavior of the elders.

However, it is also true that not all children of a deviant parent involve/engage themselves in deviant acts. Two siblings can experience the same family context in very different ways. It indicates that there is diversity in child-social context relations. As a consequence of their characteristics of individuality, children elicit differential reactions in their parents, and these reactions provide the basis of feedback to the child. The bidirectional child-parent relationships involved in these underscore the point that

children (and adolescents, and adults) are producers of their own development and that people's relations to their contexts involve reciprocal exchanges (Lerner, 1982). The parent shapes the child, but part of what determines the way in which the parent does this is the child himself or herself. Nevertheless, the influence of parental deviance cannot be ignored. It may act as one among the many risk factors that contributes to the deviant behavior of children/adolescents.

4.1.4 Family Disruption

Children who live in homes without parents or only one parent or in which marital relationships have been disrupted by divorce or separation are more likely to display a range of emotional and behavioral problems, including delinquency, than children from two parent families (Wells and Rankin, 1991) Absence of one or both parents of the child is just a piece to the entire family disruption or broken home idea.

The association between family disruption and juvenile deviance is strongly established by various researchers. Walter Reckless focused on family as the most important source of social control where if juveniles were lacking one parent they were more likely to have complete freedom and participate in deviant activities (Jensen, 2003). It is often thought of as being unsafe, unpredictable and chaotic. The trauma theories, life course theories, and selection theories explaining the strong link between the two suggest that the loss of a parent has a damaging effect on children most commonly because of the effect on attachment to the parents, multiple stressors associated with separation and because of pre-existing differences in family income or child rearing methods (Juby& Farrington 2001).

The survey showed that 19.8% of the children serving in the detention centres had experienced the death of either of their parents. Though the figure may not be instrumental in proving that single parenting families produce more delinquents, the finding to an extent goes in line with the earlier findings of the research which states that single parent families particularly 'mother only' families produce more delinquent children than two parent families (Wright and Wright 1994). Father in a family is expected to play the role of critical parenting as compared to the nurturing role played by mother. A child grows as a true citizen and a human being when both these roles complement each other adequately and in the best possible manner.

Among the disrupted families, 21.4% were living with single parents either with father or mother. Father in a well -functioning family embodies critical parenting wherein he represents an authority and disciplining figure. This authoritative and at the same time affectionate disposition of the father helps them to learn pro-social skills and to unlearn any aggressive behavior. The absence of fathers from children's lives is therefore an important cause related to depression and eating disorders, teen suicide, and substance abuse. A boy abandoned by his father is deprived of a deep sense of personal security.

Conversely, children in single mother household could have serious behavioral problems. 15.9% of the children all representing the Observation homes were living with their mothers only. Among those involved in serious crimes of murder and rape 16.1% and 14.3% each were living with their mothers. Mother in the family represents nurturing parenting. Separation from her either by way of death or separation can lead to long lasting negative effects on behavior and emotional development of the children. If their emotional attachment to the mothers is disrupted in early years, it can permanently handicap their capacity for emotional attachment to others. Similarly, having different caretakers during the early years can lead to a loss of this sense of attachment for life.

Table No. 4.5

Family Disruption

Factors	Yes	No	Total
Single parent family	39 (21.4%)	143 (78.6%)	182 (100%)
Divorce/separation	9 (4.9%)	173 (95.1%)	182 (100%)
Chronic illness	21 (11.5%)	161 (88.5%)	182 (100%)
Death of both parents	4 (2.2%)	178 (97.8%)	182 (100%)

Familial factors such as parental neglect, conflict, deviance and disruption thus assumes to be a strong predictor of juvenile delinquency. Families play the crucial and pivotal role in producing law abiding and non-delinquent citizens. Adequate parental guidance, support, supervision and involvement can bring them back and prevent their growth into persistent and habitual offending.

Positive relationships, high expectations and opportunities for meaningful participation are factors identified by resilient researchers that create extreme protection. Parental modeling, close knit relationship and bonding between family members, appropriate sharing and communication are essential but interrelated factors that create a protective environment for children. It is therefore a challenge to tell which one cause/factor produce deviant behavior. It will also be wrong to say that any one cause/risk will invariably produce one particular effect in all cases. For example not all children from single parent families turn to be delinquents when we say that there is an association between single parent and juvenile delinquency. However, afore mentioned factors can act as risk or vulnerable factors that can be instrumental in the production or creation of juvenile delinquents. Checking these vulnerabilities by strengthening the parenting skills and adequately combining the critical and nurturing parenting along with an effort to build close knit families could bring about a substantial change in children falling to crime or offending behaviors.

4.2 School Factors

School plays a key role in the formation of children’s behavior. But, they are likely to have difficulties and problems in school when families and parents fail in their role to supervise, guide, involve, love and care. Children spend most of their time, 6-7hrs per day, 5 days a week in the school. If the school provides them with happy and positive experience, they are likely to have a better chance of becoming good citizens. On the reverse, dissatisfaction and dis-attachment with the school stops them from trying to succeed. Supporting the above view Thornburg (1975) comments that sometimes children who are having trouble in learning and relating to other children, join with young people who have the same problems. They isolate themselves from the rest of their school mates and are likely to involve in deviant behaviour. Retaining them at schools therefore is likely to safeguard them against such attraction to deviant groups. Schools are expected to educate them not only arithmetic or how to read, and write but human values like industriousness, hard work and how to behave according to the social norm, love for one’s country, a child’s duties towards his parents, thrift and honesty and traditional concepts of good citizenship. Besides, at school, they make friends and are supervised by their teachers. However, the role of the school in the lives of children is often underestimated. The major school factors that may contribute to their dissatisfaction with school and later to deviance may be: low school performance/achievement, low school attachment, interaction and supervision.

The study has revealed that out of the 182 children with whom the researchers had interaction only 43 i.e., less than one fourth of the children were studying at the time of their apprehension. The remaining

had been out of school for one reason or the other. While some had never been to school, many others had been to school but dropped out from school at some point of their education. Financial burden of the family, lack of interest to study, other problems in the family, etc. were the prominent reasons reported for their break in schooling. It partially proves the assumption that children in conflict with law are underachievers and low performers at school. There was not much variation in this regard across the inmates in different types of institutions. Out of the 13 children in special home and place of safety only 3 were studying at the time of their apprehension and they still continue to study through distance programmes. Research finds that around 62% of those out of school were either working independently somewhere or were mostly assisting their parents in their work at a time when they were supposed to be studying in schools. The finding indicates that school attachment and school performance have an association with deviance.

With enactment of the Right to Education Act, a great emphasis is given for improving enrolment of children in school and statistics highlight successful reports from different corners of the nation. However, enrolment is just the first step. It is equally important to keep them at school. The disengagement or dropout rates from school indicate that schools and teachers are required to become more relevant to the needs and aspirations of children by adopting methods that make learning more interesting and engaging.

At the same time there are also researchers who suggest that separate contribution of IQ and school performance to delinquency are not well established. In the current study too there were a few exceptions as a handful of them reported to have been with higher grades like 'B' but could not continue the studies due to the situations at the family. Yet the overall situation as indicated by the evidence based data proves that majority of the children serving in the detention centres are educationally backward and were with low educational performance/achievement

As per data of study, out of the 43 children who were studying at the time of apprehension, only 3 were self reported to have been irregular in school. Nevertheless, even among those who dropped out, it had started off with truancy. It implies the failure from two sides i.e., a) appropriate supervision from the side of the parents and b) from the part of the school. Truancy may be the beginning of a lifetime of problems for students who routinely skip school. A report compiled by the Los Angeles County Office of Education on factors contributing to juvenile delinquency concluded that chronic absenteeism is the most powerful predictor of delinquent behaviour. Such students are at a higher risk of being drawn into behaviour involving drugs, alcohol or violence. A California deputy assistant attorney who handles truancy cases says he has "never seen a gang member who wasn't a truant first."

Underachievement was another probable reason for their dropping out from school. Out of the 43 children who were studying at the time of apprehension, majority (40) were with low educational performance/achievement – i.e., they were with either 'c' or 'd' or 'e' grades. Low educational performance is further established by the fact that 15 of the 43 had failed either in one or several classes proving either their dis-interest or incompetency resulting in low educational achievement. Once tracked as low achievers, they generally get isolated from the company of other students and begin to spend much of their day in the company of other students who share the same level of academic ability. They are likely to experience greater failure, have an increased tendency to drop out of school, are more likely to misbehave and commit more delinquent acts, than higher track students. Farrington (1992b) says that it is the sense of failure and feelings of alienation in children who are underachieving, rather than the underachievement itself, which connects most strongly with anti-social behaviour during adolescence, including drug abuse. Thus low achievement has multiple repercussions. However, it does not mean that all children with lower educational performance drift to deviant behavior. Yet children who fail in classes or who do not perform well are more likely to flock together and are likely to seek attention through involving themselves in deviant behaviour.

Table No. 4.6**School Performance**

Factors	Yes	No	NA	Total
Regularity in the class	40 (22%)	3 (2.7%)	139 (76.4%)	182 (100%)
Failure in class	15 (8.2%)	28 (15.4%)	139 (76.4%)	182 (100%)
Partaking in extra-curricular activities.	15 (8.2%)	28 (15.4%)	139 (76.4%)	182 (100%)

As regards children who were studying at the time of apprehension, most remarked that they did not have any problem regarding relationship with both the teacher and the classmates. The interaction further revealed that most of the children kept themselves aloof from the teachers. Teachers, on the other hand, isolated them by making them sit at the back row of the class and ignored them. An indifferent or non-caring attitude of teachers to them often restricted their attachment with the school. Just like attachment with a family withholds the child from committing unlawful acts by way of its virtual supervision, attachment to school performs a social control mechanism on him. Nevertheless, the strained attachment or even non-attachment to school as seen in the case of the children under study often keeps them out of school and they become easily lured to offending behaviour.

Table No. 4.7**Relationship at School**

Relationship	Very good	good	Satisfactory	poor	NA	Total
With teachers	7 (3.8%)	26 (14.3%)	8 4.4	2 1.6	139 (76.4%)	182 (100%)
With students	6 (3.3%)	33 (18.1%)	4 (2.2%)		139 (76.4%)	182 (100%)

Other school factors that may contribute to an adolescent's isolation from school and probable affinity to deviant acts are maladjustment at school, poor relationship with teachers, poor relationship with students and conflicts with either teachers or students. The data in this regard however did not show a strong predictability in the population under study as only a minor group of 1.1% reported strained relationship/ adjustment problem. Nevertheless, conflicts among children were quite high. But it requires to be viewed only in relation to their developmental stage which is marked by adventurism and risk taking. Similarly, ill treatment, humiliation, adjustment problems and suspension/expulsion are all situations and factors that can bring about a conflict between the child and school which ultimately can be a risk factor for the engagement in unlawful activities.

Table No. 4.8**Conflict at School**

Factors	Yes	No	NA	Total
Fights with teachers	20 (11%)	23 (12.6%)	139 (76.4%)	182 (100%)
Fights with students	6 (3.3%)	36 (19.8%)	139 (76.4%)	182 (100%)
Adjustment problems	4 (2.2%)	39 (21.4%)	139 (76.4%)	182 (100%)
Suspension or expulsion	3 (1.6%)	40 (22%)	139 (76.4%)	182 (100%)
Ill treatment and humiliation	37 (20.3%)	6 (3.3%)	139 (76.4%)	182 (100%)

School factors cannot be taken in isolation to find answers to deviance and offences. They are often related to other factors such as familial and community factors. Parents play the central role in helping the child to understand the norms and create bonds within their school. They teach their children the pro-social behaviors accepted in these facilities, such as being considerate, helpful, polite, caring, and cooperative. However, if parental attachment is low, they will not learn this behavior, and will therefore experience difficulties in school (Simons et al 1991). These difficulties can range from being disruptive in the classroom, to playground fights, and to lower grades. Simon's study (1991) concluded that youth who fail in school strive to increase their self-esteem by disregarding society's norms and decide to take part in deviant behavior. Increasing participation in school by children therefore is a key part of reducing their antisocial behaviour and offending.

Thus the school factors that may cause or lead children to deviant behavior is a continuum of familial factors such as family disruption, neglect and attachment. A child who experiences neglect, attachment, disruption etc tends to carry them to school and faces almost a similar challenge at the school, which in turn causes him to be associated with children of similar nature. They in turn are likely to involve in deviant behavior. It indicates a "roadmap to offending" among most children, which starts with difficulties in the classroom, moves through low self-esteem, poor behaviour and school exclusion, and ends in offending.

The study findings clearly portray that while the familial factors laid the root, the school propelled their deviance with their association with children of similar problems. Hence, the conglomeration of familial and school factors played the crucial role in the deviant lives of these children. A secure and happy life at the family is likely to extend to school and build positive and bonding relationship at school which naturally improves educational performance, self esteem and attachment to school that safeguard them from deviating behavior. Added to that, it is essential to keep every child until the age of 16 at school. Increasing participation in school is a key to reducing their antisocial behaviour and offending. Moreover, simply participating in school appeared to lead to changes in interpersonal adjustment, academic performance and vocational accomplishment.

Analyzing the cases of children in detention centers suggest that the failure to keep them in school was a grave contributory factor for their drift into deviant and offending acts. In the case of those who were studying at the time of their apprehension, probably individual care and appropriate interventions could have made things better for the children. The focus of education should not limit to mere enrolment in quantitative terms but should also focus on quality of education as that can hold the children in school.

4.3 Peer Factors

Children who grow to adolescent tend to grow more independent of their parents, family and form their own peer group. Peer affiliation is a normal growth process. At this stage they move out of the control of their family and begin to spend more time with their friends. A child who is uncared, non supervised and not attached either to family or school or community is more likely to drift into association with deviant peers. However, not all peers are deviant in nature. adolescents who have difficult situation at home/schools turn to their peers and replace the lost relationships. Often teens who have similar experiences in life crowd together as 'birds of a feather flocking together.' Children who experience neglect, conflict, parental deviance, family disruptions etc., thus tend to associate with those of similar experience and are likely to have an attitude to avenge or confront it aggressively giving rise to conflicts and deviant activities. In those cases the opinion and voice of the deviant friends take precedence over that of parents, teachers and elders. Thornburg (1975) has emphasised the power of the peer group to cultivate behaviour patterns contrary to those of the family.

Involvement of adolescents in offences is mostly in groups implying the strong influence of friends in their acts. The study proves that out of the 182 children who were in detention centres, 58.8% of them had committed their offences in groups, denoting the influence of peer. The fear of isolation drives them to remain affiliated with the peer groups even if they indulge in harmful activities. This is a phase when the teenager is just beginning to discover the world around and most of the times he does it through experimentation. If they lack a support system that can guide them in a positive manner, they end up engaging in activities that they perceive as exciting without really understanding their potential implications.

Most of the children in the detention centres had only less than five intimate friends. It is likely that as the friends circle gets narrowed their allegiance to the group becomes stronger. The peers of these children in detention centres exhibited certain common features such as drop outs, experience of several vulnerabilities and deprivations, lack of adequate parenting, etc. Many were addicted to alcoholism, drugs, smoking and even to offending acts. It shows that children/persons who experience similar kind of deprivations/vulnerabilities are likely to attract each other.

Enlarged friends' circle is likely to bring them in association with friends who are pro-social and who can prevent the drift towards deviant groups and subsequent involvement in deviant or offending acts. That is why Elliot (1994) stated that spending time with peers who disapprove of delinquent behavior may curb later violence. Besides, children/adolescents who seek affiliation to particular groups are driven either by emotions or by the immediate rewards.' Thus, "factors such as peer delinquent behavior, peer approval of delinquent behavior, attachment or allegiance to peers, time spent with peers, and peer pressure for deviance have all been associated with adolescent antisocial behavior." (McCord and colleagues (2001:80).

The study finds that though most of the children (87.6%) in detention centres had peers who were of their own age group (16-20yrs) and who were either school/class mates or colleagues at work. There was a minor group (12.4%) who had friends who were much older to them (20-45yrs). Among the friends of these children, every one without an exception cited that many of their friends were both consumers of alcohol and those with deviant behaviours.

Adolescence is also a period when they become sexually active and get attracted to opposite sex. Relationship with opposite sex can become exploitative and devastating for both if they are not properly guided and supported by the adults, particularly parents and teachers. A few of the children under study had girl friends and their relationship proved to be exploitative in the sense that they had even physical relationship either with her consent or even without her consent. Most of these instances were consensual sex but the children were apprehended and detained later based on the complaints lodged by the parents/relatives of the girls. In several other cases, it was the result of alleged false

accusation/exploitation of adults for personal gains. In the remaining cases, probably unsupervised and uncontrolled sexual urge specific to their developmental stage/phase might have resulted in their deviance. Lack of sexual education, guidance by elders, influence of media etc. might have had its effect. In the case of children in detention centres, parents were incompetent to provide such an education due to their ignorance and their inability resulting from their vulnerabilities and deprivations. While, it does not justify the act committed by children/adolescent but they may not be culpable to the same extent as adults.

Nevertheless, peer influence alone is insufficient to explain the emergence and persistence of deviant acts in adolescents. A combined effect of family factors and delinquent peer influence is seen in the risk of involvement in offences.

4.4 Community Factors

It was found that most of the children in detention centres got engaged with offences due to the influence of the immediate environment in which they lived. Children/adolescents who reside in weak neighbourhood/ communities typified by extreme poverty, high rates of crime and violence, high drug availability and high population turnover are more likely to offend. Hawkins (2000) suggests that high crimes rates, gang activity, poor housing, and general deterioration in a given community could well be predictors of violent activity. Each reinforces the other in a destructive relationship, spiraling downward into violence and social chaos. Existing research also points to a powerful connection between residing in an adverse environment and participating in criminal acts (McCord, Widom, and Crowell, 2001). Sociological theories of deviance ascertain the same and state that “disorganized neighborhoods have weak social control networks; that weaken social control, resulting from isolation among residents and high residential turnover that allows criminal activity to go unmonitored” (Herrenkohl et al., 2001:221). Communities/neighbourhoods that exhibit a strong bond act as a protective measure for the child/adolescent against all deviances and exploitations. On the other hand communities that are disintegrated or disorganized through frequent violence and fights tend to induce children and adolescents to act in conflict with law.

Among the 182 children in detention centers 56.6% of the children report that violence was rife in their neighbourhood or community. It is observed that when children are chronically exposed to high levels of environmental violence or fights, they are likely to model after them and internalize their behaviour. This makes them aggressive and revengeful. It is also reported that many of these children (9.3%) were parties to fights and violence several times.

The Communities and neighbourhood of several children were also marked by the presence of gangs, availability of illicit drugs. A community which is closely knit exercises a virtual control on the behavior of its people and plays a monitoring and supervisory role on all. Similar is the case with substance abuse. Easy availability of drugs generally lures more and more children to its use and gradually makes them do things which they would not do otherwise. It is reported that many juveniles who commit offences are consumers of illegal drugs too. The negative influence of drugs or tobacco products on juveniles has been well articulated by Leboeur (1996) in these words ‘that under the influence of drugs, individual may often do things they would not do ordinarily or otherwise; that most drugs are expensive and young people may commit crime in order to obtain the money to buy them; that many young people begin using drugs as a way to be accepted by their peer group.’

Children who grow observing people who use drugs or who are involved in gangs may be lured to such ways influenced by the fantasies projected by the users. The adults have been found to use them for illegal activities like selling illicit drugs, in fights and violence, in illegal sale of alcohol etc., within the stipulated circles including their educational institutions and their own communities.

Communities may also be ridden with gangs who are involved in deviant and criminal activities. A child who lives in such communities is more likely to be lured to such gangs seeing the fearful respect that others gives them, the lavish and luxurious life they lead. The data showed that 16.5% of the children in the detention centers hailed from such communities where there was an active presence of gangs. However, not all juveniles of these communities were members in such a gang. Membership in gangs was reported by 4.4% of these children. Membership of juveniles in the gangs also reflects a desire for an attention seeking by them.

Sports and games have the potential to promote a broad spectrum of life skills and values such as team-building, communication, decision-making, problem solving, self-esteem, sense of community, personal responsibility, empathy, resilience and socio-moral development. It can also contribute to improve young people’s school attendance, behavior, and academic achievement. The study affirmed the above as majority of children i.e. 65% of them rarely took part in any games/play.

There are studies which show that even in violent and crime-ridden neighborhoods, “caring and protective families” are winning the battle. It is observed that even the troubled family is winning and coming out of violence, crime and deviance. Moreover, the offenders need not be persistent offenders but may turn to be one if they are not provided with a chance to reintegrate into the society. Both the victims and offenders need to find a way of reintegrating the offenders back to society in a way that will encourage the offenders to take responsibility. This can also prove to be beneficial to society because offenders can be used to motivate other children against offence. It “reflects an understanding that when young people have a genuine stake in their families, schools and communities they are less likely to commit anti-social acts that place that relationship in jeopardy”.

Table No. 4.9

Community Factors

Factors	Yes	No	Total
Fights and violence in the community	103 (56.6%)	73 (40.1%)	182 (100%)
Presence of gangs in the community	30 (16.6%)	145 (80.1%)	182 (100%)
Membership in gangs	8 (4.4%)	174 (95.6%)	182 (100%)
Availability of drugs	67 (36.8%)	115 (63.2%)	182 (100%)
Involvement in Fights/violence in community	17 (9.3%)	165 (90.7%)	182 (100%)
Involvement/participation in clubs/youth groups/ community programmes	31 (17%)	151 (83%)	182 (100%)
Participation in community games/programmes	95 (52.2%)	87 (47.8%)	182 (100%)

The analysis on why children involve in offences thus suggests that there is no one singular reason that can be attributed for the involvement of children in deviant and offending acts. Rather, the risk factors in community, family, school and peer all are knots in a continuum that interplay in the children drifting to offences. Taking community factors in isolation to explain the reasons for children being in conflict with law will be misleading as all these factors are interrelated.

Experience with the Pillars of JJ System

A child who is apprehended for acts of deviance and offending is made to go through a process of adjudication which involves contact/experience with the police, Juvenile Justice Board and the detention centre. He/she is treated under the JJ Act which has been enacted and implemented to provide for “the proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate ‘rehabilitation’ and ‘re-socialization.’ The law conceives that all children who come through adjudication can and should be refined through a child right and child friendly approach. The legislation (JJ Act 2000) which is in line with juvenile jurisprudence, child psychology and therapeutic jurisprudence thus is unique and has been well appreciated and applauded. But does it really get implemented in its true spirit? Do the children get reformed and rehabilitated? Are they treated differently keeping in mind the best interest of the child? Or are they treated just like the adults? Has the unique status of the Act which is reformatory been enforced in letter and spirit? These are some of the questions that have been aired and debated in society again and again. This chapter gives a glimpse of the experience of children in conflict with law with various stakeholders of the Act viz., the police, JJB and detention centers drawn from the observations of the research team, the responses of the children in conflict with law, superintendent/caretakers of home, probation officers etc.

5.1 Experience with the Police

The police or law enforcement authority is crucial in the administration of justice to children given that the police are the ones with whom children in conflict with law come into contact with at the first instance. Probably, this has prompted the Act to specify specialized juvenile police units in the police department to deal with the issues of children. Officers in these units are educated in matters concerning child development and offences as well as laws related to children and procedures. The Act provides a lot of discretionary powers to police while dealing with these children. They have several options when witnessing or being told of an offense by a child and can, for example, issue a warning or citation, and let the child go. They may take the child/youth to his or her parents as part of the warning; or they may decide to apprehend the child, that is, take him or her into custody.

The Act as well as the model rules of 2007 stipulate a number of guidelines for handling children in conflict with law such as prohibition of the use of handcuffs, forced confessions, torture and ill treatment. While dealing with CCL the primary consideration will not only be the security and protection of society & the victim but also the rehabilitation of these children. Accordingly, the police are expected to treat them not as criminals but as children who need care and protection.

However, experiences of several children in detention centers and reports of several reviews speak a different story. Many of them reported that they were handcuffed, beaten up, forced to confess, falsely charge sheeted, and were kept in police lock up for days together along with other adult criminals endangering the hope of their rehabilitation and restoration.

Keeping in line with the guidelines of the JJ Act, Delhi police has already established Special Juvenile police units and created a website for the same. However, the experiences of the children across the state suggest that the attitude of special juvenile police does not differ much from the civil police

officers who deal with adult prisoners.

The first experience of the child with the justice system is contra to several provisions of the Act and the rules thereof. Any such psychological, physical and mental trauma inflicted upon him by police or for that matter any of the structures of the JJ system during the process of adjudication could revert and stunt their restoration and re-socialisation and could even turn them to be hardcore offenders. Ignorance and lack of training of police in handling children is as a stumbling block in ensuring a child friendly approach to those children who are involved in offending acts. Though the Act envisions special juvenile police officer, in most police stations it is generally a designated post where a general police officer in the station acts as juvenile police when cases of juveniles arrive at the police station. Accordingly, it often happens that they treat children in the same manner as they treat adults. Police are yet to fully absorb the spirit or essence of the Act which limits or denies the rights ensured to children to a great extent. The violations meted out to them at the hands of the police is likely to cause adverse effects on children. Probably that is why all the children in detention centres mentioned that they had no faith in the law enforcement machinery.

5.2 Experience with Juvenile Justice Board

Soon after apprehension, the juvenile shall be placed under the charge of the Juvenile or Child Welfare Officer from the nearest police station, who shall produce the juvenile before the Board within twenty four hours as per sub-section (1) of section 10 of the Act and where such Juvenile or the Child Welfare Officer has not been designated as per provisions laid down under sub-section (2) of section 63 of the Act or is not available for some official reasons, the police officer who had apprehended the juvenile shall produce him before the Board. The Act enables a multi disciplinary inquiry by a Juvenile Justice Board (JJB), consisting of a Principal Magistrate and two Social Workers as members sitting as a bench, to conduct inquiries into juvenile offence in a child-friendly manner in order to pursue 'the ends of justice. The Act also suggests constitution of JJBs in every district of the state to make justice easily accessible. As per the information available, the state has constituted 2 JJBs to deal with cases of children in conflict with law. The Act states that 'the proceedings shall be conducted in as simple a manner as possible and care shall be taken to ensure that the juvenile, against whom the proceedings have been instituted, is given child-friendly atmosphere and shall not look like a court room i.e., board sitting on a raised platform, having a witness box, differential sitting arrangement etc.'

Though the Act provisions one JJB for every district, the state is yet to achieve it. In places where they did not have the structure the cases of children in conflict with law were handled by the JJBs of the nearby district which often resulted delay in producing the child before the JJB within stipulated time resulting in detention at the police lock ups. In some cases children were in police lock up for 3 or 4 days.

The probation officers have a critical role to play in supporting the children to participate in the adjudication process effectively but it was found wanting. The Probation Officers are required to undertake a number of responsibilities that are vital to achieve the goals relating to juveniles who commit serious offences including developing individual care plans, facilitating after care (JJA Section 25), and mentoring, monitoring, supervising, and reporting the progress of each juvenile (JJA Section 26). However, to what extent they were pro active and pro-children is a matter of serious contention. Responses from the inmates of detention centres revealed that the POs rarely approached them or interacted with them to understand their antecedents or about the offence in which they were involved. Children were also ignorant about the existence of any individual care plan prepared for their rehabilitation and restoration into the society.

Probation officers interviewed commented, 'we are entrusted with a number of other assignments which limit our time for the prompt preparation of the social investigation report and care plans for each and every child who enter into the system.'

It is one thing to create a friendly atmosphere at JJB but another thing probably to make the proceedings and allied activities more proficient and effective. The number of times children were produced, lack of adequate probation system and the absence or inadequate interaction between children and the POs all indicate to its limitation. It is essential to strengthen the role of probation officers, particularly their role of constant interaction with children for making the social investigation report and individual care plan. The workload of the probation officers often comes in the way of their paying special attention and play a proactive role in the case of children in conflict-with- law who require to be treated differently from adults.

5.3 Experience at the Detention Centre

The Committee on the Rights of the Child (CRC) encourages States to develop and implement a wide range of measures to ensure that children are dealt with in a manner appropriate to their well being and appropriate to both their circumstances and the offence committed. The Committee also emphasizes that detention or imprisonment should be used only as a means of last resort and for the shortest appropriate period of time. It directs for the establishment of separate institutional structure for children in conflict with law which include institution for short term accommodation-observation homes for children under trial and long term accommodation - special homes for children who are found guilty. Each of these institutions is expected to play a bridging role between the society and the child in conflict with the law whereby they are properly reintegrated into the society. To facilitate a smooth transition of children to the mainstream of the society the Model rules 2007 elaborate on the facilities to be provided to the children in detention centers for their physical, mental, psychological, cognitive and spiritual development. It spells out that the juveniles shall be classified and segregated according to their gender and age; that the homes shall not look like jails or lock ups; that the daily routine shall provide, inter alia, for a regulated and disciplined life, personal hygiene and cleanliness, physical exercise, yoga, educational classes, vocational training, organized recreation and games, moral education, group activities, prayer and community singing and special programmes for Sundays and holidays;; refer such children who require specialized drug abuse prevention and rehabilitation programme, to an appropriate centre administered by qualified personnel where these programmes shall be adopted to the age, gender and other specifications of the concerned child; that every institution shall have the services of trained counselors or collaboration with external agencies such as child guidance centres, psychology and psychiatric departments or similar government and non-governmental agencies, for specialized and regular individual therapy for every juvenile or child in the institution; that a mental health care plan shall be developed for every juvenile or child by the child welfare officers in consultation with mental health experts associated with the institution and integrated into the individual care plan of the concerned juvenile or child; that every institution shall provide education to all juveniles or children according to the age and ability, both inside the institution or outside, as per the requirement; that every institution shall provide gainful vocational training to juveniles or children; that a provision of guided recreation include indoor and outdoor games, music, television, picnics and outings, cultural programmes and library shall be made available to all juveniles or children in the institutions.

However, responses and excerpts of children in detention centres suggest not only that detention has been pervasive as a norm. There was no appropriate care plan or road map for every child who enters into the detention centre.

Though the Act exhorts establishment of detention centers in every district, the state of Delhi has only three observation homes, one special home and one place of safety to house children in conflict with law during and after their various adjudication processes. Minimum number of homes generally leads to congestion of homes on one hand and improper management on the other. Though the usage of the term 'Home' for juvenile detention centre was meant to provide the same experience of a home rather than a jail to children, the structure of these homes was no- where near a home. It was more like a jail or prison with high walls and two to three iron gates manned by several security persons.

In one of the homes, the structure is surrounded by security persons staying with guns. Prima facie non-escape of children rather than reformation seemed to be the ultimate aim of all these homes. It was same with special home where the four children were locked up in a room that accommodated 3-4 persons. They were locked up behind iron bars full time. A separate security person was deployed in front of the cell to guard them.

Regarding residential facilities, the responses of children and the observations showed that the different types of homes had relatively spacious dormitories and sufficient number of toilets. All institutions had adequate space for recreation too. But whether it was used properly in a structured manner for the development of children was doubtful as recreation particularly outdoor games was an interest based activity. However, none of the children had any complaint regarding the food served or medical facilities provided.

As regards the provision of educational and vocational training, it is observed that the time table of each of the institutions, whether observation home or special home or place of safety showed allocation of particular duration for the same. On the educational front, observation homes provide/organize homogenous classes for all children -those who have no formal school and who have studied upto different levels. It was observed that very few attend it because as one of the children states, 'we have already completed 10th class and what is the use of sitting in a class that teaches alphabets of English/Hindi' or as another states, 'the master comes and reads from a book or dictates or says some stories. We don't want all these.' Nevertheless, a few children who really wanted to pursue their studies and write the exams were assisted by the homes by registering through NIOS or allowing and supporting them to study through distance education scheme. One of the children in special home is studying for his higher secondary education. He had gone out of the home and written his first year examination and is preparing for the second year. However, the effort to assess and identify the capacity and interest of children and thereby guide and support them in a systematic manner needs improvement in all homes.

Same is the situation with vocational training classes. The overarching aim of providing such classes is to support them to stand on their feet later in life once they move out from the detention centers. However, the scenario was not found to be that encouraging in the homes. The responses of superintendents and care takers regarding vocational training was a big 'yes'. But when asked about its result in relation to their future prospects they were quite skeptical which confirms the presumption that the training did not succeed in its objective. Detailed probe proved that the homes had introduced training in tailoring, cooking and motor mechanic repairing. But very few children are found to be participating in them and even those who participated were quite indifferent to the programme. Though participation was envisioned as mandatory, many did not participate. In the special home they were not provided vocational training due to security reasons. It is stated that they had to be taken out of the cells to a room in place of safety which is situated on the other side of the building which may cause problem as cited by them. In the place of safety one of the NGOs provided the training. But it was learned that they came only twice or thrice in a week and gave the training in culinary and stitching for one or two hours. Non-interesting classes and absence of demand or interest based trades made it just an ornamental activity. It ultimately led to sheer waste of their time in the home. It was observed during the visit that most of the children in the place of safety spent their time either watching TV, resting or chatting. The ineffectiveness or failure of the vocational training provided is evident from the fact that none of the superintendents/the vocational trainers could ever mention about any child/adolescent who has been rehabilitated with the training given at the home. Similarly, there is no proof to indicate the rehabilitation of any children who have received educational or vocational training from the detention centers. Adolescents in special home generally spent their whole time within the cell itself by reading books or watching TV or by chatting with other children or security persons. They get up at 6 o'clock and until 9am are left for their morning needs. 9am to 11.30am is their study time which they spent in their own cells. Rarely are they taken to attend class with other children in the building. 11.30 to 1pm is time for vocational training in which too they rarely participate as they are forced to

stay within the cells for security reasons. Post lunch until 5pm they are under lock and key. Evening, one and a half hours is given for recreation outside in the place of safety but even for this they are allowed only occasionally for security reasons. Thereafter half an hour (6.30 pm to 7pm) is given for prayer; then dinner and rest. It is evident from the time-table and the practice in the detention centers that the prime duty of the personnel is to prevent their escape.

The major reason for the ineffectiveness of the rudimentary education and vocational training services provided in the detention centers is that very often neither the classes nor the trades of vocational training correspond to the aspirations and capacities of the children. It does not challenge their cognitive capacity. Probably, more of discourse, debate and project oriented learning with compulsory and mandatory attendance could make the stay of the children in the observation home and special home more fruitful. It is presumed that facilitating issue based discourse and debate could make the classes more attractive, interesting and enriching. Vocational training provided in the homes is neither demand nor interest driven. However, in the special home, out of the four inmates, 2 children are supported to carry on their education. One is studying for his higher secondary education and the other is trying to complete his 10th class through NIOS.

The juvenile detention centers in Delhi do attempt to make use of the services of various NGOs for the welfare of the children. Thus a few NGOs are involved in providing educational and vocational training to the children in observation and special homes. However, it needs to be streamlined and regularized so that children receive a continuity of what they have been provided. What often happens is that many times NGOs engage in such activities just to project their organizations rather than the welfare of children. None of these programmes (Vocational training) have any affiliated recognition. It is therefore suggested that the vocational training programmes and trades provided to children should be those linked to skill development programme of the government and they should be made to complete the training even if they are released. The probation officers should be charged with the responsibility to monitor the same.

One of the basic but most significant components lacking in all observation homes/special homes and place of safety is the provision of welfare services to children. There is an absence of adequate assessment of children-their problems and needs. Hence, the primary effort should be a proper assessment of their aspirations and requirements and based on such assessment make appropriate interventions in a tailored manner. The Act has envisaged the same through the individual care plan. Unfortunately, very little or no attention has been provided by any of the stakeholders to this vital component that can be instrumental for their adequate reformation and rehabilitation. It is therefore warranted to have a thorough review of the activities/programmes provided to children and their effectiveness and thereby remodel or rejuvenate them facilitating maximum output from each of the activities. Further, all activities in the home should be made mandatory. This will also assist in inculcating a disciplined life in the children which they are not accustomed to.

Further, facilities or support provided for behavior modification, mental health care, yoga and counseling need improvement in all homes. In 2 observation homes and special home, the superintendent and care takers mentioned that they provided counseling services but it was found that these were provided by non-qualified persons limiting its effectiveness in terms of reformation and restoration. Often these designated counselors were on contract basis and are allotted other many administrative work too. A professional delivery of counseling thus was found necessary for all detention centers. Besides, it was found that many children involved in the offences were addicted to substance abuse, alcoholism or other behavioural problems. But, there was no purposeful effort reported to provide them any services such as therapies, case work, group work etc., to bring about a change in their behavior or conduct. Children/adolescents after detention are expected to move out into society and live through interaction with others. It is essential to equip them mentally to withstand the lure of detrimental environmental factors through appropriate behavioural and mental health programmes..

The role of superintendents, care takers and welfare officer (where available) are pivotal to the achievement of the objectives of the JJ Act, particularly reformation and rehabilitation of the children. Unfortunately, most of them confine their role to administrative and security aspects. Creative thinking and interventions, meaningful interaction, constant and continuous presence are all factors that can influence the lives of children greatly.

Evidence shows that it is not the Juvenile Justice System that has failed but the implementation of the same. Most of the children in conflict with law were first time offenders or are victims of uncared and insecure childhood years. They had grown in hardships without having their basic needs met properly.

Juvenile detention needs a new focus and a new rationale. The detention period ought to be used to begin to draw together resources necessary for constructive change.

The discussion, discourse and debate on juvenile justice system should be centered on how it can be made more reformative. In the case of children in detention centers a workable strategy of rehabilitation should be designed for each child and discharged through a strict adherence to the timetable. Rehabilitation measures should include strategies such as Individualized Care Plan, Medical / psychiatric treatment, Intensive individual counseling, specialized referral services (for eg. for a juvenile with special needs – special education, pregnancy and child care service for girls, de-addiction program, sex education, dealing with addiction to pornography, behavior modification to help juveniles disengage from gangs and peers and so on), structured life skills program focused on anger management, understanding and expressing sexuality in safe, healthy and socially acceptable ways, building a positive self image/self esteem, empathy and forgiveness for self /victim/ family / others, family counseling for significant others in the juvenile's family, parenting skills, educational, vocational & employment based interventions, monitoring, review of progress by a multi-disciplinary team, follow up and support services post-release and mainstreaming should be mandated and tailored for the children in detention.

Summary and Conclusions

The following are few of the major recommendations drawn by the research team from the interaction with various stakeholders of the juvenile justice system with an intent to make the system more pro-children.

Detention Centers

- ◆ All children in detention centers should be provided with regular professional counseling, mental health programmes and behavior modification therapies. The institutions should have an arrangement with psychiatric departments of government hospitals which have specialized clinical psychologists.
- ◆ It should be ensured that the management committees of the observation/special homes meet at least every two months to review various matters related to the functioning of the detention centers.
- ◆ Permanent qualified counselors or child psychologists should be mandatorily be part of each of the observation and special homes. Their performance should be evaluated periodically in relation to the changes they were able to bring about in the lives of children. All therapy notes to be kept in individual files.
- ◆ Family counseling along with the juvenile should be a must. Parents (family members) must be part of the therapy.....group work etc.
- ◆ Superintendents and care takers should spend time with the children. It is important that the staff are given training and skills in case and group work/activity. They should make it their business to understand the problems they face at the “home” regarding children’s needs, aspirations that could help in developing individual care plans. Although they are not directly involved in making the individual care plans these conversations with children could be shared with the Probation officers.
- ◆ Children addicted to drug and alcohol abuse should have special interventions such as de-addiction, counseling so that they can kick the habit.
- ◆ All observation homes and special home in Delhi attempt to provide recreation through games for children and it is incorporated in the timetable exhibited in the homes. But not all children participate in such activities. A few do play. Others either idle away their time by chatting or roaming within the premises. It is imperative that all children be mandatorily involved in all the activities of the homes so that they are trained in a disciplined manner.
- ◆ Vocational and educational programmes which are now given in a skeletal manner through NGOs should be revamped. The vocational programmes presently given by NGOs may be altered and linked to government skill development programmes. All children in detention centers should be given mandatory training at least in one skill and they should be supported to get a placement either in government or in corporate agencies. Children released from observation home mid training should be supported to continue with the training at the nearest place free of cost. This

should be supervised by the probation officers.

- ◆ Buildings, infrastructure need to be improved.

Juvenile Justice System

- ◆ Success of the implementation of the JJ system depends on the commitment and efficiency of the officials responsible for the implementation of the same. Hence, there is an urgency to create a separate cadre of personnel- police officials, magistrates, probation officers, care takers- superintendents, counselors.
- ◆ A mechanism should be in place to check that no police personnel hand cuff, physically abuse or keep a child apprehended on charges or suspicion of having committed an offence for more than 24 hours. A medical examination should be ordered of all apprehended children brought before JJB.
- ◆ Research and information mechanisms should be built into the criminal justice system for the collection and analysis of data and statistics on the implementation of non-custodial treatment of offenders
- ◆ Maintain, update and consolidate data on children who have gone through observation home and special homes and their current status to track their involvement in deviance.
- ◆ All stakeholders related to the implementation of JJ System should be mandatorily provided training regarding provisions of the Act and child psychology. Moreover, periodical refresher training should be provided in which case discussions, and other aspects should be debated and discussed.
- ◆ Parents of the children should be mandatorily part of the rehabilitation of the children. They should be held accountable to a greater extent.
- ◆ Detention at present is found to be oppressive. It should be altered and non custodial measures such as group/family conferencing, community service, victim offender mediation etc. should be systematically planned and incorporated as an integral part of the juvenile justice system.
- ◆ Incentives/rewards should be instituted and provided at the district and state level to best child friendly police stations, police personnel to promote humane treatment of children by police
- ◆ Similarly best detention centers should also be awarded considering the number innovative programmes either for the development of children and their rehabilitation.
- ◆ Treatment of children in conflict with law should be based on the root causes of the offending behavior. Hence, it is absolutely necessary to make a thorough investigation of the past and present life of the individual and of his mental and physical make-up. It is probable that this cannot be undertaken by one person; for it will involve making an extensive survey of past and present home conditions, past and present school, neighborhood, and occupational conditions, besides making complete mental and physical examination of the case. The services of social work schools, NGOs or other voluntary social workers should be used in this regard. Our recommendation would be that there should be a competent committee who can evaluate the case.
- ◆ Treatment developed to meet the needs of the offenders should be conducted by suitably trained professionals with practical experience.
- ◆ A separate and specialized cadre of officials who are trained in child psychology and juvenile laws from various department associated with the administration of JJ system is therefore essential.

- ◆ Categorize the children according to the severity of the offences. Nevertheless they could come together for common activities under the strict watch of the care takers.

Rehabilitation

- ◆ Most of the children involved in offences and residing in detention centers are either without formal school or with education below 10th class. Hence, it should be considered that they be mandatorily provided either education through the NIOS or a skill trade through vocational training programmes which are linked with the skill development programme of the government.
- ◆ Follow up of children released from the detention centers is found to be absent as none of the officials could provide any details regarding children who have gone out of either observation or special homes. It calls for strengthening the probation system whereby a data bank on the status of all released children be maintained by the department or by the respective observation/special homes.
- ◆ Suitable mechanisms should evolve at various levels to facilitate the establishment of linkages between services responsible for non-custodial measures, social development and welfare agencies – both governmental and non-governmental, in such fields as health, housing, education and labour and the mass media.
- ◆ Separate cadre of Probation officers under JJ System should be made responsible to support and ensure the proper supervision and rehabilitation of children who are released so that they are properly integrated into the society.

Preventive Measures

- ◆ Familial factors such as supervision, family attachment and involvement are found to be root risk factors that draw children to offences. It warrants taking of take initiative for strengthening the families by identifying such families and children through ICDS, NRHM, URHM etc and supporting them through linking them with various government schemes and programmes.
- ◆ Schools and NGOs in the vicinity should join hands together to ensure that all children in their respective wards receive education. For being in schools from morning till evening could reduce their association with deviant groups and subsequent offending.
- ◆ Parenting skills training to parents should become an indispensable programme of the PTA in all schools.
- ◆ Teachers in schools should identify children who have behavioural problems and are at risk and they should be referred to the school counselors. The Education department should take steps to appoint school counselors as in all schools.
- ◆ The department and probation officers should identify mentors in the community/neighbourhood or individuals, schools, organizations etc., who can support the rehabilitation and reintegration of the children in conflict with law. There could be a data base created of such persons.

What is required at this juncture therefore is not an overhaul of the current Juvenile Justice System but rather making it more reformative by incorporating and administering more effective restorative measures like community service, victim offender mediation, family conferencing, group conferencing etc., in the JJ system. Moreover, all resources should be pooled together and managed effectively so that every child who enters the system gets a humane and disciplined treatment showing a true pathway for their reintegration and restoration into society as valuable assets who have much to do and much to hope for.

Annexure

CASE STUDIES

Case Study I

Kishore a boy of 16 who was allegedly detained for rape laments on his fate, 'hadn't it been for their false accusation, I would have been a great support to my family particularly my mother.'

He is from Jharkhand. Kishore was 15 when his father gravely injured his head when he accidentally fell of the terraced roof of their house. The injury resulted in his father becoming mentally unstable. One day he wandered away from home and they have not been able to trace him. The family lodged a missing person report at the local police station. It has been two years and yet he has not been found. Kishore's father was a professional driver. His mother was a housewife but after the father was unable to work she started working as a domestic help in a couple of houses in Jharkhand. Kishore had to discontinue his studies and start working to support his mother and younger brother who was in primary school. He moved to Delhi on the advice of his uncle who had a roadside restaurant, hoping that he would earn more in Delhi.

Education

Kishore had studied up to 8th class. He was poor in his studies, managed to be regular at school and had no problem either with teachers or other class/school mates. He found it difficult to follow what was being taught in class. He had repeated 2 classes. This is what Kishore had to say 'As I was not good in studies the teachers usually ignored me. The only attraction to school was the mid-day meal and the company of a few friends who were also poor in studies,' he continues, 'we never created any problem to anyone.' Accident of his father was just one reason for him discontinuing his studies 'I am sure, I would have discontinued my studies even otherwise, if not in the 8th class, in the next year as neither school nor academics ever fascinated me. Even after having 8yrs of education, I am quite ignorant of the basics of most of the subjects taught', he adds. The absence of motivation or inspiration to study combined with non-supervision and support, either from his family or school failed his educational aspirations.

Once he left school, he moved to Delhi. In Delhi his uncle placed him in one of the grocery shops as a sales man. His employer was happy with Kishore, he found him hard working and trustworthy.

Incident that changed his course of Life

He stayed with his uncle in a rented one room apartment in an old two storied building in the inner city in Delhi. Common bathroom and toilet were located on the terrace. On the second floor lived a family of 4-parents and 2 children (one boy and one girl). Kishore and his uncle had to cross their doors to go to the terrace. His uncle and Kishore kept to themselves and did not socialize with any of the residents of the building. Their working hours were such that it left them very little time for meeting people. One morning it so happened that while Kishore was walked past the apartment on the second

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floor, towards the terrace he found the door open and the 15 year old girl stood by the door and made funny comments about him. He asked her to stop saying nasty things but she continued to make fun of him. This angered him he slapped her. When she ran inside the house he also rushed in and beat her. There was no other person in the family as her parents had gone to the temple along with her brother. He slashed her hand with a sharp metal that he found in the room. She shouted at him crying, 'I will teach you and you will regret what have done.' Ignoring her angry words he went to the terrace, had his bath, dressed himself and went for work.

When her parents returned from temple, they saw her weeping and on inquiring she told her mother that Kishore had come and attempted to rape her. Mother informed the father about it. He was furious at the incident and rushed to the uncle of Kishore and had a heated exchange of words with his uncle who was still in the room. Kishore had not told anything about the incident to uncle and hence his uncle tried to calm the girl's father and said he would find out from Kishore what had happened. However, the father of the girl filed an FIR against Kishore saying that he had raped his daughter.

The police based on the complaint received from the girl's family apprehended Kishore from the shop and took him to the police station. While asking him about the incident, he narrated what had happened and swore that he had not raped or seduced her in any way. But the police did not believe the narration by him and booked him for rape. Later he was produced before one of the JJB members and was detained in the observation home.

Case Study 2

'I never intended to kill him. It is true that I hit him with a stone when he attacked me and tried to take away the money which I earned through the sweat of my brow. To my bad luck the hit resulted in his death and I am here now', says Sathya tearfully.

Early life

16 years old Sathya hails from a large family of parents, four brothers and one sister. They are originally from UP but years back migrated to Delhi for better living prospects. He was born and brought up in Delhi and is the eldest in the family. They live in a rented house. Both his parents had no formal schooling. Father works as a casual labourer and the income derived from such work is the sole livelihood of the family. His father was fond of alcohol and spent most of his earnings on it. However, he did not create a nuisance of himself or be violent. Sathya has this to say about his family, 'parents never bothered about us. They were pre-occupied with their work. They never tried to understand what and how each of us were doing. Poverty made them to focus more on earning their livelihood.' 'When the economic problems became acute in the family I was forced to work at the age of 10 along with my father', adds Sathya. Later, his father secured a lighter job for him in a real estate office and now he earns about Rs.7000/- per month. Major portion of his income is used for family daily consumption. His siblings are in school.

Regarding education he says, 'I did not have any formal education as my parents never sent me to school. I don't know how to write but am able to read quite a bit. I was initiated to work at an early age due to the economic stress in the family and hence could not attend school. However, my younger brothers and sisters attend a government school adjacent to our residence.'

Involvement in offence

Narrating the incident that led to his detention Sathya says, 'instead of going to school I assisted my father in his casual daily wage. But now I work in a real estate office as a cleaning and messenger boy and earn about Rs.7000/- per month. The office is about 1 km away from my house. The office work

starts at 8 am and ends by 7 pm in the evening. I used to walk to the office every day. On the way I had to cross a barren park which was the hang out of many of the anti-social people from the neighbourhood. They idle away their time smoking, taking drugs or playing cards. Generally I go to the office at about 7.30 a.m. and return by 7 pm. On several occasions on my way back home, an acquaintance who is always under the influence of drugs used to stop me when I reach the barren park would threateningly demand money. He belonged to my village and was aged about 27yrs but was not related to me. On many days, I used to give him small amounts to avoid a fight and quarrel. He generally used the same for buying drugs/alcohol/cigarettes. One evening when returning from work, he stopped me again and demanded for money. This time I had about Rs.300/- with me which I had kept to give it to my mother for buying provisions. I refused to give him the money. Angered at this, he caught at my throat and tried to take the money from my pocket. But, somehow I managed to get out of his clutch. He beat me nonstop, I tried to defend his attack with my fists but when I could not withstand his beating I took a stone that was laying down and hit him and ran away. Later, I came to know that he succumbed to my blow on his head. I did not intend to kill but wanted to escape from his beatings.'

On his apprehension he speaks, 'I did not disclose the incident to anyone. Yet after 4 days of the incident, police came to my house and apprehended me on suspicious ground. And on questioning I could not hide the truth and confessed what had happened. They did not beat me or use any filthy language. But they threatened me regarding what they will do if I did not tell the truth. Anticipating torture I disclosed the entire incident. I was then sent to Tihar jail as the police thought I was an adult. I stayed with the adult criminals for one and a half months.' 'Living in the jail was a nightmare for me' he continues, 'there are frequent fights between all inmates. In an instant they beat you too. They abused me sexually and physically. It is horrifying to be there.' Later on after confirming my age, I was produced before the JJB and was transferred to the observation home. Comparing his life at Tihar he says, 'It is far better to be in the observation home than in the Jail.' Asked about how he spends his time in the observation home he remarks, 'most of the time I sit alone thinking about my family and fate. There are some forms of educational and vocational programmes in the observation home. Vocational training is given by an organisation for two hours every day. Although attending them is mandatory not all participate in the programmes. I am not interested in any of them and hence I did not attend. I usually idle away my time. Moreover, I will get out in a week or two from here. Therefore what is the use of wasting my time learning something? There are some recreational facilities like opportunities for playing cricket, football, caroms I play them occasionally.'

Case Study 3

Vinod hails from one of the villages in the backward districts of Bihar. Speaking about his village he says, 'the village has a population of about 300 people belonging to Hindus and Muslims. It was a caste ridden village with persons from castes like Rajput, Bhuiyar, Yadav, and Dom. Majority of the Rajput families are well off and own sugar cane and bricks factories. Most of the laborers in these sugar cane and bricks factories belonged to lower castes.

Vinod belongs to a poor Rajput family apart from his parents he has a younger sibling. Unlike other Rajput's, his father was an agriculturist and owns a small piece of paddy field. The family survived on the seasonal income generated from agriculture. The low economic status in comparison to other Rajput families created an inferiority complex within him and his family particularly because all other families from Rajput caste were quite well off. His younger brother was studying. Both his parents were illiterate. However, his mother wanted both her sons to go to school. Vinod discontinued his studies while he was in 7th standard.

Narrating about the education status of the village and him he says, 'the literacy rate of the village is low and lower than National Literacy Rate. Only Rajput and Bhumihar children were attending school till 2007 when I left the village. At that time there was only one school for all children in the village

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with minimum facilities and the condition of the same was deplorable.' Speaking on his education he continues, 'while I was studying, there were around 200 children and there were only 3 teachers to teach us. Of this, only 2 were regular. There was very little teaching. On all days, one teacher comes to class and tells us to read Hindi language book loudly.' Continuing about the facilities at school he adds, 'The facilities were poor, class rooms lacked adequate number of benches, desks and black board. The school had a dilapidated building and lacked separate toilets for boys and girls. Mid-day meal was also not provided regularly in the school.' It resulted in high drop out from the village school. Those who dropped out usually joined the labour force in sugar cane factories. While studying, he used to assist his father with agricultural work in the field for long hours by skipping several of the classes. He gradually stopped his schooling and began to support his father with farm work. Meanwhile, the inferiority complex of not belonging to a well off Rajput family as other Rajput families pushed him to risk behavior. He got involved in scuffles and fights with children of similar age in the village. He got attracted to a gang and drug users and began to spend time with them.

Soon after leaving school he left the village and migrated to Delhi along with a friend. He worked as a helper in a tea shop earning about Rs.100/- per day. He and his friend resided in a slum. He hung out with drug peddlers and started abusing drugs. Through his association with a peer who was a drug peddler he gradually left his job at the tea shop and began to sell drugs. However he was never apprehended.

Speaking about he landed in the detention center he says, 'I was going to attend a mela organized on Makar Sankranti. While he was walking towards the mela ground one person rushed towards him and put a bottle and a small packet in my pocket and ran off. Before I could comprehend what was happening, the policeman chasing the person checked me. On finding an alcohol bottle and a packet of ganja in my pocket, I was apprehended and they charged me saying that I was selling drugs. He was thus charge sheeted for drug trafficking.' On further questioning by the police he agreed that he used to sell drugs but he did not know this man who placed the drugs in his pocket at the time of his apprehension. The police however did not believe him and so an FIR was registered against him for illicit drug trafficking. He was kept in the police lock up for two days for questioning and later he was produced before JJB and was detained at the observation home.' At the time of the interview he had attended two trial hearings. However, as there is no one to bail him in Delhi he continues to serve time in the observation home.

Asked about his experience with the police he says, 'As I accepted everything what the police said, I was neither beaten up nor did they use any derogatory or abusive language against me.'

He feels that observation home is congested and nothing constructive happens over here. They provide us with food but we do not have proper furniture. It is humiliating when we are called criminals by the security persons. There was very little of recreation except TV and newspaper. Many of us do not get the newspaper to read as some older boys after reading tear them off. The center also provides some vocational training, life skill education programmes or counseling through the assistance of certain organizations. The vocational training provided includes tailoring, auto mobile and mobile repairing. Only some children participate in these programmes.

Case Study 4

The offence committed by Rahul's sheds light to instances wherein children get involved in offences due their incapability to think twice before their actions. They are greatly lured by the immediate rewards because of which their decisions become clouded and it becomes all the more worse if they are under the influence of alcohol or drugs. Rahul speaking of his offence says, 'I was apprehended along with another friend of mine for allegedly raping and murdering a girl whom I had loved and proposed to marry. However she was against my proposal.' Though he denies of the allegation, evidences produced

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by the police proved that he is guilty and has been sentenced for three years detention in place of safety.

Rahul has his roots in Haryana but the family shifted to Delhi 5-6yrs ago for his father's better job prospects. Apart from his parent he has 2 elder sisters, one elder brother and a younger brother. His father works as a contractor and earns about Rs. 15000/- per month. Elder sisters are married. Older brother assists his father. Younger brother is in the 6th class. Mother is a housewife. They live in a rented building.

He had studied up to 6th standard in Haryana. But when they moved to Delhi he discontinued his studies. Though his parents insisted him to continue studies and tried to enroll him in one of the government schools, he was angry at them and was adamant that he will not study. Not able to withstand parents nagging to send him to school, he ran away from home and began to live with a few friends in the locality. Asked about his school years in Haryana, he describes in the following words, 'I did not have any problem in the school. I had many friends in the school. However, I was not very good in studies and failed in many subjects. I was regular too in the school. However, my backwardness in academics gradually pulled me away from school. Moving from Haryana was the right time and so discontinued.'

He lived with an adolescent aged 16yrs whom he had befriended as soon as he came to Delhi. This particular friend was living in a slum. It was an area which was notorious for drugs, illicit liquor and other vices. He along with his friend gradually became addicted to drugs and alcohol. He however swears, 'I was not involved in any other offences.'

Narrating the incident that got him on the wrong side of law, he says, 'I was in love with a girl who lived in the neighbourhood. I was not quite sure if she loved me. However, I used to smile at her whenever I used to see her and go behind her. One day I confided to my friend that I loved this girl. He insisted that I tell her about my feelings and seek her response.' But Rahul was not quite sure when and how to say it to her. It was then that he learnt that she used to go to a grazing field every day to feed a few goats that her family possessed. One day he followed her to the field and told her he was in love with her. But she said neither 'yes' nor 'no' to my proposal and so he went away.

But on the next day police came to his room and apprehended him for raping and murdering her. Discussion with the superintendent however showed another version in the FIR which states that intoxicated by alcohol and drugs he followed her to the grazing field and told her he loved her and proposed marriage but the girl refused it. Then and there he and his friend raped her in the field and murdered her. Once the girl did not reach the house, girl's brother went to the field and found her lying dead. He immediately informed the police. As the investigation progressed people in the locality informed police about Rahul who was found following her several times. Accordingly, Rahul was apprehended along with his friend from the room.

Though he accepted the offence he says 'I accepted it because I could not withstand the torture by the police. We are truly innocents. The people in the locality hate us and so they betrayed us. The police wanted someone to own the offence. Hence, believing the words of local people they apprehended us and made us to agree to the allegation.' However, all evidences were against them proving their involvement in the offence.

They were taken and kept in the police lock up for three days for questioning. He admits that police beat him and his friend badly. But he confirms that 'once I accepted my involvement in the act they did not torture us anymore.' Later he was produced before the JJB and sent to the observation home. The trial continued for 3 months and based on the evidences he was found guilty of the offence and was sentenced for 3 years detention in the place of safety.

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In the place of safety he spends most of his time idling away. Though there are vocational training and recreation facilities, he is not interested in any of those and so does not engage in any of them. About the life in Place of Safety he says, 'I am accommodated in small room where 3-4 people are accommodated; we are provided with bed; the food served is good; there are some kind of recreational facilities like cricket, carom board, volley ball; representatives from an organisation comes to teach us some vocational training on automobile, mobile repairing and stitching but they come only occasionally (thrice in week) and very few are interested in it and one person comes to teach music and that too is attended by only one or two inmates. Though, these activities are compulsory or mandatory, often our interest is not there. Hence many do not attend.' His parents occasionally visit him and console him. Regarding such visits he says, 'these visits gives me confidence and so once I get out of this place I will go with my parents and live with them working along with my father.'

Case Study 5

The life of Nayak, a boy of 16 who is serving in one of the observation homes is a living anecdote on what could happen to children who are not supervised by their immediate environment as he says with tears in his eyes, "I never experienced the love and care of family, I rarely came home due to the parental conflicts. Had I been in a family where we were cared for and had I been supervised I would have been different.'

16 year old Nayak was born and brought up in Bihar until he was 9yrs old. In Bihar they owned 30 bighas of land and a small house. But when Nayak was 6 years old, his father took a loan with huge interest rate from a landlord for some agricultural purpose. Unfortunately, his attempt to take a paddy field on lease and do cultivation did not succeed and could not repay the amount. Hence, the landlord legally took possession of their land. The family left the village and migrated to Delhi 7 years back. Now they live in one of the crowded slums in the heart of Delhi. He has 3 sisters and one younger brother. Father and mother work as casual labourers. Both his parents are illiterate and none of the children attend school. His two sisters who are older to him join their mothers in doing casual daily wage work. The younger ones stay at home doing nothing. Nayak never attended school. In the slum he had friends who never went to school or who have discontinued schooling. His father an alcoholic would quarrel and physically be violent with his mother and other members of the family. Violence was a daily occurrence. As he himself states, 'Most of the days, father used to come home after consuming alcohol and quarrel with mother which usually ended up in physical beating. We too used to be the victims of many such beatings. Hence, I rarely used to go home. I used to spend the nights with a few friends of mine who too have similar situation in the family.' The situation in the family denied him not only care and love but even the supervision and guidance which a child of his age requires the most. His association with similar situation peer group was the beginning of his spiral downhill into a life of risk behavior that ended up being on the wrong side of the law.

They were a group of 10 children/adolescents. All of them were victims of multiple deprivations. He joined them as it was the only console that was available to him in his immediate environment. Living in a slum area and that too in the congested part of the city, the community set up was very loose /disorganized which denied him the virtual supervision that close-knit community provided to its residents. This small group of friends in the slum became his surrogate family. He worked in a workshop in Delhi. Many of his friends were doing similar jobs. They lived together in a rented room. After work hours, they used to roam around the city or spend their time watching television. Some of them had mobile phone and used to watch porn pictures. 'We consumed alcohol, smoked and abused drugs to forget our hard life,' says Nayak He admits that at times they used to flick things from roadside shops and either sell the goods or keep it for themselves.

He and his friends bought stuff they wanted by stealing. According to him and his friends it was an easier way to enjoy life with stolen money. One day he stole a bundle of cable wires from the garage

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where he worked and took it to one of the shops in West Delhi to sell. The shop owner smelling something fishy grew skeptical about the wires and informed the police. The police came promptly and apprehended him. They questioned him on the spot, slapped him on the face and used abusive and derogatory language against him. Promptly, he confessed that he had stolen it from the garage where he worked. The owner of the workshop was then called and the item was handed over to him. Nayak was kept in the police station for about 4 hours. His mother was also informed. Later he was produced before JJB and was sent to the observation home. At the time of the interview he had attended three hearings in three months and is waiting for his release.

Regarding his life at the observation home he says, 'I am here for the past 3 months. It was indeed isolation from the world. There were no worth mentioning activities. We are provided with some recreational activities. However, educational and vocational classes were not worth mentioning. They were really boring and it never interested me. They provided vocational training in stitching. There are frequent fights among the inmates too. The authorities of the home were more concerned about our non-escape and to keep them under their control rather than anything else.' Asked about counseling he says, 'All they want to hear about is the details of the offences that we have committed and nothing else. Even in such situation they always comment angrily saying "you are lying". 'In short' he says, 'nothing happens at the detention center. Recreational activities are voluntary and so I don't usually engage myself in that. I usually spent my time chatting with my friends in the home.'

Regarding his future he says, 'Once released from here I will find a job in any of the workshops in the area. I feel that it is not a big problem to get a job as workshops are looking for labourers. I will work and lead a normal life and not indulge in any more crime.'

Case Study 6

"My mother and elder brother did not have time for me. We did not spend time together as a family. My mother was pre-occupied with her work and I was on my own from the age of 11 after the death of my father', says Lalit a boy who has been apprehended for stealing a car.

Lalit is from a poor family living in the slum area of eastern Delhi. He has an older brother and a younger sister. His father expired of heart attack when he was 10yrs old. Mother works as a domestic worker and earns about Rs.4000 per month. His older brother is engaged in construction work. Younger sister is in school. Children were left to fend for themselves as his mother had to leave home early in the morning for work. His brother is an alcoholic and most of his income goes on alcohol. He cares very little about the family. It is his mother who manages the expenditures of the household. In her struggle to feed the children she found no time to engage or involve with her children to understand what they do or where they go. He cites, 'she goes in the morning and comes back late in the evening. We are left to ourselves to do whatever we want.'

He had studied up to 5th standard. Once his father expired he discontinued his studies. Education was never interesting to him as he says, 'I hated going to school. So much so most of the days I used to go out of home but never reached school. Instead I roamed about in the city along with a few friends.'

Once dropped out from school, he befriended four youth and hung out with them. All of them were older to him and were addicted to vices like alcoholism, drugs and smoking. They were also involved in stealing cars and bikes. His four friends owned a garage wherein they dismantled the stolen vehicle and sold its parts. He joined their workshop as a helper and learned about repairing a vehicle. By the time he was 13 years old he joined others in stealing vehicles and dismantling them. The offences were not limited to stealing vehicles alone but included looting of houses and persons. It is evident from his account that he has been trained in committing offences by adults from his tender years. Parent's non-involvement in his upbringing pushed him further to engage with the group and their crimes. Further,

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the non-apprehension and easy money inflow excited and prompted him to involve in more and more offences. And by now stealing had become a habit for him.

Regarding the incident that led to his current apprehension and detention he says, 'one evening all five of us were in the city and was out to steal one or two vehicles. By now we were expert in stealing vehicles even without having the keys of the vehicle. Three of us were waiting in the corner of a shopping mall and were watching the parking of vehicles in front of it. We then noticed a person drive in a Swift car, park it in front of the mall and got inside the mall without locking the doors of the vehicle. Observing this one of us walked up to the security person and diverted his attention. Meanwhile the others in our group moved to the car unnoticed by anyone, got inside the car and drove it away. We took the vehicle to the workshop and poured water to cool down the engine to show that it had been there for long. Meanwhile, the car owner found it missing and informed the mall authorities who in turn informed the police.' 'To our bad luck' Lalit continues, 'the shopping mall had a camera set in the direction of the parking area and so our visuals were caught in the camera.' Police who verified the CCTV sent information to check all the workshops in the area. But they could not capture the vehicle from us as our workshop was in a remote area. But two days later, while he and his friend were walking on the street, police who had their photo -which the police secured from the CCTV- apprehended him and his friend and were taken to the police station.

On questioning they did not accept the allegation in the beginning as they were quite unaware about the CCTV visuals. Once the police showed the CCTV visuals they had to accept about their involvement in the offences. Later based on the information given by them, the police went to the garage where they had kept the vehicle. They also found almost 15-20 other bikes and cars in the garage some dismantled and some half dismantled. On questioning them with harsher techniques they agreed that those were stolen from different parts of the city.

Later, he was produced before JJB and detained at the observation home. The others were adults and hence were sent to Jail.

Narrating his experience at the detention center he explains, 'it is a jail with a difference that I was not treated so brutally as in prison. I stay in dormitories along with 35-40 other children. There are some provisions for educational and vocational training activities. But, the trades provided neither reflect our interests or the demand of the society. Similarly, education provided are rudimentary and basic which many of us do not require. Each person's educational status differs and hence unless and until we are provided education according to our status it is useless. Similar is the case with vocational training. Due to the absence of all these, many of us including me do not attend any of the programmes but instead either take rest, or watch TV or chat with my friends. We are also provided with recreational facilities like sports/games. I usually play cricket and football. They also provide the services of counselor but very few go. I have never gone for it because I have heard they just wanted to listen to the details of the offence that we have committed. Nothing positive happens.'

On his future he remarks, 'I am not quite sure of what I will do when I go out. I have not thought about any of those things. Three of our friends are outside and I will join them. I am not sure if I will be able to change my ways'.

Case Study 7

Life of Kumari Nandita speaks how even parents of children exploit and lure them to offences or deviant acts for their personal gains. In this case, the life of an innocent girl has been sacrificed for her mother's greed for money.

14 years Kumari Nandita says, 'it is my mother who is the culprit for my fate because she had instigated me to take valuables from the house of a rich person in whose house I was living along with my grandparents.'

She hails from a poor household in the rural village of Kalpati. Her parents worked in a poultry farm and earned around Rs. 10000/- per month. An additional income is earned by her mother by selling eggs. Father is an alcoholic and a good portion of the income earned by him is spent on alcohol. Since the poultry farm was managed solely by her parents, most often they spent the nights in the farm itself. The situation left the children on their own for most of the times. The children were therefore shifted to grandparent's house on the outskirts of the city. Grandfather worked in a stone quarry of one of the municipal counselors. As he was very loyal to the counselor, he and his family were allowed to reside in a small house within their compound of the Municipal counselor residence. 'The wife of the counselor was a kind person. She used to gift us chocolates, dress, food etc. I used to help her in the housework chores,' says Nandita. It helped her to gain love, trust and support of the Municipal counselor and his wife and she was allowed access to the Bungalow as a member of the family. Nandita's parents rarely met them as she says, 'father never came to meet us but mother used to visit us occasionally but would go very fast. We rarely had any meaningful sharing or communication between us.'

On her educational status she says, 'I was studying in 8th standard and my brother in 6th standard in a government school when I was apprehended. Neither of us was good in studies. Yet we were regular in the school. The teachers never bothered me as I was poor in studies. They always attended to children who are good in studies. This made education disinteresting to me. Yet under compulsion from my grandparents and particularly the wife of the counselor I continued my studies. Had it not been for the advice or influence of the counselor's wife, I would have dropped out from the educational scenario long back.'

Nandita was quite familiar with the lay out of the Bungalow. She also knew where the valuables and cash were kept. But she was never tempted to steal. The concern and love that the wife of the counselor showered on her and grandparent's family, made her to remain loyal to them. However, her mother who used to come occasionally brainwashed Nandita to steal valuables from the bungalow. However, she refused vehemently whenever her mother approached her with this proposal. But when the mother's nagging became unbearable she agreed to do it. Nandita began stealing one or two pieces of jewelry every now and then without it being missed or noticed. She thus gathered around 60 sovereigns of gold and handed them over to her mother. One day when the counselor's wife went to take the jewelries to wear them to go for a function, she observed that a number of pieces were missing. The couple lodged a complaint of theft at the police station. Being an influential political personality in the area, they came immediately for investigation. Having noticed that the cupboard was not broken open, they came to the conclusion that someone from within the household has taken them. Subsequently, they began to question one by one. They also questioned the grandparents. Nandita was also called for questioning as she spent most of her time within the Bungalow. Fear of the police made her to confess of her crime. On realizing the involvement of her mother, she was arrested. The gold was recovered from the woman and was handed over to the counselor. Later Nandita was produced before the JJB and shifted to the observation Home. Her mother has been sent to the jail.

According to Nandita the police were not harsh in their dealings with her; as Nandita comments, 'They were not harsh on me, and they neither beat nor used any filthy language. I was shivering in front of the police and confessed about the involvement in theft without much questioning. This probably might have evaded further harassment.' At the observation home there are only 2 of us and we have nothing to do. We have our meals on time. Rest of the time we either sleep or sit idle or chat together.

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