

**A STUDY ON TRENDS OF UNLAWFUL ACTIVITIES  
AMONG CHILDREN IN ASSAM & NAGALAND**

*A Report*



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## **EXECUTIVE SUMMARY**

In India children are considered to be national assets as declared by the National Policy for Children. Yet, a very large section of children in India continue to be in difficult circumstances. A child is born innocent and if he/she is nurtured with proper care, love and affection then he/she develops into productive individual with positive outlook. When children's physical, psycho-social, emotional and all other needs are attended to, then it helps them to attain positive qualities. On the other hand, detrimental environment, lack of opportunities to meet basic needs, poor parenting and other such factors may cause to development of undesirable behaviour pattern in a child and may turn him into a delinquent. India not only has the world's largest number of children, but also the largest number of vulnerable child population who are in difficult circumstances. India has witnessed an increase of both in crimes committed by children and those committed against them. In India, millions of children live in indigent conditions. Many of them are often illiterate, sick, and malnourished, live in neglect with wretched families who cannot take care of them. Many more are forced into the work force at the time they should be learning how to read and write. Many others live in the streets as a result of loss of their loved ones, the breakdown of their families, or simply because they no longer could bear the abuses inflicted upon them by parents, relatives, and society. These situations have a harmful impact on some children and they tend to show some behaviours of delinquency. In India, commission of unlawful acts by children is emerging as a serious social problem which affects not only the children who are in conflict with law but also their families, communities, and society.

Juvenile delinquency refers to the involvement of children, who are below 18 years of age, in unlawful activities which is considered as a crime. When a child deviates from the course of normal social life, his behavior is called delinquent. Behavior or acts that are against the laws of the land can broadly be called as unlawful activities. Such acts are more commonly referred to as crimes for all practical purposes. However, if these are committed by a child, the word "crime" is not usually used, as, many often children while indulging in such activities, may do so without being aware about its consequences primarily because of their immature psycho-physical conditions. There is no single cause for the development of delinquent behaviour

among children. Many factors like social, environmental, cultural and personal factors can contribute to juvenile delinquency. Children who come from broken homes or children who get inadequate parental care and supervision tend to show such behaviour. There are also many other causative factors which leads to juvenile delinquency viz; poverty, illiteracy, bad companionship, harmful surroundings, substance abuse, migration, fast changing societies etc. There can be very harmful consequences of children's involvement in commission of unlawful activities. Apart from the child, it also has adverse effects on the families, communities and societies in some way or the other.

Crime by children is becoming a harsh reality in India now-a-days. Recent data show that unlawful activities by children is increasing in India day by day. In recent times, in India children are even found to be involved in most heinous crimes such as murder and gang rape. It is a disturbing trend and society as a whole is anguished by such criminal acts by children. From the official statistics released by National Crime Records Bureau (NCRB) it is clear that there is a steep increase in the incidence of crime by children in the country. The North Eastern states of India are also becoming a hub of child crimes. Though, the north eastern states are still comparatively better than the rest of the country yet, the current NCRB (National Crime Records Bureau) reports shows the seriousness of the crime in this region. Among the north eastern states Assam tops the list of child crime and Nagaland is in the bottom of the list as per a report. Assam and Nagaland are two neighbouring states with dissimilar demographic and socio-cultural backgrounds. These two states apparently present opposite trends when it comes to situation of unlawful activities by children. Assam is the largest state of Northeast India in terms of population. It is also the state which has witnessed large scale in-migration, urbanization and growth of commercial activities in the recent past. This state has recorded a marked rise in involvement of children in criminal activities of late. On the other hand, Nagaland is a hill state of the region with a predominantly tribal population with some distinctive socio-cultural and economic features. In Nagaland, as per the available data, incidences of children coming into conflict with law are quite low. Thus, two states of the region with different topographical, demographic and socio-cultural attributes have recorded dissimilar trends with regard to unlawful activities being committed by children. A study of these two states with high and low rates of delinquency among children can be expected to throw light to the contexts in which children commit illegal activities and the inducing factors. In the wake of such seemingly different trends of committing of illegal activities by children in two neighbouring states with different socio-economic and cultural attributes it needs to be understood properly, whether

certain situations provoke or compel children to commit crimes whereas some situations prevent it. Such a study would contribute to developing appropriate strategies and interventions to prevent delinquency among children and help planners, the concerned government agencies and the activists to formulate need based interventions for prevention of delinquency among children and planning contextual rehabilitation services for these children.

## **Objectives:**

The objectives of the study were:

- to find out the extent and nature of criminal offences committed by children in Assam and Nagaland in the last five years;
- to examine the socio-economic, cultural and other factors that have induced/influenced the children to commit unlawful acts;
- to analyse the efficacy of the existing mechanisms to rehabilitate children in conflict with law; and
- to suggest measures to prevent rising trends of criminal tendencies among children

## **Methodology**

### **Sources of data**

The study was carried out in the states of Assam and Nagaland. Data for the study were collected from both primary and secondary sources. Data were collected from different identified respondents including the children lodged in Observation, Special Homes and Places of Safety in these two states. There are 11 Observation Homes and two Special Homes in Nagaland and in Assam there are five Observation Home and one Place of Safety. All these institutions were covered under the study. Primary data was also collected from selected care givers of these institutions. Similarly, records of offences committed by children since the past five years were also collected from the Criminal Investigation Department (CID) from both the states.

## Respondents

Respondents for the study included the functionaries of Homes, DCPUs, JJB members, concerned SJPU officials and also children staying in the Homes at the time of data collection. In each of these Homes of both the states the Superintendents, Case Workers and Counsellors were also interviewed. In Assam initially five districts where the Observation and Special Homes were located were selected. Later, ten more districts were purposively selected to have a clear idea on the prevailing situation of juvenile crimes in Assam. In all of these selected fifteen (15) districts the Legal cum Probation Officer or the DCPO were interviewed. Again, one member from JJB, and two members from SJPU were interviewed from the concerned districts. On the other hand in Nagaland, Legal cum Probation Officer or the DCPOs were interviewed from all the eleven districts besides the functionaries of Homes. Children lodged in the Homes of both the states were also selected purposively as respondents of the study. However, during the data collection it was found that in some Homes the numbers of children were less because of which the age group criteria was not fulfilled. Therefore, children of whichever age group were found in these Homes, all were interviewed. The data from children were collected keeping in mind the stipulations of the relevant legislations, government notifications and ethical issues.

In Assam there are five Observation Homes and one Special Home and one Place of Safety. However, the Special Home and the Place of Safety are attached to two Observation Homes and the same set of functionaries from the concerned Observation Homes were assigned the responsibility to look after the Special Home and the Place of Safety. Therefore, when it came to functionaries of the Homes, five Superintendents, five Case Workers and five Counsellors were interviewed. From the selected fifteen districts, fifteen JJB members and fifteen LCPO were interviewed (one JJB member and one Legal cum Probation Officer from each district). Again, from these selected fifteen districts two Special Juvenile Police Unit members were taken as respondents. Thus, 30 (15x2) SJPU members were interviewed from Assam. Forty five (45) children who were lodged in the Observation Homes at the time of visit were also taken as respondents. On the other hand, in Nagaland there are all total 11 districts and all these districts were covered under the study. Since, there are 11 Observation Homes and two Special Homes in the state, therefore, 13 Superintendents, 13 Case Workers and 13 Counsellors were interviewed. Like in Assam, in Nagaland also 11 JJB members and 11 LCPO were interviewed (one JJB member and one LCPO) from each district. Besides these 22

SJPU members (two from each district) were also interviewed. There were a total of only 13 children lodged in the Homes of Nagaland and all were taken as our respondents.

## **Methods and Tools of Data Collection**

Conventional methods of research, like interview and observation were utilized for collection of data. Accordingly interview schedules and observation check list were prepared and used. Data sheets were also prepared and used to collect the information of the children presently lodged at the time of data collection in the Homes of Assam and Nagaland. These schedules were pre-coded to facilitate computerization of a data. The secondary data were gathered from the official records of the Homes. Secondary data were also collected from the CID branch of Assam and Nagaland to know the extent of crime committed by children in both the states.

## **Limitation of the study**

As has been mentioned above the present study is based on official records of these two states pertaining to commission of unlawful act by children and primary data collected from the institutions and selected duty bearers of these states and children lodged in the Observation/Special Homes. It has to be mentioned that the analysis and conclusions made in the study are based only on the reported cases of unlawful activities by children during the period from 2013 to 2017. Further, for ethical reasons and also for respecting the rights of children to privacy and dignity, in-depth interview and exploration of the background of children could not be undertaken. For this reason, the study also abstained from quoting case histories. On some aspects the study had to rely on the versions of the children only. For constraints of time and other factors in Assam only 15 out of 33 districts have been covered under the study.

## **FINDINGS**

### **Extent of Unlawful Activities by Children in Assam and Nagaland**

Data from the Police departments of Assam and Nagaland for the period from 2013 to 2017 reflect significant rise in unlawful activities committed by children in both the states. In Assam the number cases of unlawful acts by children was 110 in 2013 but in 2017 it was 218. In Nagaland also it is found that crimes committed by children are also increasing

gradually but the number of cases is comparatively lower than Assam. However, it is of significance that, in Nagaland the increase in span of five years is more than ten times from seven in 2013 to 64 in 2017. It is primarily due to increased reporting of incidences of children committing offences. The population of Nagaland is much smaller than Assam and therefore, it is somewhat natural that the number of incidences is lesser than Assam. Again, another reason for the apparently fewer number of cases in Nagaland compared to Assam may also be due to the fact that, in Nagaland many such cases of unlawful activities of children are dealt with by their traditional village councils following their customary practices. These cases are never reported to police or other such agencies and thus, the official record does not always depict the reality. The SJPU members of both Assam and Nagaland too opined that offences committed by children have been on the rise in their respective states. The views of the SJPU members hold importance as they are the officials who are usually the first to come into contact with such children in conflict with law once cases of unlawful acts by children are reported/registered. Thus, both the official records and the opinion of the concerned law enforcement officials of the two states point out to the rising trend of unlawful activities by children.

### **Repeat Offenders**

The tendency of some child offenders to habitually/ regularly commit unlawful activities presents a problematic issue in controlling unlawful activities among children. In the present study about one-third of children lodged in Observation Homes in Nagaland were found to be repeat offenders. However, the number is much less in Assam Homes. On the other hand, large majority of both SJPU and JJB members in Assam have admitted dealing with repeat child offenders. In Nagaland also sections of SJPU and JJB members have talked about coming across cases of repeat offenders. Thus, the present study has brought to light that, like elsewhere, in Assam and Nagaland also many children repeatedly commit unlawful activities.

### **Nature of Offences Committed by Children**

As per official records in both Assam and Nagaland, theft/burglary is the crime that is most often committed by the children. Out of the total cases registered between 2013 and 2017 against children in Assam and Nagaland about 32 and 86 per cent of the cases respectively pertain to theft or burglary by children. However, the pattern differs between the two states. In Assam, a very large number of cases have been registered where children have been

reportedly involved in commission of heinous crimes like rape, murder, etc. In Nagaland, however, number of cases such heinous crimes by children are very few. During the past five years there were more than 80 rape and murder cases each involving children in Assam whereas, in Nagaland only in few cases children are found to be involved in such crime. Further, as per the records in Assam children have allegedly committed other kinds of offences like stalking, extortion, trafficking, kidnapping as well as sexual assault. But official records do not show commission of these offences by children in Nagaland.

Different important functionaries dealing with the cases of children offenders like the members of SJPU, JJB and Case Workers etc. also are of the opinion that, theft is the prime act committed by children across the two states. Commission of serious and heinous crimes is more common in Assam than Nagaland. This study also reveals that, majority of children in Assam have committed the offences alone, whereas in Nagaland, majority of the alleged offenders have become involved with unlawful activities as a member of a group. It may be mentioned here that the most of the reported cases in Nagaland are of theft/burglary only. Thus, it is very much likely that, many of these are committed in groups. In Assam on the other hand, children are also involved different other types of crimes and some these are, of course, are committed by individual child without any accomplice. Both these two situations seem to present challenging aspects in terms of controlling unlawful activities among children. In case of gang or group activities, there is always the possibilities that peer pressures shall induce children to indulge in these activities and gangs or groups would continuously be inducting new members and that way more and more children would take to commission of unlawful activities. On the other hand, if incidences of an individual child committing serious and heinous crimes keep on increasing, then it signals a very negative societal trend and augurs a serious situation. It may be indicative of a spread of criminal tendencies among children as a result of interplay of a host of factors.

### **Age and Sex of Child Offenders**

An age group wise analysis of children lodged in Observation/Special Homes in terms of the offences committed by them in the two states revealed that from twelve years onwards these children have been involved in commission of all types of unlawful activities- from serious to heinous ones. Since no children below 11 years were found in the Homes of both Assam and Nagaland, it could be assumed that, children below 11, even if have got involved with any

unlawful activities, must have been doing so by committing petty offences only. Again, when it comes to sex of children and commission of unlawful activities is concerned, data showed that the number girl children committing offences is far lesser than the boys in both Assam and Nagaland. As far as the available cases in these two states are concerned, the unlawful activities committed by girl children are limited mostly limited to theft/burglary and dacoity only whereas the male children are involved in different types of petty, serious and heinous offences. This is somewhat a common trend as boys usually show more aggressive nature as compared to girls and for different social and psychological factors have higher chances of indulging in some unlawful activities. Many studies have also revealed that, it is a universal fact that men in every society are found to be more criminal and violent than women.

### **Religion and Unlawful Activities by Children**

Data of the study pointed to the fact that, in Assam Muslim children surpass the children belonging to Hindu or other religions in terms of their involvement in commission of most of the types of crimes. More than 60 per cent of children lodged in the Homes at the time of data collection were found to be Muslim. An analysis of religion and types of offences committed in the state has also brought to light that, Muslim children were particularly more involved in committing heinous crimes such as rape and attempt to rape cases. Here it must be mentioned that, Assam is a state where Hindus and Muslims dominate the population with some sections of Christians, Buddhists, etc. In this context it becomes important to understand as to why more children from Muslim community indulge in unlawful activities. Nagaland, on the other hand, being a Christian majority state (with a population of more than 80% Christians), as expected almost all the children implicated for commission of offences were Christians with only one child from other communities as on record for committing unlawful activities.

The case of involvement large number of Muslim children in various types of unlawful acts in Assam cannot be directly explained. Therefore, it may be assumed that, some other factors combine in this case that induce children belonging to Muslim communities to commit unlawful activities. Firstly, large sections of the Muslim population in Assam are migrants and their economic condition is usually very weak. These communities are also educationally quite backward. Large sections of children among them are either never enrolled or drop out early from school and start working for earning their livelihood. Besides, since many of them are settled in hard to reach riverine or other interior areas and do not have access to some basic services and this contributes to a further state of deprivation among them. All these factors,

perhaps, create an environment among them that prompt children among them to take the wrong path of law easily and therefore, we find more children belonging to Muslim community committing unlawful acts. In case of Nagaland, however, it is somewhat natural to find mostly Christian children in conflict with law since the state is dominated by Christian communities.

### **Education and Unlawful Activities by Children**

The present study seem to point out that lack of education or low educational levels of children and their parents is one contributing factor for development of felonious behaviour among children. Data pertaining to education level of the children lodged in Observation/ Special Homes in Assam and Nagaland show that most of these children have low educational background with many of them being out of school children. In Assam nearly one-fourth of the CCL are illiterate. Among the rest, most of them studied maximum up to 10th standard with only a few who studied up to matriculation level and above. Thus, the bulk of the children who have allegedly committed unlawful activities are either illiterate or have studied up to Class X. In Nagaland also it is seen that majority of the CCLs studied upto VI<sup>th</sup> to X<sup>th</sup> standard. Thus, irrespective of the states, majority of the children who commit one or other unlawful activity are either illiterate or have read up to high school only. Many of the children offenders covered under the study are actually out of school children. Out of total children lodged in Homes of Assam, the large majority of them are out of school. Similarly, in Nagaland, nearly half of the alleged children offenders are out of school. These children had reportedly left school for a variety of reasons. Some dropped out because familial economic condition compelled them to go for some kind of work to supplement family income. Some stopped going to school because they fared poorly in examinations and they too did not enjoy going to school. In some cases parents did not consider schooling necessary and were not supporting the children for education. After leaving school these children in Assam mostly been engaged in different odd jobs. Most of them were being paid a very meagre amount which was not enough for them. Although none of the children admitted, yet, it may also have happened that because of this they inculcated the habit of committing of some types crimes like theft, stealing etc. usually teaming up with friends/peers to meet their requirements. In Nagaland, on the other hand, we find that, most of the out of school children used to spend their times idly by roaming around with their friends, as testified by the children themselves. Both in Assam and Nagaland most of the children's parents too had a low educational qualification with sizable number of them being illiterates. It is obvious that, most of these illiterate or parents with very little education could not provide appropriate guidance and counselling to their children on various aspects of life and to

stay away from the path of lawlessness. Thus, it can be assumed that, lack of education both in case of the parents as well as children coupled with other factors does contribute to development of delinquent behaviour among some children.

### **Place of Residence and Unlawful Activities of Children**

It is often opined that children living in urban areas, particularly slums or such colonies inhabited by poorer section of communities, are prone to indulge in anti-social activities more often than rural children. On the other hand, stronger kinship bondages, traditional values and a social control mechanism in rural areas prevent children from committing unlawful activities to a large extent. However, the findings of the present study points otherwise. More than 60 per cent of children offenders in Assam and Nagaland are from rural background, that is, they were living in rural areas while committing these offences. There may be several reasons for high percentage of involvement of rural children in offences. As has been discussed earlier, these children usually drop out from schools or never attend school. The economic conditions of their families are poor. Many of their parents themselves are illiterates or have a very low educational qualification. As such being themselves educationally, financially weak these parents hardly find quality time to spend with their children or have capacity to guide their children. Rather, due to their poor financial conditions most of these they mostly wish that their children should start earning as soon as possible to supplement family income. Also, many such children, particularly out of school children get ample time to spend with their peers and such association often creates ground for children to engage in some anti-social activities with their friends and peers. Moreover, in rural areas dearth of education facilities, less opportunity for employment etc. also induce children to commit offences.

### **Familial Situations and Commission of Unlawful Acts by Children**

The present study examined the familial situations of the children who have come into conflict with law in order to understand if different aspects of familial conditions induce children to indulge in anti-social behaviour. A number of parameters like family type, relations between parents as also between parents and children, whether parents alive and children living with parents, etc. were taken to gauge family situations to see whether these might have fuelled development of delinquent behaviour among the children offenders. The data of the study showed that the large majority of the children in conflict with law covered under the study in Assam and Nagaland were from joint/extended families. Most of the children offenders of law in the two states had parents living together and the children were staying with their parents.

Besides, the larger chunk of these children belonged to families whose both parents were alive. However, it also came to light that, as per the versions of the alleged offenders, all of them did not have good, cordial relations with their parents. In Assam, more than half of these children did not have good relations with one of their parents. Only about one-third of the children only reportedly enjoyed good relations with both parents. In Nagaland, of course the majority of the children had good relations with both of their parents.

There is a general understanding that children from nuclear families if deprived of parental care and attention, tend to develop aberrations in their behaviour pattern, while children growing up in joint/extended families have better opportunities for positive socialisation. However, in the present study we find more children from joint/extended families taking to the path of breaking law. It may be that, large size of family, but with a very low familial income does not provide the desired environment as most elderly/adult members are busy with livelihood matters. It rather leads to a situation where children are deprived of attention and care and resultant less control on their conduct which in turn increases proneness of children to come in conflict with law. Further, although in case of majority of children had both parents living together and alive and children were staying with them, yet, because of the inadequate parental care, lack of parental attention due to mainly the preoccupations of parents, absence of cordial relations between the parents and children may lead to a situation where children are usually neglected and some of these children get into committing unlawful acts. The same was also found in a study conducted by Nye (1958), where he found that greater percentage of children committing delinquent acts came from unhappy homes where they were rejected by their parents instead of broken homes.

### **Occupation and Income Level of Parents and Unlawful Activities by Children**

The financial condition of the family decides to a large extent, the opportunities for children to meet some of their needs. Children from families with low income level usually faced neglect and sometimes become vulnerable to abuse and exploitation that may result in development of anti-social tendencies among them. In the instant case it was found that both in Assam and Nagaland the parents of the accused children were mostly engaged in petty jobs like domestic helps, daily wagers, marginal farmers, petty trades, etc. Therefore, the income level of these parents was also rather low. Thus it is obvious that these children faced the onslaught of poverty and these children developed a feeling of deprivation. In this situation in absence of positive guidance and counselling also, the children adopted some undesirable habits including indulging in some unlawful activities. It may be recalled that many of these

children lodged in Observation Homes had stated that they committed some unlawful acts to meet some of their needs. In the final analysis it can be opined that, along with other factors, poor financial conditions of the families often contributed to occurrence of incidences of commission of illegal activities by children.

### **Motive of Children behind Committing Unlawful Activities**

Nearly half of the children in Assam and the large majority of the children in Nagaland covered under the study had to say that, their motive behind their illegal activities was to earn some money. Further inquiry also revealed that, they required money to meet some of their needs. Considered in the context of the facts that most of these children belong to socio-economically very disadvantaged families as has been discussed on many occasions above, it seems that the versions of the children are very much acceptable. Out of school, working or idle children from poverty stricken families with a growing feeling of deprivation and dissatisfaction and without proper parenting become vulnerable to gang up with other children to take to unlawful activities mainly to meet some of their monetary needs. The situation worsens when there are no such opportunities and facilities for these adolescents to find gainful, productive sources of engagements, particularly in rural areas. Therefore, in the present study we come across more children from rural areas committing unlawful acts. It was also learnt that, some children who got addicted to drugs and other such substances committed the crimes to earn money to procure the drugs. Besides monetary considerations, some children in Assam have also reportedly got into committing some serious and heinous crimes to fulfill some of their unmet desires. The children in these cases have been influenced by movies and other media including the social media. In a few cases children have also stated that, they committed the offences to take revenge upon someone to settle some personal score. Thus, we see that the major motive of unlawful acts by children is to have monetary gain. Only few crimes are committed for other motives.

### **Views of Important Stakeholders**

The members of Special Juvenile Police Units (SJPU) and Juvenile Justice Boards (JJB) members and the Case Workers of the Observation Homes are some key functionaries who deal with the children in conflict with law. According to these important stakeholders a host of factors drive children to get involved in illegal activities. In both the states these important functionaries have identified a number of factors, the major among them are poor economic conditions of the families, near absence of parental control and care coupled with circumstances

arising out of rifts between parents, negative influence of various media, addictions to substance abuse, peer influence etc. lead these children to the path of law breaking activities. These factors are mostly common for both the states of Assam and Nagaland except for a few. Each of these factors usually do not act in isolation but one combines with another few to create some circumstances that prompt or at times compel children to commit offences as has been discussed in the foregoing paragraphs. Thus, to sum up it can be said that a combination of factors are responsible for the rising trend in unlawful activities among children in Assam and Nagaland.

### **Institutions/Homes for Children in Conflict with Law**

The Observation and Special Homes and Place of Safety are important Institutions for taking care of children in conflict with law pending the inquiry process or after the order passed by Juvenile Justice Boards. In Assam there are only five Observation Homes to cater to the alleged children in conflict with law from 33 districts with three for boys and two for girls. There is only one Special Homes located at Jorhat district of Assam. The state also has a designated Place of Safety attached to one of the Observation Homes for Boys. All these Homes are being run by the Department of Social Welfare, Govt. of Assam. As it is obvious that these few Homes have to cater to large number of children offenders from 33 districts of the State, these Homes, particularly the Homes for the Boys are usually overcrowded and as a result the quality of services suffer. Besides, the functionaries also face problems for transportation of these children from different districts to these Homes and also from the Homes to respective districts for attending concerned JJBs. It was also observed that the required segregation and separation of children on the basis of age, nature of offences and children's mental and physical status is not usually done in these Homes. In Nagaland, on the other hand there is an Observation Homes in each of the 11 districts, although, the number of children offenders is much less than that of Assam. It also has two Special Homes in two Districts run by the Department of Social Welfare, Govt. of Nagaland. These Homes are being located in rented premises and lack the required facilities and amenities and both boys and girls are housed in the same building which is against the norm. Since the number of children offenders in each districts is very few, only one or two children were found in these Homes during the visits.

In Assam, the staff position in these Homes has been found to be very inadequate. About 80 per cent of the Homes did not have the services of all the required functionaries which was hampering the delivery of rehabilitative services to the children. Comparatively in Nagaland

the large majority of the Homes had all the required functionaries in position. The vacant position of the functionaries in the Homes is mainly due to the reason that no appointments were being made to fill up these posts. It has been found that the three key functionaries of the Homes, namely, the Superintendent, the Case Workers and the Counsellors wherever found in position are fairly aware about their diverse roles and responsibilities in running the Homes and the delivery of rehabilitative services to the children inmates.

### **Training Status of Key Functionaries**

Some key roles have to be played by different categories of government and non-government functionaries in the process of rehabilitation and reintegration of children in conflict with law. Among them, Superintendents of Homes, Counsellors, Case Workers, Legal cum Probation Officer, JJB members, SJPU members are considered crucial. For effective performance of their roles training is an important pre-requisite for these functionaries. It was found that in Assam, only 40 per cent of the Superintendent had undergone trainings. On the other hand, all the Counsellors and Case Workers and most of the Legal and Probation Officers and JJB members were found to be trained in Assam. However, less than half of the SJPU members have been trained on matters relating to handling children offenders of law and other requirements under JJ Act. In Nagaland all the Superintendent and almost all the Legal cum Probation Officers and JJB members had received training. In case of Counsellors and SJPU members, however, only about one third of them have been trained.

### **Counselling Services in the Homes**

The Homes where the children in conflict with law are lodged during the inquiry process or after the pronouncement of the Orders by JJBs/Courts must provide quality counselling services to the children their rehabilitation. The present study has brought to light a number of issues pertaining to counselling services in the Homes. As has been mentioned earlier, several Homes, the posts of Counsellors are lying vacant, particularly in Assam and this is hampering providing counselling of children in these Homes. In Nagaland, again, the large majority of Counsellors have not received any training. Due to this the Counsellors were facing problems in rendering proper counselling to the children since they are not very well acquainted with the methods and techniques of counselling. None of the Counsellors in the two states used to develop and follow a counselling schedule for its child. Consulting and referring to Social Investigation Report (SIR) is an important pre-requisite for planning counselling for every individual child, but most of the Counsellors in both the states do not consult the SIR for this

purpose. Some Homes in both the states also do not have the minimum required infrastructure for counselling like separate rooms with appropriate ambience, adequate space, furniture and fixtures, etc. These factors as has been mentioned above are affecting the quality of counselling in the Observation/Special Homes.

### **Preparation of Documents on Children in Conflict with Law**

Juvenile Justice (Care and Protection of Children) Act, 2015 and rules thereof mandates preparation of different reports and plans pertaining to each of the child offenders. These are important to know the background of the child and the circumstances which led him to commit unlawful acts and also to plan appropriate rehabilitation plan suited to the child. The major among them are the Social Investigation Report (SIR) case histories and Individual Care Plan (ICP). In the present study it was found that the large majority of the cases the functionaries in both the states prepares the Social Investigation Report for each child. Likewise, case histories of the children are also prepared by the majority of the functionaries but a few only used to prepare it in its proper format as prescribed under JJ Rules. It was also found that some of the Case Workers who are responsible for preparation of case histories do not have much understanding as to how to prepare it in Form 43 as specified under JJ Rules. Some also had the plea that the forms were not available. Another important tasks to be carried out by the Case Workers is preparing an Individual Care Plan (ICP) based on age and gender specific needs, case histories of the child, etc. This is a crucial tool for designing the rehabilitation plan for each child based on individual needs. It was found that the large majority of the Case Workers in both the states use to prepare the Individual Care Plan in proper format i.e. Form No. 7 specified under JJ Rules.

For ensuring reformation and rehabilitation there is also a need for regular follow up visit for children under supervision and children who are released by the functionaries. Follow up is necessary for reducing the rate of recidivism but it was found that most of the functionaries do not undertake any such follow up visits in both the states. A number of reasons have been cited for not undertaking such visits. These include heavy workload, lack of provisions for travelling allowances, difficulties in communication to remote areas, etc. Whatever may be the reasons it has to be reiterated that in absence of follow up visits by a concerned functionaries chances of children repeating offences become higher. Thus, it pauses challenges for rehabilitation of the child.

## **Vocational Training of Children in Homes**

Vocational training of children in Home is important for rehabilitation of children. However, in the present study it has been learnt that the status of vocational training for children in these Homes is not up to the mark. For proper vocational training these institutions should link up with professional government as well as non-government organisations imparting vocational trainings. Only few Homes in Assam and Nagaland had linked up with such organisations for vocational trainings of children offenders. Thus, whatever, vocational training is being offered inside the Homes are not adequate, contextual and help in developing employable skills among the children.

## **Pendency of Cases**

High pendency of cases as has been brought to light in the present study is another stumbling block plaguing the process of rehabilitation of children in conflict with law. In Assam in selected 15 districts covered under the study there were 715 pending cases and in Nagaland there were a total of 45 cases pending. The cases remain pending for different reasons like delay in submission of reports by police and other concerned officials, non- appearance of witnesses, irregular sittings of the JJBs, etc. Because of these pendency of these cases, the children have been compelled to spend a long time in these Homes which ultimately becomes detrimental for it enhances the possibility of development of some undesirable traits among the children.

## **Suggestions & Recommendations**

- (i) It has come to light through the present study that, there is greater chance of out of school children indulging in unlawful activities. Therefore, to prevent or curb unlawful activities by children it becomes utmost important to ensure enrolment and retention of children in schools, particularly those from economically weaker families. Therefore, it is essential that all the programmatic interventions under Samagra Shiksha Abhiyan (SSA) and other similar initiatives are implemented in letter and spirit with special focus on socio-economically disadvantaged communities.
- (ii) It has been revealed that many children offenders covered under the study had opted out of school when they could not fare well in their studies or because they did not like the environment in schools. Some have also dropped because their parents were not much interested for continuing education of their children. Proper counselling and guidance of these

children and their parents should be undertaken by the teachers, concerned functionaries under SSA and other community leaders to prevent dropping out of these children.

(iii) A large number of children after dropping out of their studies get engaged in petty jobs for earning. Some of these children, in absence of proper supervision by parents and also because of some other circumstantial factors get into committing unlawful acts on their own or at times under peer pressure. Therefore, these working children should be covered under social security network and specific programmes for working children which would not only protect the children from abuse and exploitation but would also ensure their holistic development and keep them away from committing unlawful activities. Out of school children in the age bracket 15-18 years need to be provided with meaningful vocational training along with other services under different programmes. This would enhance employability and also ensure to a large extent, that they do not take to the path of delinquent activities.

(vi) Addiction to drugs and other such substances often drive children to commit various types of crimes as has been found in the present study. Therefore, a concerted effort is required from all concerned government and civil society organisations to prevent drugs and substance abuse among children.

(v) In comparison to other communities more children from minority community have been found to commit unlawful activities in Assam. It has also been revealed that socio-economic condition of large section of people belonging to minority community is rather pathetic. Dropout rate of children from school is high. A very large majority of them live in hard to reach areas where some basic facilities like schools, hospitals, etc. are not available. Due to low educational levels the people follow a lot of superstitious beliefs and practices. Besides, severe financial constraints compel people to lead a harsh life and criminal activities by adults are usually high. Thus, more than religion, a combination of factors creates such environment among them that children among them take to committing unlawful acts easily. Therefore, to prevent delinquency among the children in these communities special emphasis should be laid on proper implementation of developmental programmes and spread of education for improving the socio economic condition of minority community in Assam.

(vii) Rampant use of internet and social media have been found to be a contributing factor for increasing unlawful activities by a section of children. Therefore, there is a need for placing some regulations on use of internet and different platforms of social media by children. Parents

at home and teachers in schools have some important roles to play in this regard. Children should be counselled and guided both at home and schools for positive use of social media.

(viii) Rehabilitation and reintegration of children in conflict with law is an important issue for dealing with the problem of unlawful activities by children. For this purpose, it is a pre-requisite that the existing mechanisms are strengthened. The present study has brought to light that there are some inadequacies in terms of infrastructures in both Assam and Nagaland. In Assam there is a need for increasing the number of Observation/Special Homes to cater to the children from 33 districts. Likewise, in Nagaland facilities and amenities in these Homes do not meet the minimum standard. Therefore, measures are to be taken by the concerned authorities to improve the infrastructure to ensure proper services to the children and also protection of their rights. There is also an urgent requirement that the concerned functionaries of the Homes create linkages with government and non-government organisations providing skill development trainings so that the children in Homes get opportunities for developing employable skills as per their aptitude for ensuring their engagement in productive work for future rehabilitation and reintegration into the society.

(ix) Inadequate staff in the Homes have led to deterioration of quality of services rendered to the children. Staff strength in these Homes also need to be enhanced in both the states so that it meets the specifications prescribed under JJ Rules.

(x) Training is crucial for proper performance of the roles by different categories of functionaries. However, the present study has found a large number of untrained personnel of different categories in both the states of Assam and Nagaland. Therefore, immediate steps are to be taken for training of untrained functionaries particularly the personnel of Homes, DCPUs, members of JJBs, SJPU, etc.

(xi) Quality of counselling services in the Homes has been found to be not up to the mark for various reasons. In many cases the Counsellors are not trained. They also do not follow the step by step procedure for holding counselling sessions. Some Counsellors do not consult important documents like Social Investigation Report before beginning counselling sessions. In a number of cases it was also found that required infrastructure like separate rooms with child friendly environment are not available in the Home premises for undertaking counselling sessions. Therefore, there is urgent need for up scaling the quality of counselling services by attending to these issues by organising capacity building trainings for the Counsellors. It is also important to provide counselling to parents/guardians of children to prevent recurrence of

delinquent activities by children and to facilitate the process of rehabilitation and reintegration. It is to be ensured that parental counselling take place in a regular and systematic manner.

(xii) It has been found that important documents like Social Investigation Report (SIR), case histories, Individual Care Plan (ICP) are not prepared in all cases by the concerned functionaries in both Assam and Nagaland. This leads to gaps in rehabilitation process of the children in conflict with law. Concerned authorities need to ensure that these documents are meticulously prepared so that each child receives justice and need based intervention for his/her rehabilitation and reintegration.

(xiii) The present study has also brought to light that the large majority of the functionaries do not undertake follow up visits of children under supervision and children who are released to ensure the child does not get back into a difficult situation. In absence of the follow up activities the child is again entrapped into the circumstances which induced him/her to commit unlawful activities and thus the number of repeat offenders has been increasing. Therefore, it becomes utmost necessary to conduct regular follow up visits of children under supervision and children who are released. For this purpose, it is also the responsibility of the concerned authority to make provisions for travel allowances and other dues for the concerned functionaries.

(xiv) Huge pendency of cases of children in conflict with law has led to a situation in both the states whereby children have been unnecessary lodged in Observation Homes for a long period depriving them of their rights and also increasing the chances of developing undesirable behavioural problems which often strengthen delinquent tendencies among the children. The major reasons for pendency are regular sittings of the JJBs, delay in submission of reports by police and other concerned officials, non- appearance of witnesses, etc. Therefore, all necessary measures are required to be taken for ensuring speedy disposal of the cases of children offenders of law.

# CHAPTER 1

## INTRODUCTION

### 1.1 Background of the study

India is home to the largest population of children in the world and in India, children are considered to be the national assets as declared by the National Policy for Children. Yet, millions of children in India continue to live in difficult circumstances facing neglect, abuse and exploitation. A child is born innocent and if nurtured with care and proper attention is paid to fulfill all its needs then the child grows into a productive individual with a positive mindset. Children require a conducive environment for their physical, emotional and psycho-social development. On the other hand, detrimental environment, lack of opportunities for meeting the basic needs, poor parenting and other such factors may cause a child to develop aberrant behaviours including committing unlawful activities. Unfortunately, a very large section of child population in India has been facing this situation. Among many other consequences of such a situation is an alarming increase in unlawful acts committed by children in the recent past.

As has been mentioned, in India, millions of indigent children live. Many of them are often illiterate, sick, and malnourished, live in neglect with wretched families who cannot take care of them. Many more are forced into the work force at the time they should be learning how to read and write. Many others live in the streets as a result of loss of their loved ones, the breakdown of their families, or simply because they no longer could bear the abuses inflicted upon them by parents, relatives, and society. These situations have a harmful impact on some children and they tend to show some behaviours of delinquency. In India, juvenile delinquency is emerging as a serious social problem which affects not only the children who are in conflict with law but also their families, communities, and society. It is also an outcome of rapid urbanization and industrialization of modern times. Many social conditions or factors associated with these two processes have had an adverse effect on the family system. This results in an atmosphere that is favourable to the growth of juvenile delinquency. A large number of children moving from rural to urban areas or living in the slums in cities are found to be highly vulnerable

to this process. It has almost become a universal problem in most of the industrialized countries including India.

## **1.2 Concept of Juvenile Delinquency**

Juvenile delinquency, which is also known as juvenile offending, is participation in illegal behavior by children (juveniles, i.e. individuals younger than the statutory age of majority). Juvenile delinquency refers to the involvement of children, who are below 18 years of age, in unlawful activities which is considered as a crime. When a child deviates from the course of normal social life, his behavior is called delinquent. Behavior or acts that are against the laws of the land can broadly be called as unlawful activities. Such acts are more commonly referred to as crimes for all practical purposes. However, if these are committed by a child, the word “crime” is not usually used, as, many often children while indulging in such activities, may do so without being aware about its consequences primarily because of their immature psycho-physical conditions. However, there is no single definition of juvenile delinquency. Different experts had cited different views on it.

Cyril Burt (1969) defines delinquency as occurring in a child “when his anti-social tendencies appear so grave that he becomes or to become the subject of official action”.

Friedlander (1947) says, “Delinquency is a juvenile misconduct that might be dealt with under the law”.

The term has been used for a wide variety of undesirable behaviour on the part of children. In certain cases, it signifies misconduct whereas some have used the concept to refer to a child who is chronically truant from school, involved in burglary, rape, stealing or sexual offences. Thus, the term is applied to a wide variety of deviant behaviours ranging from misconduct to such unlawful activities which are punishable in the court of law.

## **1.3 Causes of Juvenile Delinquency:**

There is no single cause for the development of delinquent behaviour among children. Many factors like social, environmental, cultural and personal factors can contribute to juvenile

delinquency. Children who come from broken homes or children who get inadequate parental care and supervision tend to show such behaviour. There are also many other causative factors which leads to juvenile delinquency viz; poverty, illiteracy, bad companionship, harmful surroundings, substance abuse, migration, fast changing societies etc.

Shankar Rao (2008) stated that causes of juvenile delinquency may be classified under three major factors: (A) Social factors, (B) Other Socio-economic and environmental factors, (C) Personal (or) Individual factors.

### **(A) Social factors.**

#### **1. Broken homes**

Family is the basic socialization agency for the children. Children learns the values of life and norms of the society in the family. Family can make or break the personality of the children. In family the most important role is played by the parents and siblings. Most of the children who show delinquent behavior in any form belong to families that could not give firm foundation to the children. Broken families, single parent families, separated families, frequent parents fight, lack of trust and confidence among the parents, criminal parents or psychological problems in parents can be the most important reasons behind juvenile delinquency as they lack the proper attention and guidance from their parents.

#### **2. Poverty**

A very large proportion of delinquent children come from poor homes. Vast majority of delinquents come from the lower class. Poverty compels sometimes both of the parents to be outside the home for a very long period to earn their daily bread. Thus, the children remain uncared and unattended by them. Such children may consciously or unconsciously become delinquents.

#### **3. Delinquency areas**

It is said that some areas are highly vulnerable to delinquent trends. Long ago Cyril Burt (1969) in his study showed that there are certain areas in London from which the majority of delinquent children come. The delinquents mostly come from areas of poor housing, slums,

overcrowding areas and the areas in which hotels, night clubs, liquor shops are found in a large number. When a family is living in the heart of the town the chances are greater for the children of such families to pick up delinquent behavior.

#### **4. Companions and gangs**

As the child grows older he goes into the neighborhood and becomes a member of the play group or peer group where sometimes he/she can come in contact with some antisocial gangs which will in turn make them delinquent. Mamoria (1965) in his book "Social Problems and Social Disorganization in India" stated that Charles Shaw has opined that "delinquency is a product of community forces". In the absence of playground facilities, the children start playing in streets and later organize themselves into gangs. Children coming from poor families and broken families easily become the victim of such gangs.

#### **5. Beggary**

Beggary is often the cause of juvenile delinquency. Child beggars mostly come from either very poor families or broken homes. These children are usually neglected and deprived of love and affection from the parents. They crave for the satisfaction of their desires and ambitions. Therefore, to fulfill their desires they choose to become beggars. As beggars they get annoyed to see others enjoying life and even some of them may become rebels. They realize that only through deviant practices, they can satisfy their desires and meet their needs. They, thus, become delinquents (Hirsh, N., 1937).

### **(B) Other Socio- economic or environment factors**

#### **1. School dissatisfaction**

Some children get dissatisfied with school life. Parental irresponsibility, bad student-teacher relation, indifference of the teachers towards them may contribute to this. Such dissatisfied students become regular absentees in schools and start wandering in streets. They may even form gangs of their own and become gamblers, eve-teasers, pickpockets, drunkards, smokers and drug addicts.

## **2. Films and pornographic literature**

Cinema, television and obscene literature may often provoke sexual and other desires in adolescents. Hence, they may start their adventure in satisfying them and in the process of doing so they commit crimes.

## **3. Deep-seated inner desires**

Deep-seated inner desires coupled with outside pressures, compulsions and temptations also contribute to juvenile delinquency. For instance, on hearing the interesting narration of the sex experiences or such other criminal experiences from others may tempt children to follow the same.

### **(C) Personal or individual factors**

#### **1. Mental deficiency in delinquency**

It has been observed that majority of the delinquents are mentally deficient. Many studies have revealed that there is larger proportion of mentally defective children in the juvenile delinquent group than among the normal children. Children who are mentally defective do not have the necessary insight to make distinctions between what is right and wrong. Such children easily come under control of others and involve in unlawful activities.

#### **2. Emotional problems of the individual**

Mental troubles and emotional maladjustments are strong factors in delinquency. Emotional problems of inferiority, jealousy and being frustrated are very common among the delinquent children. Shankar Rao stated that Healy and Bronner in one of their study involving 143 delinquents found that majority of them revealed emotional disturbances. Some emotionally maladjusted children become delinquents to get the attention of their parental.

It is also seen that Haveripeth (2013) in a study had described some similar causes of juvenile delinquency, which includes broken homes, lack of love, lack of parental affection, gang subculture, poverty, negative influence of movie and media, urbanization, adolescent instability,

lack of recreation, negative environment, low-socio economic, poor parental violence, availability of weapons, association with deviant peers, parental substance use, peer pressure, television violence, parental anti-social behaviour, poor academic performance, large family size, low educational attainment, drug or alcohol use of child, poor monitoring of children in school and criminal behaviour of siblings.

Thus, for a variety of factors, children, who are otherwise innocent, indulge in such activities knowingly or unknowingly, which are against the laws of the land. Rapid pace of urbanization coupled with the growth of a consumerist society, break down of traditional value system, widening economic disparities among people have given rise to a situation where more and more young children take to committing different types of illegal/unlawful activities ranging from petty offences to heinous crimes. It is well known that social problems are increasing day by day with the development of society which is changing fast due to economic growth, urbanization and industrialization. With the coming of urbanization and industrialization the problems like slums, poverty, alcoholism, crime, delinquency etc. have also been increased. Also, Srivastava (1989) in his book, *Juvenile Justice in India* stated that “a large number of children who were accused of delinquent behavior were seen to have committed offences like theft, stealing, pick-pocketing, gambling etc. The life histories of these children indicate difficulties in growing up which is caused mainly due to inadequate family care and control, insufficient or no education, lack of congenial atmosphere and sometimes their association with the anti social elements. A large segment of these children belong to the lower economic strata, that is, to families where children are badly deprived of the fulfillment of their basic needs which are necessary for their healthy personal and social growth. In case of such children, poverty seems to be the cause of their law-violational behavior. Their actions are generally provoked by poverty rather than by the tendency to commit crime”. Thus, it can be concluded that most of these children do not come to institutions for their own faults but because life has become too harsh for them. Their delinquency-prone situation is the mixture of the social and economic factors which induced the children to commit unlawful activities knowingly or unknowingly because of which their future becomes bleak.

#### **1.4 Consequences of Juvenile Delinquency**

There can be very harmful consequences of children Delinquency. Apart from the child, it also has adverse effects on the families, communities and societies in some way or the other.

### **Effects on the Juvenile Delinquent:**

The child who commit a crime also suffer adverse effects about which they are unable to predict. They may lose their freedom while being confined or placed on probation. They may also have to remain away from their loved ones. Children may lose ground academically as well. Although placement in residential detention centres for children may be appropriate measure for the adolescent's criminal actions, it also puts them in relationships with other delinquents, who may be more sophisticated or influential and this makes recidivism likely. It may even have future consequences on the adolescent's college and career choices.

### **Effect on Families:**

The upheaval and trauma of having a family member who is a child delinquent can create instability for the other relatives. They have to cope with the needs of the child who is in trouble. In addition, the family has to face the ethical issues of responsibility to the victims of the child's crime. Families must usually have to attend group counseling sessions, which can be disruptive and costly during the time when the child is in detention or on probation.

### **Effect on Community and Society**

There is a correlation between juvenile delinquency and drug use, gang involvement, alcohol abuse, and sexual behavior. All of these issues, challenge communities by making neighborhoods unsafe and costing large amounts of public money to be spent on law enforcement and school safety.

## **1.5 Extent or Current Status in India with reference to North East India**

Crime by children is becoming a harsh reality in India now-a-days. Recent data show that unlawful activities by children are increasing in India day by day. In recent times, in India children are even found to be involved in most heinous crimes such as murder and gang rape. It is a disturbing trend and society as a whole is anguished by such criminal acts by children. For the purpose of understanding the incidence, nature and magnitude of delinquency among

children in India, an analysis of the statistics published by the National Crime Records Bureau is made.

**Table 1.1: Incidence of Crimes by Children in India under IPC during 2010-2016**

Year	Incidences of crimes by children	Percentage increase
2010	22,740	-
2011	25,125	10.49
2012	27,936	11.19
2013	31,725	13.56
2014	33,520	5.66
2015	31,396	- 6.34
2016	33,163	5.63

(Source: National Crime Records Bureau.)

It is clear from the figures that there was a steep increase in the incidence of crime by children from the year 2010 to 2014. However, there was a slight decrease in the incidence of crime in 2015 when compared to 2014 but again in 2016 it has shown an increasing trend. Overall, between 2010 and 2016 there was 45.83 per cent increase in offences committed by children in the country.

Now a days, children in India who earlier indulged mainly in petty crimes like theft or trespassing are now involved in heinous crimes including rape, murder and kidnapping, rather effortlessly. According to the NCRB report in 2003, 466 rape cases were registered against the children all over the country. A decade later, in the 2013, the number had swelled to 1,737 and in 2016 it had further increased to 1903. Also, in 2003, 465 children were booked for murder, which rose to 743 in 2008, 844 in 2009, 990 in 2012 and 1007 in 2013. But, the number slightly got down to 855 in 2016. Thus, it is clear that juveniles, who ideally should remain away from crimes, now have no fear in committing crimes like rape and murder.

The North Eastern states of India are also becoming a hub of child crimes. Though, the north eastern states are still comparatively better than the rest of the country yet, the current NCRB (National Crime Records Bureau) reports shows the seriousness of the crime in this region. According to a report published in Times of India during June 2016, among the north eastern states Assam tops the list of child crime and Nagaland is in the bottom of the list as per a report. It is clear from the report that Assam has topped the list of north eastern states with the highest rate of juvenile delinquency, with the latest report of the State Child Protection Society (SCPS) revealing that at least 487 children in the state have been involved in some kind of conflict with the law since January 2014. With 120 juveniles apprehended for various crimes, neighbouring Meghalaya is a distant second. Arunachal Pradesh is third with 77 juveniles arrested in the same time frame.

The report also highlights the number of pending cases before juvenile justice boards in Assam and said that juveniles in the state are involved in heinous crimes like rape and murder, as well as petty offences like cheating, theft and dacoity. At least 152 children were arrested for theft and 58 were held for rape. A total of 53 were held on charges of kidnapping and 52 for criminal trespass or burglary. Some 27 children were charged with murder, the report said. In Meghalaya, however, children were mostly found to be involved in thefts. Sixty-five were held for theft, 11 for rape, eight for burglaries, three for robberies and two for murders in Meghalaya the report said. While at the same time Tripura, too, has seen many juveniles being accused of rape. At least 24 minors in the state have been apprehended on rape charges in the same period. Whereas, with only nine children found to be involved in criminal activities, Nagaland is registered, the lowest numbers of children in conflict with the law since January 2014.

**Table 1.2: Incidence and Type of Offences by Child in the North Eastern States during 2016**

States	Crime Heads						
	Murder	Homicide	Kidnap	Rape	Theft	Burglary	Dacoity
Arunachal Pradesh	1	0	8	5	13	1	0
Assam	25	0	36	23	168	47	3
Manipur	1	0	0	0	2	0	0
Meghalaya	3	1	6	8	22	9	6
Mizoram	0	0	0	2	26	6	2
Nagaland	1	1	0	0	8	0	0
Sikkim	0	0	0	3	11	4	0
Tripura	2	0	7	9	6	0	0

(Source: National Crime Records Bureau)

The above table shows the current data on juvenile crimes in the North eastern states as per the NCRB report of 2016 which also depicts the same scenario indicating Assam to be on the top rank of juvenile crimes which is shown by the above table. Thus, it is seen that in Northeastern states also incidences of children resorting to illegal activities have been increasing at a steady pace. This could perhaps be ascribed to rapid urbanization, break down of joint families and some other social, economic and political situation prevailing in the states. In this context it is pertinent to understand the nature and trends of juvenile delinquency in this region, to understand the causes behind rising number of children committing unlawful acts and to find out ways and means to curb this emerging social problem and other related aspects.

The problem of juvenile delinquency, as discussed in the foregoing paragraphs, needs to be addressed, as it affects not only the child but also the society as a whole. But, it is to be remembered that while addressing this emerging problem and dealing with such children, there is a prerequisite that, the rights of those children committing unlawful activities have to be protected at all times. Government of India has ratified the UNCRC and has also launched different initiatives including enacting legislations, like Juvenile Justice (Care and Protection of Children) Act, 2015, rolling out of Integrated Children Protection Scheme (ICPS) to not only take care of such children but also to protect their rights.

## UNCRC:

India has signed and ratified the United Nations Convention on the Rights of Child (UNCRC) in 1992 to protect the civil, political, economic, social, health and cultural rights of children. The United Nations Convention on the Rights of the Child (1989) is the first international legal binding document which is concerned with the child rights. It came into force on the 2nd September 1990. The UNCRC defines the child as a person under 18 years of age. It acknowledges the primary role of parents and the family in the care and protection of children, as well as the obligation of the State to help them carry out these duties. The convention consists of 54 articles covering all four major categories of child rights: Right to life, Right to development, Right to protection, and Right to participation.

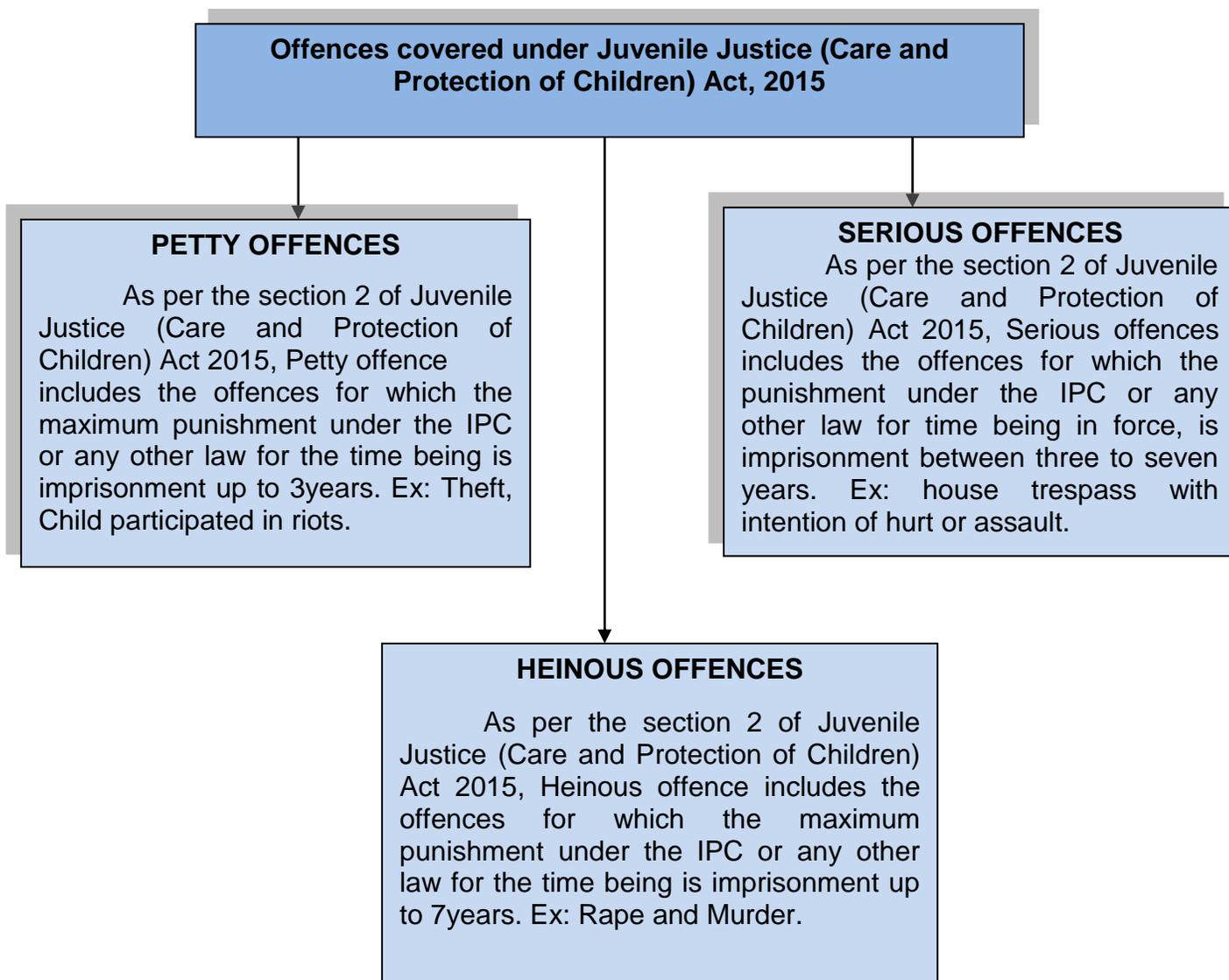
1. **Survival rights:** include the child's right to life and the needs that are most basic to existence, such as nutrition, shelter, an adequate living standard, and access to medical services.
2. **Development rights:** include the right to education, play, leisure, cultural activities, access to information, and freedom of thought, conscience and religion.
3. **Protection rights:** ensure children are safeguarded against all forms of abuse, neglect and exploitation, including special care for refugee children; safeguards for children in the criminal justice system; protection for children in employment; protection and rehabilitation for children who have suffered exploitation or abuse of any kind.
4. **Participation rights:** encompass children's freedom to express opinions, to have a say in matters affecting their own lives, to join associations and to assemble peacefully. As their capacities develop, children should have increasing opportunity to participate in the activities of society, in preparation for adulthood.

### 1.6 Juvenile Justice (Care and Protection of Children) Act, 2015

This Act seeks to achieve the objectives of the United Nations Convention on the Rights of Children as ratified by India in 1992. The Juvenile Justice (Care and Protection of Children) Act, 2015 deals with two categories of children viz. 'child in conflict with law' and 'child in need of care and protection'. As per this Act, a juvenile or a child is a person who is below 18 years of age. It specifies procedural safeguards in cases of children in conflict with law and children in need of care and protection. This Act has a provision that, a child in conflict with law cannot be treated as an adult. If a child is convicted for any offence, he may spend a maximum of three

years in institutional care. This Act empowered the Child Welfare Committees (CWCs) to deal with child in need of care and protection and Juvenile Justice Boards (JJB) to deal with child in conflict with law. As per the Juvenile Justice (Care and Protection of Children) Act, 2015 Act, there is the provision of segregation of children who have perpetrated heinous crimes. The Act vests the JJB with discretion to decide whether a child between 16-18 years accused of committing a heinous crime is to be tried in the adult criminal justice system as opposed to the juvenile justice system.

The JJ Act categorises the crimes committed by children into three types as shown below:



The new Act strengthens the protective approach provided by the juvenile justice system towards children in conflict with law as well as children in need of care and protection. The 'Juvenile' in conflict with law has been redefined in the Juvenile Justice Act, 2015 as a 'child' in conflict with law. A child in conflict with law may be sent to an Observation Home temporarily during pendency of inquiry. The child will be segregated according to age, gender, physical and mental status and nature of offence. A child who is found to have committed an offence by the Juvenile Justice Board will be placed in a Special Home maximum for a period of three years. As has been mentioned above, special provisions have been made under the Act to tackle child offenders committing heinous offences in the age group of 16-18 years. The Juvenile Justice Board is given the option to transfer cases of heinous offences by such children to a Children's Court (Court of Session) after conducting preliminary assessment. A Place of Safety will be setup for children above the age of 18 years or children of the age group of 16 - 18 years who are accused or convicted for committing a heinous offence. The Place of Safety will have separate arrangements and facilities for under trial children and convicted children. For children in the age group 16-18 years committing heinous crimes, the preliminary assessment by the Juvenile Justice Board is to be conducted within three months before transferring the case to the Children's Court. The Act mandates that in case the child is tried as an adult by the Children's Court, it shall ensure that the final order includes an individual care plan for the rehabilitation of child, including follow up by the probation officer or the District Child Protection Unit or a social worker. The Children's Court shall ensure that the child is kept in place of safety till he attains the age of twenty one years. When he attains the age and the term is still pending, the Children's court shall evaluate whether he need to be transferred to jail or if he has undergone reformative changes and could be spared incarceration. The Act puts a complete ban on capital punishment or life imprisonment without the possibility of release for the child offenders who come to be treated as adults by the juvenile justice administration. The decision whether the child is to be released or sent to jail after attaining the age of 21 years will be taken by the Children's Court. This Act lays supreme importance in rehabilitation and reintegration of children in conflict with law into the larger society with the ultimate aim of reforming the child in conflict with law into a productive citizen through different procedural, programmatic and institutional mechanisms and safeguarding the Rights of the child.

## **1.7 Child Protection Scheme Under Umbrella ICDS**

To support the services envisaged under the Juvenile Justice (Care and Protection of Children) Act for these children, the Ministry of Women and Child Development have implemented a centrally sponsored scheme called the Integrated Child Protection Scheme (ICPS). Under ICPS, financial assistance is provided to the State Governments or UT Administrations for 'children in conflict with law' and 'children in need of care and protection'. ICPS or the Integrated Child Protection Scheme is a centrally sponsored scheme of the Ministry of Women and Child Development, Government of India, implemented in partnership with the State Governments and Civil Society Organizations (CSOs). ICPS aims to establish a system that will efficiently and effectively protect children, based on the prime principles of "Protection of Child Rights" and the "Best Interest of the Child". The programme is now being titled as Child Protection Scheme under Umbrella ICDS. The purpose of the scheme is to provide for children in difficult circumstances, as well as to reduce the risks and vulnerabilities children have in various situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children. The scheme focuses its activities on children in need of care and protection and children in conflict and contact with the law. As provided by the Juvenile Justice (Care and Protection of Children) Act, the scheme incorporates development of non-institutional and institutional services for these two categories of children for their rehabilitation and reintegration. Non-institutional programmes mainly include Sponsorship, Foster Care and Adoption services. When it comes to Institutional services, ICPS supports creation of new institutional facilities and maintenance of existing institutional facilities for both children in conflict with law and children in need of care and protection. For particularly children who are in conflict with law, the scheme provides the following institutional services:

### **1.7.1 Observation Homes**

Observation homes are established and maintained by the state Government, either by itself or through voluntary or non-governmental organisations. Children in conflict with law who enter the juvenile justice system through the Juvenile Justice Boards (JJBs) are in need of adequate residential care and protection during the pendency of any inquiry regarding them under the Juvenile Justice (Care and Protection of Children) Act 2015. These Observation Homes are supposed to provide such children with all necessary care to ensure protection their rights and facilitate holistic development.

### **1.7.2 Special Homes**

It means an institution established by a State Government or by a voluntary or non-governmental organisation, for housing and providing rehabilitative services to children in conflict with law, who are found, through inquiry, to have committed an offence and are sent to such institution by an order of the Board for a maximum of three years. Children in conflict with the law, ordered by the Juvenile Justice Boards (JJBs) for long term rehabilitation and protection, requiring institutional services are placed in these Homes. The Special Homes, besides providing all the essential services to these children, has to focus on rehabilitating and reintegrating such children into their families and the larger society.

### **1.7.3 Place of Safety**

As per Section 49 of JJ Act, 2015, the State Government to set up a Place of Safety in the state so as to place a person above the age of 18 years or child in conflict with law, who is between the age of 16-18 years and is accused of or convicted for committing a heinous offence. Every place of safety should have arrangement and facilities for stay of such children or persons during the process of inquiry or on convicted for committing an offence

It is envisaged that, these legislations and different programmatic interventions shall be effective in addressing the problem of delinquency among children to a large extent. However, it remains a fact that in spite of these initiatives, rate of commission of unlawful activities by children is increasing day by day. Various socio-economic factors also seem to have also contributing to this rising trend. Thus, according to some recent data, the situation is still disturbing. Besides, due to huge pendency of cases in India including the northeastern states, especially in Assam, many children are spending their time in reform homes while awaiting justice. This can cause children to get involve more in delinquent behavior inside these institutions if they are kept for a longer period. The condition of the reform homes is another big concern, as they lack the necessary ambience as well as amenities to serve the purpose of a reform home.

Thus, in this context it is pertinent to understand the nature and trends of juvenile delinquency in this region, to understand the causes behind rising number of children committing unlawful acts and to find out ways and means to curb this emerging social problem and other related aspects.

## **CHAPTER 2**

### **REVIEW OF EARLIER STUDIES AND THE PRESENT STUDY**

#### **2.1 Review of Literature**

Studies have been carried out by scholars, academic institutions to understand various aspects of committing of criminal acts by some children in different societies.

Shaw and MacKay (1931) conducted a study on “Social factors in Juvenile Delinquency: A study of the Community, the Family and Gang in relation to Deviant Behaviour” involving 5480 offenders in Chicago. The findings of the study revealed that majority of the offenders had committed delinquency with their companions and they also teach the other delinquents. Only a few have committed such crime individually. The study also reflected that the juveniles had close contacts with criminals, professional gamblers and drunkards. The researchers also examined the social and economic characteristics which leads to high delinquency and found that various traits like prevalence of poverty, urbanization, migration to cities, high incidences of adult crime in front of children are the main features. The children of the lower socio-economic classes living in slums are more prone to delinquency as stated in the study.

Blumer and Houser (1933) studied the impact of movies and cinema on children covering a sample of 368 delinquent boys. The study concluded that majority of the delinquents had expressed that movies gave them the desire to carry a gun and also taught them methods of stealing. The study also confirmed that the offenders had learned the concept of easy money making from the movies. This indicates that the media had negatively affected them and encouraged them to indulge in such acts along with the company of others.

Burt (1936) conducted a study on 197 young delinquents to find the causes of delinquency. The study was carried out by using case history method. Information were gathered from sources like parents, teachers, magistrates and children from the Observation Homes. The study revealed that most of the juveniles come from comfortable houses. He found that delinquency was due to hereditary, environment, the physical, intellectual and

temperamental conditions concerning general instability and neuroses. He also noticed that every one of them was conducive to child misconduct.

Sheldon and Eleanor (1950) in the study “Unraveling Juvenile Delinquency” made an attempt to study the relations between delinquents and their parents. They conducted the study involving 500 delinquents residing in the Homes of Massachusetts and 500 non-delinquents from the public schools of Boston by matching them on the basis of age, neighborhood, economic status and so on. The findings of the study indicated that 31.2 percent of the delinquents came from homes with poor marital relationships compared with 1.9 percent of non-delinquent's population. In addition, the study found strong family cohesiveness in 16 percent of the delinquent's homes and 61.8 percent of the non-delinquent's homes. The relationship between the parents and the children was reported as good in 37 percent of the delinquent's cases and 65 percent of the non-delinquent cases.

Nye (1958) conducted a study to find out whether positive attachments with parents report less delinquency. The study was conducted involving a sample of 605 cases. Accordingly, it was found out that a greater percentage of children committing delinquent acts came from unhappy homes where they were rejected by their parents than in simply broken homes. The study stated that children who came from broken homes showed less delinquency behaviour as compared to children who came from homes where the parents were not separated but the parents-child relation was of low quality and non- acceptance. Unhappiness in a home was more significantly related to delinquency than a structurally broken home.

Another study was conducted by Koller (1971) on female delinquents to know the causes of delinquency acts among girls and whether their nature of offences differs from boys. The study included a total sample of 121 girls from a training school of which 101 were unmarried girls. The findings of the study indicated that about 44 percent of the respondents committed the offence due to expose of moral danger, 34 percent were uncontrollable and 12 percent were involved in stealing, drug abuse etc. The study also indicated that a larger percentage of the girls had prolonged parental loss, large family size and broken homes which resulted in delinquency.

Mowby and Fisher (1982) in their study of 254 juvenile offenders at Bradford police institution found that majority of the juveniles came from working class homes and more than

half of the respondents were from one parent families and almost all were school going. More than one third were involved in theft and about 10 percent involved their crimes against corporate sectors or big shops rather than to individual victims. It was also found out that in about 60 percent of the cases, the incident was committed jointly with other delinquents and in 21 cases adult co-offender was involved.

According to Johnson (1989) a large study of previous research on families found that a “broken home” has an impact on delinquency, but the effects appear to be minimal. The study entitled “Family Structure and delinquency: General Patterns and Gender differences” conducted by him also found that the correlation between a broken home and delinquency was greater in minor forms of delinquency. Some research suggests that youths who are not closely bonded with their parents are more likely to be delinquent. Finally, family structure is moderately related to delinquent behavior.

Peeples and Loeber (1994) studied ethnic differences in juvenile delinquency and examined whether individual factors and neighbourhood context explain ethnic differences in juvenile delinquency. The study was carried out with a simple of 506 urban public school boys. Neighbourhood context was measured with an objective score that classified neighbourhood as under class for not under class. The study covered African American youths and white youths. The study revealed that the African American youths were more frequently and more seriously delinquent than white youths. It was found that those African American youths who stayed out of their neighbourhood showed less delinquent tendency. Thus, the study pointed out that neighbourhood is more related to delinquent behaviour than ethnicity.

Barnes et. al. (2002) studied relationship of alcohol and drug use to delinquency in adolescents. The study attempted to understand gender, age, racial or ethnic differences with regard to alcohol/ drug use and delinquency covering 19321 students of 7-12<sup>th</sup> standards in New York. The study confirmed that alcohol use became a strong stimulant for unlawful behaviour and there is significant interaction between alcohol measures and gender, age and racial or ethnic attribute. The relationship between unlawful or delinquent behaviour and alcohol/drug abuse is stronger among young adolescent.

In another study conducted by Heather et. al. (2003) on “Juvenile Crime, Aggression and Delinquency after Sexual Abuse: A Longitudinal Study” attempt was made to examine whether

sexual abuse is associated with subsequent juvenile offences, aggression and delinquency. The study involved 38 abused young people and 68 non-abused young from Sydney, Australia. Interviews were also conducted with parents. The study concluded that the children who faced sexual abuse were reported that they showed aggressiveness and delinquent behavior in their later stages. Thus, the study indicated that child sexual abuse is an independent risk factor for committing offences and showing delinquent behavior.

Yale University Press, London published an article in 2006 based on a book authored by David E. Brandt. The article documented that David in his book examined the legal, psychological, and cultural issues which are relevant to understand the antisocial behavior among adolescents. Based on his own research, Brandt identifies that factors such as poverty as well as psychological issues such as high levels of stress and anxiety suffered during childhood lead to delinquency. He also showed that failure to meet the developmental needs of children both within the family and outside family is the core problem of juvenile delinquency. Brandt concluded that programs which address the developmental needs of children are the best and effective means to prevent delinquency.

Ryan et. al. (2008) undertook a study on Juvenile Delinquency in Child Welfare in the context of residential care for children. Using administrative records from a large urban county, the study investigated into the relationship between group home placement of children and risk of delinquency. The result indicated that the relative risk of delinquency is approximately two and half times greater for institutionalised adolescents.

Allwood et. al. (2012) conducted a study entitled “Depressive Symptoms, Including Lack of Future Orientation, as Mediators in the Relationship between Adverse Life Events and Delinquent Behaviours” among 123 adolescents from urban communities. The sample was taken from moderately low income level families. The study was carried out to find out whether depressive symptoms may mediate or indulge adolescents in delinquency events. The study indicated that majority of the respondents was exposed to violence and some have witnessed it. The study states that these violence or atrocities committed against the children sometimes make them the victimization of depression, hopelessness etc. which in turn may sometimes lead them to involve in delinquency. Thus, the study concludes that adverse life events in childhood have been consistently linked to juvenile delinquency.

In a recent study by Rahman (2014) on “Juvenile Delinquency in the Slum Community: A Study on Tejgaon Area in Dhaka City” attempt was made to recognize the existing juvenile delinquency situation of the slum community in the Dhaka city. It attempted to investigate the types of offences among the slum children and the reasons behind their involvement. The study was carried out with a randomly selected sample of 150 children. The study concluded that the types of offences in which children were mostly found to be involved in delinquency acts like intake of drugs, smuggling, pick-pocketing, extortion and eve-teasing though in less number rather than in any heinous crimes. The causative factors of such activities were poverty, lack of parent’s attention, and low socio-economic status. They also were deprived of their basic needs, love and affection by parents due to large family size and congenial environment to grow and become socialized which resulted in their involvement in such criminal activities.

In India too, a large number of studies on various facets of criminal offences committed by children had been undertaken.

Sheth (1961) conducted a study of 400 offenders and 180 non offenders from greater Mumbai, Ahmedabad and Pune. The study focussed on social backgrounds of the young offenders, the offences committed by them and legal aspects. The study opined that poor economic condition and the sense of insecurity results into some psychological reactions in the children which ultimately induce children to commit offences. The study found that improper socialization also contributes to the fact that the children cannot adjust themselves to the situation and expressed their frustration through delinquent activities.

In another study by Madras State Women Council (1964) involving 75 delinquent children residing in Homes in Madras found that majority children in the age group of 11-14 years commit such crimes and belong to lower socio economic strata. A large number of school dropout children lacking appropriate parenting and disciplining in the families form gangs and indulge in anti-social activities.

Pathak (1967) based on 60 delinquents, undertook a study entitled “Social Background of the Delinquent Children”. In his study he confirmed that the entire social and cultural background of the delinquent child were the causative factors of their delinquency acts. It also revealed the importance of the community institutions and agencies in moulding the behaviour

of a child. The study also emphasized community planning as means of social control as well as preventing delinquent behaviour.

Varma (1969) conducted a study on 300 Juvenile delinquents belonging to lower class in Lucknow and published the work entitled "The Young Delinquent: A Sociological Inquiry" with the purpose to find out the causes of delinquency. The study revealed that family background, economy, companionship, illiteracy were the major causes of delinquency.

In a study conducted by Mitra et. al.(1970), entitled "A comparative study of some of the environmental conditions of delinquent and school going children," attempt was made to find out if there was any differences in the environmental conditions of the delinquent and the normal school-going children. In all, seventy-five boys and fifty girls, between age group 13 to 16 years, of the Detention Home located in Lillooah and a group of children of seventy-five boys and fifty girls living in normal environmental conditions were included in the sample. The study found out that environmental conditions of the inmates of the detention home were completely different from those of the school-going children. It also revealed that low income, unfavourable environmental conditions, lack of parental love and care etc. were the reasons which encouraged the children to get involved in such antisocial activities. The study also revealed that the delinquent children who came from families with high income and with high level of education did not stay in detention homes.

Rajguru (1974) conducted a study on "Insecurity among Adolescents as a Determinant of Juvenile Delinquency" to know the insecurity dimension between delinquent and non-delinquents. The study emphasized on the psychological or emotional factors which were responsible for creating feeling of insecurity and imbalance which further lead to delinquent behavior. It found that feeling of insecurity among the delinquents was higher than the non-delinquents and this state of insecurity was caused by various factors. The uncongenial environment during their early life led to anti-social activities among the children. The younger group within the delinquent sample was the victims of cruelties of home which led them to anti-social activities as they were emotionally disturbed and unsatisfied with their economic and psychological needs. Social-economic conditions, companionship, leisure time activities, local and immediate social circle also had a considerable effect in stimulating youth to deviate from the social norms.

That improper parenting and parent-child relationship often may result in development of delinquent tendencies among children, was brought to light by a study by Thilagaraj (1983). The study covered 40 delinquent boys and their parents. It was found that majority of the parents were somewhat indifferent to their children and the children felt insecure and craved for recognition and affection. A large number of such children also experienced hostility and rejection by the parents.

Amati (1984) studied 136 juvenile offenders in Hubli-Dharwar, the twin cities in Karnataka whose age ranged from 7 to 16 years to find the relationship between the various habits of the juveniles in their leisure time like smoking, drinking, gambling etc. with delinquency. The study found out that in their leisure time they indulge themselves in such acts as they think these to be recreational activities. Data in the study revealed that a large percentage of juveniles were engaged in gambling, playing cards in their own gangs, taking alcohol frequently and seeing motion pictures. So, from the study it can be concluded that delinquent boys developed such habits within their groups and resorted to these activities for recreation and made them a way to earn money. They even accepted these as their carrier which resulted in committing crimes by them.

Prasad and Harnash (1995) in a study on "Juvenile Home inmates: Background characteristics" studied 82 inmates of juvenile home in Andhra Pradesh to find out their socio demographic characteristics. They found that a majority of the sample population are found to be urban (84 per cent), illiterate (40 per cent) with an average age of around 13 years. A considerable number of them had been away from their families from a period of three years and above. The delinquents reported participation along with peer group in common activities such as movie going (97 per cent), loafing (93 per cent), playing together (87 per cent). The study also reported more abuse of delinquents in families headed by responsible person other than parents. Most of delinquents reported physical and verbal abuse as important factor for their drifting from homes. Most of parents of the delinquents are from low income groups employed in unorganized sector.

Chaturvedi et. al. (2008) conducted a study entitled, "Risk Behaviours related to Interpersonal Violence among School and College Going Adolescents in South Delhi" involving 550 adolescents aged between 14 to 19 years of age. It aimed to study the risk behaviours related to interpersonal violence amongst school and college going adolescents and its

epidemiological correlates. Among the respondents, 11.8% reported having carried a weapon in past 30 days. 13.5% respondents had threatened or injured someone with a weapon in past 12 months. Almost 49.1% reported being involved in a physical fight in past 12 months. These involvements in interpersonal violence were found to be more amongst males than females. The study also found that adolescents who were working part time were more likely to be at risk than those not working. Thus, the study indicated that the significant correlates of interpersonal violence were male gender, lower age, number of close friends, having seen role models smoke or drink, and residing in resettlement colonies, slums or villages.

Sarkar (2008) conducted few case studies of the children in Mumbai who were involved in crimes. The aim of the case studies was to find out the reasons that impelled them to involve in such activities. The cases brought into light the fact that broken home, poor education, insecure and inhuman living conditions in slums, adventurous and ambitious adolescent youth, joblessness and uncertainty of future, contact persons of the underworld in slums, overcrowded city appeared to be a few factors that provoke children to commit crimes.

In a recent but similar study in Karnataka by Haveripet (2013) revealed that no particular reason is responsible for delinquency among children and rather, a variety of factors are responsible for development of delinquent behaviour among children. Lack of family control, conflict in family, environment and atmosphere of residential area, impact of media, etc. are equally responsible for children resorting to unlawful activities. A number of such children are also found to be deprived of fulfilling the basic needs and proper recreation by their families which force them to involve in anti-social activities.

A study entitled "A Study on Factors Underlying Juvenile Delinquency and Positive Youth Development" was undertaken by Sahmey (2013). The socio-economic profile, factors behind the delinquency, the rehabilitative mechanisms and its effectiveness were analysed by using the primary data collected by interviewing 50 inmates of the Government Observation Home of Rourkela Sub Jail, Odisha. The findings indicated that the offences made by the delinquents were primarily due to the combination of various individual and environmental variables, viz. individual risk factors of the delinquents, negligence and ignorance of the parents, peer influence, poor socio-economic status, family pressure and lack of proper socialization. Overall, the perception regarding fairness of justice, both before and after the offence, was reported to be positive by the respondents. The results also indicated that owing to

lack of funds and resources, the positive development measures for the juveniles were conspicuous by their absence.

Empowerment of Children and Human Rights Organisation (ECHO), a Non-Government Organisation, conducted a study in 2014 of 2500 juveniles from six districts in Karnataka which were brought before the Juvenile Justice Board in Bangalore. The findings of the study revealed that majority of children lived with their parents whereas 16.7% live with single parent and 5.1 % are without parents. The study also found out that though majority of the children lived with their parents, 94% of the juveniles got inadequate parental care as most of these children belonged to lower socio-economic backgrounds where parents strived to earn their daily living. Due to these reasons children face economic stress in their day-to-day lives as they were forced to work at a young age where they get in touch with anti-social groups and involve themselves in unlawful activities. The study also found that in the category of seriousness of offences, the highest percentage of crime committed is murder with a large percent of children allegedly committing it.

An another important study on “A Study of the Causal Factors leading Juveniles to be in Conflict with the Law in Tamil Nadu: Sociological Perspective” was conducted by Murugesan (2014) to know the main factors responsible for the deviant behaviour on the part of children. The study also attempted to know the relationship between age group and nature of offences committed by them. The study also focused on the services of the correctional institutions to rehabilitate these children. Thus, this study is closely related to the present study. It involved 148 children from different Observation Homes in Tamil Nadu. The study indicated that factors like restrictive family, poverty, broken homes, peer influence, uncongenial family environment, unsupervision by their parents, low level of education, drinking habits, smoking habits and immorality etc. were responsible for the deviant behaviour of children. The findings of the study were that a sizeable number of the respondents came from families with poor economic condition and majority of them were male children. When analyzed about the relationship between age group and the nature of offences committed by the respondents, it showed that a vast majority of them were among the age group of 11-15 years and were booked under the case of theft and also majority of the male respondents who belonged to 16-18 years were booked under the case of murder or attempt to murder and another group of them also has been indulged in rape or attempt to rape cases. The basic reasons that came out for their involvement in such offences were self-interest, economic benefits and substance abuse. The

study also concluded that the Homes were giving them vocational training and also collaborated to work with NGO's to give effective services to the children for their rehabilitation and reintegration. It was found out that a vast majority of the respondents were satisfied with the training and various services given by the trained staff in the institutions.

Chandolu (2015) carried out a study entitled "Child Rights Perspective of Juvenile Delinquency in India" covering 60 such children offenders in the age group of 10-18 years in Vishakapatnam city. The study highlighted that dissatisfaction of children with their own socio economic condition often induced them to commit crime. In terms of the awareness of the children vis-à-vis their rights, majority of these children opined that they should be treated differently than adult criminals and also felt that punishment cannot change the behaviour of children offenders.

In another study of children in Observation Home in Srinagar (Bhat and Mir: 2016) focussed on children offenders in Jammu and Kashmir in the light of UNCRC and JJ Act 2006. The study specially focussed on stone-pelting riots in Kashmir where large number of children are involved. The study mainly concluded that there is a great need to take measures that will ensure child friendly system for children in conflict with law and children in need of care and protection.

The International Journal of Advanced Research in Management and Social Sciences in 2017 published a study by National Institute of Public Cooperation and Child Development, Delhi. The study attempted to analyze the causes of Juvenile Delinquency with reference to psychological perspectives of the juveniles covering 60 juvenile delinquent boys and girls of the age group 16-18 years in Delhi. The study showed that in the psychological perspectives of juvenile delinquency poverty, illiteracy and family disturbances were the main reasons for the criminal activities among young children and these need social change and government initiatives to bring about changes in the family. Moreover, more reforms for development of education and employment of children in the society are required to prevent such activities.

TISS conducted a study on "Juvenile in Conflict with Law and Administration of Juvenile Justice System in States of Maharashtra and Rajasthan" among 211 juveniles and 95 parents. The purpose of the study was to find out the nature and trend of offences among juveniles, socio-economic factors leading to juvenile delinquency and also to examine the rehabilitative

measures undertaken within the juvenile justice system. The study concluded that juveniles were mainly involved in theft, robbery, assault related charges. The study also reported that a larger proportion of juveniles were falsely charged and the factors of juvenile offences were environmental, family, addiction, mental health problems etc. Further, the study also revealed that though addiction was evolved as a factor which leads to delinquency but it was further analysed that majority of the families did not have addiction problem in the house. Hence, different families have different situations and so each factor is important to study.

In Northeast too, studies have been conducted on the different facets of Juvenile Delinquency but in a very less number.

A study was conducted by Sharma (1998) on “Juvenile Delinquents and Society: An Inquiry into Juvenile Delinquents in Correctional Institutions of Assam” with the juveniles in the Observation Homes of Guwahati, Jorhat and Nagaon. The study confirmed that in Assam also, like rest of the states in India, the causative factors of delinquency were broken homes, lack of love and attention, quarrels in families, poor economic and low educational status of the families of the juveniles. It also revealed that most of the delinquency was committed by children who belonged to lower caste and lower income group. Delinquency amongst elite or upper-income class was seen to be rare. In Assam too, majority of the families of the delinquents were nuclear families. With regard to the services in the Homes for their rehabilitation, it was found that the Homes provided them vocational education on tailoring, mechanics, knitting, bag making, cobbler etc. for their proper rehabilitation and so that they could make their own living.

Jadabet. al. (2014), conducted a study on “A Comparative Study of Delinquency prone and Non-Delinquency prone adolescents with regards to Self-Concept, Emotional Maturity and Academic Achievement in Assam”. This study was conducted on a sample of 500 adolescents which comprised of 200 delinquency prone and 300 non delinquency prone adolescents selected randomly from 12 secondary and higher secondary schools. The study reported that delinquency prone adolescents had low self-concept, low emotional maturity and poor academic achievement than non-delinquency prone adolescents. So, the study showed the positive co-relation among self-concept, emotional maturity and academic achievement.

Another study was conducted by Ibanshisha Marpna (2017) on “The Causes to the Rise of Juvenile Delinquency in Shillong, Meghalaya” which included Police Officials from Mawlai and

Lumdiegjri Police Station, NGO Officials, Probation Officers of the Observation Homes and the Juvenile Delinquents as sample. The purpose of the study was to examine the causes that influence a child to commit a crime or any sort of delinquency in Shillong and also to examine the awareness and opinion of the NGO officials, Police officials and Observation homes Officials on the Causes of Juvenile Delinquency, about the laws and system related to the juvenile delinquents. Thus, the study concluded the major causes for Juvenile Delinquency were lack of parental care, substance abuse, poverty, lack of emotional support, peer pressure, theft, social media, high technologies and exploitation. It was also found out that the NGO officials were not aware about the laws related to Juvenile Delinquency and they were not given any kind of workshop, seminar or awareness regarding to the jurisdiction related to Juvenile Delinquency.

Thus, the research studies which are reviewed above reveal the availability of a wide range of studies in the National and International level concerning the problem. Few studies were also seen focusing the situation of juvenile delinquency in the North Eastern states. Hence, it can be concluded from every study whether National or International that the problem of juvenile delinquency is increasing around the world at a very high rate. It has also revealed that causative factors like broken homes, orphans, destitute, lack of parental care, dropout from school, poor and unstable families etc. influence the children to indulge themselves in some unlawful activities. But, the studies reviewed above, especially the ones which are focused on the North Eastern States have not attempted to study that among the NE states why Assam witnesses high rate of juvenile crime every year and Nagaland has few cases reported against it and also the factors behind it. Hence, the present study is undertaken to focus on this issue, among others.

## **2.2 The Present Study**

### **2.2.1 Need of the study**

Assam and Nagaland are two neighbouring states with dissimilar demographic and socio-cultural backgrounds. These two states apparently present opposite trends when it comes to situation of unlawful activities by children. Assam is the largest state of Northeast India in terms of population. It is also the state which has witnessed large scale in-migration, urbanization and growth of commercial activities in the recent past. This state is also considered the gateway to most other states of Northeast India. Assam, with its large urban areas with a cosmopolitan population has recorded a marked rise in involvement of children in criminal activities of late. On the other hand, Nagaland is a hill state of the region with a predominantly

tribal population with comparatively much less urban development. The population of the state has some distinctive socio-cultural and economic features. In Nagaland, as per the available data, incidences of children coming into conflict with law are quite low. Thus, two states of the region with different topographical, demographic and socio-cultural attributes have recorded dissimilar trends with regard to unlawful activities being committed by children. Data also show that the two states have dissimilar trends of unlawful activities committed by children. In Assam, children are involved even in heinous crimes like murder and rape. While in Nagaland the rate of involvement in such activities is quite low. Children in Nagaland are mainly found to be involved in petty offences like theft. It shows that Assam has the highest number of juvenile delinquency cases reported among all the other state of northeast. Study of these two states with high and low rates of delinquency among children can be expected to throw light to the contexts in which children commit illegal activities and the inducing factors. In the wake of such seemingly different trends of committing of illegal activities by children in two neighbouring states with different socio-economic and cultural attributes it needs to be understood properly, whether certain situations provoke or compel children to commit crimes whereas some situations prevent it. A thorough study on unlawful activities by children in these states would help in understanding the context in which children are committing illegal activities and the inducing factors and would contribute to developing appropriate strategies and interventions to prevent delinquency among children. The present study would also enable the planners, the concerned government agencies and the activists to formulate need based interventions for prevention of delinquency among children and planning contextual rehabilitation services for these children.

### **2.2.2 Objectives:**

The objectives of the study are

- to find out the extent and nature of criminal offences committed by children in Assam and Nagaland in the last five years;
- to examine the socio-economic, cultural and other factors that have induced/influenced the children to commit unlawful acts;
- to analyse the efficacy of the existing mechanisms to rehabilitate children in conflict with law; and
- to suggest measures to prevent rising trends of criminal tendencies among children

## 2.2.3 Methodology

### 2.2.3.1 Sources of data

The study was carried out in the states of Assam and Nagaland. Data for the study were collected from both primary and secondary sources. Data were collected from different identified respondents including the children lodged in Observation, Special Homes and Places of Safety in these two states. There are 11 Observation Homes and two Special Homes in Nagaland and in Assam there are five Observation Homes, one Special Home and one Place of Safety. All these institutions were covered under the study. Primary data was also collected from selected care givers of these institutions (Superintendents, Case Workers and Counsellors) and also functionaries of DCPUs, SJPU and JJBs of selected districts. Secondary data were also collected from the records of these institutions. Similarly, records of offences committed by children since the past five years were also collected from the Criminal Investigation Department (CID) from both the states.

The list of the Observation Homes in Assam and Nagaland are given below:

States	Name of the Homes	Districts
Assam	Observation Home For Boys, Boko	Kamrup (R)
	Observation Home For Girls, Jalukbari	Kamrup (M)
	Observation Home For Girls, Nagaon	Nagaon
	Observation Home For Boys, Jorhat	Jorhat
	Observation Home For Boys, Silchar	Cachar
Nagaland	Observation Homes, Kohima	Kohima
	Observation Homes, Phek	Phek
	Observation Homes, Kiphire	Kiphire
	Observation Homes, Wokha	Wokha
	Observation Homes, Zunheboto	Zunheboto
	Observation Homes, Mokukchung	Mokukchung
	Observation Homes, Tuensang	Tuensang
	Observation Homes, Longleng	Longleng
	Observation Homes, Mon	Mon
	Observation Homes, Dimapur	Dimapur
	Observation Homes, Peren	Peren
	Special Home, Chozuba	Phek
Special Home, Pherima	Dimapur	

### **2.2.3.2 Respondents**

As has been mentioned above, respondents for the study included the functionaries of Homes, DCPUs, JJB members, concerned SJPU officials and also children staying in the Homes at the time of data collection. In each of these Homes of both the states the Superintendents, Case Workers and Counsellors were also interviewed.

In Assam initially five districts where the Observation and Special Home and Place of Safety were located were selected. Later, ten more districts were purposively selected to have a clear idea on the prevailing situation of juvenile crimes in Assam. In all of these selected fifteen (15) districts the Legal cum Probation Officer or the DCPO were interviewed. Again, one member from JJB, and two members from SJPU were interviewed from the concerned districts. On the other hand in Nagaland, Legal cum Probation Officer or the DCPOs were interviewed from all the eleven districts besides the functionaries of Homes.

Children lodged in the Homes of both the states were also selected purposively as respondents of the study. It is to be mentioned here that as per the initial plan for sample of the study, six children from each age groups viz; 8-11, 12-15 and 16-18 were to be selected and interviewed in the Homes. However, during the data collection it was found that in some Homes the numbers of children were less because of which the age group criteria was not fulfilled. Therefore, children of whichever age group were found in these Homes, all were interviewed. Here it must be mentioned that, in none of the Homes of Assam and Nagaland children below 11 years were not found. The data from children were collected keeping in mind the stipulations of the relevant legislations, government notifications and ethical issues.

### **2.2.3.3 Categories and Number of Respondents**

The following table shows the categories and number of respondents of the present study in both the states of Assam and Nagaland.

**Table 2.1: Categories and number of Respondents.**

Categories of respondents	Number of respondents	
	Assam	Nagaland
Superintendents	5	13
Counsellor	5	13
Case Worker	5	13
Legal cum Probation Officer	15	11
JJB member	15	11
SJPU Member	30	22
Children	45	13

The above Table 2.1 presents the categories and the number of respondents selected for the present study. In Assam there are five Observation Homes and one Special Home and one Place of Safety. However, the Special Home and the Place of Safety are actually attached to two Observation Homes and the same set of functionaries from the concerned Observation Homes were looking after the Special Home and the Place of Safety at the time of data collection. Therefore, as shown in the Table, the functionaries of these five Observation Homes, that is, five Superintendents, five Case Workers and five Counsellors were interviewed. From the selected fifteen districts, fifteen JJB members and fifteen LCPO were interviewed (one JJB member and one Legal cum Probation Officer from each district). Again, from these selected fifteen districts two Special Juvenile Police Unit members were taken as respondents. Thus, 30 (15x2) SJPU members were interviewed from Assam. Forty five (45) children who were lodged in the Observation Homes at the time of visit were also taken as respondents.

On the other hand, in Nagaland there are all total 11 districts and all these districts were covered under the study. Since, there are 11 Observation Homes and two Special Homes in the state, therefore, 13 Superintendents, 13 Case Workers and 13 Counsellors were interviewed. Like in Assam, in Nagaland also 11 JJB members and 11 LCPO were interviewed (one JJB member and one LCPO) from each district. Besides these 22 SJPU members (two from each

district) were also interviewed. There were a total of only 13 children lodged in the Homes of Nagaland and all were taken as our respondents. The numbers of children found in different age groups in **Assam** and **Nagaland** are presented below in Table 2.2.

**Table No. 2.2: Age-group Wise Distribution of Children**

Age category	Assam	Nagaland
8-11	0	0
12-15	20	9
16-18	25	4
<b>Total</b>	<b>45</b>	<b>13</b>

#### **2.2.3.4 Methods and Tools of Data Collection**

Conventional methods of research, like interview and observation were utilized for collection of data. Accordingly interview schedules and observation check list were prepared and used. Data sheets were also prepared and used to collect the information of the children presently lodged at the time of data collection in the Homes of Assam and Nagaland. These schedules were pre-coded to facilitate computerization of a data. The secondary data were gathered from the official records of the Homes. Secondary data were also collected from the CID branch of Assam and Nagaland to know the extent of crime committed by children in both the states. The details of the schedules and other tools used are as follows:

##### **i. Schedules for Functionaries/Respondents of the Homes**

Three different types of schedules were developed for interviewing the various categories of respondents viz. Superintendents, Case Workers and Counsellors. The schedules mostly contained close ended queries on their training status, job responsibilities, nature of unlawful activities committed by children, different aspects of services for the children, etc. The schedules also contained information about the status of counselling services for children in the Homes, preparation of case history of children etc.

**ii. Schedules for other Respondents (LPO, SJPU and JJB members)**

For the SJPU, LPO and JJB members three different schedules were developed where by data relating to the causative factors which influenced children to commit unlawful activities, preparation of Social Investigation Report (SIR), Social background report, pendency of cases, vocational training for children, follow up of cases etc. were collected.

**iii. Schedule for children**

A specific schedule for eliciting information from the children lodged in the Homes was developed. It mainly focussed on their socio-economic background which directly or indirectly induced the children to indulge in crimes, nature of crime committed by them, motive behind committing crime, facilities availed by them for their rehabilitation and reintegration, etc.

**iv. Observation Checklist**

An observation checklist was also prepared for collecting the data related to the infrastructural facilities, recreational facilities for children, display of daily routine, personal hygiene of children, cleanliness of dormitories, campus and toilets etc.

**2.2.3.5 Pre-testing of tools**

Tools prepared in the study for data collection for the study were pre-tested before finalization. The Interview Schedules for the functionaries of the Homes and the children were initially pre tested in two Observation Homes of Assam. The tools meant for interviewing JJB and SJPU members were pre tested by interacting with the members of Kamrup (M) and Kamrup (R) districts and by visiting the police stations of these two districts. Tools prepared for Legal cum Probation Officer were also pre tested by interacting with the official (LPOs) of the same districts. After pre testing modification and changes required were incorporated in the schedules before finalization.

### **2.2.3.6 Collection of Data**

The study was conducted in fifteen districts of Assam. In Nagaland all the eleven districts were covered in the study. The State Child Protection Society of both the states and the DCPOs of the respective districts were communicated about the research study and data collection programme. The Superintendent of Police offices of both the states were also informed about the study and requested them to allow interviewing the SJPU members in order to obtain their maximum cooperation in providing with the required information needed for the study. For any research study the most important and critical period is the data collection phase as a wide range of problems generally emerge in, such as transportation, lodging, climatic conditions and the availability of respondents etc. The research team had faced a few of these problems as well, nonetheless, excellent support and corporation from both the state's department and districts was received that helped in collection of data in stipulated time. All the respondents were interviewed on one to one basis for the data collection of the study.

### **2.2.3.7 Limitation of the study**

As has been mentioned above the present study is based on official records of these two states pertaining to commission of unlawful act by children and primary data collected from the institutions and selected duty bearers of these states and children lodged in the Observation/Special Homes. It has to be mentioned that the analysis and conclusions made in the study are based only on the reported cases of unlawful activities by children during the period from 2013 to 2017. Further, for ethical reasons and also for respecting the rights of children to privacy and dignity, in-depth interview and exploration of the background of children could not be undertaken. For this reason, the study also abstained from quoting case histories. On some aspects the study had to rely on the versions of the children only. For constraints of time and other factors in Assam only 15 out of 33 districts have been covered under the study.

## **CHAPTER- 3**

### **EXTENT AND NATURE OF OFFENCES COMMITTED BY CHILDREN IN ASSAM AND NAGALAND**

This chapter focuses on the extent and nature of offences committed by the children of Assam and Nagaland which is one of the objectives of the present study. The chapter highlights the number of offenders along with the nature of offences and their involvement in the offences, that is, whether the children have committed the offences alone or in group with some others in both the states.

As have been mentioned in earlier Chapter II with regard to methods adopted for collection of data for the study, both desk research with available data was carried out and empirical data were also collected from different stakeholders in these two states. As per the study design empirical data were collected from a large number of respondents, namely Superintendents, Case Workers, Counsellors of Observation/Special Homes, Legal cum Probation Officers, Special Juvenile Police Units and members of Juvenile Justice Boards. Before presenting the findings of the desk research and the empirical data, it is necessary to highlight the profile of the respondents of the study who provided important grass root level information for the study. Thus, the overall profile of these respondents/functionaries in terms of their age, sex, education qualification and their working experience, etc. are presented below.

#### **3.1 A profile of the respondents**

##### **3.1.1 Age of respondents (functionaries of Homes) in Assam and Nagaland**

It can be seen from the table 3.1 that in Assam 60 per cent Superintendents were in the age group of 51-60 years and 40 percent in the age group of 41-50 years.

**Table 3.1: Distribution of Respondents According to their Age.**

Age Categories (in years)	Assam (No. of functionaries)			Nagaland (No. of functionaries)		
	Supdt.	Counsellors	Case Workers	Supdt.	Counsellors	Case Workers
20 – 30	-	3 (60.00)	1 (20.00)	5 (38.40)	7 (53.85)	6 (46.15)
31 – 40	-	-	2 (40.00)	8 (61.60)	6 (46.15)	7 (53.85)
41 – 50	2 (40.00)	2 (40.00)	2 (40.00)	-	-	-
51 – 60	3 (60.00)	-	-	-	-	-

Figures within parenthesis indicate percentage

Majority (60%) of the Counsellors were in the young age group i.e; 20-30 years. In case of Case Workers in the category of 31-40 and 41-50 years the percentage of respondents were found to be same, i.e. 40 percent.

On the other hand, it is depicted from the table that in Nagaland 61.6 percent Superintendents were in the age group of 31-40 years and 38.4 percent fell in the age group of 20-30 years. Also, like in Assam majority (53.85%) of the Counsellors belonged to age group of 20-30 years. Nearly 54 per cent of the Case Workers belonged to 31-40 years and the remaining 46.15 per cent fell under the category of 20-30 years of age. Thus, except the Superintendents in Assam, majority of all the three categories of functionaries in both the states were in the younger age groups as most of them have been recruited in the recent past under ICPS programme. In Assam the posts of Superintendents of Homes are in the same cadre of some other regular posts under the Department of Social Welfare and the present Superintendents have been working in analogous posts since many years and, therefore, belong to a higher age group .

### **3.1.2 Sex of Respondents (functionaries of home) in Assam and Nagaland.**

Table 3.2 depicts the data relating to the sex of the respondents. As can be seen, the large majority of the Superintendents (60%) and all the Counsellors in Assam were female. Similarly, 80 percent Case Workers were also found to be females.

**Table 3.2: Distribution of Respondents According to their Sex**

Sex	Assam			Nagaland		
	Superintendents	Counsellors	Case Workers	Superintendents	Counsellors	Case Workers
Male	2 (40.00)	-	1 (20.00)	7 (54.00)	3 (23.00)	6 (46.00)
Female	3 (60.00)	5 (100)	4 (80.00)	6 (46.00)	10 (77.00)	7 (54.00)

Whereas, in Nagaland 54 percent of the Superintendents were male and 46 percent were females. Majority (77%) of the counsellors and 54 percent of the Case Workers were females. Overall, majority of the functionaries engaged in Homes both in Assam and Nagaland are females.

### 3.1.3 Educational Qualification of Respondents (functionaries of home) of Assam and Nagaland.

In terms of educational qualification, most (60%) of the Superintendents were Post Graduates. The table also depicts that all the Counsellors and Case Workers in Assam were Post Graduates.

**Table 3.3: Distribution of Respondents According to their Educational Qualification**

Categories	Assam			Nagaland		
	Supdt.	Counsellors	Case Workers	Supdt.	Counsellors	Case Workers
H.S	1 (20.00)	-	-	-	-	-
Graduate	1 (20.00)	-	-	-	4 (31.00)	2 (15.30)
Post Graduate	3 (60.00)	5 (100)	5 (100)	13 (100)	9 (69.00)	11 (84.70)

In Nagaland, all (100%) of the Superintendents were Post Graduates and majority of the Counsellors (69%) and Case Workers (84.7%) were Post Graduates. It may be mentioned here that, the large majority of these functionaries possess post graduate degrees in Social Work or Psychology.

### 3.1.4 Working experience of Respondents (functionaries of home) of Assam and Nagaland.

An analysis of working experience of respondents shows that (Table 3.4), the majority (60%) of the Superintendents in Assam had working experience of 1-5 years. There were also a large number of Counsellors (60%) and Case Workers (80%) had working experience in between of 1-5 years.

**Table 3.4: Distribution of Respondents according to their Working Experience**

Experience	Assam			Nagaland		
	Superintendents	Counsellors	Case Workers	Superintendents	Counsellors	Case Workers
<1 year	1 (20.00)	-	-	-	-	2 (15.00)
1-5 year	3 (60.00)	3 (60.00)	4 (80.00)	8 (61.50)	12 (92.30)	8 (62.00)
5-10 year	-	-	-	5 (38.50)	1 (07.70)	3 (23.00)
10-15 year	1 (20.00)	2 (40.00)	1 (20.00)	-	-	-
15-20 year	-	-	-	-	-	-

It is also inferred from the table that in Nagaland 61.5 per cent of the Superintendents had working experience of 1-5 years and 38.5 per cent had 5-10 years of working experience. Similarly, in regard to Counsellors and Case Workers majority of them had working experience of 1-5 years.

The Legal cum Probation Officers, JJB members and the Special Juvenile Police Unit also play a very crucial role in dealing with the alleged children offenders of law, timely disposal of their cases and provide them with proper legal support. In the present study these functionaries constituted another important section of respondents. The overall profile of these respondents in terms of age, sex, educational qualification and working experience is presented below:

### 3.1.5 Age of Respondents (LPO, JJB and SJPU) in Assam and Nagaland.

Table 3.5 shows the distribution of respondents (SJPU, LPO and JJB members) according to their age. In Assam it can be seen that 60 percent of the SJPUs were in the age group of 51-60 years and nearly 67 percent of the LPOs fell in the age category 31-40 years. It

was also found that majority, that is, about 67 per cent of the JJB members were in 51-60 years age group.

**Table 3.5: Distribution of Respondents According to their Age**

Age categories	Assam			Nagaland		
	SJPU	LPO	JJB	SJPU	LPO	JJB
20 – 30	1 (03.33)	5 (33.33)	-	3 (13.64)	-	-
31 – 40	5 (16.67)	10 (66.67)	1 (06.66)	8 (36.36)	9 (81.82)	4 (36.36)
41 – 50	6 (20.00)	-	4 (26.67)	9 (40.91)	2 (18.18)	6 (54.55)
51 – 60	18 (60.00)	-	10 (66.67)	2 (09.09)	0 (00.00)	1 (09.09)
Total	30	15	15	22	11	11

As compared to Assam, in Nagaland 40.91 percent and 36.36 percent of the SJPU members belonged to the age group of 41-50 and 31-40 years respectively. It can be seen from the table that 81.82 percent of the LPOs were in the age group of 31-40 years. Only a small fraction (18.18%) of the LPOs was in the age group of 41-50 years. Data relating to age group of JJB members shows that more than half of JJB members were in the age group of 41-50 years (54.55%) and 36.36 per cent were in the age bracket 31-40 years and only one member belonged to 51 to 60 years age group.

### 3.1.6 Sex of Respondents (LPO, JJB and SJPU) in Assam and Nagaland

Table 3.6 depicts the data relating to the sex of the respondents. As can be seen, all the SJPU members in Assam were male. In regard to LPOs and JJBs the table reveals that most of them were male and their percentage was found to be the same. The remaining 46.67 percent of LPO and JJB members were females.

**Table 3.6: Distribution of Respondents According to their Sex**

Sex	Assam			Nagaland		
	SJPU	LPO	JJB	SJPU	LPO	JJB
Male	30 (100)	8 (53.33)	8 (53.33)	18 (81.82)	8 (72.73)	5 (45.45)
Female	0 (0)	7 (46.67)	7 (46.67)	4 (18.18)	3 (27.27)	6 (54.54)
Total	30	15	15	22	11	11

Whereas, in Nagaland 81.82 percent of the SJPU were male and few (18.18%) were females. Majority (72.73%) of the LPO were male. As compared to Assam the numbers of female JJB members were found to be more (54.54%) in Nagaland.

### 3.1.7 Educational Qualification of Respondents (LPO and JJB) in Assam and Nagaland

An analysis of educational qualification of the respondents shows that (Table 3.7), in Assam majority of the LPOs (73.33%) were postgraduates. Data relating to educational qualification of JJB Members show that a high percentage (80%) of JJB members were post graduates. At the same time there were few graduates (20%).

**Table 3.7 Distribution of Respondents According to their Educational Qualification**

Education Qualification	Assam		Nagaland	
	LPO	JJB	LPO	JJB
H.S	-	-	-	1 (09.09)
Graduate	4 (26.67)	3 (20.00)	7 (63.64)	6 (54.54)
Post Graduate	11 (73.33)	12 (80.00)	4 (36.36)	4 (36.36)
Total	15	15	11	11

Unlike Assam, in Nagaland majority of the LPOs (63.64%) and JJB members (54.54%) were graduates. The rest 36.36 per cent of LPO and JJB members were post graduates.

### 3.1.8 Working Experience of respondents (LPO, JJB and SJPU) in Assam and Nagaland

Table 3.8 highlights the work experience of the respondents SJPU, LPO and JJB members of Assam and Nagaland. As can be seen, majority of members of SJPU of Assam (66.67%) had working experience of 1-5 years. The table also reflects that all the LPOs of this state had work experience of 1-5 years. However, 86.67 percent JJB members had less than one year experience. This is for the obvious reason as the term of the members of the Board shall not be more than a period of three years according to the JJ Act and thus it can be

presumed that they were the newly appointed members. Only 13.33 percent had experience between 1-5 years.

**Table 3.8: Distribution of Respondents According to their Working Experience**

Experience	Assam			Nagaland		
	SJPU	LPO	JJB	SJPU	LPO	JJB
<1 year	9 (30.00)	-	13 (86.67)	9 (40.91)	-	-
1-5 year	20 (66.67)	15 (100.00)	2 (13.33)	10 (45.45)	2 (18.18)	11 (100)
5-10 year	1 (03.33)	-	-	-	9 (81.82)	-
10-15 year	-	-	-	1 (04.54)	-	-
15-20 year	-	-	-	2 (09.09)	-	-
Total	30	15	15	22	11	11

In case of Nagaland 45.45 percent of SJPU's had experience of 1-5 years followed by 40.91 percent who had less than one year experience of dealing with children in conflict with law. It can be also seen from the table that a large number of LPOs in Nagaland had experience of 5-10 years (81.82%). At the same time there were very few (18.18%) of them who had experience of 1-5 years. It has to be mentioned here that all the JJB members of the state of Nagaland had working experience of 1-5 years.

### **3.2 Extent of unlawful activities committed by the children of Assam and Nagaland: An analysis of available NCRB data and empirical data**

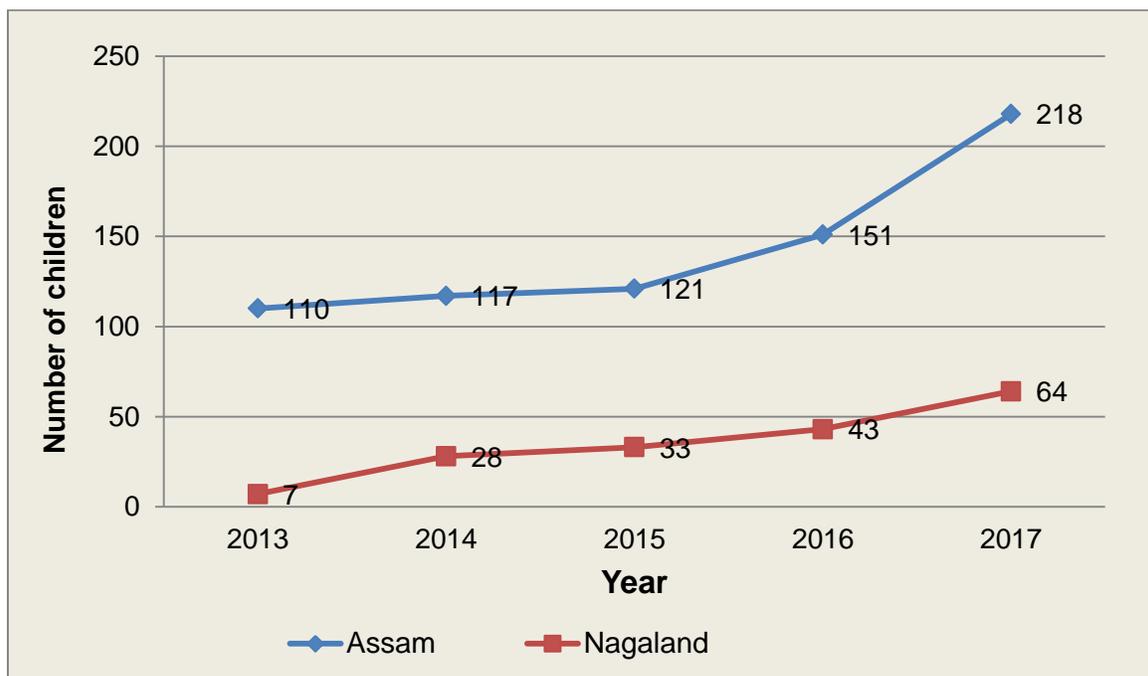
Unlawful activities by children are becoming a harsh reality in today's world. It is increasing day by day not only in India but also in the other parts of the world. There are several findings to prove the growing incidences of juvenile crimes. National crime figures also shows that in 2016 juveniles murdered 892 people. In the same year, 1,903 offenders aged under 18 were charged with rape and official statistics reports also showed 6.7 per cent increase in juvenile crimes. The country also recorded 44,174 chargeable juvenile offenses that included rape, rioting, robbery, murder and assault in the same year. Though, the north eastern states are still comparatively better than the rest of the country yet, the current NCRB (National Crime

Records Bureau) reports show the seriousness of the problem in this region too. These states also witnessed steady rise in terms of crime committed by children. According to a report published in Times of India during June 2016, among the north eastern states Assam tops the list of Juvenile crime and Nagaland is in the bottom of the list.

Thus, with regard to this, in the present study efforts were made to collect the five year data of children committing crime from the Police Departments of all the districts of Assam and Nagaland to know the extent and nature of the unlawful activities committed by children.

The five year data collected from the Police departments of both states were compiled, analysed and presented through graph in Figure 3.1. The graph reflects the significant rise in trend of crimes committed by children in both the states. The graph

**Fig. 3.1: Five year Data of Children Committing Offences in Assam and Nagaland**



clearly shows that in Assam there is a steady rise in crimes committed by children during the period 2013-2017. In 2013 the number of children committing crime was 110 which have significantly increased to 218 in 2017. Whereas, in Nagaland though it is found that crimes

committed by children are also increasing gradually but the number of cases is comparatively lower than Assam.

To find out the extent and nature of criminal offences committed by children, empirical data were also collected by interacting with the functionaries of Observation Homes, Special Home, Place of Safety etc. Attempts were also made to collect information about it by interviewing the members of Special Juvenile Police Units and Juvenile Justice Boards of the states of Assam and Nagaland. The views/opinions of these functionaries and officials for a situational analysis of unlawful activities committed by children deemed important in the context of the present study. This is because of the fact that, these officials and functionaries come directly into contact with such alleged children offenders by virtue of being part of the statutory mechanisms for all reported cases of unlawful activities of children. Therefore, they could be considered as important source of information on trends of unlawful activities in their respective states.

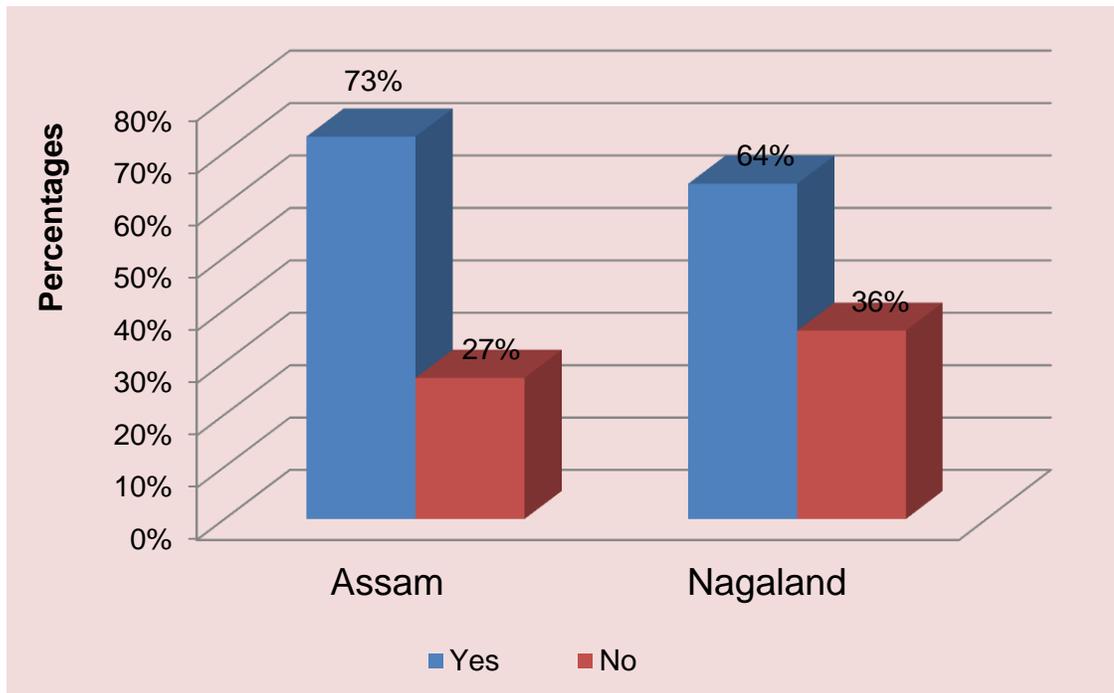
The SJPU members of both the states were interviewed to know whether the incidences of commission of unlawful activities by children have increased over the past years. The responses of the SJPU members are presented in the table 3.1 and figure 3.2. It revealed that according to the majority SJPU members the trend has increased in both the states. Seventy three per cent respondent SJPU members of Assam were of the opinion that the number of crimes committed by children has increased in the state.

**Table 3.9: Trend of unlawful activities committed by children in the recent past (views of SJPUs)**

<b>Views</b>	<b>Assam</b>	<b>Nagaland</b>
Has increased	22 (73.00)	14 (64.00)
Has not increased	8 (27.00)	8 (36.00)
Total	30	22

(Figures in parenthesis indicate percentage)

**Fig 3.2: Trend of Unlawful Activities Committed by Children in the Recent Past (views of SJPU)**



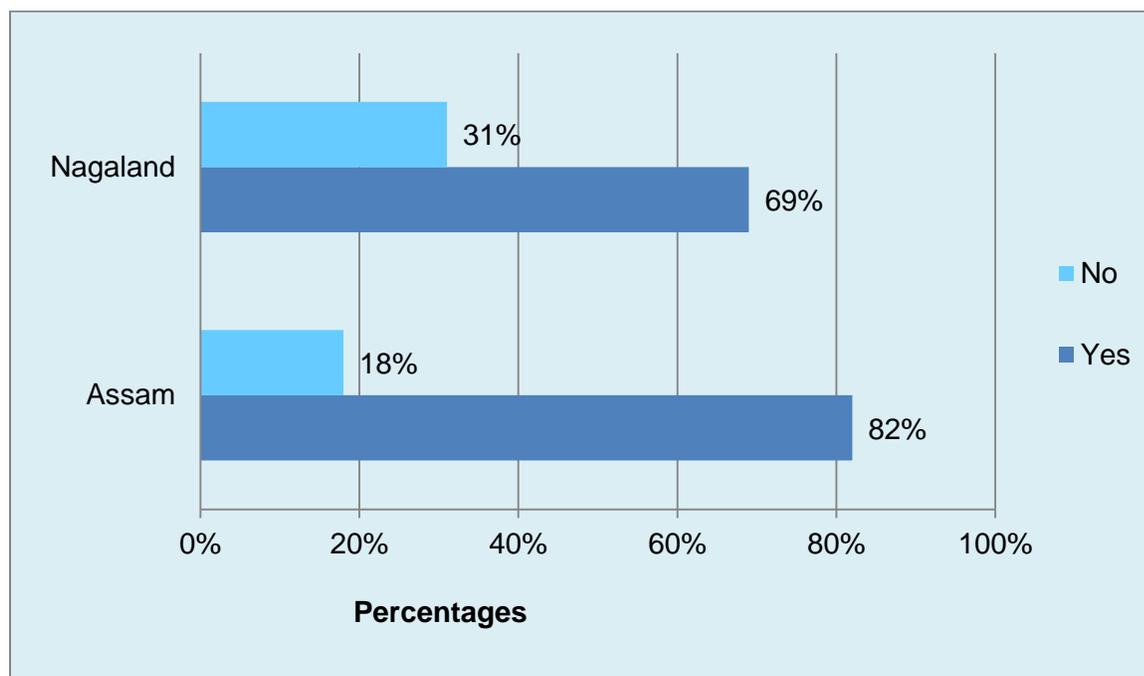
In Nagaland too it was found that 64 per cent respondents said that the unlawful activities committed by children have increased steadily. Thus, as per the views of SJPU members, the incidences of unlawful activities by children both in Assam and Nagaland are on the rise.

### **3.3 Repeat Offenders**

To understand the situation with regard to children indulging in unlawful activities, it also becomes pertinent to know whether some children repeatedly commit such activities, since some experts tend to opine that, a large section of child offenders habitually/ regularly commit crimes. Therefore, in order to have an assessment of number such children in the context of Assam and Nagaland, efforts were made to find out about the repeat offenders from different categories of respondents including children in the present study. For this purpose the children lodged in the Observation Homes were asked whether they have been admitted to the Observation Homes for the first time or not. A negative response to this query would mean that

a particular child has been apprehended for allegedly committing unlawful activities at least twice and that would give a tentative picture of one important aspect of the trend of unlawful activities by children in the two states. The following figure depicts the responses of the children who were lodged in the Observation Homes of Assam and Nagaland at the time of data collection of the study.

**Fig. 3.3: Responses of Children whether they have been admitted to the Home for the first time**



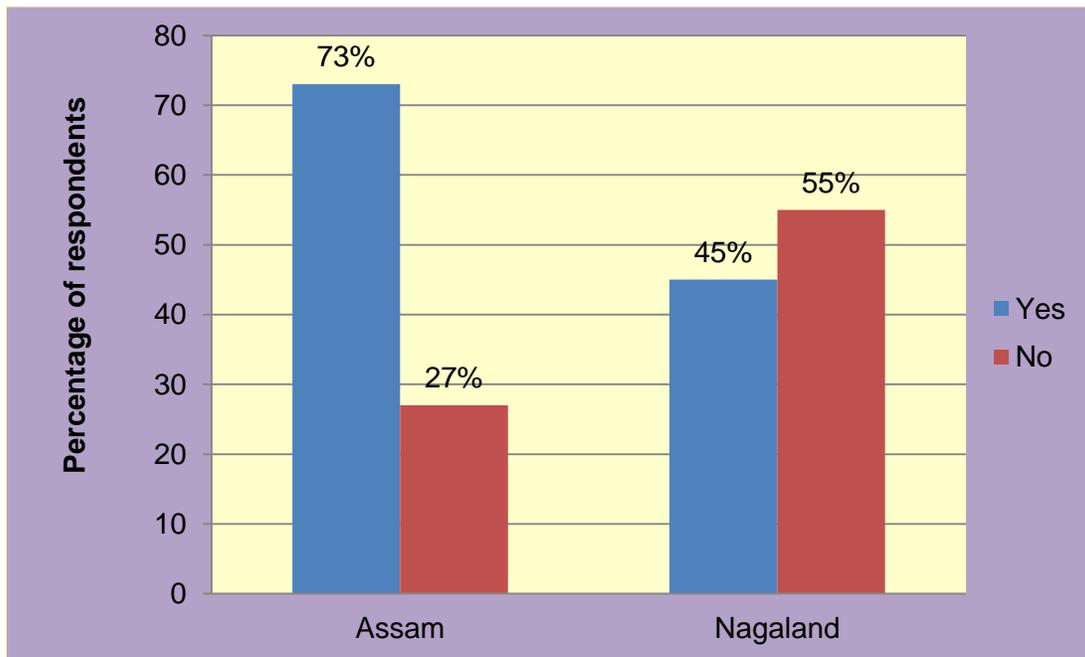
The above figure 3.3 depicts that majority of the inmates lodged in the Homes of Assam and Nagaland were admitted to the Homes for the first time. Only 18 percent of the respondents were allegedly repeat offenders in Assam. In comparison, however, in Nagaland it was found that the number of repeat offenders was more, with 31 percent of them admitting that, they had been lodged in Observation Homes, earlier also for allegedly committing some offence.

JJB members and SJPU members of both the states were also interviewed to know whether they have dealt with the cases of repeat offenders. The responses of the members of JJBs and SJPUs in this regard are presented below.

### 3.3.1 Responses of JJB members

Figure 3.4 reveals that majority (73%) of the JJB members in Assam were of the view that they came across repeat offenders and only 27 percent said that they did not come across any repeat offenders. Whereas, in Nagaland 45 per cent said that they found

**Fig. 3.4: Responses of JJB members on whether dealt with cases of repeat Offenders**

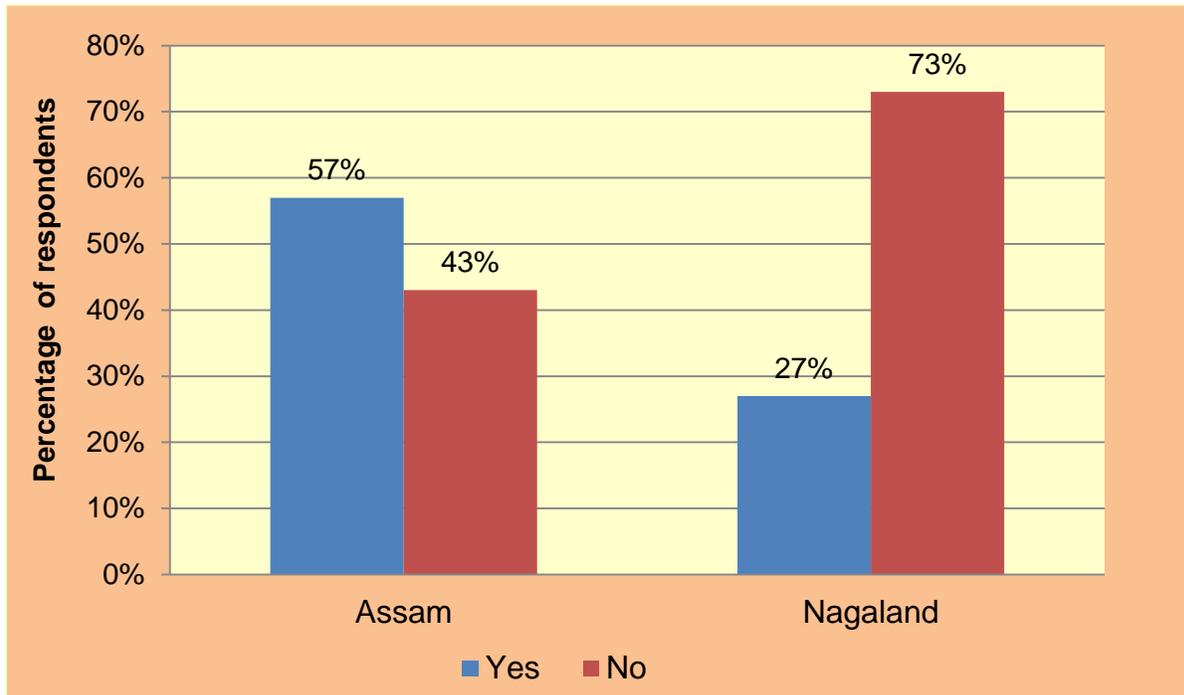


children who were repeat offenders and 55 percent replied that they never found any case of repeat offenders. Thus, from the above figure it can be said that, as per the experiences of the JJB members, in Assam the number of cases of repeated offenders were more than in Nagaland.

### 3.3.2 Responses of SJPU members

As can be seen in the figure 3.5, like JJB members, the majority of the SJPU members in Assam (57%) said that they had come across cases involving repeat

**Fig. 3.5: Responses of SJPU members on whether dealt with cases of repeat offenders**



offenders, whereas, in Nagaland the large majority (73%) of the SJPU members had not come across repeat offenders while discharging their duties as JJB members.

Here it needs to be noted that, in each of the two states the pattern of responses of both JJB and SJPU members with regard to repeat offenders have pointed to similar trend. In Assam, majority JJB and SJPU members have come across repeat offenders and in Nagaland majority JJB and SJPU members have not ever dealt with repeat offenders. It may imply that, there may be lesser number of repeat offenders in Nagaland than in Assam. However, on the other hand, if we look at the children lodged in Observation Homes in both the states, we find that the percentage of alleged repeat offenders is more in Nagaland than Assam. It might occur for the reasons that, in Assam although more number of child repeat offenders have been apprehended and have been produced before the JJB, majority have either been released on bail or have been let off due to commission of petty offences. Therefore, lesser percentage of repeat offenders are lodged in Observation Homes. In Nagaland, however, although the actual number of repeat offenders may be lesser, yet, most of such repeat offenders have not received

bail or their inquiry to their cases are pending and as a result, we find proportionately greater percentage of such children in Observation Homes.

### **3.4 Nature of Offences Committed by Children of Assam and Nagaland**

While discussing the trends of unlawful activities it becomes pertinent to bring to light the nature or type of offences usually committed by children. Therefore, in the present study official records of Police Departments of Assam and Nagaland were analysed. At the same time, views and opinions of important stakeholders in this aspect were also obtained to get a better understanding on this issue. The findings are presented in the following paragraphs.

### **3.5 Official Records of Nature of Offences Committed by Children**

As has been mentioned earlier, for the present study the records of unlawful activities committed by children in Assam and Nagaland from the respective Police Departments for the period between 2013 and 2017 were analysed. The table 3.11 below shows the type of crimes committed by children in the past five years (2013-2017) in the two states.

As can be seen, in Assam a total of 717 cases of unlawful activities committed by children have been registered during the period. In comparison, Nagaland has registered only 175 cases which are much lesser than Assam. However, here it is also important to remember that, the total population of Assam is much larger than Nagaland and hence, a direct comparison of absolute numbers between the two states may be misleading. Nevertheless, the table depicts that in both the states theft/burglary is the crime that is most often committed by the children. In case of other type of unlawful activities, the pattern differs between the two states. In Assam a very large number of cases have been registered where children have been reportedly involved in commission of heinous crimes like rape, murder, etc.

**Table: 3.10: Nature of Offences Committed by Children in Assam and Nagaland during 2013 – 17 as per Official Records**

Nature of offence	No. of cases in Assam	No. of cases in Nagaland
Theft/ Burglary	225 (31.38)	149 (85.14)
Dacoity	52 (07.25)	11 (06.28)
Kidnapping	81 (11.30)	-
Trafficking	28 (03.90)	-
Extortion	12 (01.67)	-
Stalking	8 (01.11)	-
Murder	83 (11.58)	3 (01.71)
Attempt to murder	47 (06.55)	3 (01.71)
Rape	88 (12.27)	5 (02.86)
Attempt to rape	45 (06.28)	2 (01.14)
Sexual Assault	37 (05.16)	-
Others	11 (01.53)	2 (01.14)
<b>Total</b>	<b>717</b>	<b>175</b>

In Nagaland, however, number of cases such heinous crimes by children are very few. Here, it is seen that during the past five years there were 88 rape cases involving children in Assam whereas, in Nagaland only in 5 cases children are found to be involved in such crime. Same is in the case of murder where in 83 cases children were allegedly involved in Assam and only in three cases children from Nagaland are found to be charged in such case. Further, as per the records in Assam children have allegedly committed other kinds of offences like stalking, extortion, trafficking, kidnapping as well as sexual assault. But official records do not show commission of these offences by children in Nagaland. Thus, as the table 3.11 depicts, children offenders in Assam have been charged with committing 11 different types of unlawful activities besides theft and burglary, whereas, in Nagaland children have been recorded to have committed six different types of offences over and above their involvement in theft and burglaries. But it has to be reiterated that, the number of such cases are somewhat negligible in

Nagaland and in more than 85 per cent of the cases children allegedly committed theft/burglary only.

### **3.6 Views of Different Respondents**

Besides analyzing the official data to understand the natures of unlawful activities committed by children in the two states, it was deemed necessary to obtain views of important stake holders like the members of Juvenile Justice Board, officials of Special Juvenile Police Unit and the Home functionaries on this issue. Therefore, these designated respondents were interviewed to know their views on the nature of offences committed by the children. Table 3.10 shows the responses of the different categories of the functionaries as to the types of cases they have come across during the course of their dealing with children in conflict law. The respondents of the two states had named a total of nine different types of unlawful activities. It can be seen that, the large majority of the functionaries in Assam and all the functionaries in Nagaland have encountered cases of theft/burglaries by children. Thus, theft seems to be the mostly committed crime by children according to majority of the respondents in the two states. It may be noted as per the official records also (as depicted in Table 3.10 above) theft/burglary is the most common unlawful activity committed by children in both the states. In Assam, kidnapping, rape and murder seem to be the next often committed crimes by children as opined by the respondents. As can be seen in Table 3.11, considerable per cent of SJPU and JJB members and Case Workers have mentioned about commission of these crimes by children in the state. On the other hand, in terms of heinous crimes, the number of juveniles committing such crimes in Nagaland is lower than Assam. Only 4.54 per cent of SJPU members, 18.1 per cent of JJB members and 23.07 % of Case Workers have said that children offenders in Nagaland are involved in committing rape. In Assam, data and records on juvenile crimes over the years show a disturbing trend in comparison to Nagaland. While interacting with the respondents on their views on the type of crimes committed by children in Assam, it was also stated by the respondents that juveniles who earlier were indulged mainly in petty offences like theft or trespassing are now seen to have involved themselves in heinous crimes like rape, murder, kidnapping etc. The same is also reflected through the above table where it is seen

**Table: 3.11: Type of Offences Committed by Children in Assam and Nagaland – Views of Respondents**

(Multiple Response)

Type of crime	States					
	Assam			Nagaland		
	SJPU (N=30)	JJB (N=15)	Case Worker (N=5)	SJPU (N=22)	JJB (N=11)	Case Worker (N=13)
Theft	24 (80.00)	14 (93.30)	4 (80)	22 (100.00)	11 (100)	13 (100)
Dacoity	09 (30.00)	05 (33.30)	4 (80)	-	-	2 (15.30)
Kidnapping	10 (33.30)	09 (60.00)	3 (60)	-	-	-
Murder	12 (40.00)	07 (46.60)	4 (80)	-	2 (18.10)	2 (15.30)
Trafficking	06 (20.00)	01 (06.66)	-	-	-	-
Extortion	01 (03.33)	01 (06.66)	-	-	-	-
Rape	14 (46.60)	15 (100.00)	4 (80)	1 (04.54)	2 (18.10)	3 (23.07)
Sexual Assault	02 (06.66)	-	-	1 (04.54)	-	-
Others	08 (26.60)	03 (20.00)	-	2 (09.09)	1 (09.09)	3 (23.07)

(Figures in parenthesis indicate percentage)

that 100% of the JJB members, 80% of the Case Workers and 46.6% of the SJPU members were of the view that children are found to commit such crime. Further, in Assam children have shown their involvement in other types of crimes like extortion, trafficking, dacoity, etc. in slightly higher scale than Nagaland, as per the views of the respondents. To sum up, it must be said that, as far as the trends are concerned with regard to the types of offences committed by children in the two state, the views of important functionaries like SJPU and JJB members and CCI functionaries match with the available official records on nature of crimes by children.

### **3.7 Analysis of Nature of Offences Committed by Children Lodged in Observation/Special Homes of Assam and Nagaland**

Attempts were also made to collect the empirical data and know the nature of offences committed by the children who were presently lodged in the Observation and Special Homes of Assam and Nagaland. Table 3.12 below shows the types of offences for which the children have been charged with. It can be seen that out of the total inmates lodged in the Homes of Assam, more than one third (37.7%) have been charged with committing theft/burglary.

**Table 3.12: Distribution of Respondents According to the Nature of Crime Committed by them**

Nature/type of Crime	Number of Children	
	Assam	Nagaland
Theft/ Burglary	17 (37.70)	9 (69.20)
Dacoity	2 (04.44)	-
Rape	14 (31.10)	1 (07.69)
Attempt to rape	4 (08.88)	-
Murder	4 (08.88)	2 (15.30)
Outraging Modesty of Women	1 (02.22)	0 (00.00)
Extortion	1 (02.22)	0 (00.00)
Others	2 (04.44)	1 (07.69)
Total	45	13

(Figures in parenthesis indicate percentage)

Another large group of children (31.1%) in Assam were under the charge of committing heinous crimes like rape. Nearly nine per cent of children in these Homes have allegedly committed other serious offences like murder, attempt to rape. Few children in Assam Homes have also confessed to have been involved other types of unlawful activities like outraging modesty of women, dacoity, kidnapping, extortion, etc. Contrary to this, in Nagaland majority (nearly 70%) of the respondents were found to be involved in petty offences like theft. In case of heinous crimes it was found that there was only one (7.69%) case of rape and two (15.3%) cases of murder. No cases of dacoity, attempt to rape or extortion were found in Nagaland. Only one child was caught with arms in his home in Nagaland.

### **3.8 Age Groups of Children and Nature of Offences**

The present study also attempted to understand the relationship between age and nature of offences committed by children in Assam and Nagaland. Therefore, the data relating to age and the type of offences committed by children lodged in Observation and Special Homes in the

two states were analysed. Table 3.13 shows the age groups and the type of offences committed/allegedly committed by children in Homes of Assam. However, it needs to be mentioned here that both in Assam and Nagaland no children below 12 years of age were found and thus, no information pertaining to offences committed by children below 12 years could be obtained.

**Table 3.13: Age Group and Nature of Offences Committed by the Children in Assam**

Nature of Offences	Age Group (in yrs.)		Total
	12-15	16-18	
Theft/ Burglary	7 (41.10)	10 (58.80)	17
Dacoity	-	2 (100)	2
Rape	6 (42.80)	8 (57.10)	14
Attempt to rape	4 (100)	-	4
Murder	1 (25.00)	3 (75.00)	4
Outraging Modesty of Women	1 (100)	-	1
Extortion	-	1 (100)	1
Others	-	2 (100)	2
<b>Total</b>			<b>45</b>

(Figures in parenthesis indicate percentage)

It is seen that in Assam out of the total children who have committed theft 58.8 per cent fell in the age group of 16-18 years and 41.1 per cent in 12-15 years of age. This proves that, children indulge in theft/burglary right from 12 years onwards, with relatively larger number of children in 16 to 18 years committing such unlawful acts. However, what seems to be most striking is that, in Assam children belonging to age group 12 -15 years have become involved with commission of heinous offences like rape, attempt to rape, murder, etc. Of course, majority of these are committed by children in 16-18 years category as can be seen that out of the total children who committed rape 57.1 per cent belong to 16-18 years and 42.8 per cent to 12-15 years. In case of murder, majority (75%) of the respondents belong to 16-18 years. The Table also depicts that, some other crimes like dacoity, extortion, etc. have been committed by children of older age group only.

**Fig 3.6: Age group and nature of offences which are committed by the children in Assam**

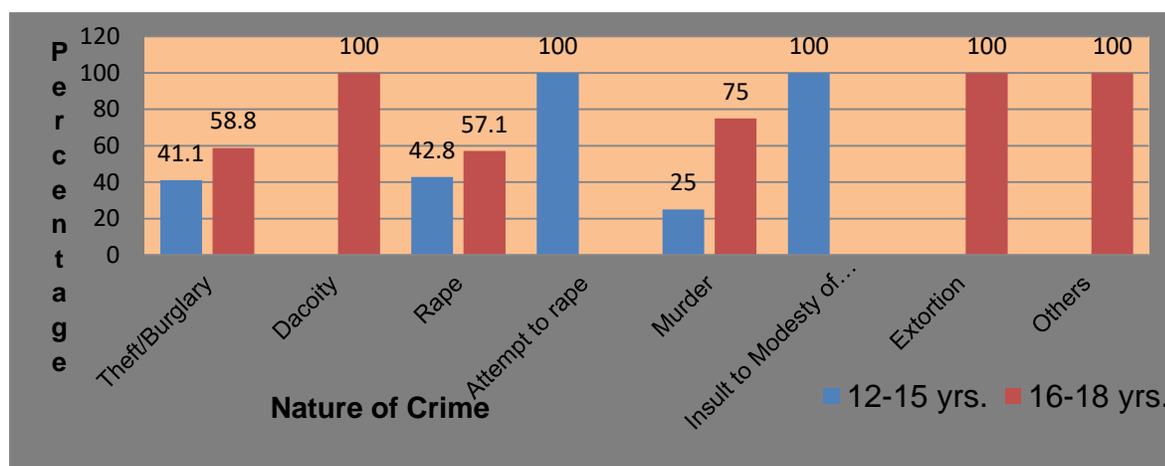


Table 3.14 shows the age group wise distribution of offences committed by children lodged in Observation/Special Homes in Nagaland. It may be mentioned here that, there were a total of 13 children only in Nagaland who were staying in Observation/Special Homes at the time of data collection. Unlike Assam, it was found that, in Nagaland majority children (55.5%) charged with committing theft/burglary belonged to the age group 12-15 years. There was only one child in the younger age group of 12-15 who has allegedly committed rape. Other than this no children in this age group were found to be involved in committing serious or heinous crimes. Besides this there were two more cases of heinous crime like murder and rape which have been committed by children of older age group of 16-18 years.

**Table 3.14: Age Group and Nature of Offences which are Committed by the Children in Nagaland**

Nature of Offences	Age Group		Total
	12-15	16-18	
Theft/Burglary	5 (55.50)	4 (44.40)	9
Dacoity	-	-	-
Rape	-	1 (100.00)	1
Attempt to rape	-	-	-
Murder	1 (50.00)	1 (50.00)	2
Insult to Modesty of women	-	-	-
Extortion	-	-	-
Others	-	1 (100.00)	1
Total			<b>13</b>

### 3.9 Sex of Children and Nature of Offences

The present study also aimed to understand if there is any relationship between the sex of the children and the nature of offences committed by them. For this purpose an analysis was attempted to find out the nature of unlawful activities committed by both boy and girl children lodged in Observation/Special Homes in Assam and Nagaland at the time of data collection. However, as depicted in the Tables 3.15 and 3.16 below, in both the states the number of girls in these Homes was very few in comparison to the boys. Out of total 45 children lodged in Homes of Assam, there were only two girls. Likewise, out of 13 children in Nagaland there was only one girl. It was found out that in both the states the accused girls were alleged to have committed theft or robbery. Thus, no girl child had been charged with commission of other types of unlawful activities like murder, extortion, etc. On the other hand, the male children had been found to be indulging in committing different types of offences ranging from theft, dacoity, extortion, kidnapping to heinous crimes like murder, rape, etc. Based on these empirical data it can perhaps be said that, as far as the available cases in these two states are concerned, the unlawful activities committed by girl children are limited to theft/burglary and dacoity only whereas the male children are involved in different types of petty, serious and heinous offences.

**Table 3.15: Sex and Nature of Offences Charges which are Committed by the Children in Assam**

Type of Crime	Sex		Total
	Male	Female	
Theft	17 (100.00)	-	17
Dacoity	-	2 (100.00)	2
Rape	14 (100.00)	-	14
Attempt to rape	4 (100.00)	-	4
Murder	4 (100.00)	-	4
Insult to Modesty of Women	1 (100.00)	-	1
Extortion	1 (100.00)	-	1
Others	2 (100.00)	-	2
Total			45

(Figures in parenthesis indicate percentage)

**Table 3.16: Sex and Nature of Offences Charges which are Committed by the Children in Nagaland**

Type of Crime	Sex		Total
	Male	Female	
Theft	8 (88.88)	1 (11.10)	9
Dacoity	-	-	-
Rape	1 (100.00)	-	1
Attempt to rape	-	-	-
Murder	2 (100.00)	-	2
Insult to Modesty of Women	-	-	-
Extortion	-	-	-
Others	1 (100.00)	-	1
<b>Total</b>			<b>13</b>

(Figures in parenthesis indicate percentage)

### 3.10 Religion and Unlawful Activities by Children

In order to find out the relationship of religiosity and the trend of offences by children, if any, the present study looked at religion of the children lodged in the Homes in both the states. Here it must be mentioned that, Assam is a state where Hindus and Muslims dominate the population with some sections of Christians, Buddhists, etc. Nagaland, on the other hand, a Christian majority state with about 80 per cent of population is Christians and there are only small sections people belonging to other faiths. The data presented in the Table 3.17 below shows that in Assam, majority of children committing different types of belonged to Muslim

**Table 3.17: Religion and Nature of offences which are Committed by the Children in Assam**

Type of crime	Religion				Total
	Hindu	Christian	Muslim	Others	
Theft/Burglary	5 (29.40)	1 (05.88)	10 (58.80)	1 (05.88)	17
Dacoity	-	1 (50.00)	1 (50.00)	-	2
Rape	3 (21.40)	-	11 (78.50)	-	14
Attempt to rape	1 (25.00)	-	3 (75.00)	-	4
Murder	2 (50.00)	-	2 (50.00)	-	4
Insult to Modesty of Women	1 (100.00)	-	-	-	1
Extortion	-	1 (100.00)	-	-	1
Others	1 (50.00)	1 (50.00)	-	-	2
<b>Total</b>					<b>45</b>

(Figures in parenthesis indicate percentage)

community. Next to them, Hindu children are also involved to a large extent in commission of different types of unlawful activities including some heinous offences. However, as the Table depicts, Muslim children surpass the Hindu children in terms of their complicity in commission of most of the types of crimes. It is also notable that, Muslim children were particularly more involved in committing rape and attempt to rape cases.

The Nagaland scenario, however, presents a different picture as can be seen in Table 3.18. Since it is a Christian majority state, as expected almost all the children implicated for commission of offences were Christians with only one child from other communities was on record for committing unlawful activities.

**Table 3.18: Religion and Nature of Offences Committed by the Children in Nagaland**

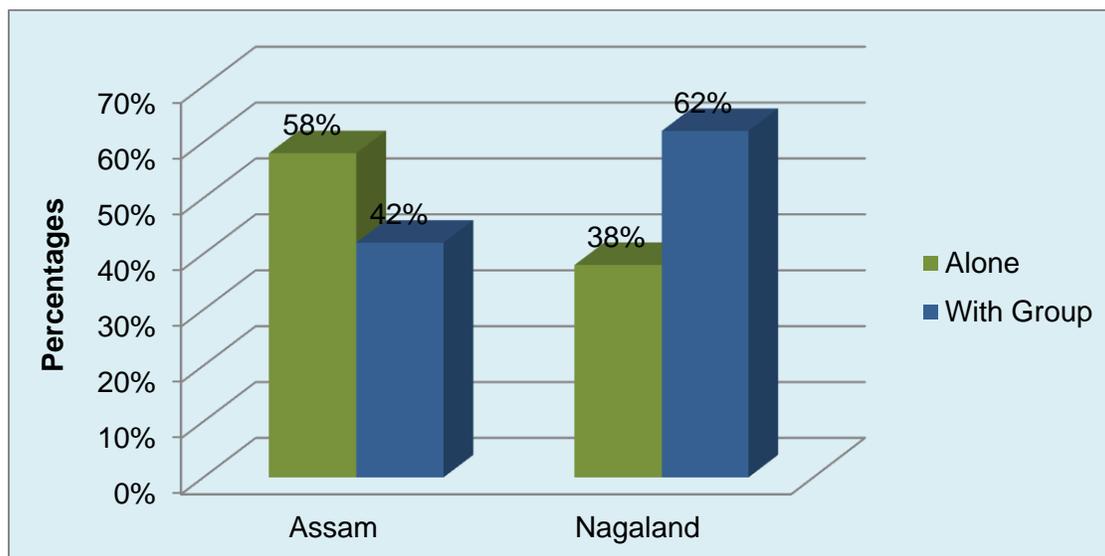
Type of crime	Religion				Total
	Hindu	Christian	Muslim	Others	
Theft/Burglary	1 (11.10)	8 (88.80)	-	-	9
Dacoity	-	-	-	-	-
Rape	-	1 (100.00)	-	-	1
Attempt to rape	-	-	-	-	-
Murder	-	2 (100.00)	-	-	2
Insult to Modesty of Women	-	-	-	-	-
Extortion	-	-	-	-	-
Others	-	1(100.00)	-	-	1
<b>Total</b>					13

(Figures in parenthesis indicate percentage)

### 3.11 Manner of Involvement of the Children in the Offences

In order to know whether children were involved in the offences as a member of groups or they have committed it alone, the inmates of the Observation/Special Homes in the two states were asked about their specific cases. As depicted in Figure 3.7, the patterns are different in Assam and Nagaland. Whereas majority of children in Assam have committed the offences alone, in Nagaland, majority of the alleged offenders have become involved with unlawful activities as a member of a group. It may be recalled here that, as had been shown in Table 3.7 earlier, the large majority of the children lodged in Homes in Nagaland (about 70%) have been charged with committing theft/burglary. Thus, it is very much likely that, many of these are committed in groups. When further asked, the children who had committed offences

**Fig 3.7: Distribution of Respondents According to the manner of their involvement in the Offences.**



in groups expressed that they did it with support of their peers or some known elders who instigated them to do that.

To summarise it can be said that the five year data collected from the Police departments of Assam and Nagaland for the period between 2013 to 2017 reflect significant rise in trend of unlawful activities committed by children in both the states. In Assam the number cases of children committing crime was 110 in 2013 which almost doubled to 218 in 2017. In Nagaland also it is found that crimes committed by children are also increasing gradually but the number of cases is comparatively lower than Assam. However, it is of significance that, in Nagaland the increase in span of five years is more than ten times from seven in 2013 to 64 in 2017. The SJPU members of both Assam and Nagaland too opined that offences committed by children have been on the rise in their respective states. The views of the SJPU members hold importance as they are the officials who are usually the first to come into contact with such children in conflict with law. Thus, both the official records and the opinion of the concerned law enforcement officials of the two states point out to the rising trend of unlawful activities by children. About one-third of children lodged in Observation Homes in Nagaland were found to be repeat offenders. However, the number is much less in Assam Homes. On the other hand, large majority of both SJPU and JJB members in Assam have admitted dealing with repeat child offenders. In Nagaland also sections of SJPU and JJB

members have talked about coming across cases of repeat offenders. With regard to natures of offences committed by children, as per official records in both Assam and Nagaland, theft/burglary is the crime that is most often committed by the children. Nearly one third of the cases in Assam is of theft/burglary and on the other hand, most cases of unlawful acts by children in Nagaland are of theft/burglary only. Thus, the pattern differs between the two states. In Assam, a very large number of cases have been registered where children have been reportedly involved in commission of heinous crimes like rape, murder, etc. In Nagaland, however, number of cases such heinous crimes by children are very few.

Different important functionaries dealing with the cases of children offenders like the members of SJPU, JJB and Case Workers etc. also are of the opinion that, theft is the prime act committed by children across the two states. Commission of serious and heinous crimes is more common in Assam than Nagaland. An age group wise analysis of children lodged in Observation/Special Homes in terms of the offences committed by them in the two states revealed that from twelve years onwards these children have been involved in commission of all types of unlawful activities- from serious to heinous ones. When it comes to sex of children and commission of unlawful activities is concerned, data showed that the number of girl children committing offences is far lesser than the boys in both Assam and Nagaland. In Assam, Muslim children surpass the children belonging to Hindu or other religions in terms of their involvement in commission of most of the types of crimes. Muslim children were particularly more involved in committing heinous crimes such as rape and attempt to rape cases. Nagaland, on the other hand, being a Christian majority state, as expected almost all the children implicated for commission of offences were Christians.

## **CHAPTER 4**

### **SOCIO-ECONOMIC AND OTHER FACTORS BEHIND UNLAWFUL ACTIVITIES BY CHILDREN**

Various studies have shown that different factors like rapid urbanization and modernization of societies, growing consumerism, break down of joint and extended families, diminishing of traditional value system, broken homes, widening economic disparities among sections of people, inadequate educational system, negative influence of media, etc. contribute to rise in unlawful activities by children. Like in other parts of the world and also India, the Northeastern Region of the country has also been experiencing diverse effects of such socio economic changes. Increasing incidences of crimes by children experienced in some states of the region is one among many other fall outs of these socio-economic transformations. In a study conducted by Sharma (1998) on “Juvenile Delinquents and Society: An Inquiry into Juvenile Delinquents in Correctional Institutions of Assam” revealed that in Assam also, like rest of the states in India, the causative factors of delinquency were broken homes, lack of love and attention, quarrels in families, poor economic and low educational status of the families of the juveniles. It also revealed that most of the unlawful acts were committed by children who belonged to lower caste and lower income group.

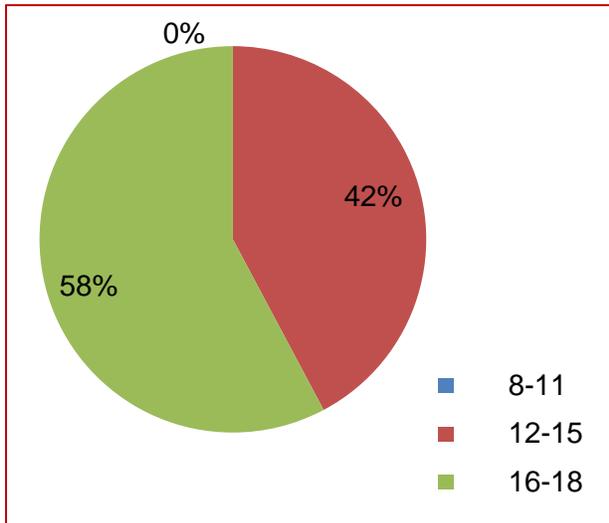
Thus, in the present study too, investigations were made to understand the factors behind children committing offences particularly in the context of the states of Assam and Nagaland. In order to bring out empirical information relating to the causative factors behind commission of unlawful activities by children, the research team visited the Observation/Special Homes of these two states and interacted with children and also other stakeholders. This chapter highlights the profile and background of children in Homes of Assam and Nagaland which will help in understanding the socio-economic, cultural and other factors which influence children to commit offences.

#### 4.1 Profile of children lodged in Homes in Assam and Nagaland.

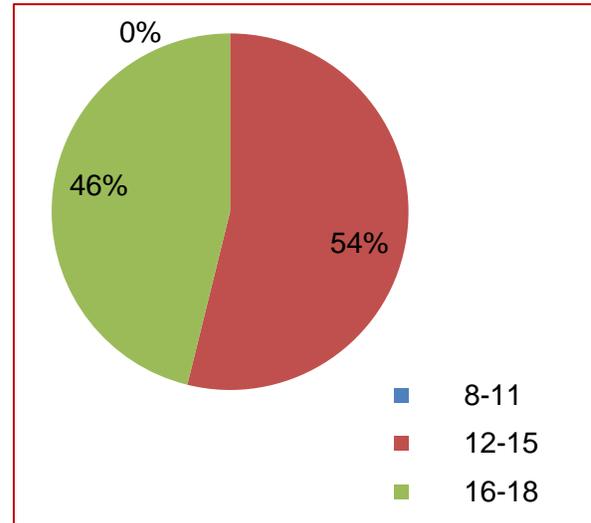
The present study covered a total of 45 children from Assam and 13 children from Nagaland. The age categories originally considered for these children were divided into three ranges viz; 8-11, 12-15 and 16-18 to know which age group children are more involved in offences. However, no children in the age group 8-11 were found in these Homes. The profile of these children highlighting their age, sex, education level, religion, caste, socio-economic backgrounds, etc. are presented below:

##### 4.1.1 Age Range of Children in Homes

**Fig. 4.1: Age of children lodged in Homes of Assam**



**Fig. 4.2: Age of children lodged in Homes of Nagaland**



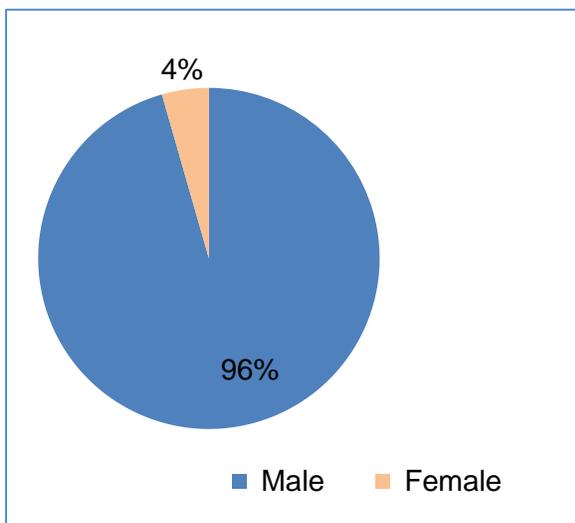
The above Figures 4.1 and 4.2 presents the age group of the children presently lodged in the Homes of Assam and Nagaland. It is clear from Fig 4.1 that in Assam out of the total number of children (45), who committed various offences and were lodged in the Homes, 42 percent of the respondents belonged to 12-15 age group and 58 percent fell in the age group of 16-18 years. Whereas, Figure 4.2 shows that in Nagaland out of the total respondents (13), 54 per cent of the children belonged to the 12-15 years of age and 46 percent belonged to 16-18 years. Thus, the two states present an opposite picture which shows that children of mainly the upper age group were more prone to commit offences in Assam and on the other hand, in

Nagaland more children in junior age group have done so. However, children belonging to the age group of 8- 11 years were not found in the Homes of both the states.

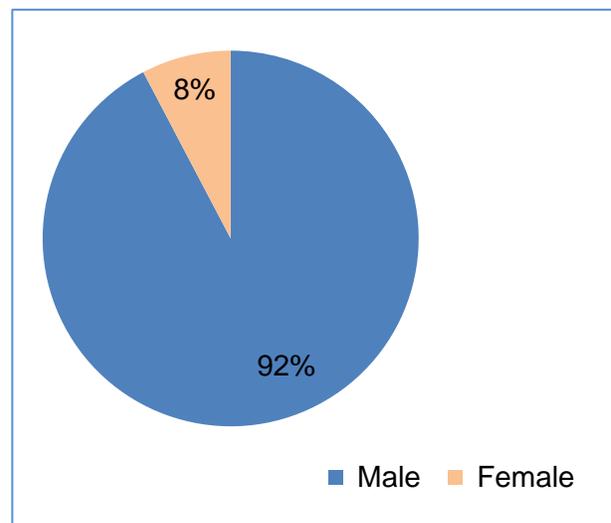
#### 4.1.2 Sex of Children

Efforts were also made to know whether the commission of offences was high among boys or girls. Sex wise categorization of children lodged in these Homes reveals that in Assam majority (96%) of the children who committed offences were male as seen below in Figure 4.3.

**Fig 4.3: Sex of children lodged in Homes of Assam**



**Fig 4.4: Sex of children lodged in Homes of Nagaland**

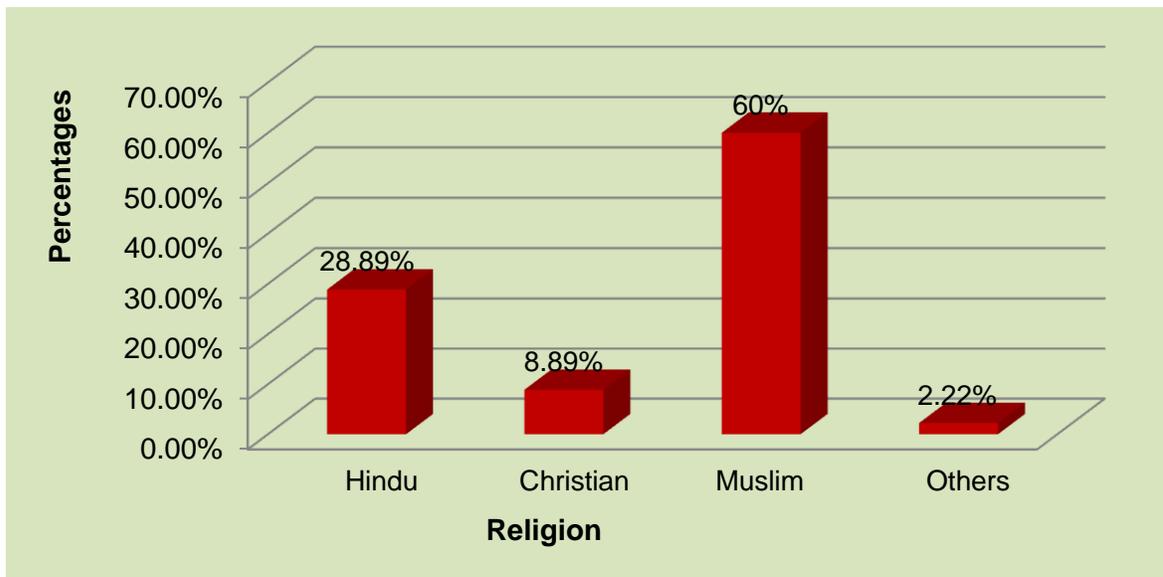


Similarly, it is also seen in Fig 4.4 which shows that 92 percent of the children in Nagaland who were charged with committing crimes were male. In Assam only four percent and in Nagaland only eight percent females were found to be indulged in offences. This is somewhat a common trend as boys usually more aggressive as compared to girls and for different social and psychological factors tend to indulge in some unlawful activities. Many studies have also revealed that it is a universal fact that men in every society are found to be more criminal and violent than women.

### 4.1.3 Religion

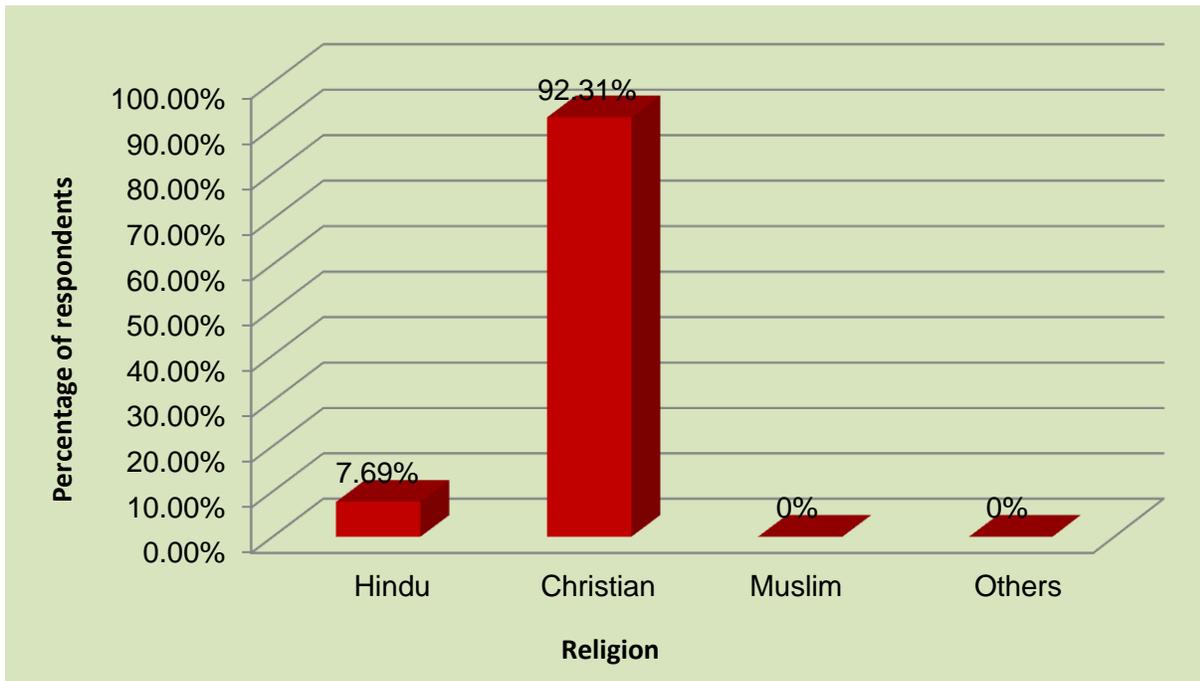
Religion as a social institution has important consequences for the life style of an individual as it helps in establishing social and ethical values of its own kind among its followers. Religion also plays important role in shaping the behaviour of an individual. Keeping in view all these factors, the present study religion has been categorized in four categories viz. Hindu, Christian, Muslims and others which include Buddhism, Jainism etc.

**Fig 4.5: Religion of children lodged in Homes of Assam**



A look at the religious affiliations of the respondents as depicted in fig 4.5 shows that the large majority of respondents (60%) in Assam belonged to Muslim religion, 28.89 percent of them come from Hindu religion and only 8.89 percent belonged to Christianity. The above figure thus highlights that children from Muslim families are more prone to commit unlawful offences. This may be because in Assam though Hinduism constitutes majority of the total population, Islam is also a fastest growing religion in the state according to 2011 census report.

**Fig 4.6: Religion of children lodged in Homes of Nagaland**

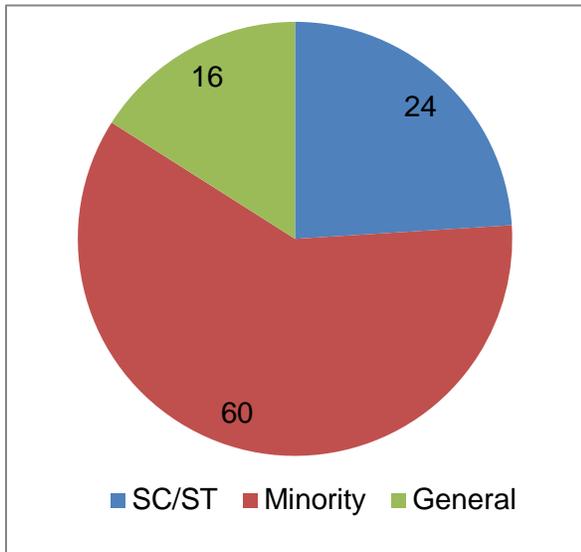


The above Figure 4.6 shows that in Nagaland majority (92.31%) of the children were Christians and only 7.69 per cent were Hindus. This is somewhat natural, as Nagaland is dominated by Christian communities (about 80%). Hence, from the above analysis one cannot reach at any definite conclusion to establish relationship between religion and delinquent behavior among children in Nagaland.

#### **4.1.4 Caste/Community**

Indian population is predominantly caste oriented and the influence of caste on the individual is strong as argued by Srinivas (1992). The author also argued that it has been one of the most important elements in defining the role and status of the individual and allotment of occupation in the Indian social structure. Traditionally, because of this reason there existed the socio-economic difference between one caste and another caste. To know whether the incidences of offences is high among some particular caste/community, the children living in the Homes were classified into different categories viz. Scheduled caste/ Scheduled tribe, General, and Minorities.

**Fig 4.7: Caste/Community of children lodged in Homes of Assam**



**Fig 4.8: Caste/Community of children lodged in Homes of Nagaland**

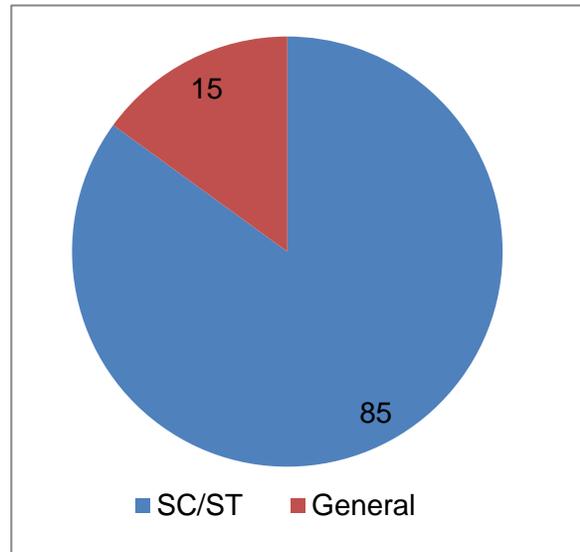


Figure 4.7 shows that in Assam 60 percent of the children lodged in the Homes belonged to the minority community. Nearly one-fourth (24%) belonged to the scheduled caste/scheduled tribe and the remaining 16 percent belonged to the General category castes. The figure clearly shows that the children from the Minority community constitute the largest chunk accused of committing unlawful acts in Assam. Large number of children belonging to SC/ST communities also seem to be involved in such activities. Comparatively, fewer children belonging to the general category have indulged in these acts. In Nagaland however, as the Figure 4.8 shows, that majority i.e; 85 per cent of the children belonged to Scheduled Tribe and which is somewhat natural as Nagaland is a state where the population is predominantly tribal.

#### **4.1.5 Education level**

Education plays a significant role in the formation of character and personality of a child. It is also an important right of a child. Thus, an attempt has been made here to study whether there is any relation between the educational level of children and commission of offences.

**Table 4.1: Education Level of Children Lodged in Homes of Assam and Nagaland.**

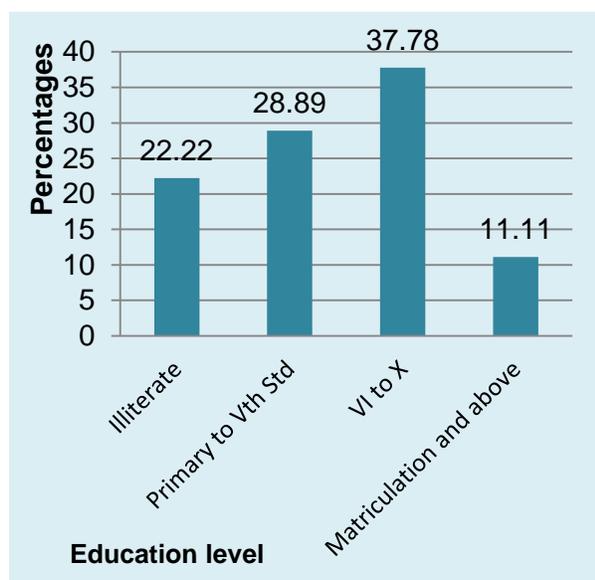
<b>Educational Level</b>	<b>Assam</b>	<b>Nagaland</b>
Illiterate	10 (22.22)	1 (07.69)
Primary to V <sup>th</sup> standard	13 (28.89)	4 (30.77)
VI <sup>th</sup> to X <sup>th</sup> standard	17 (37.78)	7 (53.85)
Matriculation and above	5 (11.11)	1 (7.69)
<b>Total</b>	<b>45</b>	<b>13</b>

(Figures in parenthesis indicate percentage)

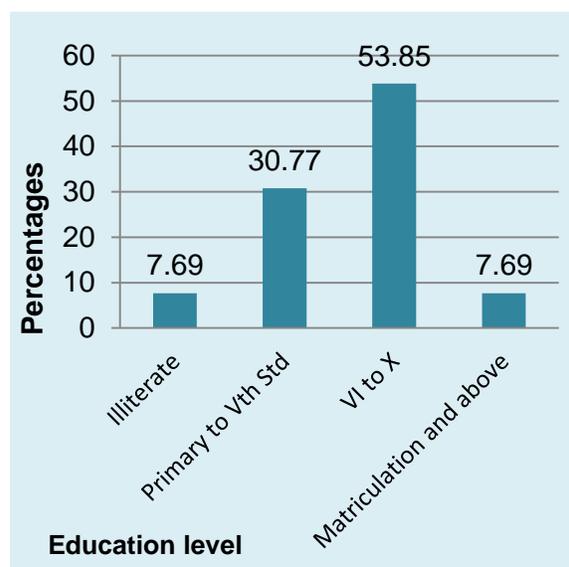
The education level of the respondents has been categorized as illiterate, primary to V<sup>th</sup> standard, VI<sup>th</sup> to X<sup>th</sup> standard and matriculation and above. The data pertaining to education level of the respondents is presented in the above Table 4.1. The table shows that in Assam nearly one-fourth of the CCL (22.22%) are illiterate, 28.89 percent children studied from primary education to V<sup>th</sup> standard; 37.78 percent respondents from VI<sup>th</sup> to X<sup>th</sup> standard and remaining five (11.11%) CCL studied up to matriculation level and above. Thus, it is clear from the Table that, in Assam the bulk of the children who have allegedly committed unlawful activities are either illiterate or have studied upto Class X. There were few children only who are matriculates or have studying in higher classes.

In Nagaland also it is seen from the table that majority (53.85%) of the CCLs studied upto VI<sup>th</sup> to X<sup>th</sup> standard and 30.77 percent respondents studied primary to V<sup>th</sup> standard. There was also one respondent who was illiterate and another who studied up to matriculation level which is also clear from the figures given below.

**Fig 4.9: Education Level of Children Lodged in Homes of Assam**



**Fig 4.10: Education Level of Children Lodged in Homes of Nagaland**



From the data presented above it becomes amply clear that, irrespective of the states, majority of the children who commit one or other unlawful activity are either illiterate or have read up to high school only. In other words, incidences of commission of offences is much lesser among children who have passed out of high school or studying in higher classes.

#### **4.1.6 Out of School Children and Commission of Unlawful Activities**

This is to be mentioned here that out of the total (45) children in Observation/Special Homes in Assam, thirty five (35) were enrolled in school. Out of them, 19 children i.e; more than half (54.29%) did not continue their education due to various reasons. When further queried about the reasons of dropout it was known that eight children dropped out as they had some financial problems in their family for which they could not continue their studies. Seven children dropped out to work and supplement the family income, 2 children expressed that they did not like school and remaining 2 children said that their parents did not consider school necessary. Thus, if along with the 19 drop out children the number of those ten children who never went to school is counted, then the total out of school children among the 45 comes to 29 which is about 65 per cent of total CCL children lodged in the Homes of Assam.

Similarly, in Nagaland out of the twelve (12) children in Homes, five (41.67%) were school dropout. Among these five children, two dropped out due to financial problem in their family, another two children said that they did not like school and one child said that he/she has to go for work to supplement his/her family. One child out of the 12 never attended school. Thus, total out of school among the 12 children in conflict with law in Homes of Nagaland becomes six, i.e 50 per cent.

The above data point out that large number of out of school/dropout children have been involved in committing unlawful activities in both the states. Thus, it can perhaps be said that, out of school children are more prone to commit unlawful activities.

With the assumption that idleness or non-engagement in any productive occupation of the out of school teenagers may give rise to greater chances of them getting involved in unlawful activities, the present study attempted to know engagement/occupation pattern of these children. Thus, the above mentioned out of school children were asked about their engagement when they were not going to school.

**Table: 4.2: Engagement of Children Lodged in Homes of Assam and Nagaland when they were not going to school.**

<b>Engagement</b>	<b>Assam</b>	<b>Nagaland</b>
Engaged in work	26 (89.66)	1 (16.67)
Spend time with friends	3 (10.34)	5 (83.33)
<b>Total</b>	<b>29</b>	<b>6</b>

(Figures in parenthesis indicate percentage)

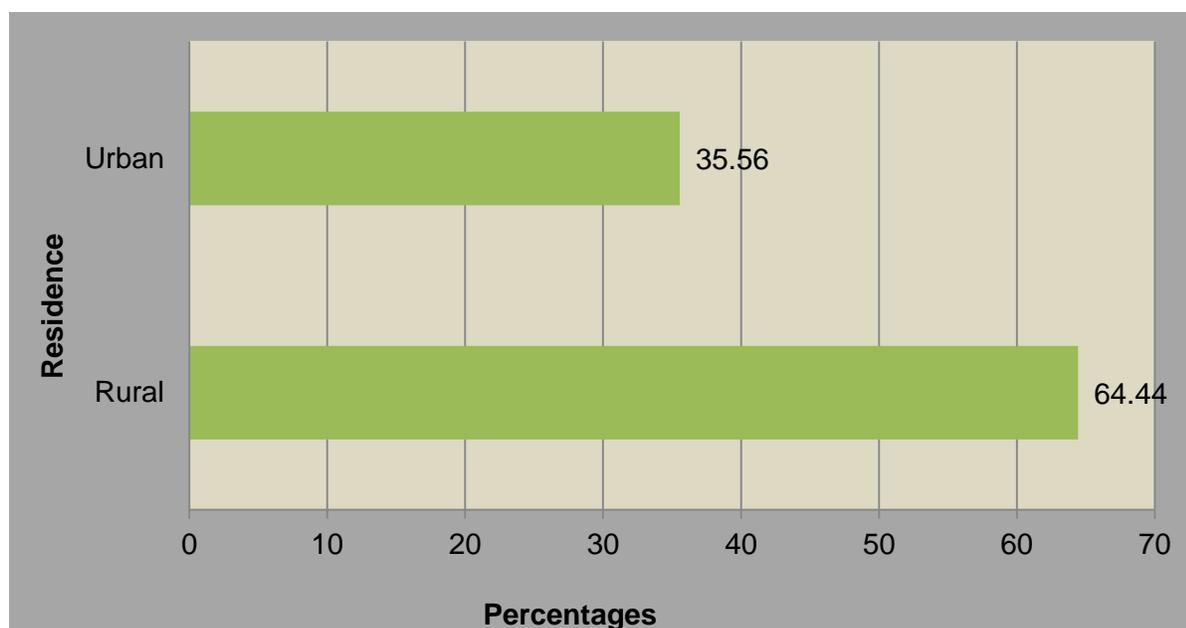
The Table 4.2 depicts that in Assam nearly 90 percent were employed as Domestic Helps, Helpers in business establishments or construction works etc. On the other hand, 10.34 percent of the respondents spent time with their friends when they did not go to school. Most of the working children also divulged that they were being paid a very meager amount which was not enough for them and survival of their families. Although none of the children admitted, yet, it may also have happened that because of this they inculcated the habit of committing crimes like theft, stealing etc. to meet their requirements.

On the other hand, in Nagaland, majority (83.33%) of these out of school children in conflict with law spent their time with friends. As they spent more time with their friends, there are chances that they got influenced by their peers towards commission of offences.

#### 4.1.7 Residence/ Place of living.

Some studies have found that the place of residence may have quite an influence on development of delinquent behavior among children. It is opined that children living in urban areas, particularly slums or such colonies inhabited by poorer section of communities, tend to indulge in anti-social activities more often than rural children. Stronger kinship bondages, traditional values and a better social control mechanisms in rural areas prevent children from committing unlawful activities to a large extent. The present study, therefore, looked into the place of residence of children lodged in Observation/Special Homes of the two states at the time of commission of the offence.

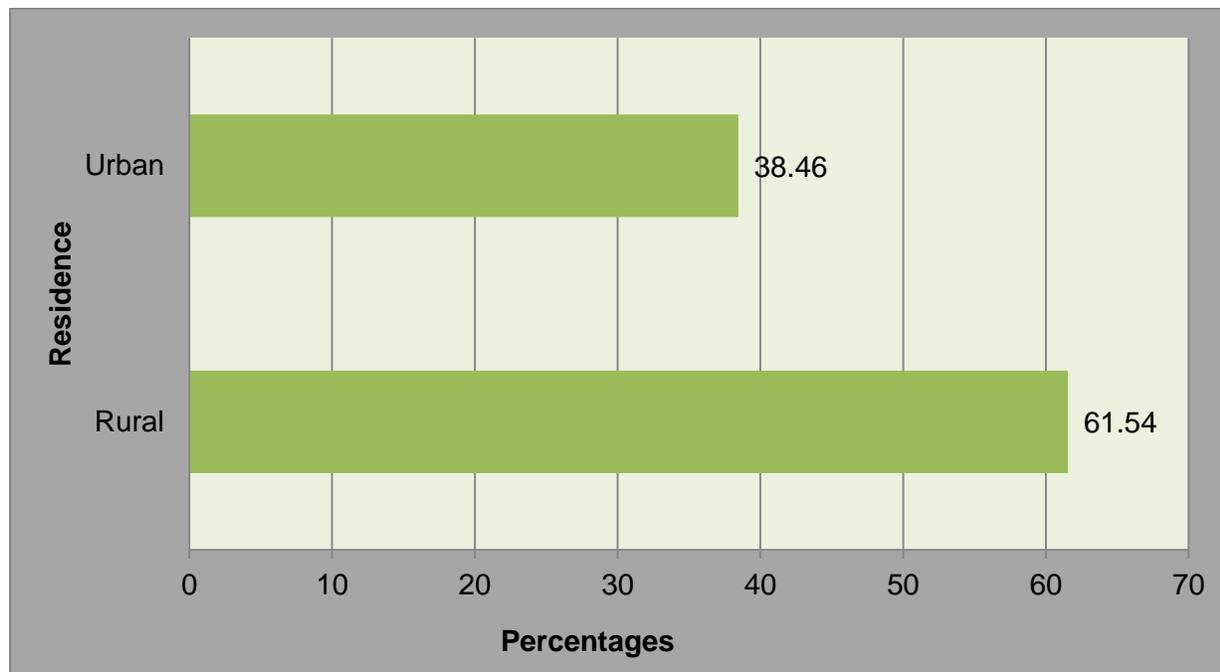
**Fig 4.11 Place of Residence of Children Lodged in Homes of Assam**



It is depicted from the Figure 4.11 above that in Assam out of the total forty five children lodged in the Homes, majority (64.44%) were from rural areas and the remaining 35.56 percent hailed from urban areas. While interacting with the children further, it came into the light that, out

of the children (35.56%) who were living in the urban areas 18.75 per cent of them migrated into the urban areas from rural areas in search of work.

**Fig 4.12 Place of Residence of Children Lodged in Homes of Nagaland**



As is evident from Figure 4.12, like in Assam, in Nagaland too majority of the children lodged in the Homes belonged to rural areas. The data also reflects that 38.46 per cent of them belonged to urban areas and out of these respondents 20 per cent have migrated to urban areas from other places.

On the basis of above data it can be said that children from rural areas were more involved in unlawful activities as compared to urban areas in both the States. Thus, to summarize it can be said that the present study does not hold the common assumption that children from urban areas are more prone to commit offences.

There may be several reasons for high percentage of involvement of rural children in offences. During interactions with the children and various stakeholders it was revealed that in rural areas some children indulged themselves in unlawful activities as the income of their families were low and therefore, by taking the wrong path they try to meet their requirements. Also, many such children, particularly out of school children get ample time to spend with their peers as most of their parents and guardians keep busy from morning till late evening in earning their daily breads. As a result, they are not able to provide proper care and guidance to their

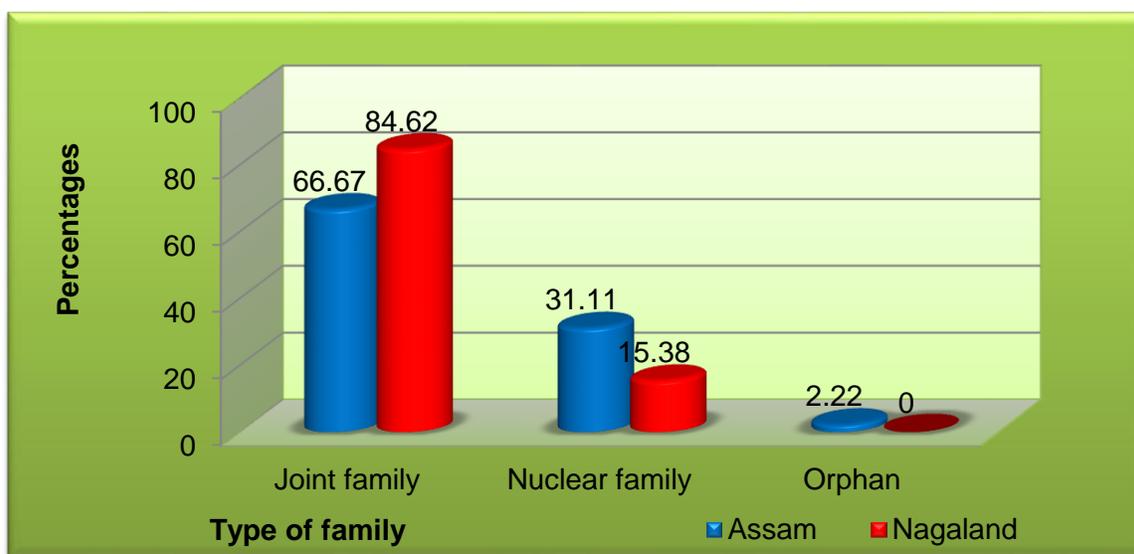
children. Moreover, in rural areas dearth of education facilities, less opportunity for employment etc. also induce children to commit offences.

## 4.2 Family Situations of Children in Conflict with Law

Family plays a vital role in the behaviour formation of the child. Traditionally there was joint family systems in India and in such families when the parents remain busy with their work, their children were looked after by the other members of the family including the grandparents. But then the process of urbanization and industrialization has adversely affected this system and as a result most of the families now have turned into nuclear families. The present study aspired to analyse the familial situations of the children who have come into conflict with law in order to understand if different aspects of familial conditions induce children to indulge in anti-social behavior. The data pertaining to the families of the children lodged in the Homes of Assam and Nagaland are presented below.

With regard to the types of families of these children, it can be seen from the Figure 4.13 that most (66.67%) of the children lodged in the Observation homes of Assam were from joint/extended families and 31.11 percent were from nuclear families.

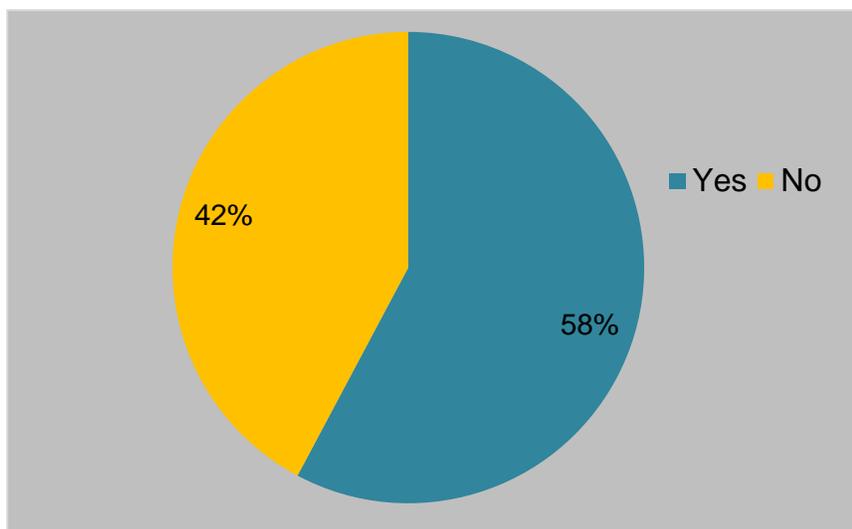
**Fig 4.13: Type of Family of Children Lodged in Homes of Assam and Nagaland**



A few percent of the respondents (2.22) from Assam who were involved in unlawful acts were orphan. In Nagaland also the large majority (84.62%) of the respondents who were involved in different types of offences belonged to joint/extended families with only 15.38 per cent such children coming from nuclear families.

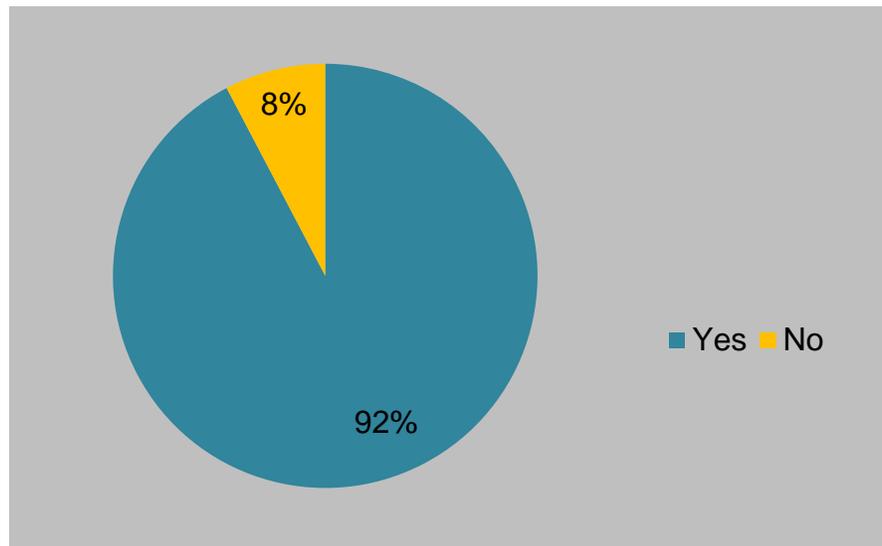
Physical proximity or closeness of children with parents and other family members influence, to some extents, the conduct of the children. Therefore, the present study attempted to find out whether the children lodged in the Homes of Assam and Nagaland were staying with their families during the time of commission of the unlawful acts.

**Fig 4.14: Children Staying with their Families at the time of Committing Offences (Assam)**



The Figure 4.14 above depicts that in Assam out of the total respondents 58 percent said that they were staying with their families at the time of committing the unlawful act and 42 percent did not stay with their families. Majority of the children who were not staying with their families were street children and some other children were away from their parents and were reportedly staying with their friends.

**Fig 4.15: Children Staying with family at the time of Committing Offences (Nagaland)**



However, in Nagaland the scenario is somewhat different from Assam. Here as seen in the Figure 4.15 amongst the children lodged in Homes of Nagaland, only eight percent staying away from their families at the time of committing offences, and that too, these few children were actually living with their relatives' families. The large majority of the children, i.e. 92 per cent were staying with their families at the time of offences.

Thus, the above data shows that at the time of committing the offences majority of the children were staying with their families in both the states. Therefore, it may be assumed that, although these children were staying with their families yet the parental care and guidance or the overall environment in the family was not conducive enough to prevent children from indulging in unlawful activities. At the same time, other external factors might have also prompted these children to commit the offences

The children with both living parents are likely to have a good parental care and opportunities for developing a healthier future without experiencing much miseries in life. On the other hand, the death of one or both parents or long illnesses of parents or broken families loosen the control over their children and they easily tend to deviate from the right path. Thus, in the present study attempts were made to know the status of the families of children lodged in the Homes of Assam and Nagaland.

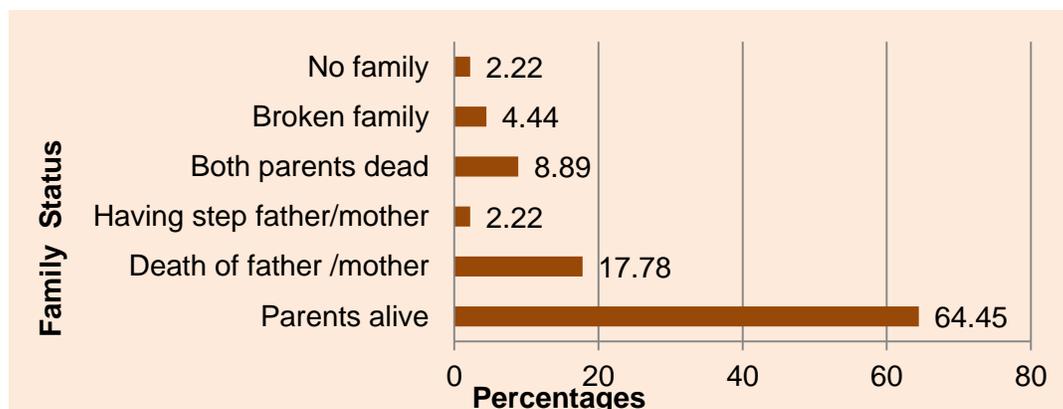
**Table 4.3: Family status of children lodged in Homes of Assam and Nagaland**

Family Status	Assam	Nagaland
Parents alive	29 (64.45)	5 (38.47)
Death of father /mother	8 (17.78)	2 (15.38)
Having step father/mother	1 (02.22)	1 (07.69)
Both parents dead	4 (08.89)	1 (07.69)
Broken family	2 (04.44)	4 (30.77)
No family	1 (02.22)	-
<b>Total</b>	<b>45</b>	<b>13</b>

(Figures in parenthesis indicate percentage)

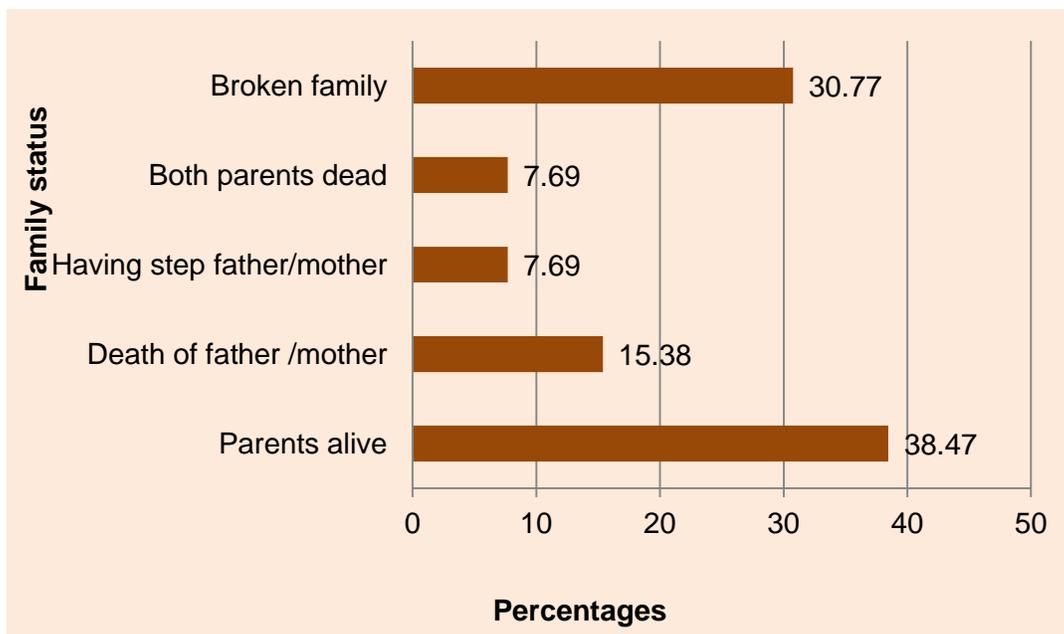
The above Table 4.3 and Figure 4.16 below show the distribution of children in Assam according to their family status. It shows that 64.45 percent of the children came from families whose both parents were alive and 17.78 percent were brought up by either mother or father. 8.89 percent of the respondents came from families whose both parents were dead. Only a few children (4.44 %) came from broken families. Thus, the data of the present study reflected that though the parents were alive still their children were seen to be involved in unlawful activities.

**Fig 4.16: Family Status of Children Lodged in Homes of Assam**



In Nagaland, as the Figure 4.17 highlights, like in Assam, most of the respondents (38.47%) involved in the unlawful acts came from families where both parents were alive. However, unlike Assam, in Nagaland the percentage of children from broken families were found to be higher (30.77%) compared to Assam. More than 15 per cent of the respondents

**Fig 4.17: Family Status of Children Lodged in Homes of Nagaland**



belonged to those families where either mother or father was dead. In Nagaland, there were also a few children who are from the families whose both parents were dead or they had step mother/father.

#### **4.2.1 Educational Level of Parents**

Education of parents plays a crucial role in nurturing the children and building their personality to become a responsible citizen. Parents are also duty bound for providing their children with education and keeping them away from delinquent behaviour. However, much of it depends on the educational background of the parents themselves. Therefore the present study looked into the educational qualifications of the children lodged in the Observation/Special

Homes of Assam and Nagaland. Table 4.4 below shows the education level of the parents of children in Homes of Assam.

**Table 4.4: Educational Level of the Respondent's Parents in Assam.**

Education Level	Assam	
	Mother	Father
Illiterate	12 (26.68)	08 (17.78)
Primary	19 (42.22)	15 (33.33)
Matriculate	02 (04.44)	04 (8.89)
Higher Secondary	-	03 (6.67)
Graduate	01 (02.22)	03 (6.67)
No response/do not know	11 (24.44)	12 (26.66)
<b>Total</b>	<b>45</b>	<b>45</b>

(Figures in parenthesis indicate percentage)

As can be seen from the above table that, for a large number of parents of children the educational qualification were up to primary level only (father 33.33% and mothers 42.22%). It is also seen in the table that 26.68 per cent mothers and 17.78 percent fathers were illiterates. Very few parents had educational qualification of matriculation and above. However, 24.44 percent and 26.66 percent of the children were not aware of the educational level of their mother and father respectively. Therefore, on the basis of above it can be said that children who have been accused of committing some unlawful acts belonged to families where parents had low educational qualification.

The Table 4.5 reveals the educational qualification of the parents of the children lodged in the Observation Homes of Nagaland. However, as depicted in table, nearly half of the children (46.15%) were not aware/ could not give any response regarding the education level of their parents. Even in case of those children who could provide information, it was found that,

parents of most of them were educated only up to primary level only (Mother 23.07% and Father 23.07%).

**Table 4.5: Educational Level of the Respondent’s Parents in Nagaland.**

Education Level	Nagaland	
	Mother	Father
Illiterate	2 (15.38)	3 (23.07)
Primary	3 (23.07)	3 (23.07)
Matriculate	1 (07.69)	-
Higher Secondary	1 (07.69)	-
Graduate	-	1 (07.69)
Post Graduate	-	-
No response/do not know	6 (46.15)	6 (46.15)
<b>Total</b>	<b>13</b>	<b>13</b>

(Figures in parenthesis indicate percentage)

At the same time 15.38 percent mothers and 23.07 percent fathers of the children were found to be illiterates. Only a few parents have educational qualification of matriculation and above. Thus, the table shows that like in Assam, in Nagaland also most of the children’s parents were having a low educational qualification.

#### **4.2.2 Occupation of the parents**

The economic condition of the family plays a vital role in the development and shaping of behaviour of its members specially the children. The children of poor families or whose parent’s income level is low do not get the opportunities to meet some of their basic needs. Thus, children of economically backward families are likely to face neglect and become vulnerable to abuse and exploitation which may further lead to development of anti-social behaviour among them. Thus, attempt has been made to know whether there is any relationship between the occupation and income levels of the parents and the children delinquent behavior. The data regarding the occupations of the families of children lodged in the Observation Homes of both the states are presented below in Table 4.6 and 4.7.

**Table 4.6: Occupations of Parents of the Children Lodged in Homes of Assam**

Occupations Types	Assam	
	Mother	Father
Domestic Helps	17 (37.78)	3 (06.67)
Service in Government sector	2 (04.44)	4 (08.89)
Service in Private sector	1 (02.22)	2 (04.44)
Petty trades	3 (06.67)	4 (08.89)
Daily wage earner	7 (15.56)	14 (31.11)
Farmer	5 (11.11)	9 (20.00)
Do not know	10 (22.22)	9 (20.00)
<b>Total</b>	<b>45</b>	<b>45</b>

(Figures in parenthesis indicate percentage)

As can be seen from the Table 4.6, a large number of parents of the children in Homes are engaged as daily wage earners and domestic helps. It is notable that women (mothers) are mainly working as domestic helps and men (fathers) are mostly working as daily wage earners. As the Table shows cultivation work or farming is another major occupations where the parents of the children are engaged. Comparatively few parents are seen to be pursuing other occupations like service in Government or private sector, petty trades, etc. A sizeable number of the children, however, could not provide any information relating to the occupation of their parents.

The Table 4.7 shows that in Nagaland almost equal number of fathers of the children were engaged as government servants, daily wage earners and farmers. When it comes to mothers of the children, a sizeable percentage of the mothers are working as domestic helps as well as daily wage earners. It is notable that nearly half of the children (46.15%) were unable to mention anything with regard to the occupation of their parents. Besides, in Nagaland none of the parents were reportedly engaged in private sector jobs or petty trades.

**Table 4.7: Occupational Level of Parents of the Children Lodged in Homes of Nagaland**

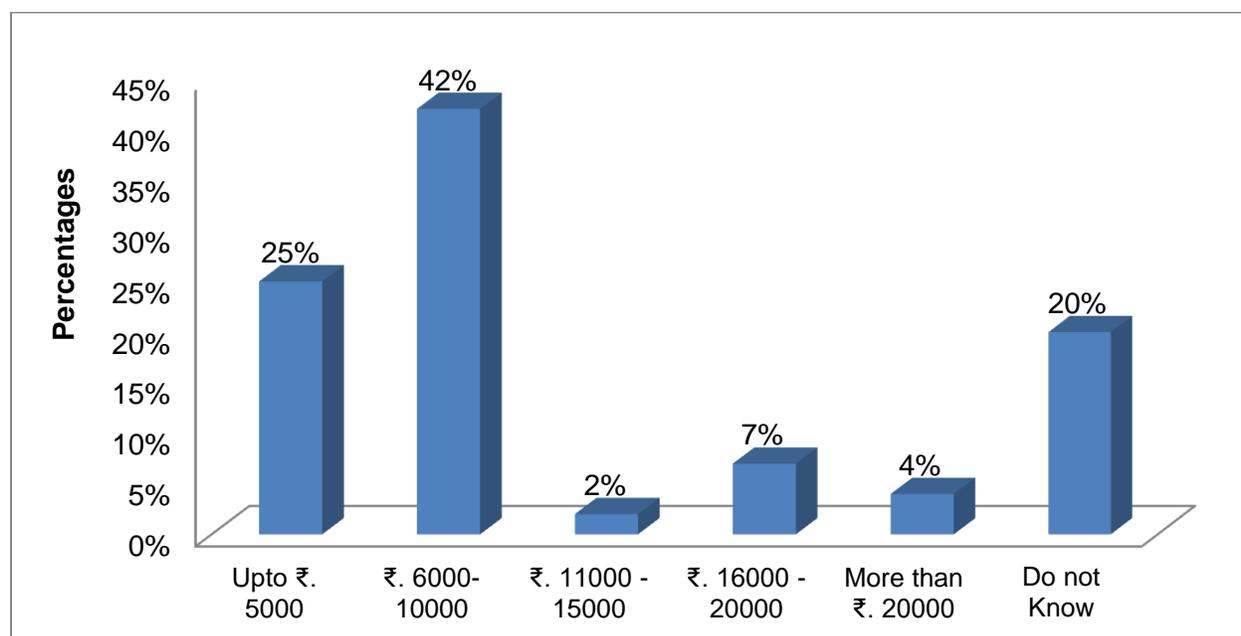
Occupational Types	Nagaland	
	Mother	Father
Domestic Helps	4 (30.78)	-
Service in Government sector	-	3 (23.07)
Daily wage earner	3 (23.07)	2 (15.38)
Farmer	-	2 (15.38)
Do not know	6 (46.15)	6 (46.15)
<b>Total</b>	<b>13</b>	<b>13</b>

(Figures in parenthesis indicate percentage)

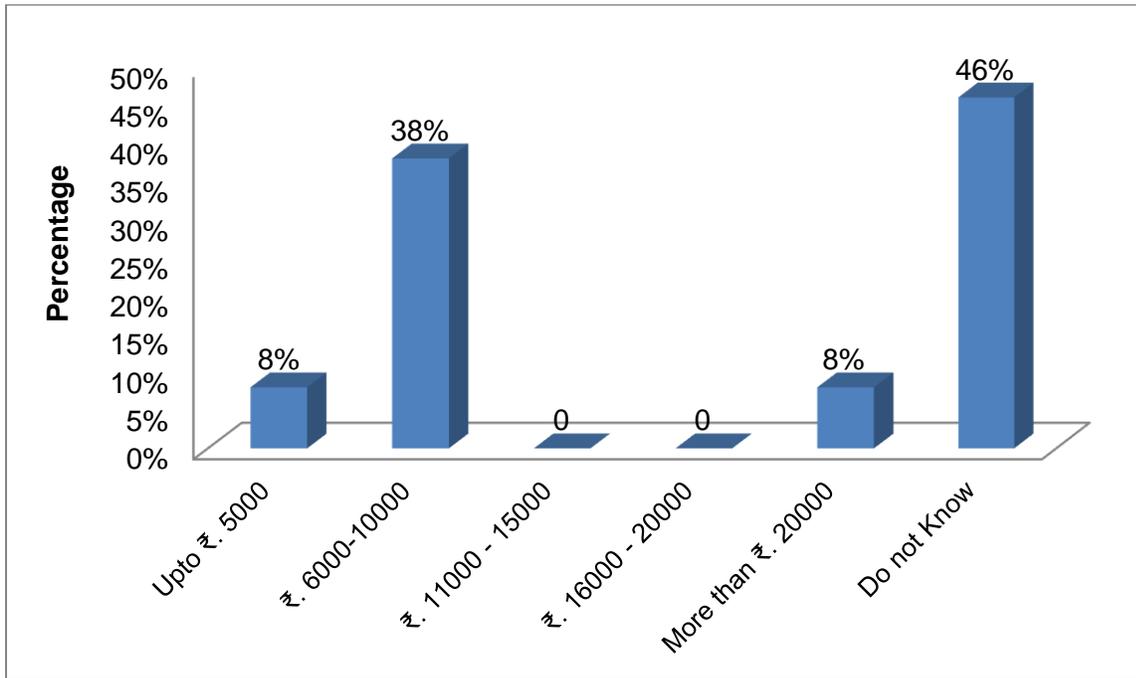
### 4.2.3 Income Level of the Parents

Figure 4.18 depicts the level of income of the parents of the children lodged in Observation Homes of Assam. It is seen here that a large section of the children (42%) hailed from families whose monthly income level is ₹. 6000-10,000 followed by 25 percent whose income is up to ₹. 5000. A very small number of children informed that their parents income is above ₹. 15,000. There were also 20 percent of the respondents who did not have any idea of the income level of their parents.

**Fig 4.18: Monthly Income of Parents of the Children Lodged in Homes of Assam.**



**Fig 4.19: Monthly Income of Parents of the Children Lodged in Homes of Nagaland**



In Nagaland as the Figure 4.19 shows, sizeable number of children (38%) informed that their family income was between ₹. 6000-10,000. A very few children (8%) said that their family income was up to ₹. 5000. An equal number of children also said that their family income level was more than ₹. 20,000. A large number of children in Nagaland (46%) were not aware about their parent's income level. It may be recalled here that almost an equal number of children in Nagaland also expressed ignorance about the occupation of their parents as mentioned in earlier.

#### **4.2.4 Relation with Parents**

Relationship of children with their parents/guardians plays a crucial role in shaping the personalities and behavior pattern of children. Studies have revealed that children who share a positive relation with their parents are less likely to exhibit deviant behaviours like committing unlawful acts. Keeping this in view, in the present study efforts were made to know the relationship of children lodged in the Homes of both the states with their parents.

Table 4.8 shows that, the large majority of the children in Nagaland (69.23%) and a sizable section in Assam (35.56%) had good relations with their both parents. However, a large number of children in Assam reportedly had positive relations with only one of their parents.

Forty per cent of the total children in Homes had good relations their mothers only, which indicate strained relation with their fathers. Likewise, about 16 per cent children lodged in Homes had good terms with their fathers only, signifying that their relationship with mothers is not proper. Thus, more than half of such children in Assam was having positive relations with any one of the parents only. In Nagaland, however, only one such child has been reported.

**Table 4.8: Relationship of Children Lodged in Homes with their Parents**

Relation with parents	Assam	Nagaland
Good with father only	07 (15.56)	-
Good with mother only	18 (40.00)	1 (07.69)
Good with both	16 (35.56)	9 (69.23)
Not good with both	2 (04.44)	3 (23.07)
Not Applicable	2 (04.44)	-
<b>Total</b>	<b>45</b>	<b>13</b>

(Figures in parenthesis indicate percentage)

But, nearly one-fourth of the children in Nagaland stated to be not in good relations with both their parents. The above data, thus, indicate that compared to Nagaland, greater number of children in conflict with law covered under the study had experienced strains in their relations with parents.

### **4.3 Motive Behind Committing the Offences**

Since the present study intended to focus on the causative factors that influenced the children to commit unlawful activities, it was considered pertinent to know the motive of children behind committing such crime. The table 4.9 and 4.10 shows the responses of the children in this regard. As can be seen, in Assam nearly 47% children indulged themselves in such activities in order to earn money. When further asked for the reason they replied that as they belonged to poor families their parent's income could not meet their requirements which in turn induced them to earn money in wrong way. This was also earlier referred to and discussed that parents of most of the children had low income level and as such, these children are at times are driven by their the desire to fulfill unmet needs commit unlawful acts. The other motive

**Table 4.9: Distribution of Respondents in Assam According to their Motive Behind Committing Crime**

Motive	Number
To earn money	21 (46.68)
To fulfill some desires	1 (02.22)
Influenced by movies/T.V	7 (15.55)
For fun	1 (02.22)
To take revenge on someone	3 (06.67)
No particular motive. Committed under peer pressure	3 (06.67)
To meet expenses of drug/alcohol/cigarette etc.	2 (04.44)
I did not do it, I was wrongly framed	7 (15.55)
<b>Total</b>	<b>45</b>

(Figures in parenthesis indicate percentage)

found behind committing such offences as stated by 15.55 per cent children was that they were influenced by movies and TV shows. Few children (6.67%) said that their motive was to take revenge on someone and also some did because of peer pressure (6.67%). A small fraction (4.44%) said that they did it in order to meet the cost of their intoxicating drugs to which they were addicted. There were also 15.55 percent children who said that they were wrongly being framed. This was found to be stated by most of the children who were accused of committing rape.

On the other hand, it can be seen from Table 4.10 that in Nagaland a large majority (76.93%) of respondents committed the offence in order to earn money. These children also, like their counterparts in Assam stated that, they resorted to committing unlawful acts (mostly theft/burglary) to meet some of their personal or familial needs. A small number of respondents (15.38%) also said that they committed the offences under peer pressure.

**Table 4.10: Distribution of Respondents in Nagaland According to their Motive Behind Committing Crime**

Motive	Number
To earn money	10 (76.93)
No particular motive. Committed under peer pressure	2 (15.38)
I did not do it, I was wrongly framed	1 (07.69)
<b>Total</b>	<b>13</b>

(Figures in parenthesis indicate percentage)

#### **4.4 Views of SJPU, JJB Members and Case Workers on the reasons Behind Children Committing the Unlawful Activities**

To understand better the reasons behind some children committing unlawful acts, it was felt pertinent to obtain views of some major stakeholders in this regard. The SJPU and the JJB members and the Case Workers of the Observation Homes are some such key functionaries who deal with the children in conflict with law. Since these functionaries are closely associated with investigation and inquiry process for the offences committed by children, and also rehabilitation of these children, the present study attempted to elicit the views of these functionaries on the reasons behind the unlawful acts by children. The responses of the SJPU and JJB members and the Case Workers in this regard discussed in the following paragraphs.

##### **4.4.1 Views of SJPU**

To elicit their opinions regarding the causative factors for children committing unlawful acts, two members of SJPU of 15 selected districts of Assam and all the 11 districts of Nagaland were interviewed. Table 4.11 depicts the views of SJPU on the possible factors which influence children to commit offences. The respondent SJPU members in both the states pointed to multiple factors as responsible for some children taking to law breaking activities.

**Table 4.11: Views of SJPU Members on Reasons for Crime Committed by Children**

(Multiple response)

Reasons	Assam (N=30)	Nagaland (N=22)
Rampant use of internet and other social media.	10 (33.33)	01(04.54)
Due to urbanization	17 (56.67)	-
Due to large scale migration from rural to urban areas	06 (20.00)	-
Parents losing control over children	21 (70.00)	12 (54.54)
Parental negligence	12 (40.00)	09 (40.90)
Breaking down of joint families	04 (13.33)	-
Broken homes	15 (50.00)	09 (40.90)
Due to increase in drug and substance abuse among children.	08 (26.66)	04 (18.18)
Influence of cinema and TV	03 (10.00)	01 (04.54)
Due to change in value system in society	01 (03.33)	-
Increase in population	16 (53.33)	03 (13.63)
Poor economic condition of families	20 (66.67)	19 (86.36)
Lack of education of parents	05 (16.66)	04 (18.18)
Peer influence	01 (3.33)	-

(Figures in parenthesis indicate percentage)

It is seen from the table that in Assam majority (70%) of the respondents were of the view that, among others, children commit unlawful activities as parents lose control over their children. According to 66.67 percent respondents poor economic conditions of the families also induce children to commit deviant acts. Usually among economically weaker families both the parents to go out for work for their livelihood. Hence, they are not in a situation to spend quality time with their children and in absence of proper guidance and supervision from the parents, some children take up the wrong path easily. Nearly 57 percent opined that rapid urbanization in Assam particularly is another factors as it has led to large scale in-migration to urban areas which in turn has raised the involvement of children in unlawful activities. Increase in population was another reason for involvement of children in offences according to 53.33 percent SJPU members. There were also many other possible factors stated by the respondents like broken homes (50%), parental negligence (40%), rampant use of internet and other social media

(33.33%), increase in incidences of substance abuse among children (26.66%) etc. that induced children to commit unlawful acts.

On the other hand, in Nagaland majority (86.36%) of the respondents were of the view that poor economic conditions of the families is one of the main reasons followed by parents losing control over children (54.54%) which induced children to commit unlawful acts. Broken homes (40.9%) and parental negligence (40.9%) were other reasons for which children commit offences. A few SJPU members opined that increase in drugs and substance abuse (18.18%) and lack of education of parents (18.18%) were also some reasons which contribute to children to commit unlawful activities.

#### **4.4.2 Views of JJB members**

Members of Juvenile Justice Boards (JJB) are the statutory functionaries under Juvenile Justice (Care and Protection of Children) Act, 2015 to hold inquiries into all offences committed by children. Thus, it was deemed important to obtain their views on the causes of children committing unlawful acts. Therefore, 15 JJB members from Assam and 13 JJB members from Nagaland from the districts covered under the study were queried on this issue. The Table 4.12 depicts the views of the JJB members of both the states on the factors that influence children to commit unlawful activities. It clearly shows that in Assam majority (93.33%) of them were of the view that poor economic condition is one of the main reasons for which children commit offences. Lack of care and attention from Parents or neglect on the part of the parents (73.33%) were another reason which induced children to commit unlawful acts. A bulk of respondents also stated broken homes (40%) and negative influence of mobile, T.V and social media (33.3%) as factors responsible for rise of juvenile offences in Assam.

In Nagaland too, according to a large number of JJB members (84.61%), poor economic conditions of the families is one of the reason which induced the children to commit such acts. Lack of care and attention from parents or neglect from parents was also identified by 61.5 per cent as another contributing factor.

**Table 4.12: Views of JJB Members on Reasons for Crime Committed by Children**

(Multiple response)

Factors	Assam (N=15)	Nagaland (N=13)
Broken homes	06 (40.00)	04 (30.70)
Poor economic condition	14 (93.33)	11 (84.61)
Lack of care and attention from parents/Negligence from parents	11(73.33)	08 (61.50)
Poor performance in school	-	-
Illiteracy	02 (13.30)	-
Illiterate parents	04 (26.60)	-
Addiction to drugs and liquor	01 (06.60)	01 (07.69)
Negative influence of Mobile, T.V and Social media	05 (33.30)	01 (07.69)
Peer Influence	03 (20.00)	02 (15.30)
Mental Disorder	-	-
Criminal Background in family	-	-
Victims of past abuse in childhood	-	-
Violent family atmosphere	-	-
Alcoholic parents	-	-

(Figures in parenthesis indicate percentage)

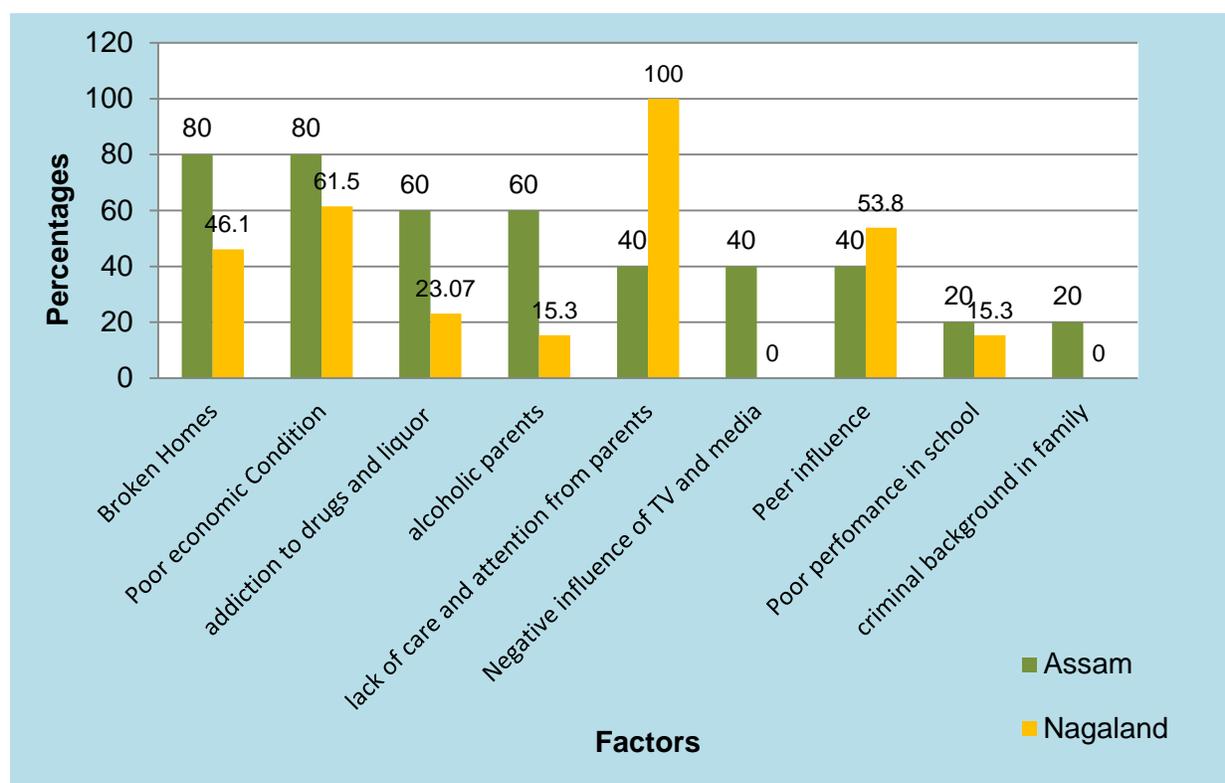
Broken homes or rift between parents is another reason as opined by 30.7 percent. Little more than 15.3 per cent respondents said that peer influence can be another factor inducing children to commit offences.

Thus, so far as the opinions of the JJB members are concerned, the factors that induce children to commit unlawful acts are similar in both Assam and Nagaland.

#### **4.4.3 Views of Case Workers**

In Observation/Special Homes the Case workers are responsible for conducting social investigation of a child through personal interview with the child and his family members and also collect other relevant materials once a child is brought to the Homes. As they closely work with the child while preparing and maintaining their records, they are supposed to have an understanding of the backgrounds of the children and also the factors that induce these children to commit unlawful acts. Therefore, views of the Case Workers of both the states were also collected and presented below in Figure 4.20.

**Fig 4.20: Views of Case Workers regarding Possible Factors Responsible for Committing Offences by Children (Multiple response)**



As depicted in the Figure 4.20 in Assam broken homes and poor economic condition of the families are the major reasons for children committing offences as stated by 80 per cent of the Case Workers. Other inducing factors as reflected in the above Figure are alcoholic parents and addiction of children themselves to drugs and liquor according to 60 percent of the Case Workers. Another 40 per cent of the respondents also revealed that lack of care and attention from the parents, negative influence of T.V and social media, peer influence, etc. were other factors which provoke children to commit unlawful acts. Few of the Case Workers in Assam were of the view that poor performance in school and criminal backgrounds in family also stimulate children to indulge in offences.

On the other hand, in Nagaland all the Case Workers expressed that lack of care and attention from parents is the main inducing factor. Besides, according to a large number of Case Workers in Nagaland due to poor economic condition of families (61.5%), peer influence (nearly 54%) and broken homes (46.1%), etc. children easily become more prone to commit offences.

Unlike in Assam, none of the Case Workers in Nagaland mentioned about media influence in inducing children to commit unlawful acts. Few Case Workers from Nagaland also mentioned about some other factors like addiction of children to drugs and liquor, poor performance in school, etc. as causative factors.

In line with the objective of the study, in the present chapter attempts were made to know the inducing factors which influence children to commit unlawful acts. Data presented in the foregoing paragraphs point out that, not a particular factor but a combination of factors create a breeding ground for emergence of children offenders of law. Further, although there are some differences in degrees of operation of these factors in the states of Assam and Nagaland, yet, by and large, similar factors operate in both the states in this regard. In Assam children of mainly the upper age group (15- 18 years) were found to be more prone to commit crime, whereas, in Nagaland slightly larger number of children in the 12 to 15 years were found to be in the Homes for committing some or other offences. However, since the difference in number of children vis-à-vis the age groups was not very high and also data was based on children residing in the Homes, no conclusive decision can be taken that, in Nagaland lower age group children commit more unlawful acts. With regard to religion it was found that in Assam mostly children belonging to the Muslim community were indulged in unlawful activities. In Nagaland, however, majority of such children were Christians. Her again, it must be mentioned that, Nagaland is a Christian majority state, and therefore, it is somewhat natural that more of Christian children were found in Homes. In Assam, Muslims constitute a large chunk of population and majority of them were found to be economically and educationally backward as has been depicted in earlier paragraphs. Thus, these factors have combined to produce more children with law breaking tendencies among them.

The children offenders lodged in the Homes mostly had low education background with majority of them being out of school. Most of the children in Assam were found to be engaged in work when they were not going to school. On the contrary, a large majority of the out of school children in Nagaland reported that they were not working but used to spend time with their friends. Due to this perhaps, these children who happened to roam around without any purpose and in absence of parental guidance and supervision get influenced by some groups and their peers towards commission of unlawful activities. However, in both the cases of these children in Assam and Nagaland, the problematic circumstances have been compounded by the common facts that most of them belonged to economically weaker families. This was also found by

Mishra (1994) who studied 22 juvenile delinquents from Angul Juvenile Jail in Odisha. He found that most of the delinquents came from low income groups. The present study also does not support the common assumption that children from urban areas are more prone to commit offences. The data presented earlier in this chapter bring out that, children from rural areas were more involved in unlawful activities as compared to urban areas in both the States. The large majority of the children in conflict with law covered under the study in Assam and Nagaland were from joint/extended families. It may be that, large size of family, with very low familial income leads to lack of attention of parents towards their children, less control and deprivation of affection which in turn increases proneness of children to come in conflict with law. Data presented in this chapter have also shown that, the large majority of the children offenders of law in the two states had parents living together and they were staying with their parents. Majority of the respondents as seen belonged to families whose both parents were alive. But still they are seen to be involved in crimes. It is because of the inadequate parental care. As most of these children belonged to lower socio-economic backgrounds, their parents strived to earn their daily living and thus they do not get sufficient time to properly look after children and children are usually neglected and some of these children get into committing unlawful acts. The same was also found in a study conducted by Nye (1958), where he found that greater percentage of children committing delinquent acts came from unhappy homes where they were rejected by their parents instead of broken homes.

Data in the present Chapter have also brought to light that, in both Assam and Nagaland majority of the parents of children in conflict with law have a low educational qualifications. Most of these parents are engaged as daily wage earners, domestic helps and such other petty jobs and thus, earn poorly. In terms of the nature of relationship of these children with their parents, the opinions of the children differed between the two states. While the large majority of children in Nagaland (nearly 70%) stated their relationship with both parents as “good”, in Assam little more than one-third of the children only said so. Again, in Assam a large percentage of children had good relations with the mother only, which meant a strained relation with the father. Thus, estranged relation with both or one of the parents may have also indirectly contributed to some children taking the path of delinquency. As far as the versions of the children themselves go, these children committed most of the unlawful acts to earn money to meet some of their needs. However, keeping in view the varied natures of crimes committed by them particularly in Assam and also going by their own admissions about the motives, it is understood that, other motives also induce children to indulge in unlawful acts. As have also been detailed in this Chapter,

according to important stakeholders like SJPU, JJB members and Case Workers a multitude of factors drive children get involved in illegal activities. In both the states these important functionaries have identified a number of factors, the major among them are poor economic conditions of the families, near absence of parental care and guidance coupled with circumstances arising out of rifts between parents, negative influence of various media, addictions to substance abuse, peer influence etc. lead these children to the path of law breaking activities. To conclude it can be said that, children take to committing unlawful acts due to a combination of factors. These factors are somewhat common to both the states of Assam and Nagaland. However, the interplay of these factors or their magnitudes differ between the two states.

## **CHAPTER 5**

### **EFFICACY OF THE EXISTING MECHANISMS TO REHABILITATE CHILDREN IN CONFLICT WITH LAW**

Children who come into conflict with law because of their involvement in some unlawful activities need to be ultimately rehabilitated and reintegrated in the mainstream society. It is mandatory to respect and ensure these children all their rights and to provide all the opportunities to develop into productive citizens. Thus, Juvenile Justice (Care and Protection of Children) Act, 2015 and the relevant Rules under the Act has prescribed elaborate mechanisms for this purpose. At the same time, several institutional and non-institutional services have been incorporated under the Integrated Child Protection Scheme for these children. In this Chapter attempts have been made to examine the existing mechanisms to rehabilitate children in conflict with law. This chapter highlights the available infrastructural facilities, delivery of services by different functionaries, status of rehabilitative services, etc.in Assam and Nagaland.

#### **5.1 The Observation/Special Homes**

As has been mentioned earlier, JJ Act, 2015 has mandated establishment of Institution/Home having a child friendly environment with adequate facilities for lodging of children offenders as and when necessary as per the Rules of the Act. Since, one of the objectives in the present study is to analyse the efficacy of the existing mechanisms to rehabilitate children in conflict with law attempts were made to know the status of these facilities Assam and Nagaland. Following are some of the observations of the research team about the Homes in Assam and Nagaland:

- It was found that Assam has only five Observation Homes in the districts of Kamrup (Metro), Kamrup (Rural), Nagoan, Jorhat and Cachar and all these Homes are run the Social Welfare Department of Government of Assam.

- Of these, three Homes are for boys and two Homes are for girls. It was found that that in the Homes for the boys the actual number of children lodged exceeds the capacity. In this regard the concerned authorities of the Homes informed that, there are only three Observation Homes for 33 districts. On the other hand, the number of boys in conflict with law is far greater than girls and hence, the authorities sometimes have to accommodate more children in these Homes than their actual capacity.
- It was revealed that this shortage of Homes in the State creates problems for the functionaries to transport the children from one district to another.
- It is also to be mentioned here that in Assam there is only one Special Home which is running in the same complex of the Observation Home of Jorhat district.
- The Child Care Institutions for children in conflict with law and children in need of care and protection should function from separate premises. However, during the data collection it was observed that in one case in Assam both these categories (CNCP and CCL) of children were lodged in the same premises.
- The rules made under sub-section (2) of JJ Act also provides for segregation and separation of children on the basis of age, gender, nature of offences and the child's mental and physical status. However, such segregation and separation of children were not seen in any of the Homes of Assam.
- All these Homes in Assam are running in the campuses owned by the Department of Social Welfare of Government of Assam.
- In Assam 80 per cent of the Homes has adequate space in the dormitories and other service areas.
- In Assam, a Place of Safety for accused children of 16 – 18 years has been set up in the premises of Observation Home for Boys at Boko in Kamrup (Rural) district.
- In Nagaland though the incidences of offences committed by children were found to be low as compared to Assam yet, the State has set up Observation Homes in all the districts and two Special Homes in Phek and Dimapur districts.

- All the Homes were running in rented buildings and there was no separate building for boys and girls. The segregation criteria in terms of age, nature of offence etc. was also not followed by any of the Homes as per the JJ Act.
- Since in Nagaland both boys and girls were staying in the same Homes, therefore, attempts were made to know whether there is separate arrangements for them in terms of dormitories, toilets, dining hall, recreation hall etc in these Homes. It can be seen that only dormitories were separated for boys and girls. Other necessary facilities like bathrooms and toilets, dining hall and recreation room were commonly used by both boys and girls.
- It is to be mentioned here that majority (61.54%) of the Homes in Nagaland did not have adequate space in the dormitories as they were running in rented buildings.
- Though the Homes in Nagaland were running in a rented building with inadequate space yet in terms of cleanliness of dormitories, it was found that most (46.15%) of the Homes were in a very good condition, 38.46 percent in good condition and the rest 15.38 percent were found to be in a poor condition.

## **5.2 Staff Position in the Observation Homes of Assam and Nagaland**

Every Home should have all the manpower as prescribed in the JJ Act, 2015 for providing appropriate services to the children and smooth functioning of the Home. Absence of manpower hampers the day to day activities of the Homes, affects the quality of the services as the staffs of the Homes are overburdened. Thus, it was felt necessary for the purpose of the study the Superintendents/Incharge of the Homes were queried regarding the availability of staff in their Homes. The responses of the Superintendents/ In-Charges are presented below in the Table 5.1.

**Table 5.1: Staff Position in the Homes of Assam and Nagaland**

<b>Category</b>	<b>Assam</b>	<b>Nagaland</b>
Homes having all prescribed manpower	1 (20.00)	10 (76.92)
Homes not having all prescribed manpower	4 (80.00)	3 (23.08)
<b>Total</b>	<b>5</b>	<b>13</b>

It is obvious from the above table 5.1 that in Assam majority (80%) of the Homes did not have the prescribed manpower in their Homes. Only 20 percent of the respondents said that they have all the manpower during the time of data collection. On the other hand, the staff position of Homes in Nagaland is found to be quite satisfactory. A large majority (76.92%) of the Homes had all the prescribed staffs. Only,23.08 per cent Homes did not have the required staffs. According to the Superintendents/In-Charges in some of the Homes the posts of some functionaries were lying vacant as no appointment was made. Due to this shortage of manpower the other functionaries of the Homes have to perform dual charges because of which they face difficulties in discharging their duties like providing counseling services, preparation of case history, Individual Care Plan, etc. As can be understood, this situation is more acute in Assam than Nagaland.

### **5.3 Perception of Job Responsibilities**

#### **5.3.1 Job Responsibilities of Superintendents**

Superintendents have the primary responsibility of maintaining the institution and providing the overall care and protection to the children. The general duties and functions of superintendents shall include compliance with provisions of the Juvenile Justice Act and the Rules and orders made there under; providing homely atmosphere of love, affection, care, development and welfare of children. Maintaining minimum standards of care in the homes; security measures and periodical inspection; supervision and monitoring of children's discipline and wellbeing are also some of the duties of Superintendents. Thus, the Superintendents of all the Homes covered under the study in Assam and Nagaland were asked to specify different tasks performed by them. Table 5.2. gives an idea about the multifarious tasks/duties

**Table 5.2: Responsibilities of Superintendents**

(Multiple response)

<b>Job responsibilities</b>	<b>Assam (N=5)</b>	<b>Nagaland (N=13)</b>
Overall supervision of the Home and children	5 (100.00)	13 (100.00)
Ensure that the child is produced before the JJB	2 (40.00)	7 (53.85)
Supervising the discipline of the children	4 (80.00)	10 (76.92)
Ensure proper and timely maintenance of case files	-	1 (07.69)
Liaise, Co-ordinate and Co-operate with the SCPS and DCPU when required	-	6 (46.15)
Maintenance of all records and registers	3 (60.00)	9 (69.23)
Providing/arranging linkages with some organizations to provide vocational trainings to the children	-	4 (30.77)

performed by Superintendents at Observation homes of Assam and Nagaland. Based on the Superintendents responses it was noted that in both the States all of them were involved in duties of overall supervision of the Home and children. Again a large section (80%) in Assam and (76.92%) in Nagaland were involved in supervising the discipline of the children. Then, 60 per cent and 69.23 per cent engaged themselves in maintenance of all records and registers in both the states respectively. Again, less than half of the Superintendents (40%) in Assam and nearly 54 percent in Nagaland ensure that the child is produced before the JJB. Moreover, only the Superintendents of Nagaland expressed that they also performed duties like providing/arranging linkages with some organizations to provide vocational trainings to the children (30.77%); liaising, co-ordination and co-operation with the SCPS and DCPU when required (46.15%) and ensure proper and timely maintenance of case files (7.69). However, in Assam the table depicts that none of the Superintendents responded to any of these duties though these mentioned duties are considered to be very important in dealing with the cases of children. This may be because perhaps they were not aware about it and they need proper training in this regard.

### 5.3.2 Job Responsibilities of Case Workers

The Juvenile Justice Act has outlined various duties for the Case Workers/Child Welfare Officers which includes: making social investigation report of the child through personal interview and from the family, social agencies and other sources; clarifying problems of the child and dealing with their institutional difficulties. Participating in the orientation, monitoring, education, vocational and rehabilitation programmes are also some of the major duties of the Case Workers. Therefore, the Case Workers of the Homes were asked to delineate the duties performed by them.

**Table 5.3: Responsibilities of Case Workers**

(Multiple response)

<b>Job responsibilities</b>	<b>Assam (N=5)</b>	<b>Nagaland (N=13)</b>
Prepare the ICP of each child.	5 (100.00)	11 (84.62)
Prepare the case history of each child.	5 (100.00)	11 (84.62)
Maintenance of medical record of the children	2 (40.00)	6 (46.15)
Maintain contact with children after their release to guide them	2 (40.00)	12 (92.31)
Regular visits to residence, places of employment or schools attended by children for follow up	1 (20.00)	9 (69.23)
Maintain record of the next date of production of the child before the Board	3 (60.00)	12 (92.31)
Attend proceedings of the Board to furnish all information and file all reports.	3 (60.00)	10 (76.92)
Network with voluntary organizations for rehabilitation and social integration of the children	3 (60.00)	4 (30.77)
Periodical review of the implementation and effectiveness of the ICP and modify the ICP if necessary	-	1 (7.69)
Not aware of specific job responsibility	1 (20.00)	8 (61.54)
Preparation of SIR	2 (40.00)	9 (69.23)
Escort children to JJB	2 (40.00)	4 (30.77)

Data as presented in Table 5.3 shows that the Case Workers in Assam and Nagaland involve themselves in almost all the above mentioned duties. In Assam all the Case workers responded that they engaged themselves in preparation of the ICP and case history of each child. Whereas, in Nagaland 84.62 percent of the Case workers were performing these duties in their respective Homes. Again, more than half of the Case Workers in both the states also said that they perform duties like maintaining records of the dates of production of children before the board; attending the proceedings of the Board; networking with voluntary organizations for rehabilitation of the children. It is to be mentioned here that Social Investigation Report has to be prepared by the Case Workers as it includes all the details of the children. With regard to this it can be seen that in Assam few (40%) of them were involved in preparation of SIR as it was prepared mainly by the legal cum probation officers. Whereas, in Nagaland it was prepared by nearly 70 per cent of the Case Workers.

#### 5.4 Status of Training of Functionaries

Training enhances the skills, capabilities and knowledge of any individual for performing a particular job. It is vital for Institutional development and success. Considering the nature of work entrusted under the Juvenile Justice Act to the staffs caring for children in the institutions, it is necessary that such staff who are recruited should be trained, in keeping with their statutory responsibilities and specific job requirements.

**Table 5.4 Training Status of the Respondents in Assam and Nagaland**

Categories of respondents	Assam		Nagaland	
	Trained	Untrained	Trained	Untrained
Superintendents	2 (40.00)	3 (60.00)	13 (100.00)	-
Counsellor	5 (100.00)	-	4 (30.70)	9 (69.30)
Case Worker	5 (100.00)	-	7 (53.80)	6 (46.20)
Legal cum Probation Officer	13 (86.60)	2 (13.40)	10 (91.00)	1 (09.00)
JJB member	13 (86.60)	2 (13.40)	10 (91.00)	1 (09.00)
SJPU Member	14 (46.60)	16 (53.40)	7 (32.00)	15 (68.00)

It is evident from the Table 5.4 that in Assam majority (60%) of the Superintendents were untrained. Whereas, in Nagaland all the Superintendents had undergone training. In terms of Counsellors, it was found that in Assam all the Counsellors were trained, while in Nagaland only 30.7 percent of them were trained and majority (69.3%) of them were untrained. In Assam all the Case workers were found to be trained whereas, in Nagaland only 53.8 percent were trained. With regard to the training status of Legal cum Probation Officers in Assam, 86.6 percent of them were found to be trained whereas in Nagaland the percentage was a little high than in Assam.

The Juvenile Justice Board members and the SJPU members are the important stakeholders in terms of providing requisite services to children and ensuring their protection who are in conflict in law. Therefore, in the present study it was also felt necessary to know the training status of these stakeholders. It can be seen from the above Table that 86.6 per cent and 91 per cent of the JJB members of Assam and Nagaland have undergone training respectively. Whereas, majority of the SJPU members in Assam (53.4%) and Nagaland (68%) were found to be untrained.

## **5.5 Rehabilitation Services for Children Lodged in Homes of Assam and Nagaland.**

### **5.5.1 Status of Counselling Services in the Homes**

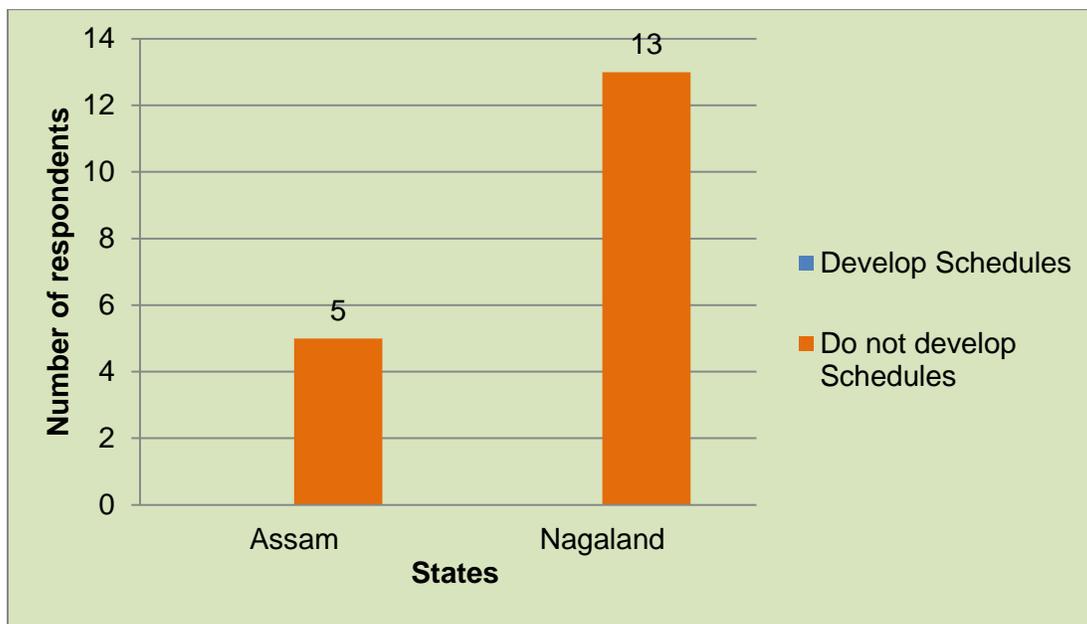
Counselling is an essential service in any Home which should be provided to the children on a regular manner for modification of their behaviour. Counseling services should be rendered to children in a systematic way as it plays a major role in their rehabilitation. Thus, efforts were made to know the status of counseling services in the Homes of both the States. In this regard it is important to mention here that as discussed earlier the post of the Counselor was lying vacant in some of the Homes of both the States. These vacant posts of the counselors is affecting the overall counselling and rehabilitative services of the Homes.

Moreover, in Nagaland as mentioned above in Table 5.4 majority (nearly 70%) of the Counsellors were untrained. They revealed that due to this they were facing problem in providing proper counseling to the children. While interacting with them it was also known that most of the counsellors in both the states did not know about the methods and techniques of counselling. Counsellors should be trained and well acquainted with the techniques and skills of counselling to deal with individual problems of the children. Inadequate knowledge and skills of

counseling may create gap in providing counseling services and this hampers the process of behavioural modification of the children. This may be one of the reasons that incidences of repeat offenders were found in the Homes while collecting the data for the study. Therefore, in the following paragraphs attempts have been made to analyse some aspects of counselling services in the Homes covered in the present study.

It is very essential for the Counselors to develop a schedule before beginning a counselling session. Development of a schedule is considered as an important step so that the counsellors can understand the child's problems and need and accordingly necessary therapeutic services can be rendered to them. Therefore data pertaining to this is shown in the Figure 5.1 below.

**Fig 5.1: Development of Counselling Schedules by Counsellors.**

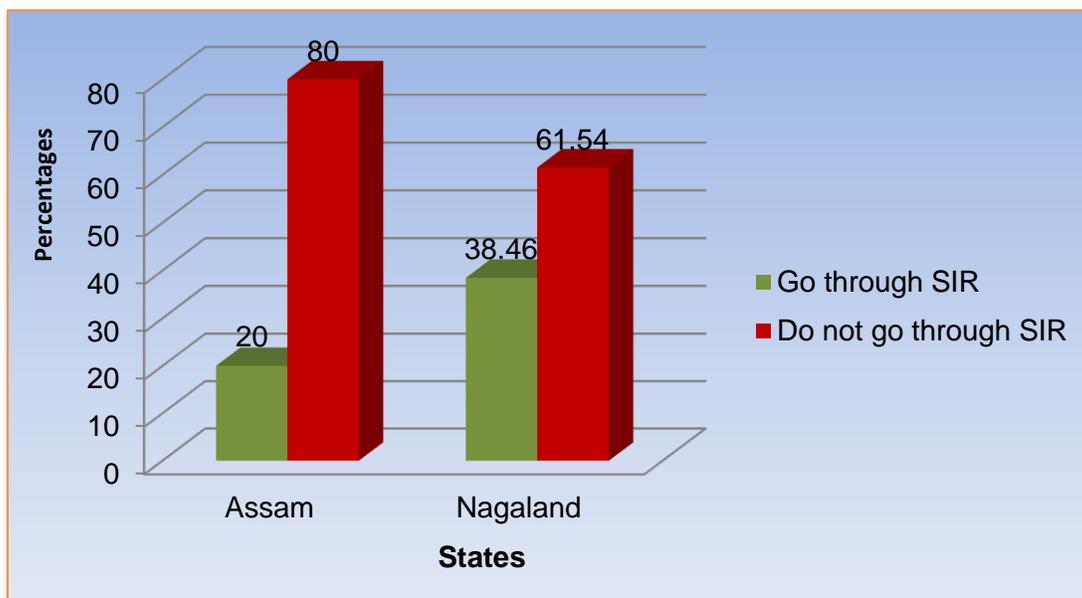


It is evident from the graph that in both the states none of the counsellors developed and followed any schedules before beginning a counseling session with the children.

It is also important for every Counsellors to go through the Social Investigation Report (SIR) of the child before carrying forward any counselling sessions with him/her. SIR includes the history of the child's family, inter-personal relations among his/her family members, relations with peers etc. which further helps the counselors to provide the counseling services in a more

effective manner. The following Figure 5.2 depicts the status of consultation of SIR by the Counsellors prior to counselling.

**Fig. 5.2: Going Through the SIR of the Child Before Beginning the Counseling Sessions**



The above graph reveals that majority of the Counsellors in Assam (80%) and Nagaland (61.54%) does not go through the SIR before conducting counseling sessions. While interacting with them it was felt that they were not aware that going through SIR is also one of the responsibilities of counsellors which should be followed by them as per the Act.

Counselling is essential both for the children residing in the Homes as well as their parents / guardians as it helps in bridging gaps and improving the relationship between the children and their parents. It also helps in the reintegration process of the children back to their families. In the present study also it has come to light that unhealthy relation between their parents have contributed as one of the major factor which induced them to commit unlawful acts.

Keeping this in view the counsellors were interviewed whether they provide counseling services to the parents of the children lodged in Homes. Based on this it was found that in Assam 60 percent of the counsellors do not provide counselling to the parents. On the other

hand in Nagaland it was found that majority (69.23%) of them provide counseling to the parents but only occasionally or when need arises. According to them the parents do not cooperate as they do not feel that counselling is essential for them. Some of them stay in very far flung areas and therefore, it is not possible for them to attend the counseling sessions. Counsellors also expressed that due to work load they do not get sufficient time to provide proper counselling sessions to the parents.

JJ Act emphasizes that in every Home there should be a separate counseling and guidance room as during counselling session confidentiality of the child should be maintained by the counsellors.

**Table 5.5: Availability of Counselling Room**

Category	Assam	Nagaland
Available	3 (60.00)	7 (53.85)
Not available	2 (40.00)	6 (46.15)
<b>Total</b>	<b>5</b>	<b>13</b>

It can be seen from the Table 5.5 that 60 percent of the Homes of Assam and 53.85 percent of Nagaland has separate counselling room. Though counseling rooms were available in these Homes but it was observed that these rooms were not properly furnished and a child friendly environment is not maintained. Further, adequate space, proper light and ventilation etc. were not available in some. Besides, large number of these Homes (40% in Assam and 46.15% percent Homes in Nagaland) separate counselling room was altogether not found.

### **5.5.2 Preparation of Social Investigation Report (SIR).**

On arrival of a child in any Child Care Institution, the Case Worker of the Homes or the Legal um Probation Officer shall prepare and submit the SIR of the child to the JJB within fifteen days. The SIR should be prepared after thorough personal interview with the child and his family members, social agency and other sources etc. as may be relevant. Preparation of the SIR is regarded as the first step to understand the back ground of the child and to help the JJB to carry out the inquiry process and to pass appropriate order to ensure justice and ultimate rehabilitation of the child. Thus, information relating to the preparation of SIR in the states of Assam and Nagaland are presented below.

It is to be mention here that in Assam a total of 15 districts were selected and the LPOs of all these concerned districts were interviewed regarding the preparation of SIR. In Assam the responsibility of preparing SIR of children is given to the LPOs. However, it was found that 40 percent of them were not preparing it. They further informed that due to work load they were not able to prepare it and they give it to the social workers to prepare the SIR. On the other hand in Nagaland instead of the LPOs the Case Workers prepares the SIR and all of them were found to be preparing it.

### 5.5.3 Preparation of Case History by Case Workers.

The JJ Act says that case history of each child has to be prepared by Case Workers in form 43 as it includes personal data, educational detail, medical and social history etc. which will help in further assessments of the child. In the present study attempts were made to know whether the Case Workers of the Homes of both States were preparing it in the required format or not.

**Table 5.6: Preparation of Case history of the children**

<b>Status of preparation of case file</b>	<b>Assam</b>	<b>Nagaland</b>
Prepares in Form 43	2 (40.00)	4 (30.77)
Do not prepare in Form 43	3 (60.00)	9 (69.23)
<b>Total</b>	<b>5</b>	<b>13</b>

Data pertaining to the preparation of case history in form 43 by the Case Workers of the Homes shows that a large majority i.e. 60 percent in Assam and 69.23 percent in Nagaland were preparing the case history of the children but not in the prescribed format (Form 43). When asked about the reason for this they revealed that Form 43 were not available with them and secondly they do not have much understanding about it.

### 5.5.4 Preparation of Individual Care Plan

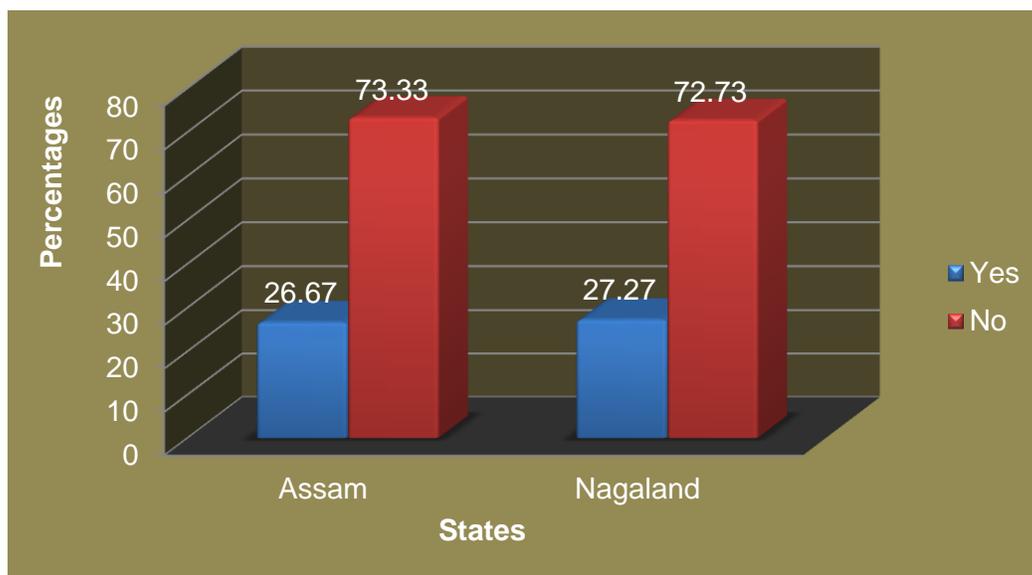
Individual Care Plan is a comprehensive development plan for a child based on age and gender specific needs and case history of the child, prepared in consultation with the child, in order to restore the child's self-esteem, dignity and self-worth and nurture him into a responsible citizen. It should be prepared in Form 7 with the ultimate aim of the child being rehabilitated and re-integrated based on the case history, circumstances and individual needs of the child.

Regarding the preparation of ICP of children, in the present study it was found that a large majority of the Case Workers (80%) of the Homes of Assam and Nagaland were preparing it in Form 7.

### 5.5.5 Follow up Visit of the Children in Conflict with Law in Assam and Nagaland.

There should be regular follow-up visits for the children under supervision and children who are released to ensure that the child do not get back to a difficult situation that might prompt them to become repeat offenders. Functionaries should maintain regular contact with the children and their families. Regular follow-up activities help to reduce the rate of recidivism. It should be done also to get a feedback from the children about their current situation and to ascertain the further interventions required for their successful rehabilitation. Thus, in this regard the Legal cum Probation Officers of Assam and Nagaland were interviewed to know whether they were conducting follow up visit of children under supervision and children who are released.

**Fig 5.3: Follow up visit of the Children Lodged in Homes**

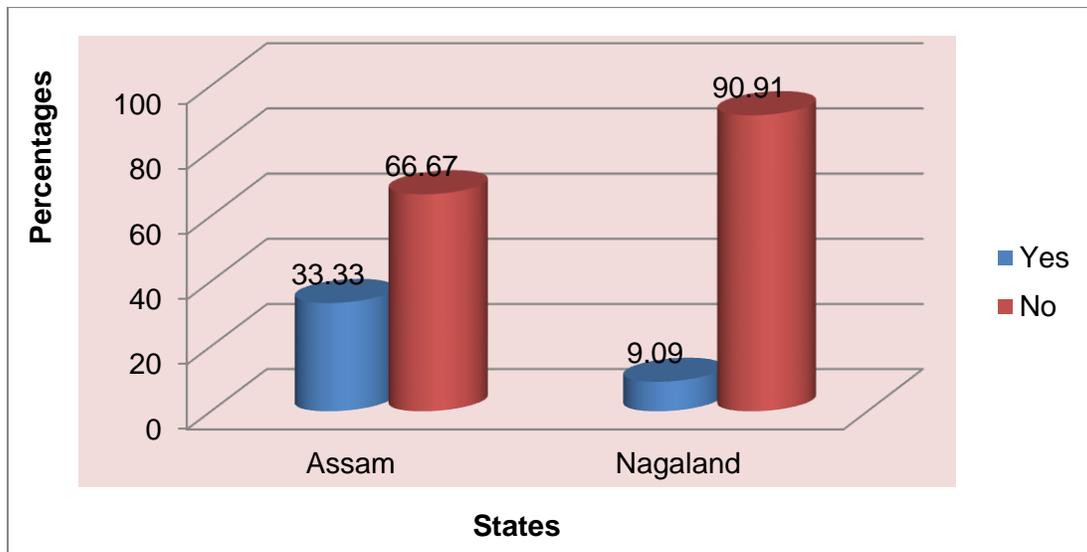


It can be seen from the Figure 5.3 that in both the states a large majority (73.33% in Assam and 72.73% in Nagaland) of the respondents were not conducting any follow up visit of the children. When further asked for the reasons it was brought to notice by them that due to their heavy work load, no timely provision of T.A for follow up visits and also because of lack of proper communication facilities etc. they were finding it difficult to conduct follow up visit of children.

### 5.5.6 Status of Vocational Training

According to JJ Act, 2015 every Child Care Institutions shall provide gainful vocational training to children according to their age, aptitude, interest and ability, both inside or outside the Institutions. Vocational training shall include occupational therapy, skill and interest based training, aimed as suitable placement at the end of the training. It is mandated for the Homes to make an effort to establish linkages with preferably Government recognized Institutions for providing vocational training to children for their proper rehabilitation and repatriation into the mainstream society. As one of the objectives of the present study is to know the efficacy of the existing mechanisms to rehabilitate children, efforts were made to know the status of vocational training for children lodged in Homes of Assam and Nagaland.

**Fig 5.4: Establishment of Linkages with Vocational Training Institutions.**



From the above Figure 5.4, it becomes apparent that in large majority of Homes (66.67% in Assam and 90.91% in Nagaland) no linkages were found to be established by the Legal cum Probation Officers for vocational training of children lodged in Homes. The reason behind this as revealed by them is that firstly, no such voluntary organisations were available in some districts and secondly, in districts where VOs were available they do not show any positive response for this purpose.

### **5.5.7 Pendency of Cases in Homes of Assam and Nagaland**

One of the issues plaguing the process of rehabilitation and reintegration of children in conflict with law in India is the time taken to dispose the cases of unlawful acts by children. A large number of cases are not timely disposed and as a result there occurs a huge pendency of cases in India. Because of this pendency of cases children have to stay for a longer time in the Observation Homes which in not only violates the rights of these children, but at times, contributes to development of more delinquent behavior in them. Thus, to know the number of pendency of cases in both the states of Assam and Nagaland the JJB members were interviewed. It was found that in the selected 15 districts of Assam a total of 715 pending cases were as reported by the JJB members as on the dates of data collection. On the other hand, the pendency of number of cases were 45 as informed by the JJBs of all the districts in Nagaland. The JJB members of both the States cited some of the reasons for pendency of cases which includes delay in submission of reports by the police and other concerned officials, non-appearances of witnesses on time, some JJBs do not sit regularly as they do not receive their honorarium timely and sometimes all the members could not be present.

The status of existing mechanisms of dealing with the children in conflict with law in the states of Assam and Nagaland as highlighted point out that these need to be strengthened. In Assam it was found that there is shortage of Homes in comparison to the number of children apprehended for indulging in offences. In Nagaland though there are Homes in each district yet they were not functioning in a proper ambience with adequate facilities. Another fact related to Homes in Nagaland was that boys and girls were kept in the same home. Some posts of the staffs were also lying vacant in the Homes of both the States which is causing a hindrance in providing proper services to the children. In case of the training status of the functionaries, 60 percent of the Superintendents in Assam and nearly 70 percent counsellors of Nagaland were found to be untrained. Similarly, majority of the SJPU members in Assam (53.4%) and Nagaland (68%) have not undergone any training. Based on the data it can be said that the counselling services provided to the children lodged in Homes were not up to the mark. The Counselors were not developing any schedule and they also do not go through the SIR before initiating the counseling sessions. In most of the Homes no separate counselling room with adequate space and facilities were found. In terms of the preparation of case history of children

in proper format i.e; Form 43, it was seen that majority of the Case workers were not preparing it and in some Homes forms were also not available.

Follow up visit of the children who are under supervision and the children who are released is a very crucial step so that the child do not get back to any difficult situation and it also helps in reducing the repetition of offences by children. In this regard data revealed that majority of the Legal cum Probation officers were not undertaking any follow up visit with children and their families. Linkages of Homes with VOs for rendering vocational training to the children are also an important aspect in terms of rehabilitation of children. When interviewed LPOs it was found that large majority of LPOs (66.67% in Assam and 90.91% in Nagaland) did not give any positive response in this matter. Regarding pendency of cases it is to be mentioned here that Assam has 715 cases pending, Nagaland has 45 cases. Although the number seems to be much less in case of Nagaland, yet, if looked at from the perspective of number of reported cases, the pendency in Nagaland also not very low. Because of this pendency of cases children have no option but to spend long time in the Homes. This, sometimes, leads to development of some undesirable traits among the children. Long detachment from their families also goes the best interest of the child.

## **CHAPTER -6**

### **SUMMARY AND CONCLUSION**

The present study was carried out to understand the nature and trends of unlawful activities by children in two neighbouring states of Assam and Nagaland situated in the North-eastern region of India. These two states were chosen for the study for a number of reasons. Although Assam and Nagaland are two neighbouring states, both have dissimilar demographic and socio-cultural backgrounds. The states also seem to present opposite trends when it comes to situation of unlawful activities by children. Assam, having the largest population among the North-eastern states witnessed large scale in-migration, urbanization and growth of commercial activities in the recent past. This state with large urban areas with a cosmopolitan population has recorded a marked rise in involvement of children in criminal activities of late. On the other hand, Nagaland is a hill state of the region with a predominantly tribal population with comparatively much less urban development and has some distinctive socio-cultural and economic features. As per record, in Nagaland, incidences of children coming into conflict with law are quite low. The two states also show dissimilar trends in types of unlawful activities committed by children. In Assam, children are involved even in heinous crimes like murder and rape, while in Nagaland the rate of involvement in such activities is quite low and children in Nagaland are mainly found to be involved in petty offences like theft. In the context of such seemingly different trends of committing of illegal activities by children in two neighbouring states with different socio-economic and cultural attributes it was presumed that a thorough study on unlawful activities by children in these states would help in understanding the context in which children are committing illegal activities and the inducing factors and may enlighten to develop appropriate strategies and interventions to prevent delinquency among children.

Specifically, the study aimed to find out the extent and nature of criminal offences committed by children in Assam and Nagaland in the recent past; to understand the socio-economic, cultural and other factors that drive children to commit unlawful acts; to analyse the efficacy of the existing mechanisms to rehabilitate children in conflict with law; and to suggest measures to prevent rising trends of criminal tendencies among children. Data for the study

were collected from different identified respondents including the children lodged in Observation, Special Homes and Places of Safety in these two states. There are 11 Observation Homes and two Special Homes in Nagaland and in Assam there are five Observation Home, one Special Home and one Place of Safety. All these institutions were covered under the study. Primary data were also collected from selected care givers of these institutions (Superintendents, Case Workers and Counsellors) and also functionaries of DCPUs, SJPU and JJBs of selected districts. Secondary data were also collected from the records of these institutions. Similarly, records of offences committed by children since the past five years were also collected from the Criminal Investigation Departments (CID) of both the states. Conventional methods of research, like interview and observation were utilized for collection of data. Research tools like interview schedules and observation check list were prepared and used.

### **6.1 Extent of Unlawful Activities by Children in Assam and Nagaland**

The five year data collected from the Police departments of Assam and Nagaland for the period between 2013 to 2017 reflect significant rise in trend of unlawful activities committed by children in both the states. In Assam the number cases of children committing crime was 110 in 2013 which almost doubled to 218 in 2017. In Nagaland also it is found that crimes committed by children are also increasing gradually but the number of cases is comparatively lower than Assam. However, it is of significance that, in Nagaland the increase in span of five years is more than ten times from seven in 2013 to 64 in 2017. It is primarily due to increased reporting of incidences of children committing offences. The population of Nagaland is much smaller than Assam and therefore, it is somewhat natural that the number of incidences is lesser than Assam. Again, another reason for the apparently fewer number of cases in Nagaland compared to Assam may also be due to the fact that, the tribal societies in Nagaland deal with many such cases of unlawful activities of children through their traditional village councils following their customary practices. These cases are never reported to police or other such agencies and thus, the official record does not always depict the reality.

The SJPU members of both Assam and Nagaland too opined that offences committed by children have been on the rise in their respective states. The views of the SJPU members hold importance as they are the officials who are usually the first to come into contact with such children in conflict with law once cases of unlawful acts by children are reported/registered.

Thus, both the official records and the opinion of the concerned law enforcement officials of the two states point out to the rising trend of unlawful activities by children.

## **6.2 Repeat Offenders**

Some experts tend to opine that, a large section of child offenders habitually/ regularly commit unlawful activities and become repeat offenders. This tendency of child offenders presents a problematic issue in controlling unlawful activities among children. In the present study about one-third of children lodged in Observation Homes in Nagaland were found to be repeat offenders. However, the number is much less in Assam Homes. On the other hand, large majority of both SJPU and JJB members in Assam have admitted dealing with repeat child offenders. In Nagaland also sections of SJPU and JJB members have talked about coming across cases of repeat offenders. Thus, the present study has brought to light that, like elsewhere, in Assam and Nagaland also many children repeatedly commit unlawful activities.

## **6.3 Nature of Offences Committed by Children**

With regard to natures of offences committed by children, as per official records in both Assam and Nagaland, theft/burglary is the crime that is most often committed by the children. Out of the total cases registered between 2013 and 2017 against children in Assam and Nagaland about 32 and 86 per cent of the cases respectively pertain to theft or burglary by children. In other words, nearly one third of the cases in Assam is of theft/burglary and on the other hand, most cases of unlawful acts by children in Nagaland are of theft/burglary only. Thus, the pattern differs between the two states. In Assam, a very large number of cases have been registered where children have been reportedly involved in commission of heinous crimes like rape, murder, etc. In Nagaland, however, number of cases such heinous crimes by children are very few. During the past five years there were more than 80 rape and murder cases each involving children in Assam whereas, in Nagaland only in few cases children are found to be involved in such crime. Further, as per the records in Assam children have allegedly committed other kinds of offences like stalking, extortion, trafficking, kidnapping as well as sexual assault. But official records do not show commission of these offences by children in Nagaland.

Different important functionaries dealing with the cases of children offenders like the members of SJPU, JJB and Case Workers etc. also are of the opinion that, theft is the prime act committed by children across the two states. Commission of serious and heinous crimes is more common in Assam than Nagaland. This study also reveals that, majority of children in Assam have committed the offences alone, whereas in Nagaland, majority of the alleged offenders have become involved with unlawful activities as a member of a group. It may be mentioned here that the most of the reported cases in Nagaland are of theft/burglary only. Thus, it is very much likely that, many of these are committed in groups. In Assam, on the other hand, children are also involved in different other types of crimes and some these, of course, are committed by individual child without any accomplice. Both these two situations seem to present challenging aspects in terms of controlling unlawful activities among children. In case of gang or group activities, there is always the possibilities that peer pressures shall induce children to indulge in these activities and gangs or groups would continuously be inducting new members and that way more and more children would take to commission of unlawful activities. On the other hand, if incidences of an individual child committing serious and heinous crimes keep on increasing, then it signals a very negative societal trend and augurs a serious situation. It may be indicative of a spread of criminal tendencies among children as a result of interplay of a host of factors.

#### **6.4 Age and Sex of Child Offenders**

An age group wise analysis of children lodged in Observation/Special Homes in terms of the offences committed by them in the two states revealed that from twelve years onwards these children have been involved in commission of all types of unlawful activities- from serious to heinous ones. Since no children below 11 years were found in the Homes of both Assam and Nagaland, it could be assumed that, children below 11, even if have got involved with any unlawful activities, must have been doing so by committing petty offences only. Again, when it comes to sex of children and commission of unlawful activities is concerned, data showed that the number girl children committing offences is far lesser than the boys in both Assam and Nagaland. As far as the available cases in these two states are concerned, the unlawful activities committed by girl children are limited mostly limited to theft/burglary and dacoity only whereas the male children are involved in different types of petty, serious and heinous offences. This is somewhat a common trend as boys usually show more aggressive nature as compared to girls and for different social and psychological factors have higher chances of indulging in

some unlawful activities. Many studies have also revealed that, it is a universal fact that men in every society are found to be more criminal and violent than women.

## **6.5 Religion and Unlawful Activities by Children**

In order to understand if there is any relationship between religiosity and the trend of offences by children, the present study looked at religion of the children lodged in the Observation/Special Homes in both the states. Here it must be mentioned that, Assam is a state where Hindus and Muslims dominate the population with some sections of Christians, Buddhists, etc. Nagaland, on the other hand, is a Christian majority state with about 80 per cent of Christian population and with only small sections people belonging to other faiths.

Data of the study pointed to the fact that, in Assam Muslim children surpass the children belonging to Hindu or other religions in terms of their involvement in commission of most of the types of crimes. More than 60 per cent of children lodged in the Homes at the time of data collection were found to be Muslim. An analysis of religion and types of offences committed in the state has also brought to light that, Muslim children were particularly more involved in committing heinous crimes such as rape and attempt to rape cases. Nagaland, on the other hand, being a Christian majority state, as expected almost all the children implicated for commission of offences were Christians with only one child from other communities as on record for committing unlawful activities.

The case of involvement large number of Muslim children in various types of unlawful acts in Assam cannot be directly explained. However, it may be assumed that, some other factors combine to create such circumstances that induce children belonging to Muslim communities to commit unlawful activities. Firstly, large sections of the Muslim population in Assam are migrants and their economic condition is usually very weak. Further, these communities are also educationally quite backward. Large sections of children among them are either never enrolled or drop out early from school and start working for earning their livelihood. Besides, since many of them are settled in hard to reach riverine or other interior areas, they many a times, do not have access to some basic services and this contributes to a further state of deprivation among them. All these factors, perhaps, create an environment among them that prompt children to take the wrong path of law easily and therefore, we find more children belonging to Muslim community committing unlawful acts. In case of Nagaland, however, it is somewhat natural to find mostly Christian children in conflict with law since the state is dominated by Christian communities (about 80%). Hence, with regard to Nagaland one cannot

reach at any definite conclusion to establish relationship between religion and delinquent behaviour among children.

## **6.6 Education and Unlawful Activities by Children**

Education is considered as an important factor in shaping the behaviour pattern of an individual. The findings of the present study seem to point out that lack of education or low educational levels of children and their parents is one contributing factor for development of felonious behaviour among children. Data pertaining to education level of the children lodged in Observation/ Special Homes for allegedly committing one or other types of unlawful activities in Assam and Nagaland show that most of these children have low educational background with many of them being out of school children. In Assam nearly one-fourth of the CCL are illiterate. Among the rest, bulk of them studied maximum up to 10th standard with only a few who studied up to matriculation level and above. Thus, it is clear that, in Assam the bulk of the children who have allegedly committed unlawful activities are either illiterate or have studied up to Class X. In Nagaland also it is seen that majority of the CCLs studied upto VI<sup>th</sup> to X<sup>th</sup> standard. There was also one respondent who was illiterate and another who studied up to matriculation level. Thus, irrespective of the states, majority of the children who commit one or other unlawful activity are either illiterate or have read up to high school only. In other words, incidences of commission of offences are much lesser among children who have passed out of high school or studying in higher classes.

It is also notable that many of the children offenders covered under the study are actually out of school children. Out of total children lodged in Homes of Assam, the large majority of them are out of school. Similarly, in Nagaland, nearly half of the alleged children offenders are out of school. These children had reportedly left school for a variety of reasons. Some children had to drop out because familial economic condition compelled them to go for some kind of work to supplement income of the parents. Some stopped going to school because they fared poorly in examinations and they too did not enjoy going to school. A section of the children also informed that their parents did not consider schooling necessary and were not supporting the children for education. It has also been learnt that most of these children in Assam had been engaged in different odd jobs like Domestic Helps, Helpers in small business establishments, auto workshops or construction works etc. Most of the working children also divulged *that* they were being paid a very meagre amount which was not enough for them. Although none of the children admitted, yet, it may also have happened that because of this

they inculcated the habit of committing of some types crimes like theft, stealing etc. usually teaming up with friends/peers to meet their requirements. In Nagaland, on the other hand, we find that, most of the out of school children used to spend their times idly by roaming around with their friends, as testified by the children themselves.

It is not only the children offenders only, but when it comes to education, data of the present study point out that, both in Assam and Nagaland most of the children's parents too had a low educational qualification with sizable number of them being illiterates. It is obvious that, most of these illiterate or parents with very little education could not provide appropriate guidance and counselling to their children on various aspects of life and to stay away from the path of lawlessness. Thus, it can be assumed that, lack of education both in case of the parents as well as children coupled with other factors does contribute to development of delinquent behaviour among some children.

## **6.7 Place of Residence and Unlawful Activities of Children**

Some authors tend to opine that urban environment begets delinquency among children more than the rural setting. It is opined that children living in urban areas, particularly slums or such colonies inhabited by poorer section of communities, are prone to indulge in anti-social activities more often than rural children. On the other hand, stronger kinship bondages, traditional values and a social control mechanisms in rural areas prevent children from committing unlawful activities to a large extent. However, the findings of the present study points otherwise. More than 60 per cent of children offenders in Assam and Nagaland are from rural background, that is, they were living in rural areas while committing these offences.

There may be several reasons for high percentage of involvement of rural children in offences. As has been discussed earlier, these children usually drop out from schools or never attend school. The economic conditions of their families are poor. Many of their parents themselves are illiterates or have a very low educational qualifications. As such being themselves educationally, financially weak these parents hardly find quality time to spend with their children or have capacity to guide their children. Rather, due to their poor financial conditions most of these they mostly wish that their children should start earning as soon as possible to supplement family income. Also, many such children, particularly out of school children get ample time to spend with their peers and such association often creates ground for children to engage in some anti-social activities with their friends and peers. Moreover, in rural

areas dearth of education facilities, less opportunity for employment etc. also induce children to commit offences.

## **6.8 Familial Situations and Commission of Unlawful Acts by Children**

Since familial environment exerts a powerful influence in behaviour formation of the child, the present study examined the familial situations of the children who have come into conflict with law in order to understand if different aspects of familial conditions induce children to indulge in anti-social behaviour. For the present study a number of parameters like family type, relations between parents as also between parents and children, whether parents alive and children living with parents, etc. were taken to gauge family situations to see whether these might have fuelled development of delinquent behaviour among the children offenders. The data of the study showed that the large majority of the children in conflict with law covered under the study in Assam and Nagaland were from joint/extended families. Most of the children offenders of law in the two states had parents living together and the children were staying with their parents. Besides, the larger chunk of these children belonged to families whose both parents were alive. However, it also came to light that, as per the versions of the alleged offenders, all of them did not have good, cordial relations with their parents. In Assam, more than half of these children did not have good relations with one of their parents. Only about one-third of the children only reportedly enjoyed good relations with both parents. In Nagaland, of course the majority of the children had good relations with both of their parents.

There is a general understanding that children from nuclear families if deprived of parental care and attention, tend to develop aberrations in their behaviour pattern, while children growing up in joint/extended families have better opportunities for positive socialisation. However, in the present study we find more children from joint/extended families taking to the path of breaking law. It may be that, large size of family, but with a very low familial income does not provide the desired environment as most elderly/adult members are busy with livelihood matters. It rather leads to a situation where children are deprived of attention and care and resultant less control on their conduct which in turn increases proneness of children to come in conflict with law. Further, although in case of majority of children had both parents living together and alive and children were staying with them, yet, because of the inadequate parental care, lack of parental attention due to mainly the preoccupations of parents, absence of cordial relations between the parents and children may lead to a situation where children are usually

neglected and some of these children get into committing unlawful acts. The same was also found in a study conducted by Nye (1958), where he found that greater percentage of children committing delinquent acts came from unhappy homes where they were rejected by their parents instead of broken homes.

## **6.9 Occupation and Income Level of Parents and Unlawful Activities by Children**

The economic or more specifically, the financial health of the family decides to a large extent, the opportunities for children to meet some of their needs. Children from families with low income level usually faced neglect and sometimes become vulnerable to abuse and exploitation that may result in development of anti-social tendencies among them. In the instant case it was found that both in Assam and Nagaland the parents of the accused children were mostly engaged in petty jobs like domestic helps, daily wagers, marginal farmers, petty trades, etc. Thus, the income level of these parents was also rather low. Therefore, it is obvious that these children faced the onslaught of poverty and these children developed a feeling of deprivation. In this situation in absence of positive guidance and counselling also, the children adopted some undesirable habits including indulging in some unlawful activities. It may be recalled that many of these children lodged in Observation Homes had stated that they committed some unlawful acts to meet some of their needs. In the final analysis it can be opined that, along with other factors, poor financial conditions of the families often contributed to occurrence of incidences of commission of illegal activities by children.

## **6.10 Motive of Children behind Committing Unlawful Activities**

As a part of the study it was considered pertinent to know the motive of children behind committing such crime. It was found that, nearly half of the children in Assam and the large majority of the children In Nagaland covered under the study confessed that, they took to some illegal activities to earn some money. Many of them also stated that, they resorted to committing the offences under peer pressure. Further inquiry also revealed that, they required money to meet some of their needs. Considered in the context of the facts that most of these children belong to socio-economically very disadvantaged families as has been discussed on many occasions above, it seems that the versions of the children are very much acceptable. Out of

school, working or idle children from poverty stricken families with a growing feeling of deprivation and dissatisfaction and without proper parenting become vulnerable to gang up with other children to take to unlawful activities mainly to meet some of their monetary needs. The situation worsens when there are no such opportunities and facilities for these adolescents to find gainful, productive sources of engagements, particularly in rural areas. Therefore, in the present study we come across more children from rural areas committing unlawful acts. Besides monetary considerations, some children in Assam have also reportedly got into committing some serious and heinous crimes to fulfill some of their unmet desires. The children in these cases have been influenced by movies and other media including the social media. In a few cases children have also stated that, they committed the offences to take revenge upon someone to settle some personal score. Thus, we see that the major motive of unlawful acts by children is to have monetary gain. Only few crimes are committed for other motives.

### **6.11 Views of Important Stakeholders**

The SJPU and the JJB members and the Case Workers of the Observation Homes are some key functionaries who deal with the children in conflict with law. Since these functionaries are closely associated with investigation and inquiry process for the offences committed by children, and also rehabilitation of these children the views of these stakeholders were considered important to understand the factors behind rising trend of unlawful activities by children.

According to important stakeholders like SJPU, JJB members and Case Workers a host of factors drive children to get involved in illegal activities. In both the states these important functionaries have identified a number of factors, the major among them are poor economic conditions of the families, near absence of parental control and care coupled with circumstances arising out of rifts between parents, negative influence of various media, addictions to substance abuse, peer influence etc. lead these children to the path of law breaking activities. These factors are mostly common for both the states of Assam and Nagaland except for a few. Each of these factors usually do not act in isolation but one combines with another few to create some circumstances that prompt or at times compel children to commit offences as has been discussed in the foregoing paragraphs. Thus, to sum up it can be said that a combination of factors are responsible for the rising trend in unlawful activities among children in Assam and Nagaland.

## **6.12 Institutions/Homes for Children in Conflict with Law**

As per the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 in the rules thereof different mechanisms for rehabilitation of children in conflict with law have been put in place in the states of Assam and Nagaland. Of these, the Observation and Special Homes and Place of Safety are the important Institutions for taking care of children in conflict with law pending the inquiry process or after the order passed by Juvenile Justice Boards. In Assam there are only five Observation Homes to cater to the alleged children in conflict with law from 33 districts with three for boys and two for girls. There is only one Special Homes located at Jorhat district of Assam. It also has a designated Place of Safety attached to one of the Observation Homes for Boys. All these Homes are being run by the Department of Social Welfare, Govt. of Assam. As it is obvious that these few Homes have to cater to large number of children offenders from 33 districts of the State, these Homes, particularly the Homes for the Boys are usually overcrowded and as a result the quality of services suffer. Besides, the functionaries also face problems for transportation of these children from different districts to these Homes and also from the Homes to respective districts for attending concerned JJBs. It was also observed that the required segregation and separation of children on the basis of age, nature of offences and children's mental and physical status is not usually done in these Homes. In Nagaland, on the other hand there is an Observation Homes in each of the 11 districts, although, the number of children offenders is much less than that of Assam. It also has two Special Homes in two Districts run by the Department of Social Welfare, Govt. of Nagaland. These Homes are being located in rented premises and lack the required facilities and amenities and both boys and girls are housed in the same building which is against the norm. Since the number of children offenders in each districts is very few, only one or two children were found in these Homes during the visits.

In Assam, the staff position in these Homes has been found to be very inadequate. About 80 per cent of the Homes did not have the services of all the required functionaries which was hampering the delivery of rehabilitative services to the children. Comparatively in Nagaland the large majority of the Homes had all the required functionaries in position. The vacant position of the functionaries in the Homes is mainly due to the reason that no appointments were being made to fill up these posts. It has been found that the three key functionaries of the Homes, namely, the Superintendent, the Case Workers and the Counsellors wherever found in position are fairly aware about their diverse roles and responsibilities in running the Homes and the delivery of rehabilitative services to the children inmates.

### **6.13 Training Status of Key Functionaries**

Although, different categories of government and non-government functionaries have roles to play in rehabilitation and reintegration of children in conflict with law yet, a few functionaries have to play key roles in the process. Among them, Superintendents of Homes, Counsellors, Case Workers, Legal cum Probation Officer, JJB members, SJPU members are considered crucial. For effective performance of their roles training is an important pre-requisite for these functionaries. It was found that in Assam, only 40 per cent of the Superintendent had undergone trainings. On the other hand, all the Counsellors and Case Workers and most of the Legal and Probation Officers and JJB members were found to be trained in Assam. However, less than half of the SJPU members have been trained on matters relating to handling children offenders of law and other requirements under JJ Act.

In Nagaland all the Superintendent and almost all the Legal cum Probation Officers and JJB members had received training. In case of Counsellors and SJPU members, however, only about one third of them have been trained.

### **6.14 Counselling Services in the Homes**

Counselling is considered as one of the most important interventions for reforming and rehabilitation/reintegration of children in conflict with law. Thus, the Homes where the children are lodged must provide quality counselling services to the children. The present study has brought to light a number of issues pertaining to counselling services in the Homes. As has been mentioned earlier, several Homes, the posts of Counsellors are lying vacant, particularly in Assam and this is hampering providing counselling of children in these Homes. In Nagaland, again, the large majority of Counsellors have not received any training. Due to this the Counsellors were facing problems in rendering proper counselling to the children since they are not very well acquainted with the methods and techniques of counselling. None of the Counsellors in the two states used to develop and follow a counselling schedule for its child. Consulting and referring to Social Investigation Report (SIR) is an important pre-requisite for planning counselling for every individual child, but most of the Counsellors in both the states do not consult the SIR for this purpose. Some Homes in both the states also do not have the minimum required infrastructure for counselling like separate rooms with appropriate ambience, adequate space, furniture and fixtures, etc. These factors as has been mentioned above are affecting the quality of counselling in the Observation/Special Homes.

## **6.15 Preparation of Documents on Children in Conflict with Law**

Juvenile Justice (Care and Protection of Children) Act, 2015 and rules thereof mandates preparation of different reports and plans pertaining to each of the child offenders. These are important to know the background of the child and the circumstances which led him to commit unlawful acts and also to plan appropriate rehabilitation plan suited to the child. The major among them are the Social Investigation Report (SIR) case histories and Individual Care Plan (ICP). In the present study it was found that the large majority of the cases the functionaries in both the states prepares the Social Investigation Report for each child. Likewise, case histories of the children are also prepared by the majority of the functionaries but a few only used to prepare it in its proper format as prescribed under JJ Rules. It was also found that some of the Case Workers who are responsible for preparation of case histories do not have much understanding as to how to prepare it in Form 43 as specified under JJ Rules. Some also had the plea that the forms were not available. Another important tasks to be carried out by the Case Workers is preparing an Individual Care Plan (ICP) based on age and gender specific needs, case histories of the child, etc. This is a crucial tool for designing the rehabilitation plan for each child based on individual needs. It was found that the large majority of the Case Workers in both the states use to prepare the Individual Care Plan in proper format i.e. Form No. 7 specified under JJ Rules.

For ensuring reformation and rehabilitation there is a need for regular follow up visit for children under supervision and children who are released by the functionaries. Follow up is necessary for reducing the rate of recidivism but it was found that most of the functionaries do not undertake any such follow up visits in both the states. A number of reasons have been cited for not undertaking such visits. These include heavy workload, lack of provisions for travelling allowances, difficulties in communication to remote areas, etc. Whatever may be the reasons it has to be reiterated that in absence of follow up visits by a concerned functionaries chances of children repeating offences become higher. Thus, it poses challenges for rehabilitation of the child.

## **6.16 Vocational Training of Children in Homes**

Vocational training of children in Home is important for rehabilitation of children. However, in the present study it has been learnt that the status of vocational training for children in these Homes is not up to the mark. For proper vocational training these institutions should link up with professional government as well as non-government organisations imparting

vocational trainings. Only few Homes in Assam and Nagaland had linked up with such organisations for vocational trainings of children offenders. Thus, whatever, vocational training is being offered inside the Homes are not adequate, contextual and help in developing employable skills among the children.

### **6.17 Pendency of Cases**

High pendency of cases as has been brought to light in the present study is another stumbling block plaguing the process of rehabilitation of children in conflict with law. In Assam in selected 15 districts covered under the study there were 715 pending cases and in Nagaland there were a total of 45 cases pending. The cases remain pending for different reasons like delay in submission of reports by police and other concerned officials, non- appearance of witnesses, irregular sittings of the JJBs, etc. Because of these pendency of these cases, the children have been compelled to spend a long time in these Homes which ultimately becomes detrimental for it enhances the possibility of development of some undesirable traits among the children.

### **6.18 Suggestions & Recommendations**

(i) The present study has made it amply clear that there is a strong connection between lack of education and commission of unlawful activities by children. In other words, there is greater chance of out of school children indulging in unlawful activities. Therefore, to prevent or curb unlawful activities by children it becomes utmost important to ensure enrolment and retention of children in schools, particularly those from economically weaker families. Therefore, it is essential that all the programmatic interventions under Samagra Shiksha Abhiyan (SSA) and other similar initiatives are implemented in letter and spirit with special focus on socio-economically disadvantaged communities.

(ii) Many children offenders covered under the study had opted out of school when they could not fare well in their studies or because they did not like the environment in schools. Some have also dropped because their parents were not much interested for continuing education of their children. Proper counselling and guidance of these children and their parents should be undertaken by the teachers, concerned functionaries under SSA and other community leaders to prevent dropping out of these children.

(iii) A large number of children after dropping out of their studies get engaged in petty jobs for earning. Some of these children, in absence of proper supervision by parents and also

because of some other circumstantial factors get into committing unlawful acts on their own or at times under peer pressure. Therefore, these working children should be covered under social security network and specific programmes for working children which would not only protect the children from abuse and exploitation but would also ensure their holistic development and keep them away from committing unlawful activities.

(iv) Older children particularly in the age bracket 15-18 years who are out of school need to be provided with meaningful vocational training along with other services under different programmes. This would not only enhance employability but would also ensure to a large extent, that they do not take to the path of delinquent activities. Many such children in absence of engagement in productive work and also due to interplay of some other factors start committing unlawful acts.

(v) Addiction to drugs and other such substances often drive children to commit various types of crimes as has been found in the present study. Therefore, a concerted effort is required from all concerned government and civil society organisations to prevent drugs and substance abuse among children.

(vi) The data in the present study pointed out that in comparison to other communities more children from minority community commit unlawful activities in Assam. However, it has also been revealed that socio-economic condition of large section of people belonging to minority community is rather pathetic. Dropout rate of children from school is high. A very large majority of them live in hard to reach areas where some basic facilities like schools, hospitals, etc. are not available. Due to low educational levels the people follow a lot of superstitious beliefs and practices. Besides, severe financial constraints compel people to lead a harsh life and criminal activities by adults are usually high. Thus, more than religion, a combination of factors create such environment among them that children among them take to committing unlawful acts easily. Therefore, to prevent delinquency among the children in these communities special emphasis should be laid on proper implementation of developmental programmes and spread of education for improving the socio economic condition of minority community in Assam.

(vii) Rampant use of internet and social media have been found to be a contributing factor for increasing unlawful activities by a section of children. Therefore, there is a need for placing some regulations on use of internet and different platforms of social media by children. Parents at home and teachers in schools have some important roles to play in this regard. Children should be counselled and guided both at home and schools for positive use of social media.

(viii) Rehabilitation and reintegration of children in conflict with law is an important issue for dealing with the problem of unlawful activities by children. For this purpose, it is a pre-requisite that the existing mechanisms are strengthened. The present study has brought to light that there are some inadequacies in terms of infrastructures in both Assam and Nagaland. In Assam there is a need for increasing the number of Observation/Special Homes to cater to the children from 33 districts. Likewise, in Nagaland facilities and amenities in these Homes do not meet the minimum standard. Therefore, measures are to be taken by the concerned authorities to improve the infrastructure to ensure proper services to the children and also protection of their rights.

(ix) Inadequate staff in the Homes have led to deterioration of quality of services rendered to the children. Staff strength in these Homes also need to be enhanced in both the states so that it meets the specifications prescribed under JJ Rules.

(x) Training is crucial for proper performance of the roles by different categories of functionaries. However, the present study has found a large number of untrained personnel of different categories in both the states of Assam and Nagaland. Therefore, immediate steps are to be taken for training of untrained functionaries particularly the personnel of Homes, DCPUs, members of JJBs, SJPU, etc.

(xi) Quality of counselling services in the Homes has been found to be not up to the mark for various reasons. In many cases the Counsellors are not trained. They also do not follow the step by step procedure for holding counselling sessions. Some Counsellors do not consult important documents like Social Investigation Report before beginning counselling sessions. In a number of cases it was also found that required infrastructure like separate rooms with child friendly environment are not available in the Home premises for undertaking counselling sessions. Therefore, there is urgent need for up scaling the quality of counselling services by attending to these issues by organising capacity building trainings for the Counsellors.

(xii) It is also important to provide counselling to parents/guardians of children to prevent recurrence of delinquent activities by children and to facilitate the process of rehabilitation and reintegration of children in conflict with law. However, this is not being carried out in a systematic manner. It is to be ensured that parental counselling take place in a regular and systematic manner.

(xiii) It has been found that important documents like Social Investigation Report (SIR), case histories, Individual Care Plan (ICP) are not prepared in all cases by the concerned functionaries in both Assam and Nagaland. This leads to gaps in rehabilitation process of the children in conflict with law. Concerned authorities need to ensure that these documents are meticulously prepared so that each child receives justice and need based intervention for his/her rehabilitation and reintegration.

(xiv) The present study has also brought to light that the large majority of the functionaries do not undertake follow up visits of children under supervision and children who are released to ensure the child does not get back into a difficult situation. In absence of the follow up activities the child is again entrapped into the circumstances which induced him/her to commit unlawful activities and thus the number of repeat offenders has been increasing. Therefore, it becomes utmost necessary to conduct regular follow up visits of children under supervision and children who are released. For this purpose, it is also the responsibility of the concerned authority to make provisions for travel allowances and other dues for the concerned functionaries.

(xv) The quality of vocational training in the Homes has been found to be grossly inadequate. Further, linkages with the appropriate organisations also are not being developed by the authorities concerned. Therefore, it is an urgent requirement that the concerned functionaries of the Homes create linkages with government and non-government organisations providing skill development trainings so that the children in Homes get opportunities for developing employable skills as per their aptitude for ensuring their engagement in productive work for future rehabilitation and reintegration into the society.

(xvi) Huge pendency of cases of children in conflict with law has led to a situation in both the states whereby children have been unnecessary lodged in Observation Homes for a long period depriving them of their rights and also increasing the chances of developing undesirable behavioural problems which often strengthen delinquent tendencies among the children. The major reasons for pendency are regular sittings of the JJBs, delay in submission of reports by police and other concerned officials, non- appearance of witnesses, etc. Therefore, all necessary measures are required to be taken for ensuring speedy disposal of the cases of children offenders of law.

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**NATIONAL INSTITUTE OF  
PUBLIC COOPERATION AND CHILD DEVELOPMENT  
Regional Centre, Guwahati,**



**A Study on Trends of Unlawful Activities Among Children in Assam and Nagaland**

**(Schedule for Case Workers)**

*Instructions for recording responses and filling boxes-*

1. Use pencils, write neatly and clearly.
2. All boxes to be completed. No box to be left empty.
3. Note down clearly the response of the respondent for open ended questions.
4. Multiple responses can be marked for closed ended questions if required.
5. Use codes :(1) for Yes, (2) for No,(9) for Not Applicable and (0) for No Response should be filled in the box given against the question.

1. Name of the respondent: .....

2. Sex: Male:  Female:

3. Age:

4. Contact No.: .....

5. Email: .....

6. Address of the Organisation: .....

7. Education Qualification: .....

8. Length of experience of working in Homes: .....

9. Have you received any training on child rights and protection issues?

9.a) If yes, specify:

Title of the Training	Duration and Date	Training Agency

10. Roles and responsibilities as case worker

- i. Prepare the ICP of each child.
- ii. Prepare the case history of each child.
- iii. Maintenance of medical record of the children.
- iv. Maintain contact with children after their  
release to guide them
- v. Regular visits to residence, places of employment  
or schools attended by children for follow up
- vi. Maintain record of the next date of production  
of the child before the Board
- vii. Attend proceedings of the Board to furnish all  
informations and file all reports.
- viii. Network with voluntary organizations for rehabilitation  
and social integration of the children
- ix. Periodical review of the implementation and  
effectiveness of the ICP and modify the ICP if necessary
- x. Not aware of specific job responsibility
- xi. Preparation of SIR
- xii. Escort children to JJB
- xiii. Any other (Specify)

.....  
.....

11. Do you prepare the case history of the child as per form 43?

11.a) If No, State reasons

- i. Not aware that it has to be maintain in form 43
- ii. Do not know how to prepare as per form 43
- iii. Not oriented
- iv. Forms are not available
- v. Any other (Specify)

12. Do you prepare the ICP on form 7?

- 1. Yes
- 2. No, prepare in different format
- 3. Do not prepare ICP

13. Do you maintain contact with the children after their release for follow up to extend help and guide them?

13.a) If yes, how do you do it?

- i. By visiting them
- ii. By writing to them
- iii. Through phone calls
- iv. Through other functionaries
- v. Any other (Specify)

13. b) Frequency of maintaining contact

- 1. Once in a month
- 2. Once in three month
- 3. No regular schedule

13. c). If no, Reasons:

- i. Due to work load.
- ii. No time
- iii. Too many Children
- iv. No provision for TA/DA
- v. Not aware of the responsibility
- vi. Unable to trace the children
- vii. Children are not cooperative
- viii. Families are not cooperative
- ix. Any other (Specify)

14. Do you network with voluntary organizations for rehabilitation and social integration of the children?

14. a) If no, Reasons

- i. Due to work load.
  - ii. No time
  - iii. Too many Children
  - iv. Not aware that linkages should be established
  - v. No provision for TA/DA
  - vi. Unable to trace the children
  - vii. No such organizations available
  - viii. Positive response is not received from  
voluntary organizations
  - ix. Any other (Specify)
- .....

15. Have you established link with some training institutions for vocational training of the children?

15. a) If no, reasons.

- i. No time
  - ii. Not aware that linkages should be established
  - iii. No such organizations available
  - iv. VTC's does do not respond favourably
  - v. Children stay for a short time (no scope of  
vocational training)
  - vi. Any other (Specify)
- .....
- .....

16. Is there any specific time or seasonality in which children mostly indulge in offences and are brought to these Homes?

16. a) If yes, specify

- i. During festivals.
- ii. During or after some natural calamities.
- iii. During vacations in schools/educational institutions
- iv. Any other, specify

17. Specify the crime/offence that is mostly committed by children admitted to this home.

.....  
.....  
.....

18. According to you what may be the causes/factors that children commit such offences.

- i. Broken homes
- ii. Poor economic condition
- iii. Poor performance in school
- iv. Lack of care and attention from parents
- v. Peer influence
- vi. Mental deficiency
- vii. Negative influence of movies and media
- viii. Criminal background in family
- ix. Victims of past abuse in childhood
- x. Addiction to drugs and liquor
- xi. Violent family atmosphere
- xii. Alcoholic parents
- xiii. Others (Specify)

.....

19. Do the children show unruly behavior in the Home

20. Problems faced by you in discharging the duties as a caseworker

i. No training

ii. No guidance by superintendent

iii. Not aware of specific responsibility

iv. Cannot handle children

v. Pressure of other work

vi. Families of children do not support/cooperate

vii. Other staffs do not cooperate

viii. Any other (specify)

21. Any suggestion

.....  
.....

Signature:

Name of the Investigator:

Date of visit:



**NATIONAL INSTITUTE OF  
PUBLIC COOPERATION AND CHILD DEVELOPMENT  
Regional Centre, Guwahati,**

**A Study on Trends of Unlawful Activities Among Children in Assam and Nagaland**

**(Schedule for the children)**

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**1. Age**

- 1) 8-11
- 2) 12-15
- 3) 16-18

**2. Sex**

- 1) Male
- 2) Female

**3. Religion**

- 1) Hindu
- 2) Christian
- 3) Muslim
- 4) Others

**4. Caste**

- 1) SC/ST
- 2) OBC
- 3) Minority
- 4) Others

5. Educational Status

- 1) Illiterate
- 2) Primary to Vth Std
- 3) VI to X
- 4) Matriculation and above
- 5) Others

6. Whether school drop out

6. a) If yes, reasons for dropping out

- i. School does not open regularly
- ii. Teachers use to criticize/punish too much
- iii. Other Students use to bully me.
- iv. Parents did not consider school necessary
- v. Child did not like school
- vi. Financial problem
- vii. To work to supplement family income
- viii. To look after siblings
- ix. Due to poor performance in schools
- x. Not able to comprehend what teachers teach.
- xi. Lack of toilet facility.
- xii. Poor accessibility to school
- xiii. Stop going to school after menarche
- xiv. Unable to cope up with the syllabus.
- xv. Others (Specify)

7. If you are not going to school what do you do

- i. Engaged in work
- ii. Watch film and pornographic literature
- iii. Use of drugs and alcohol
- iv. Spend time with friends
- v. Others, specify

8. Residence

- 1. Rural
- 2. Urban
- 3. Semi urban

9. Have you and your family migrated from other places?

10. Total members in the family

- 1) Upto 4 members
- 2) 5-7 members
- 3) 8 and above

11. Type of family

- 1) Joint/Extended
- 2) Nuclear

12. At the time of committing the offence whether you were staying with the family?

12. a) If No, where did you stayed?

- 1) Hostel
- 2) Streets
- 3) Relatives place
- 4) Others, specify

13. Family status

- 1) Parents alive
- 2) Death of father /mother
- 3) Having step father/mother
- 4) Both parents dead
- 5) Broken family
- 6) No family
- 7) Single parent family
- 8) Others (specify)

14. Education level of the parents.

S.L.	Education Level	Mother	Father
1	Illiterate		
2	Primary		
3	Matriculate		
4	Higher Secondary		
5	Graduate		
6	Post Graduate		
7	Others (Specify)		

15. Occupation of your Parents

S.L.	Occupation Level	Mother	Father
1	Business		
2	Domestic Workers		
3	Service in Government sector		
4	Service in Private sector		
5	Petty shops		
6	Daily wage earner		
7	Farmer		
8	Others (Specify)		

16. Monthly income of the family from all sources

- 1) upto 5000
- 2) 6000-10,000
- 3) 11,000-15,000
- 4) 16,000-20,000
- 5) more than 20,000

17. Type of offence committed

- i. Theft
- ii. Dacoity
- iii. Criminal trespass and Burglary
- iv. Stalking
- v. Rape

- vi. Attempt to rape
- vii. Murder
- viii. Attempt to murder
- ix. Trafficking
- x. Culpable Homicide not amounting to murder
- xi. Causing Death by negligence
- xii. Grievous Hurt
- xiii. Causing Simple & Grievous Injuries  
under Rash Driving
- xiv. Rioting
- xv. Assault on Women with Intent To  
Outrage Her Modesty
- xvi. Sexual Harassment
- xvii. Voyeurism
- xviii. Extortion
- xix. Insult to Modesty of Women
- xx. Others

18. Did you come to Observation Home for the first time?

18. a) If no, what was/were the charges for which you were earlier sent to Observation Home?

1) Same

2) Others, specify

19. Did you commit the offence alone or in group?

1) Alone

2) With group

19.a) If with group, then who were involved/helped in the offence

i. Friends

ii. Relatives

iii. Neighbours

iv. Parents/other family members

v. Strangers

vi. Religious Leaders

vii. Any others (Specify)

20. Did anybody influence/ instigate/ encouraged you to indulge in unlawful activities?

20.a) If yes, specify

- i. Family members
- ii. Relatives
- iii. Friends
- iv. Strangers
- v. Religious Leaders
- vi. Others

21. What was the motive behind committing such offence(s)?

- i. To earn money
- ii. To fulfill some desires
- iii. To earn a living
- iv. Influenced by movies/T.V
- v. Influenced by internet (facebook and other social media)
- vi. For fun
- vii. To take revenge on someone
- viii. Under peer pressure
- ix. To assert/establish my capability and strength
- x. Influenced by family members/ elders
- xi. Influenced by similar acts by others in the locality
- xii. To meet expenses of drug/alcohol/Cigarette etc.
- xiii. I did not do it, I was wrongly framed
- xiv. Others, specify

22. How was your relation with your parents?

- 1) Good with father
- 2) Good with mother
- 3) Good with both
- 4) Not good with father
- 5) Not good with mother
- 6) Not good with both

23. How was your relation with your neighbours?

- 1) Good
- 2) Not good
- 3) Just cordial
- 4) No contact/ communication

24. Do you think your parents/guardian have shown adequate affection towards you?

24.a) If No, reasons:

- i. Busy with themselves
- ii. Alcoholic parents
- iii. Self centered parents
- iv. Quarreling parents
- v. Too many children
- vi. Step mother/father
- vii. Ant other (specify)


25. Has any member of your family being charged with committing any kind of unlawful Act / crime?

25. a). If yes, relation with the person and type of crime

.....

.....

26. Since how long you have been in the Home?

.....

27. Are you satisfied with the food and basic amenities available in the home?

27.a) If no, what are the amenities that are not available and also not adequate?

Amenities	Available	Available but not adequate
Bathroom		
Toilet		
Sick room/ First-aid room		
Dining Hall		
Kitchen		
Class Room		
Library		
Counseling and guidance room		
Recreation room		

28. What are the recreational activities that you are engaged in this Home?

- i. Reading books
- ii. Play with inmates
- iii. Use of TV, Radio
- iv. Indoor games
- v. Outdoor games

6) Others

29. Are you getting facilities for pursuing your studies here?

30. Does the home provide you any vocational training?

31. Are you satisfied with the vocational training facilities available in the home?

32. Do you receive any counselling?

32. a) If yes, How it has benefitted you

- i. Able to control my anger
- ii. Improve self confidence
- iii. Feel motivated
- iv. Got new meaning to my life
- v. Able to respect my elders
- vi. Coped up with my emotions
- vii. Want to do good for the society
- viii. Improve my interpersonal skills
- ix. Make priorities in my life
- x. Any other (specify)

33. Do your parents/guardian visit the home?

33.a) If yes, frequency of visit

- 1) Once in a month
- 2) Once in two month
- 3) Quarterly
- 4) Once during the entire duration
- 5) No particular schedule.

34. Problems faced by you in Homes

- i. Environment is not friendly
- ii. Too much discipline
- iii. No appropriate toilet facilities
- iv. Food is not good
- v. Indifferent attitude of care givers
- vi. Care givers are rude
- vii. Poor recreational facilities
- viii. Bullying by other and elderly children
- ix. Others specify

Signature:

Name of the Investigator:

Date of visit:



**NATIONAL INSTITUTE OF  
PUBLIC COOPERATION AND CHILD DEVELOPMENT  
Regional Centre, Guwahati,**



**A Study on Trends of Unlawful Activities Among Children in Assam and Nagaland  
(Schedule for Counsellor)**

*Instructions for recording responses and filling boxes-*

1. Use pencils, write neatly and clearly.
2. All boxes to be completed. No box to be left empty.
3. Note down clearly the response of the respondent for open ended questions.
4. Multiple responses can be marked for closed ended questions if required.
5. Use codes :(1) for Yes, (2) for No,(9) for Not Applicable and (0) for No Response should be filled in the box given against the question..

1. Name of the respondent: .....

2. Sex: Male:  Female:

3. Age:

4. Contact No.: .....

5. Email: .....

6. Name and Address of the Home: .....

7. Education Qualification: .....

8. Length of experience of working in Homes: .....

9. Have you received any training after joining as Counsellor:

9.a) If yes, specify:

Title of the Training	Duration and Date	Training Agency

10. Do you develop and follow a schedule of counseling for each specific child?

10. a) If Yes, on what basis the schedule is developed?

- 1) Based on the severity of crimes carried out by the children.
- 2) Based on the behavioural problem manifested by the child (Anger, Aggression, Bed wetting, Self injurious behaviours, Disruptive behaviours, Sleep Problems, etc.,).
- 3) Based on the trauma (Emotional Aspects) suffered by the child.
- 4) Others (Specify)

.....  
.....

11. Do you think that the children with certain mental Status and personality are more prone to commit crimes?

11. a) If Yes, what kind of mental health problems?

- 1) Children exhibiting behavioural Problems.
- 2) Intellectually Disabled Children / Slow Learners.
- 3) Children with conduct disorders.
- 4) Children with ADHD.
- 5) Children who are Introvert/Shy.
- 6) Children with Oppositional Defiant Disorders.
- 7) Any Others (Specify).

.....

12. Do you see any changes in the children's behaviour after counselling?

- 1) Significant changes are observed.
- 2) Slight changes are observed.
- 3) Observed no changes.

13. What are the emotional/behavioral/psychological problems manifested by the children in the Homes?

- i. Depression
- ii. Anxiety Disorder
- iii. Post Traumatic Stress Disorder

- iv. Selective Mutism
- v. Anger Outburst
- vi. Masturbation
- vii. Tendency to tell lie
- viii. Home Sickness
- ix. Seeking attention for love and care
- x. Quarrelling and fighting with other children
- xi. Any Other (Specify)

14. Do you go through the SIR or other backgrounds of the child before beginning the counseling sessions?

15. Do you provide counseling to parents/guardians whenever required?

- 1) Yes
- 2) No
- 3) Only Occasionally

16. As per your observation how would you classify the relationship between the child and the parents?

- 1) Usually Warm
- 2) Usually Cordial
- 3) Usually Strained
- 4) Usually non cordial
- 5) Usually comfortable

17. Do you face any problem in carrying out the counselling service?

17.a) If, yes what kinds of problem do you face:

- 1) The children do not cooperate
- 2) The authority does not give much importance to counseling services
- 3) Time constrains
- 4) Lack of infrastructure
- 5) Too many children to be attended
- 6) Lack of training
- 7) Lack of support from other functionaries of the home

8) Others (Specify)

.....

Signature:

Name of the Investigator:

Date of visit



**NATIONAL INSTITUTE OF  
PUBLIC COOPERATION AND CHILD DEVELOPMENT  
Regional Centre, Guwahati,**



**A Study on Trends of Unlawful Activities Among Children in Assam and Nagaland**

**(Schedule for Member of JJB)**

*Instructions for recording responses and filling boxes-*

1. Use pencils, write neatly and clearly.
2. All boxes to be completed. No box to be left empty.
3. Note down clearly the response of the respondent for open ended questions
4. Multiple responses can be marked for closed ended questions if required.
5. Use code: (1) for Yes, (2) for No,(9) for Not Applicable and (0) for No Response should be filled in the box given against the question.

1. Name of the respondent: .....

2. Sex: Male:  Female:

3. Age:

4. Contact No.: .....

5. Email: .....

6. District of the JJB:.....

7. Education Qualification: .....

8. Date of appointment:.....

9. Since how long have you been working as the member in the JJ Board?

.....

10. Are all three members of the Board in position presently?

10.a) If No, (Specify):

.....  
.....

11. Have you received any training after joining as member of JJB:

11.a) If yes, did you received the training in first sixty days of your tenure

11.b) Specify

Type of the Training		Duration and Date	Training Agency
Induction training			
Sensitization training			
Both			

12. Do the Board sit on all working days for a minimum of six hours?

12. a) If No, specify reasons:

- i. Principal Magistrate not free from his regular work
- ii. Number of cases is less
- iii. Proper infrastructure facility is not available
- iv. Sitting honorarium not received regularly
- v. Notification by the state government is only for a fixed number of days
- vi. Social worker members cannot spare time on all the days.
- vii. All three members are not able to sit at the same time.
- viii. Number of sitting in a month depends on pendency of cases
- ix. Any other (Specify)

13. Does the Board receive the services of any of the following supportive staffs to deal with the cases?

- i. Translator
- ii. Interpreter
- iii. Special Educator
- iv. None of them
- v. Any other, specify

14. Do you get the required support from the DCPU while dealing with the case?

- i. Maintain report of quarterly information sent by the JJB.
- ii. Creating a resource directory and providing the information to the JJB from time to time.
- iii. Provide secretarial staff to the Board.
- iv. Helps in notifying about a vacancy in Board to the State Government.
- v. Support t from LPO in conducting inquiries.
- vi. Provide reports from time to time by LPO
- vii. Any other, specify

15. Do you receive honorarium for per sitting regularly?

16. Do you issue rehabilitation card in form 14 (whenever required) to monitor the progress made by the child?

17. Do you ensure that the Legal cum Probation Officer in the DCPU and The State or District Legal Aid Services Authority extends free legal services to the children?

18. Do you maintain a suggestion box or grievance redressal box in the premises of the Board?

19. Do you check and review the children's suggestion box regularly?

19.a) If Yes, what is the frequency?

- i. Once in a month
- ii. Quarterly
- iii. Once in six months
- iv. Once in a year
- v. No fixed schedule

19. b) What actions are taken for the suggestions received from children.

- i. Discuss with staff of home
- ii. Discuss with children
- iii. Tries to implement and follow the suggestions
- iv. Ignore the suggestions as mostly these are impractical
- v. Refer the suggestions to higher authorities
- vi. Place the suggestions before the inspection committee
- vii. Any other (specify)

19. c) If No, Reasons:

- i. Usually no suggestions are received from children
- ii. No time
- iii. Suggestions are generally impractical
- iv. No such instructions from authority
- v. Any other

20. Number of cases pending under your JJB?

21. Reasons for pendency of cases

- i. Enquiry could not be completed due to non availability of essential reports or documents
- ii. All members are not present
- iii. All members do not attend all the meetings
- iv. The police and other concerned officials do not submit report on time
- v. Principal Magistrate is pre occupied with other cases
- vi. Children are not produced
- vii. Witnesses do not appear on time
- viii. Any other (Specify)

22. Do you interact with the Boards in other districts to facilitate speedy inquiry and disposal of cases?

23. How many cases on average come before the Board in a month?

.....

24. Among these cases children mostly come from which background?

1) Rural

2) Urban

25. Do you get cases of repeated offenders?

26. What are the type of offences committed by children produced by you. (Please sequence in order of highest to lowest frequency of occurrence)?

27. According to you what may be the possible factors for which these children indulged in committing unlawful activity:

28. Problems encountered by you while dealing with the cases of children:

- i. Non cooperation by the children
- ii. Non cooperation by parents/guardians
- iii. Non cooperation by the other members of JJBs.
- iv. Too many cases to be dealt with at a time.
- v. Pressure of other duties.
- vi. Lack of training.
- vii. Non cooperation by the staff of Homes.
- viii. Lack of support from other staffs of DCPU.
- ix. Lack of support from SJPU.
- x. Delay in submission of SIR.
- xi. Others (Specify)

29. Any suggestions for improving the working of JJBs.

.....

.....

.....

Signature:

Name of the Investigator:

Date of visit



**NATIONAL INSTITUTE OF  
PUBLIC COOPERATION AND CHILD DEVELOPMENT**  
Regional Centre, Guwahati,



**A Study on Trends of Unlawful Activities Among Children in Assam and Nagaland**

**(Schedule for Member of JJB)**

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28. Problems encountered by you while dealing with the cases of children:

- i. Non cooperation by the children
- ii. Non cooperation by parents/guardians
- iii. Non cooperation by the other members of JJBs.
- iv. Too many cases to be dealt with at a time.
- v. Pressure of other duties.
- vi. Lack of training.
- vii. Non cooperation by the staff of Homes.
- viii. Lack of support from other staffs of DCPU.
- ix. Lack of support from SJPU.
- x. Delay in submission of SIR.
- xi. Others (Specify)

29. Any suggestions for improving the working of JJBs.

.....

.....

.....

Signature:

Name of the Investigator:

Date of visit



**NATIONAL INSTITUTE OF  
PUBLIC COOPERATION AND CHILD DEVELOPMENT  
Regional Centre, Guwahati,**



**A Study on Trends of Unlawful Activities Among Children in Assam and Nagaland**

**(Schedule for Legal cum Probation Officer)**

*Instructions for recording responses and filling boxes-*

1. Use pencils, write neatly and clearly.
2. All boxes to be completed. No box to be left empty.
3. Note down clearly the response of the respondent for open ended questions.
4. Multiple responses can be marked for closed ended questions if required.
5. Use codes :(1) for Yes, (2) for No,(9) for Not Applicable and (0) for No Response should be filled in the box given against the question.

1. Name of the respondent: .....

2. Sex: Male:  Female:

3. Age:

4. Contact No.: .....

5. Email: .....

6. Name and Address of the Organisation:.....

7. Education Qualification: .....

8. Length of experience: .....

9. Have you received any training after joining as LPO:

9.a) If yes, specify:

Title of the Training	Duration and Date	Training Agency

10. Do you attend the proceedings of the JJB regularly?

10.a) If No, why?

.....

.....

.....

.....

11. Do you support the JJB while conducting inquiries?

12. Do you prepare the social investigation report of the children?

12.a) If No, reasons:

- i. Do not know how to prepare
- ii. Not aware that SIR is to be prepared by self
- iii. No time
- iv. Pressure of other works
- v. Any other, specify

13. Do you interact or interview the family members for preparing the SIR.

- 1) Yes
- 2) No
- 3) Not Applicable

14. Do you maintain case file of the juveniles?

14.a) If No, specify reasons:

- i. Because files are maintained in homes
- ii. Don't have the knowledge
- iii. Not being trained to maintain the records
- iv. Mostly the JJBs maintain the report
- v. Any other (Specify)

15. Do you undertake follow up visits of juveniles who are released?

15.a) If No, specify reasons:

- i. Due to work load
- ii. No time
- iii. Too many Children
- iv. No provision for TA/DA
- v. Not aware of the responsibility
- vi. Unable to trace the children
- vii. Any other (Specify)

16. Do you take any step to establish linkages with voluntary sector for facilitating rehabilitation and social reintegration of juveniles?

16.a) If No, reasons:

- i. Not aware that linkages should be established for this purpose
- ii. No Time
- iii. Pressure of other work
- iv. No Such organization available
- v. Positive response is not received from Voluntary Organisations for this purpose

17. Do you facilitate for providing free legal aid services for the children?

17.a) If No, reasons:

- i. Not aware about the responsibility.
- ii. DLSA is not supportive.
- iii. Children/ Guardian do not want to  
take legal aid services.
- iv. Any other, specify

18. Do you provide the necessary support to the CWC and JJB in the legal matters relating to all children?

18.a) If Yes, specify

- i. During heavy caseload of the JJB/CWC
- ii. Support JJB in conducting inquiries
- iii. Escort juveniles to a home/fit person/fit  
institution from JJB
- iv. Any other, specify

18.b) If No, then specify:

.....  
.....  
.....

19. What are the common cause of delay in completion of an enquiry?

- i. JJB does not sit regularly
- ii. Too many cases
- iii. Timely and adequate support from  
police is not received
- iv. Documentation and preparation of necessary  
reports takes long time.
- v. Inadequate staff and support from DCPU delays  
the process of enquiry
- vi. Any other specify

20. Problem faced by you in dealing with the cases of juveniles:

- i. Non cooperation by the children
- ii. Non cooperation by parents/guardians
- iii. Non cooperation by the members of JJBs
- iv. Too many cases to be dealt with at a time
- v. Pressure of other duties
- vi. Lack of training
- vii. Non cooperation by the staff of Homes
- viii. Lack of support from other staffs of DCPU.
- ix. Any other specify

Signature:

Name of the Investigator:

Date of visit



NATIONAL INSTITUTE OF  
PUBLIC COOPERATION AND CHILD DEVELOPMENT  
Regional Centre, Guwahati,



A Study on Trends of Unlawful Activities Among Children in Assam and Nagaland

(Schedule for SJPU)

*Instructions for recording responses and filling boxes-*

1. Use pencils, write neatly and clearly.
2. All boxes to be completed. No box to be left empty.
3. Note down clearly the response of the respondent for open ended questions.

1. Name of the respondent: .....

2. Sex: Male:  Female:

3. Age:

4. Contact No.: .....

5. Since when are you the member of SJPU: .....

6. Have you got any training to deal with matters of children

1) Yes

2) No

7. If yes, type of training received Orientation to the JJ Act and the rules made there under

1) Orientation to child rights and protection issues

2) Received orientation to the subject as a part of police training

3) Any other (Specify)

8. Do you immediately inform the parents/ guardians that their child has been apprehended?

9. In case you cannot trace the parents/ guardians of the child what step do you take?

.....  
.....  
.....

10. Do you produce the child before the Board within twenty-four hour of his apprehension?

11. Do you prepare the social background report of the child in form 1?

11. a) If No, Specify .....

12. Do you receive any funds required to provide basic amenities and medical care to the child while they are in your charge?

13. In your locality what are the type of crime that you usually come across most frequently? (Please sequence in order of highest to lowest frequency of occurrence).

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)

14. Do you think that the street children or children without parents commit more crime?

14.a) What are the reasons behind in your opinion?

.....  
.....  
.....

15. In what type of cases do you register FIR of children?

- 1) Petty offence
- 2) Serious offence
- 3) Heinous offences

16. In other offences do you prepare the general diary?

- 1. Yes
- 2. No

17. Is there any seasonality of children committing crime.

- 1. Yes
- 2. No

17.a) If yes, when

- i. During festivals
- ii. During or after natural/manmade calamities
- iii. During vacations in schools/educational institutions
- iv. Any other (specify)

18. Do you think offences committed by children have increased over the years.

18. a) If yes, state reasons

- i. Rampant use of internet and other social media.
- ii. Due to urbanization
- iii. Due to large scale migration from rural to urban areas
- iv. Parents losing control over children
- v. Parental negligence

vi. Breaking down of joint families

vii. Due to increase in drug and substance abuse among children

viii. Influence of cinema and TV

ix. Due to change in value system in society

x. Any other (specify)

19. How often you find repeat offenders?

1. Frequently

2. Occasionally

3. Very occasionally

4. Never

20. Problem faced by you while dealing with the child

i. Difficulty to trace parents

ii. Arranging safe shelter for children in some cases

iii. Problem of other duties hamper in taking care of children

iv. No guidance from superior

v. Sometimes it is difficult to follow the legal procedure

vi. Any other (specify)

Signature:

Name of the Investigator:

Date of visit :



**NATIONAL INSTITUTE OF  
PUBLIC COOPERATION AND CHILD DEVELOPMENT  
Regional Centre, Guwahati,**



**A Study on Trends of Unlawful Activities Among Children in Assam and Nagaland**

**(Schedule for Superintendent)**

*Instructions for recording responses and filling boxes-*

1. Use pencils, write neatly and clearly.
2. All boxes to be completed. No box to be left empty.
3. Note down clearly the response of the respondent for open ended questions.
4. Multiple responses can be marked for closed ended questions if required.
5. Use codes :(1) for Yes, (2) for No,(9) for Not Applicable and (0) for No Response should be filled in the box given against the question.

1. Name of the respondent: .....

2. Sex: Male:  Female:

3. Age:

4. Contact No.: .....

5. Email: .....

6. Name and Address of the Home:

.....  
.....  
.....

7. Educational Qualification: .....

8. Length of experience of working in Home: .....

9. Have you received any training on child rights and protection issues?

9. a) If yes, specify:

Title of the Training	Duration and Date	Training Agency

10. What are your responsibilities in terms of management of Home and children?

- i. Overall supervision of the Home and children.
- ii. Ensure that the child is produced before the JJB.
- iii. Supervising the disciplining of the children.
- iv. Ensure proper and timely maintenance of case files.
- v. Liaise, Co-ordinate and Co-operate with the SCPS  
and DCPU when required.
- vi. Maintenance of all records and registers.
- vii. Providing/arranging linkages with some organizations  
to provide vocational trainings to the children.
- viii. Others (Specify).

.....

11. Does your Home have linkages with some organizations to provide vocational trainings to the children?

11.a) If yes, what type of vocational training do you provide?

.....  
.....

12. Do you have all the prescribed manpower in your Home to provide services to the children?

12.a) If No, specify who are not in position.

- i. Counsellor
- ii. Case Worker
- iii. House Mother/Father
- iv. Paramedical staff
- v. Cook/Helper
- vi. Security Guard
- vii. Any other (Specify)

13. Difficulties faced due to shortage of manpower

- i. Problem in preparing the ICP.
- ii. Preparing the case file of the child.
- iii. Providing counseling to children.
- iv. Maintaining discipline among the children.
- v. Maintenance of records and registers
- vi. Ensuring safety and security of children
- vii. Others (Specify)

.....

14. Training status of the present staffs in the Home (number)

- 1. Trained
- 2. Untrained

14.a) If untrained who are those

- 1.....
- 2.....
- 3.....
- 4.....

14. b) If untrained, do you provide them any kind of training at your level?

15. Who prepare the social investigation report of every child when he/she is brought to the Home?

i. Case Worker/Social Worker

ii. Legal cum probation officer

iii. Counselor

iv. Others (Specify)

16. Is the counselor attached to the home

1. Full time

9. Not Applicable

17. Who does the counseling in the home in case it does not have a counselor ?

1. Superintendent

2. Caseworker

9. Not Applicable

18. Does the counselor take counseling sessions regularly?

18.a) If No, reasons.

i. The children do not cooperate

ii. Time constrains

iii. Lack of infrastructure

iv. Too many children to be attended

v. Lack of training

vi. Counselor is unable to address difficult children

vii. Unable to counsel children as they stay for very short period

viii. Counselor having dual charge.

ix. Others (Specify)

.....  
.....

19. Do you also counsel the children?

19. a) If Yes, in what manner?

1) Regularly

2) Occasionally

3) If need arises

20. Problems faced by you in terms of managing the children of the Home.

i. Unruly Children

ii. Difficulty in managing children with special needs

iii. Managing children exhibiting sexual problems

iv. Managing quarrels among children

v. Habit of lying

vi. Bullying of younger children by elderly children

vii. Exhibiting Disruptive behaviours

viii. Exhibiting self harm behaviour/suicidal tendency

ix. Sexual abuse of younger children by elderly children

x. Lack of parental support

xi. Others(Specify)

21. Problems faced by you in terms of functioning of the Home.

i. Irregularity of staffs

ii. Punctuality of staffs

iii. Inadequate infrastructure

iv. Lack of funds

v. Lack of proper training of the staffs

vi. Non cooperation from the Parent Departments

vii. Non cooperation from Police

viii. Non cooperation from JJB

ix. Others (Specify)

Signature:

Name of the Investigator:

Date of visit:



**NATIONAL INSTITUTE OF  
PUBLIC COOPERATION AND CHILD DEVELOPMENT  
Regional Centre, Guwahati.**



**A Study on Trends of Unlawful Activities Among Children in Assam and Nagaland**

**(Observation Checklist)**

*Instructions for recording responses and filling boxes-*

1. Use pencils, write neatly and clearly.
2. All boxes to be completed. No box to be left empty.
3. Note down clearly the response of the respondent for open ended questions.
4. Multiple responses can be marked for closed ended questions if required.
5. Use codes : (1) for Yes, (2) for No, (9) for Not Applicable and (0) for No Response should be filled in the box given against the question

1. Name of the Observation Home: .....

2. Address with PIN No: .....

.....

3. Contact Numbers: .....

4. CCI run by:

i. Government

ii. NGO

5. Type of CCI:

i. Observation Home

ii. Special Home

iii. Place of safety

6. Is it a home for :

i. Girls

ii. Boy

iii. Both boys and girls

7. If the Home is for both boys and girls, is there separate arrangement for boys and girls with regard to :

- i. Dormitory
- ii. Toilets and Bathrooms
- iii. Dining Hall
- iv. Recreation Room

8. Number of Dormitories available: .....

9. Number of cots in each dormitories: .....

10. Whether adequate space in the dormitory :

11. Availability of basic facilities in the dormitories :

- i. Ventilation
- ii. Lights
- iii. Fans
- iv. Essential Furniture

(Cupboards, Table, Chair/Stool etc)

12. Check list of different facilities available in the Home:

Facility	1 Yes ; 2 No	Number Available
Bathroom		
Toilet		
Sick room/ First-aid room		
Dining Hall		
Kitchen		
Class Room		
Library		
Counseling and guidance room		
Recreation room		
Room for CWC/JJB		
Office room		
Store		

13. Details of the counseling room:

- i. Charts displayed
- ii. Furniture
- iii. Any other (Specify)

14. Is there outdoor space available for the children to play:

15. What are the recreation facilities available:

.....

16. What are the vocational training facilities available for the children at the home:

.....

17. Hygiene Aspects of the Home:

Hygiene aspects	Very Good	Good	Poor	Remarks
Cleanliness and personal hygiene among children				
Cleanliness of campus				
Cleanliness of Dormitories				
Cleanliness of Toilet				

18. Daily routine (Whether Displayed)

19. Number of children and other important informations (Whether Displayed)

20. General mood of children at the time of visit:

.....  
.....

21. General mood of functionaries at the time of visit:

.....  
.....

22. Any other observation:

.....  
.....  
.....  
.....

Signature:

Name of the Investigator:

Date of visit: