

Challenges faced by the Children and Officials in the Observation Home: A Qualitative Assessment

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Abstract

India is home to almost 19 per cent of the world's children. According to one assumption, 40 per cent of the children are in need of care and protection, which indicates the extent of the problem (Chandrakant, 2008). The child in conflict with law, vagrant, run away, missing and several children come in conduct with observation home. Observation homes play a crucial role in the juvenile justice system, emphasizing the need for, reformation, rehabilitation and reintegration of tender's deviant into society. It is important for these facilities to operate in accordance with the principles outlined in the Juvenile Justice (Care and Protection of Children) Act, 2015 to ensure the rights and well-being of children under their care. But, during these operation less attentions is given to the officer's dealing with the child in conflict with law. This study focuses on the challenges faced by the officer's dealing children in the observation home at Tirunelveli city. This study torch the lights on the physical and psychological impact of the officer's dealing with the child in conflict with law. On the other hand researcher focuses on factors which push the children to committee the crime(s). The researcher used the purposive sampling method a form of non-probability sampling techniques to collect data. The data was collected among dedicated team of professionals, including children, warden, psychologists, counsellors, and other specialists, who work together to create a safe and supportive environment

for the inmate in the observation home in the Tirunelveli city. Further, the researcher suggests some valuable suggestions and workable solutions to overcome the challenges faced by the officer's dealing with the children in the observation home.

Key word: observation home, changes faced by the officers, Prevention Techniques

Introduction

Observation homes in India serve as crucial institutions in the juvenile justice designed to provide temporary shelter and care for children who come in contact with the home. The administration of these homes is a complex and delicate task, requiring a blend of compassion, expertise, and a deep understanding of juvenile rehabilitation. The administration of observation homes in India is governed by the Juvenile Justice (Care and Protection of Children) Act, 2015 which outlines the guidelines and procedures for the care, protection, and rehabilitation of children in conflict with the law. Incidences of vagrancy, delinquency and crime have been growing among steadily among the juvenile population in the last few decade. Various studies have revealed the presence of difficult family environment, peer group influence, lower socio-economic status, and low parental education associated with psychiatric morbidity in children (Bhoge et al., 2017).

The administration of observation homes involves a dedicated team of professionals, including social workers, psychologists, counsellors, and other specialists, who work together to create a safe and supportive environment for the residents. These professionals play a pivotal role in understanding the unique needs of each juvenile, addressing their psychological and emotional well-being, and providing them with opportunities for education, vocational training, and skill development. Joshi and Singh (2023) state that 6.66 percent of juvenile offenders were wrestling with the formidable burden of severe depression. The study further underscores a significant disparity in depression levels among juvenile offenders when considering gender as a key factor.

As a whole, the administration of observation homes focuses on fostering a rehabilitative approach rather than a punitive one. It emphasizes the importance of reintegrating children into society as responsible and productive citizens. According to Dora and Balasubramanian (2021) the reading habits of children in observation homes in Tamil Nadu, India, can improve their knowledge, vocabulary, and capacity for internal reflection, benefiting their overall development. The staff members in these homes are trained to handle children with care, ensuring their rights are protected, and offering them guidance and support to help them overcome their challenges.

In recent years, there has been a growing recognition of the significance of effective administration in observation homes. Various governmental and non-governmental organizations are working collaboratively to enhance the quality of care and support provided to juvenile residents. By addressing the unique needs of each child and tailoring rehabilitation programs accordingly, the administration of observation homes in India plays a vital role in shaping the future of these children, offering them a chance for redemption and a better life. The functional aspects of these homes can be understood only from regional ones.

Need of the study

In the contemporary days the crimes against the children are increasing day by day. The study was conducted to understand the functional relationship between children and officials in observation homes. It is a critical factor in the rehabilitation and reintegration of young offenders into society. Observation homes, often the first point of contact for children with the justice system, plays an important role in shaping their future behaviors and attitudes. It helps in promoting positive behavioural change, improving rehabilitation outcomes, ensuring the protection of human rights, informing policy and practice, enhancing staff training, creating a supportive environment, identifying challenges, and optimizing resource allocation. This study aims to provide comprehensive insights that can lead to the betterment of observation homes and the welfare of the children in observation homes.

Methodology

Objective of the study

- 1) To study the functional relationship between the officers and children in the observation home.
- 2) To study the challenges faced by the officials in the observation home.
- 3) To study the techniques used by the officials in the observation home in handling the tender children.

Research Design

This research is descriptive research with a qualitative approach. After each interview, the outcome of the interview is recorded by the researcher.

Participant

The sample of the study were juveniles and officials in the observation home. There were two phase of the interview for data collection. The first Phase interview were recruited using convenience sample of non-probable sampling technique from 16 juveniles to know the factors influencing them to commit crimes and the challenges they faced in the observation home. The second phase of interview were recruited using purposive sampling of non-probability sampling technique was adapted to collect the data from 7 officials working in the observation home.

Data collection

The researcher used unstructured interview schedule. Two separate interview schedule were developed for juvenile and official by the researchers among in conjunction with input from experts on juvenile delinquency and observation home managements. The face validity method was used to check the validity of tool by experts. The questions were developed based on the review of existing literature on observation home and official's working in observation home. In-depth interview were conducted by the researchers among the Juvenile and Administrative officials of observation home in the Tirunelveli city. Focused group discussion carried lasted between two to three hours among the children. Followed by, interview between each official last for 15 to 30 mins.

Table
Core Interview Question

| | Juvenile Interview | | Official Interview |
|----|--|----|--|
| 1) | Do you have loan parent? | 1) | What are the barriers faced by the official members in the observation home? |
| 2) | Did your family member has the criminal back ground? | 2) | What are the techniques you used handling the children? |
| 3) | What is your family/ society role in making you as a criminal? | 3) | What push the juvenile to escape him from the observation home? |
| 4) | Have you ever went to school before? | 4) | What will be the psychological effect of the children in the observation home? |
| 5) | Do you aware about the punishment before? | 5) | Did the juvenile really felt the guilt from their crime? |
| 6) | What are the challenges you faced in the observation home? | 6) | Did the juvenile built gang inside the observation home in based upon their community? |
| 7) | Will you commit the crime once again? | 7) | What are the challenged you faced while handling the habitual children? |

Consolidated Major Finding

The below statements are made by the warden, teachers & children of the observation home during the data collection.

“I feel very difficult to handle juvenile because they were very aggressive” [Warden Age - 49 year]

Furthermore, the juveniles were using abusive words and they were aggressive. According to Juvenile Justice Act (2015), we should not use any third-degree punishment on the juvenile including hate speech. It was very hard to handle them because they were physically stronger and masculine than us. Similarly, the study conducted by Edens et al. (2005) stated that psychopathy

measures show a moderate association with various forms of aggression in children while we try to channel them.

“Every day when they called, they asked Sir, Did you have drug? I just replied ‘No’. Telling no will too much stress them” [Warden Age - 52 year]

Usually, children were asking for drugs to the warden. And mentioning that their siblings and friends were provided drugs in the prison but they didn't. This might affect them psychologically because these people were depend upon the drugs. While we refuse to give them drugs they will go through depression, stress and anxiety. According to the study conducted by Pratama et al. (2023) Underage children engaging in narcotics business with evil consent can cause physical and psychological suffering, and child protection laws must ensure their rights are fulfilled.

“Juvenile tends to escape from the observation home while there friends left them” [Warden Age - 52 year]

The Juvenile who have the family support will get rid from the observation home as much as quick possible. But, the juvenile who have lack of family support supposed to stay over a long period in the observation home. While see their own friends leaving them they might get disturbed and they have planned several times to escape from the observation home.

“I get shocked, I when came across the juvenile who has accused for stealing RS.100 from the perist” [Warden Age - 49 year]

Juvenile get accused by their own family member for violation of norms or laws. They think by keeping them in the observation home it can change their life and they have no awareness about the criminal behaviour is learnt. Contradictor to that the study conducted by Kirigin et al. (1892) reviled that teaching-family group home treatment programs for juvenile offenders show a reduction in criminal offenses during treatment, but no significant differences in non-criminal offenses.

“I faced challenges while handling habitual offenders because they know about us well. If they had been cooperative (children), I would have been happier to join them and I wish I could help all of them by sharing my knowledge. Mostly children in the observation home used to shout a lot while I enter the class. They don't want to be in the class and they want to leave from here as much quick its possible. They were not willing to attain the class because they feel bored here” [Teacher Age - 38 year]

The habitual offender know well about the members of the observation home because they were much familiar about the rules and regulation of the home. They might teach this things to the new children too. Similarly study, conducted by Autism et al. (2022) states that special education teachers face barriers such as lack of training, inadequate support, and challenging behaviours in

handling children in special education classrooms, impacting student learning and teacher well-being.

“In many case the juvenile will not understand guilt for their act. I think they might feel pride for their deviant act. Another big issues is both habitual offender and first time offender are kept in the same room, So that they may get offended (or) learn criminal behaviour from other” [Teacher Age - 42 year]

Majority of the juvenile were very happy about their act. Because, they were illiterate and they might feel pride of their action and they get attentions from friends and family members. The children who were in the observation home should be separated or compartmental according to the offences. It will prevent them to committee crime in upcoming days.

“I am getting stress from this job related issues. I am very busy with my job I am not recovered yet. I have to travel a lot to monitor the juvenile who left from the observation home. They were lot of vaccines in the observation home which have to fulfill by the government to reduce the work pressure” [Probation Officer Age - 37 Years]

Probation officer felt very hard to manage and follow the children in reintegration process. Because, there is only one probation officer for entire southern region (Tamil Nadu, Tutucorin, Kanyakumari, Thenkasi). The member in the observation home. Challenges faced by probation officers in observation homes include ambiguity in addressing risk-need domains, service waitlists, prioritizing no criminogenic needs, involving parents, and managing mental illness prevalence (Haqanee et al., 2015).

Children

“Stop, my story is different, I don’t want to get back to my home. My mother pushed me in the observation home because she had affair with one person. I become the intervene between them so she pushed me in observation home with false allegation” - [Subject X Aged- 14 years]

The juvenile alleged that he was arrested only for committing the petty offence at home. And his own mother gave complaint against him. The particular juvenile was trapped and send to observation and he is been there for more than four months. This shows the lack of good parenting. According to Guanghai et al. (1986) family plays a crucial role in shaping juvenile crimes and mistakes, as it influences young members of society through its thoughts, character, and educational methods.

“I feel very bored hear I want to meet my mother and my family. I have been here for more than 5 months. I couldn’t tolerate it! When my friends are leaving me. I tried to escape thrice from here because my friends left me alone.” - [Subject Y Aged -13 years]

Some juveniles may leave the observation due to their parent’s support. They can't tolerate their friends leaving them it invokes them to escape from the observation home. Similarly, a study conducted by Nitin et al. (2017) states that in the observation home juveniles try to escape due

to behavioral problems, substance use, truancy, disobedience, and family neglect, leading to admission for social reasons or unmanageable behavior.

“I am happy here, if you give me mobile phone I can stay here for a long time” - [Subject Y Aged -16 years]

Some of the habitual offenders were enjoying the observation home because they were provided with all the facilities in the observation as per the JJ Act, 2015. They never felt guilt for the act. They know all the procedures and terms of the observation home. The only thing which they missed was their mobile phone.

“My brothers and If we don’t killed him, Nobody will respect us in our caste.” - [Subject P Aged- 17 years]

This offender alleged that he and his family members committed revenge murder and he wanted to contribute to the family's revenge so he joined the crime. In this case, caste plays a major role as a push factor; particularly in committing the heinous offense. A study conducted by Russell (1979) states that children commit revenge murder due to unresolved conflicts, unhealthy maternal relationships, struggles for identity, and paranoid projections, leading to justifiable violent acts as a result of intense emotional turmoil. Similarly, a study conducted by Wongin and Paileeklee (2018) revealed that children commit revenge murder due to seeking retaliation or resolving prior conflicts, influenced by learned violent behavior from family and peers, as per the study on Thai male juvenile offenders.

“Only for drugs! We engaged yourself in theft”- [Subject Q Aged- 13 & 14 years]

Two children stole a bike and sold it for Rs. 1500. They claimed that they stole the bike only for buying drugs. They learned to use narcotic substances from their friends and family. Children take drugs mainly due to peer influence, with negative impacts including fighting, stealing, and mental illness (Bah, 2018). One of the offender's parents was the habitual drinker and he was forced to drink by his father. They can't control themselves or keep away from the drinks. Children may commit crimes for drugs due to factors like social influences, family dysfunction, psychological issues, and seeking solace or excitement (Amar et al., 2023).

“I stabbed her because she cheated me”-[Subject R Aged- 17 years]

This juvenile murdered his own girlfriend because he had a breakup with her. In this case, he is influenced by the mass media to commit this murder. It's a planned murder committed by him. He also tried to commit suicide but the police arrested him. Similarly, in a study conducted by Wilson and Daly (1993) male sexual perverts and violence against women are rooted in evolutionary psychology, with males displaying more aggressive behaviour towards their women when they perceive their shortcomings or infidelity. Children may murder loved ones due to

factors like abuse, trauma, or criminal behaviour, as seen in cases of sexual abuse, family conflict, or criminal intent (Vigil & Clements, 2003).

Suggestions

- Early childhood education and development programs that focus on nurturing the cognitive, social, and emotional skills of children shall be made compulsory.
- Strong family bonds and a supportive home environment are crucial in preventing children from engaging in criminal activities- parents shall ensure it.
- Create safe and supportive community environments that offer recreational opportunities, youth programs, and positive role models.
- In the Juvenile Justice System, promote restorative justice practices that focus on repairing harm, promoting accountability, and fostering empathy among offended children and victims.
- Child in Conflict with law should be engaged with life skills, to upgrade the reintegration programs.
- The counselors should be appointed in the observation home to attend to their psychological problems and mitigate their impact on the juvenile.
- Observation home should follow all the terms and conditions of the Juvenile Justice (Care and Protection of Children) Act, 2015.
- The Tamil Nadu government should fill all the vacancies in the observation home for effective functioning.
- Criminologists should be appointed in every observation home because they are capacitated with knowledge of child rights, child protection, and hands-on training. Hence, they will make and support the functioning of the Juvenile Justice system

Conclusion

After the study, we have observed the least concern of government mechanism in dealing with the child in conflict with law. Officers should play a crucial role in ensuring the safety and security of the children, creating a stable environment where they can feel protected. By facilitating rehabilitation programs and providing emotional support, officers help children develop new skills, address past traumas, and foster a sense of purpose. These observation homes are facing a lack of official support. The government should fill the empty vacancy in the observation home. India is known for enacting good laws, regulations, and procedures. But paper to practice or making it to field/ implementation is almost next to zero. Ever, since laws were in place we do not bother about it; until we experience the most difficult times/accidents/incidents/ or other misfortune. Preventing children from becoming involved in conflict with the law requires a holistic approach that addresses social, economic, educational, and psychological factors. By investing in early intervention, positive support systems, community engagement, and restorative

justice practices, we can create a safer and more promising future for our children (FUTURE INDIA).

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