CHAPTER-II

DEFINITION, MEANING, CAUSES AND THEORIES OF PREVENTION OF JUVENILE DELINQUENCY

2.1 Introduction

Children are greatest national asset and resource. Children should be allowed and provided opportunity to grow up to become robust citizens, physically fit, mentally alert and morally healthy, endowed with skills and activations needed by the society. Equal opportunities for development to all children during the period of growth should be provided for reducing inequality and ensuring social justice, which in turn would serve as an effective tool to curb delinquency in juveniles. Children are expected to be obedient, respectful and imbibe virtues and good quality in them. Due to various reasons children do not follow settled social and legal dictum.

In recent years, it has become very clear that juvenile delinquency is the most important aspect of the subject matter of criminology. These years have also seen an urge for an objective appraisal of the problem and the development of the new techniques. Delinquent behaviour has assumed serious forms among the juveniles, which is a sign of sick society. The disorder and destruction due to deviant behaviour, a worldwide phenomenon, is assuming alarming proportions in social organizations and is awakening call to those who are either in its grip or are likely to get struck.

Juvenile delinquency, as a legal concept is of recent origin. Juvenile delinquency is an integral part of criminology. The two cannot be separated since one of the reasons for crime and its continuance into adult life is the ineffective control and treatment of juveniles. Juvenile delinquency is a big breeding centre of criminals. The word delinquency is derived from the Latin word “delinquere” meaning de i.e. away and linquere i.e. to leave thus, meaning to leave or to abandon. Originally, the word had an objective meaning as it referred to parents who neglected and abandoned their children. In present day, it is used and applied
to those children who indulge in wrongful and harmful activities.

Juvenile can be defined as a child who has not attained a certain age at which he, like an adult person under the law of the land, can be held liable for his criminal acts. The juvenile is a child who is alleged to have committed/violated some law which declares the act or omission on the part of the child as an offence. Juvenile and minor in legal terms are used in different context. Juvenile is used when reference is made to a young criminal offenders and minor relates to legal capacity or majority.\(^1\) To make the meaning more clear resort can profitably be made to some other source. The concept of the juvenile varies from State of State for convenience.

In U.S.A., each state has the authority to determine the age of juveniles within its jurisdiction; different states have different age criteria with regard to juvenile. But the majority of 52 states concur with maximum age set in the standards 1976\(^2\) Under federal government, anyone who is under 21 years of age committing delinquency can be adjudged a juvenile delinquent whereas in some other States it is under 18 years, under 17 years and under 10 years also. In most of the States there is no lower age limit set for adjudication child as a delinquent but in the Missisippy it is 10 and New York has fixed at 7 years.

In India, until passing of Children Act, 1960 there was no uniformity regarding age limitation of juvenile delinquent. Bombay Children Act 1948 defined “Child” to mean a boy who has not attained the age of sixteen years or girl who has not attained the age of eighteen years\(^3\). The U.P. Children Act defined “Child” as a person under the age of sixteen years. The East Punjab Act, Andhra Pradesh (Telangara Area) Children Act also prescribed the sixteen years\(^4\) age limit but included the children who are in certified schools, though they have attained the age of 16 years.

Under A.P. Children Act 1920 “child” means a person under 14 years and when used to reference to sent to certified school applies to that child during

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1. See the Black Dictionary of Law.
4. The Uttar Pradesh Children Act, 1951, Section 2(4).
while period of detention notwithstanding that the child attains the age of fourteen before expiration of that period. The Saurashtra & West Bengal defines a "child" a person who has not attained the age of eighteen years. Haryana Children Act has also maintained this difference in defining child as a boy who has not attained the age of sixteen years and a girl who has not attained age of eighteen years.

Juvenile Justice Act, 1986 defined a juvenile or child to be a person who in case of a boy has not completed age of 16 years and in case of a girl 18 years of age. The JJA Act, 1986 was repealed by 2000 Act and the distinction with regard to age between male and female juveniles has been done away with by the Government of India in performance of its obligation to the international obligations. Now age of juvenile in conflict with law for male and female has been fixed at 18 years. A juvenile in conflict with law under the JJ (C & P) Act, 2000 is a juvenile who is alleged to have committed an offence and has not completed 18 years of age as on the date of commission of such offence.

2.2 Definition of Juvenile

Juvenile is a child who unlike an adult person, having not attained prescribed age, cannot be held liable for his criminal act. The age criteria for being a juvenile vary from country to country, state to state. In ancient India, a parent was supposed not to punish a child who is under five years of age for any offence. As per the law then prevailing a children of such tender age should be nursed and educated with love and affection only. After the age of five, punishment may be given in some suitable form such as physical chastisement or rebuke by the parents, towards the later half of the childhood, punishment should be gradually withdrawn and replaced by advice. From the age of sixteen upwards sons and daughters should be treated as friends by the parents. Some Smritis, like the Brahdyama and the Sankha say that a boy over five and less than eleven, if guilty of some Patakas such as drinking Sura, has not to undergo penance personally but his brother, father or other relations or friends have to undergo for

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5 The Andhra Pradesh Children Act, 1951, Section 2(d)  
6 Saurashtra & West Bengal Children Act.  
7 The Haryana Children Act. 1974, Section 2 (d)
him and that if a child is less than five, then whatever the act may be, it is not deemed to be a crime nor a sin and the child is consequently not liable to any punishment or prayaschita.

The Roman Laws stated that a child under seven years was incapable of crime. Boys from seven to fourteen and girls from seven to twelve (pre-puberty age) were considered partially responsible and the punishment left to the discretion of the Praetor. The Germanic Laws, in medieval Europe, were much severer, and under them even children less than seven years of age were sometimes considered capable of criminal intent.

In the United States age of juvenile ranges from 16 to 21 but 18 is the most common. In England, a child below 10 cannot be committed of any criminal offence because of an irrefutable presumption of innocence and absence of mens rea. Between the age of 10 and 14 they are in a "twilight zone... in which they are morally responsible not as a class but as individuals, when they know their act to be wrong. In France and Poland, the age limit is 13. In Australia, Germany, Norway and Czechoslovakia it is 14 and in Denmark and Sweden it is 15.

In India, under section 82 of the Indian Penal Code, nothing is an offence which is done by a child under seven years of age and under section 83 nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge the nature and consequence of his conduct on that occasion. Maturity of understanding is to be presumed between the ages of seven and twelve unless the contrary be proved.

Section 27 of the Criminal Procedure Code, 1973, provides that any offence, other than one punishable with death or imprisonment for life, committed by any person who at the date when he appears or is brought before the court is under the age of sixteen years may be tried by the court of Chief Judicial Magistrate or any Court specially empowered under the Children Act, 1960 or any other law for the time being in force providing for the treatment, training and rehabilitation of youthful offenders, The Reformatory Schools Act defined a

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8 Glanville L. Williams, The Criminal Responsibility of Children, Cr.L.R. 1954 P.493 at 494
Youthful offender as any male child who is below 15 years.

The majority of the Children Acts passed in the various States fixed the upper age limits of protection at sixteen years. The more recent Acts of West Bengal and Saurashtra have raised this age limit to 18 years. The Central Children Act, 1960 retained the age of sixteen in case of boys but has extended it to eighteen for girls. The higher age limit in case of girls was considered to be essential in view of the social setting of our country where girls need protection for a longer period. The Probation of Offenders Act, 1958, imposes a restriction on the imprisonment of a person below 21 years. Thus, ordinarily a boy or a girl below 21 is not to be imprisoned. Juvenile Justice Act, 1986 treated a boy under 16 years of age to be a juvenile. But in case of a girl this age limit was 18 years. JJ (C & P) Act, 2000 however, provided a uniform age of 18 years for boys and girls.

2.3 Definition of Delinquency

Delinquency is an act or conduct of a juvenile which is socially undesirable. Juvenile delinquency generally means the failure of children to meet certain obligations expected of them by the society. Juvenile delinquency is expression of an unsatisfied urge in the juvenile delinquent. Whether a particular act or conduct of the child would be deviant or not will depend on various factors and vary in different States, Cities and also time to time. The juvenile delinquent has even been defined as "a child trying to act like a grown up". A particular act of the child may be viewed as ordinary childish prank but in another particular context it may cause concern and anxiety. The distinction between a delinquent and normal child, at times is very blurred and deciding point between a playful act and the juvenile delinquency is his relation to concerned person. In fact there is a haze of vagueness and confusion surrounding the definition of juvenile delinquency and there is no single definition that may be acceptable to all. The first legislation on juvenile delinquency, passed by the State of Illinois in 1899 specifies many exact kinds of delinquency in addition to the offences covered by the criminal laws. Accordingly:

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9 Ill. Rev, Stat. C. 23; see also Cavan, Juvenile Delinquency,15
A delinquent child is any male who while under the age of 17 years, or any female who while under the age of 18 years violates any law... or is incorrigible, or knowingly associates with thieves, vicious or immoral persons; or without just cause and without the consent of its parents, guardian or custodian absents itself from its home or place of abode, or is growing up in idleness or crime, or knowingly frequents a house of ill repute; or knowingly frequents any policy shop or place where gambling device is operated; or frequents any saloon or dram-shop where intoxicating liquors are sold; or patronizes or visits any public pool room or bucket shop, or wanders about the streets in the night time without being on any lawful business or lawful occupation; or habitually wanders about any railroad yards or tracks or jumps or attempts to jump on to any moving train, or enters any car or engine without lawful authority, or uses vile, obscene, vulgar, or indecent language in any public place or about any school house, or is guilty of indecent or lascivious conduct.

The juvenile delinquency is expression of unsatisfied desires and urges. For a delinquent, his deviant act is a normal response to his inner desire. Like a non delinquent a delinquent is also conditioned by various attending and prevailing circumstances around him. A juvenile delinquent is a person who has been so adjudicated by a judicial court though he may be no different from other children who are not delinquent. Delinquency is an act, conduct or interaction which is socially undesirable.

The causes of juvenile delinquency are varied. The concept of delinquency also varies with the point of view of the people who feel challenged by it. According to a social worker, "delinquency consisted of socially unaccepted acts". A psychiatrist suggests that delinquent behaviour is activity which deviates from the normal. And a lawyer would say juvenile delinquency is what the law says it is. In the words of W.H. Sheldon, it is "behavior disappointing beyond reasonable
expectation". Cyril Burt\textsuperscript{10} says, delinquency occurs in a child 'when his anti-social tendencies appear so grave that he becomes or ought to become the subject of official action. According to Robison Holt\textsuperscript{11}, "we use the term delinquent as we sometimes use the term 'love' as though it were a simple concept whereas it actually embraces complex patterns of behaviour." Delinquency, it is clear, is many things to many people. The man in the street is concerned chiefly with behaviour that interferes with his property, his person and his rights. He believes that the official label of delinquency is attached only when the behaviour is really harmful and has occurred repeatedly. To assume that the label 'delinquent' is defined or applied uniformly is as naive as it would be to assume that divorce statistics accurately and uniformly reflect the incidence of marital discord. Frederick B. Sussmann presents a summary list of acts or conditions included in delinquency definition or description, viz, violation of any law or ordinance, habitual truancy, association with thieves, vicious or immoral persons, and incorrigible beyond control of parent or guardian and so on. Edwin Powers and Helen Witmer found in their study that in order to define the real delinquents it was necessary to take into consideration three concepts or criteria namely, the seriousness of the behaviour, its frequency and the attitude of the offender toward a lawfully constituted society. Accordingly, they classified the delinquents into five groups most, ordinary, occasional, seldom and least delinquent. Thus the term delinquency does not have a fixed meaning. However, there are two generally accepted approaches to the interpretation of the term, viz the sociological and the legal.

The sociological view gives a liberal interpretation to the term delinquency. This view is well expressed by the definition given by Clyde B. Vedder who says, 'juvenile delinquency refers to the anti-social acts of children and of young people under age. Such acts are either specifically forbidden by law or may be lawfully interpreted as constituting delinquency, or as requiring some form of official action. It means deviation from the normal behaviour. According

\textsuperscript{10} The Young Delinquent 15 (1925)
\textsuperscript{11} Juvenile Delinquency 10 (1960)
to Robison\textsuperscript{12} the legal term "delinquency" is an umbrella for a wide variety of socially disapproved behaviour that varies with the time, place and the attitudes of those assigned to administer the law. This behaviour may include such acts as truancy, incorrigibility, disobedience, lying, running away from home, frequent visits to the cinema, visiting places of ill repute and coming home late at night. It will also include a child who is homeless, destitute and neglected. In short, delinquent in the sociological view is a child whose activities cause concern and alarm to parents and teachers and others responsible for his care and education\textsuperscript{13}. 

The eschatological meaning of the word 'Delinquency' is wrong doing' Juvenile Delinquency is a Legal term that was first defined in 1889 when Illinois passed the first law on Juvenile Delinquency: Since than each state has passed delinquency laws. In U.S. the laws were passed for the purpose of changing the concepts of Delinquency, which have led to changes in some of states. The Definition of delinquency includes conduct, which violates the law only when committed by children e.g. truancy, ungovernable behavior and running away\textsuperscript{14}.

The legal definition of Juvenile Delinquency is obvious. Any act prohibited by law for children up to prescribed age limit is Juvenile Delinquency and it follows, therefore that a child found to have committed an act of Juvenile Delinquency by a court is Juvenile Delinquent.

The Illinois law defines a child/delinquent as a person who is incorrigible or who is growing up in idleness, one wonders about the streets in night time without being on any lawful business, or one who is quietly of indecent or lascivious conduct\textsuperscript{15}. The Definition is vague as to the words incorrigible indecent or lascivious conduct.

A New Mexico Law defines a delinquent child as one who, by habitually refusing to obey the reasonable and lawful commands of his parents or other persons of lawful authority is deemed to be habitually uncontrolled, habitually

\textsuperscript{12} Id. at 3
\textsuperscript{13} K. Kusum, 'Juvenile Delinquency- A Socio-legal Study'(1979) Published by KLM Book House, New Delhi
\textsuperscript{14} Ruth Shonle Cavan Theodore N. Ferdinand, Juvenile Delinquency (III Edition): 27
\textsuperscript{15} Ibid
disobedient or habitually way word, or who habitually is a truant from home or school or who habitually so deports himself as to injure or endanger the morals, health or wealth or welfare of himself or others. The definition is also ambiguous as there are no such words as incorrigible, reasonable, as defined in the Illinois laws.

In U.S.A. the great variety of the acts declared by law the beds of Juvenile Delinquency can be appreciated with the help of following list, which cut loggers the acts generally prohibited in various states of America. However eight or nine items in the list are a part from and in addition to violation of law.

- Violation of any law or ordinance
- Immoral or indecent conduct
- Immoral conduct around school
- Engaging in illegal occupation
- Knowing associating with vicious or immoral persons
- Growing up in Idleness crime.
- Knowing entering or visiting houses of ill repute
- Paroling, visiting policy shop or gaming place.
- Paroling saloon, dram shop where liquor is sold.
- Wandering in street in night not on lawful business.
- Habitually wandering about road, yards and Tracks.
- Jumping on to train on entering cars or engines without authority.
- Habitually remaining truant from school.
- Incorrigible
- Habitually using vile, obscene or vulgar language in Public Place.
- Absenting oneself from home without permission
- Loitering and seeping in alleys.
- Smoking cigarettes (at public places)
- Begging or receiving alms (or wandering in streets for purpose of)\textsuperscript{16}

\textsuperscript{16} Sol Rubin Crime and Juvenile Delinquency (1958)
The definition was criticized in U.S.A. and two items were included in the standard Act; in addition to violation of law or ordinance. Two items are "Child" who deserts his home or who is habitually disobedient or is out of control of his parents or other custodian and who being required by law to attend school, willfully violates rules there of or absents himself there from.\(^{17}\)

Write & Briggs\(^{18}\) define delinquent as, "The delinquent, then would be a person where misbehavior is resulting in serious legal offence, which is inappropriate to his level of development, is not committed as a result of extremely low intellect, in tracannial organic Pathology or server mentally function, and is alien to the culture in which he has been regarded whether or not the individual is apprehended or legally adjudicated is not crucial." The definition is not clear about the meaning which it will attach to misbehavior, relatively used in it.

Gibbons\(^{19}\) defines Juvenile Delinquency consists of acts or infractions which are prohibited in statutes of individual states. He further says that Juvenile Delinquents are youths who commit one or more of these infractions. The definition is restrictive as it confines to the acts or infractions prohibited by statutes and does not take into account the acts and behaviour which have the potential to become the prohibited acts by statutes. Further, this definition does not mention the maximum and minimum age of youth.

Prof. Walter C. Reckless\(^{20}\) of the Ohio state University has brought out the triangular locational problem of defining delinquency. He said, "Criminal and delinquent behaviour has been located in the society as a social problem. It has also been located in the behaviour prospective in answer to question as to what types of behaviour becomes delinquency crime. There remains one other basic location, namely the location of crime delinquency as a system of law and the location of law in system of social values and norms, to be more accurate, these

\(^{17}\) Ibid
\(^{19}\) Don C. Gibbons, Delinquent Behavioural (3rd Edition).
three location problems are:

A Delinquency as a social problem
B Delinquency as a behavioural problem.
C Delinquency as a legal problem.

Professor Reckless has analysed these locational problem in three distinct stages, viz, legal definition of crime and delinquency, delinquent behaviour as a social problem ad causative behaviour vis-à-vis normative behaviour. In the chain of relevance “Legal Definition” is not to have the final say. He has very rightly observed “behaviour as an observable phenomenon is central. It is the focus of concern and it is the target for outlawing, i.e. for legal definition or for coverage by criminal law and sanctions.”

This concept of delinquency is best represented by the United States. In the absence of a fixed meaning the nature and type of acts which may constitute delinquency differ in the different parts of the country. It may be said against this approach that "if we decide to broaden the definition to include not only adjudged delinquents but arraigned cases disposed otherwise than by a finding of delinquency; cases referred to the police but dealt with directly by that agency through investigation and warning or by referral to unofficial and private treatment services; and cases known to public school agencies and either handled directly or referred to unofficial agencies for treatment; then not only will the magnitude of the delinquent group have been greatly increased, but the problems of definition and of measurement will have been multiplied for lack of a set of legal working definitions of what constitute social misconduct, and for lack of a central agency through which such cases may be cleared for registration or enumeration." It becomes difficult to determine where exactly the approved behaviour ends and where from the disapproved begins. "It is like the spectrum of a darker color shading into lighter tint and gradually disappearing or merging with the white so that at no level can it be pointed out this is this color". No wonder therefore some people say ‘delinquency has come to mean all things to all people’. Moreover, it would be unfair to label a child as an offender even though
he has not violated any provisions of the law. An adult can be arrested and tried only when he acts against a law, why, then, should children be treated in a severer way?

From the legalistic point of view delinquency is what the law says it is. A child is delinquent only when so adjudged by a juvenile court, following a formal complaint. This viewpoint is based on the Classical theory of crime which stresses the rigid application of law to all offenders, as a safeguard against arbitrary and tyrannical exercise of powers by political and administrative authorities. Consistent with the doctrine of 'justice under the law' the English interprets delinquency in this narrow sense. This however, is again a very extreme view and restricts delinquency to only those acts that are in violation of law. In practice the number of children committing offences against law is not very large. A large majority of children having delinquency traits and yet are not offenders as they are generally ignored. In order to check delinquent behaviour delinquent tendencies should be checked.

The issue was discussed during the Second United Nations Congress on the prevention of Crime and the Treatment of Offenders in August 1960, in London. It recommended:

"The Congress" considered that the scope of the problem of juvenile delinquency should not be unnecessarily inflated. Without attempting to formulate a standard definition of what should he considered to be juvenile delinquency in each country, it recommends (a) that the meaning of the term juvenile delinquency should be restricted as far as possible to violations of the criminal law, and (b) that even for protection, specific offences which would penalise small irregularities or maladjusted behaviour of minors but for which adults would not be prosecuted, should not be created.

The Indian position is in consonance with the recommendations made by the U.N. Congress. The Children Act, 1960 defines a delinquent child as a child who has been found to have committed an offence. A child under the Act means a
boy under 16 years and a girl less than 18 years of age. 'Separate provisions however, exist for the care and protection of the neglected and uncontrollable children too who if not ‘treated’ and cared for in time may well be inducted into delinquency. These children are dealt with by the Child Welfare Boards. In fulfillment of its commitment to the United Nations declarations and rules the Government of India has enhanced the age of a juvenile to 18 years for boy and the girl as well in Juvenile Justice (Care and Protection) Act, 2000.

2.3.1. Classification of Juvenile Delinquency

It is extremely difficult to assess precisely the extent of the problem in any part of the country since accurate statistics are not available and are not indicator of the true extent. This is because of the fact that a large number of such acts remain undetected or unreported. Nevertheless, it has been observed that delinquency rates are highest in all developed countries. It is in countries with the highest levels of technical and economic advancement that social change occurs most rapidly, and traditional social roles and institutional controls over child conduct tend to breakdown.

Different classifications of the juvenile delinquency and delinquents have been given by various authors. A few important classifications are noted below. Hirsh delineated the following kinds of juvenile offences:

1. Incorrigibility, which includes keeping late hours, disobedience, and so on.
2. Truancy, which can be from home or school.
3. Destruction of property, which includes both public and private property.
4. Violence which is perpetrated against the community by using such means as knives and guns.
5. Sex offenses which can range from homosexual activity to criminal assault and rape.

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21 K. Kusum, 'Juvenile Delinquency- A Socio-legal Study'(1979) Published by KLM Book House, New Delhi
Eaton and Polk\textsuperscript{23} classified the delinquents by the following types of offences they have been involved in:

(1) Minor violations which include disorderly conduct and minor traffic violations.

(2) Property violations which include all property thefts except automobiles.

(3) Major traffic violations which include automobile theft and drunk driving and any other offence that would involve an automobile.

(4) Human addiction which includes sex offenses as well as alcohol and drug addiction.

(5) Bodily harm which includes homicide offenses that involve sexual deviation; such as rape, and generally, all other acts of violence against a person.

Kvaraceus\textsuperscript{24} classifies youngsters who become delinquent in relation to three major variables:

(1) The extent to which the individual engages in delinquent behaviour.

(2) The degree of demonstrable emotional pathology.

(3) The individual’s social class.

Sellin and Wolfgang\textsuperscript{25} also used the type of offence for classifying the delinquent behaviour into two classes. Under class I they list:

(1) bodily or physical injury;

(2) property theft; and

(3) property damage.

Under class II, they include the following:

(1) Intimidation.

(2) Property loss and property loss threatened.

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\textsuperscript{24} Kvaraceus, W. C. and Miller, W.B. Delinquent Behaviour; Cultuer and The Individual. Washington; National Education Association,1959.
\end{flushright}
(3) Primary victimization which is committed against a person.

(4) Secondary victimization which is committed against a commercial establishment.

(5) Tertiary victimization which includes offenses against the public order and regulatory offences such as violation of city ordinance.

(6) Mutual victimization which includes offenses that involve two individuals such as rape.

(7) No victimization which includes truancy.

Ferdinand\textsuperscript{26} presented two categories of juvenile offenders as under:

(1) Neurotic Offenders

They are the offenders whose delinquency is the result of powerful unconscious impulses which often produces guilt which in turn, motivates them to act out their delinquency in their community so that they will be caught and punished. The delinquent act is sometimes considered symbolic. For example, if they steal, it is done for love and not for a material gain. To such delinquents, delinquency is a way of handling their internal problems by externalizing the problem within the environment.

(2) Character Disorder Offenders

This type of offenders feel very little guilty when they commit the acts of delinquency. Because of a lack of positive identification models in their environment, they have failed to develop self-control and do what they want to do when they feel like doing it. They are unable to sublimate their impulses in a socially acceptable manner. They have not developed an adequate conscience structure or superego. They come from disorganized families and have had a barren environment in their childhood. They are self-centered and feel to be aloof and have difficulty in forming meaningful relationships.

Trojannovicz\textsuperscript{27} classified juvenile offenders in the following five categories:

(1) Gang Organized and Collective Delinquency


\textsuperscript{27} Trojannovicz, R.C. Juvenile Delinquency; Concept and Control. New Jersey; Prentice Hall Inc. 1973, 57-60
Youngsters classified in this category would be those who perpetrate their illegal activities within a group. These children usually come from economically and socially deprived areas of the city and often seek excitement and express themselves through the gang. Much of their delinquent motivation and activity is a result of the strain produced by the crowded conditions of their environment in large inner cities where economic opportunities are lacking and where upward mobility is difficult.

(2) Unsocialized-Aggressive Boys

Boys classified in this category would have long police records and would probably come from the homes where they were rejected and where there was an early identification with a criminal parent or an anti-social type of parent. Families of such type of children are prone to physical violence. There is much hatred and aggression within the homes and this hatred is often transmitted to the children. Their frustration and hatred is then vested on the community where they become very aggressive. These youngsters, obviously, do not learn how to sublimate their impulses in a socially acceptable manner.

(3) Accidental Offender

A youngster classified in this category would be one who is law-abiding most of the time but who has a lapse of judgment. He involves himself in a delinquent activity. This type of youngster is not a problem and his delinquent behaviour comes to an end when he realizes what he has done or when he has been caught in the delinquent activity.

(4) Occasional Delinquency

In general, the occasional delinquent is similar to the accidental offender in that he also becomes involved in minor offenses but not on a chronic or regular basis. There is no real pattern to his delinquency.

(5) Professional Delinquency

A youngster classified in this category usually steals for profit. Stealing is for economic gain to satisfy some desire.
Schafer\textsuperscript{28} emphasized on psychological typologies and psychological dynamics of personality as the basis of classification of juvenile delinquents. The following types have been envisaged by him.

(1) Mentally Defective

This is an individual who has an organic problem and who has difficulty in controlling himself because of it. For example, offenders who are mentally defective are involved in petty crimes. This category also includes mentally retarded youngsters.

(2) Situational Offenders

They are similar to the accidental offenders but, in these cases, there are more contributing factors. Their delinquency is precipitated by a crisis or by some external event which they are unable to handle. In other words, they do not necessarily go out looking for trouble but because of tempering circumstances, they do not use good judgment.

(3) Psychotic Offenders

A small number of youngsters do not have contact with reality. They may be classified as schizophrenic or may be given some other psychiatric label. As a result of dysfunctional thought patterns, they may hallucinate, have delusions or "hear voices" that command them to become involved in certain types of delinquent behaviour. The incidence of psychotic oriented delinquency is minimal in relation to the other forms.

(4) Cultural Offenders

Youngsters in this category have either emulated a faculty identification model or they live in an economically and socially deprived environment. Cultural offenders are considered normal members of a deviant sub-culture and their patterns of behaviour are often accepted and called normative in their own environment.

Khan, Khan and Hussain\textsuperscript{29} have classified the juvenile delinquents (according to

their scale) on the basis of the extent of their delinquent behaviour:

(a) The below average are not considered as delinquents.

(b) The average ones are considered to be mild in delinquent behaviour.

(c) The above average are considered to be intense in delinquent behaviour.

In conformity with the modern trend of measurement of an attribute, psychological scaling method is being adopted.

Females are perceived as less deviant than boys because of many reasons such as deep rooted religious outlook, fear of social disapproval, their ability to suffer in silence etc. According to Hurwitz there are two schools of thought on the causes of the lower crime rate amongst females, viz. biological and sociological. The very fact that girls are physically weaker does influence their delinquency in various ways. Besides, the special biological functions such as pregnancy and motherhood etc. also play an important role.

John Cowie in his book 'Delinquency in Girls', 1968 Edn., at p. 165 observed that there is universal agreement among criminologists that girls and women fall foul of the law much less frequently, than men and boys and that when they do so, by and large, their delinquencies do not take on the aggressive and socially destructive qualities of much of the criminal behaviour of the males, and can in fact be regarded in a much less serious light.

He further says that the sex different must lie close to the aetiological factors that go to the causation of delinquency and an effort must be made to understand it. The evidence of those who have made comparative studies runs consistently in one direction (By Fernald Bingham, Healey and Bronner, Sheldon and Seleanor Glueck, Bagot, Otterstrom, Atcheson and Williams Wattenbeg and Saunders, Monahan, Morris. Sehotled, Walker). Comparing delinquent girls with delinquent boys, the girls are found to come from economically poor homes with more mental abnormality in the family, with poorer moral standards, worse discipline more often a broken home, more frequent change of home, more conflict at home and more disturbed intra-familial relations. If there is a shift of
intelligence to the left it is more marked in girls than in boys, the girls have a worse school record, and more often have developed a hostile reaction towards schooling they show a larger degree of rejection of family influence, their working careers are worse.

Delinquent girls more often than boys have other forms of impaired physical health; they are noticed to be oversized, lumpish, uncouth and graceless, with a raised incidence of minor physical defects. Yet with all this greater amount of abnormality, the peak age of delinquency comes about one year later in adolescent girls than in boys, and the ultimate outlook for social adjustment is better for girls than boys.

Three of the authors have attempted to interpret these differences. Otterstrom suggests that (1) girls are less hereditarily prone to delinquency than boys and so (2) require greater influence from their environment to fall into bad ways. Differences between the sexes in hereditary pre-disposition could be explained by sex linked genes. Furthermore, the female mode of personality, more prudent, more timid, more lacking in enterprise, may guard her against delinquency. The behaviour of boys may be more sensitive to environmental influences, and may need relatively small stresses to become delinquent compared with large stresses needed in the case of the girl ... the greater immunity enjoyed by the female can be impaired by physical and psychological disadvantages of very many kinds and it can be overwhelmed if the environmental forces are of unusual strength.

Watterberg and Saunders probably find the above statement acceptable. They emphasise that delinquency in the two sexes is most alike in form and frequency in pre-pubertal ages, before the rapid sexual differentiation of adolescence has begun. Defects of inter-personal relations especially conflicts within the family play a larger role in causing delinquency in girls than boys; and much male delinquency results from the kind of social life (e.g., gang life) which the adolescent enters into.

The problem of child (juvenile) delinquency like many other social evils is
linked up with the imperfections and maladjustment of our society and is also connected with the present day system of education to some extent. This system aims more at the training of the intellect than the education of the emotions which play such a vital part in the formation of the pattern of the child’s behaviour and personality. But the idea is gradually gaining wider acceptance that the juvenile delinquent needs the sympathy and understanding of the society and social agencies and not the heavy hand of the law. It has taken an unimaginative and insensitive society many dark centuries to achieve this degree of understanding.30

Earlier in days of yore anti-social children were put to gruesome death in a vain attempt to eliminate such undesirable elements from society and to deter the respective ones. In Britain in the closing years of the 18th century a 12 year old child, who was accused of stealing a spoon was beheaded. But such steps did not lead to a decrease in the incidence of juvenile delinquency. Right thinking people all over the world, therefore, began to think of other means to deal with this critical problem. A good many years of legal and humanitarian concern for the welfare of children climaxed in the establishment of the first Juvenile Court in 1899 in Chicago. Our country followed suit and soon children courts, Correctional institutions, special schools, probation services etc. became special features of juvenile system.31

Having discussed the classification of juvenile offenders above, factors causing juvenile delinquency should also be discussed.

2.3.2 Theories of Delinquencies

All seriously concerned including the Psychologists, Psychiatrists, Lawyers, Philosophers and Sociologists to understand criminal behaviour, have propounded many theories. Each theorist attempted first to explain crime and letter delinquency from prospective of his discipline, often based on an incomplete analysis of problem. The theorists increasing focused upon juvenile

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30 Farward by K.G Salyi Dail, Educational Advisor to the Government of India, Report on delinquent children and juvenile offenders in India, 1955, Govt. of India, Ministry of Education.
conduct and Juvenile Laws. Because they believed that delinquency and crime are interrelated to each other and could not be comprehended without understanding of other. The others thinkers regarded the strict relationship between delinquency and crime but today the relationship between them has not been dearly established. Many Views opinions, criticisms, proposals and suggestions about the causes of delinquency and crime have been published in diverse sources, but they have seldom been integrated. Most explanations however, imply recognition that delinquency and crime cannot be explained in terms of one single casual factor\textsuperscript{32}.

Generally, three major approaches are Biogenic Theory, Psychogenic and Sociogenic. Biogenic views stress faulty Biology for Juvenile misconduct. Psychogenic approaches are varied in character, but in general stress the psychological pathology of the delinquency. The Sociogenic theory explains delinquency in terms and conditions of social structure. Likewise, Sociological explanation deals with Sociogenic theory. Some of the theories are briefly discussed below.

(A) Biogenic Theory

This theory is based on the supposition that the criminal is radically different from normal human beings in organic structure, which largely determines their criminal action. The criminal is therefore a biological phenomenon, a degenerate member of the human species, whose criminal behaviour originates in his psychotic deficiency. Ceases Lambroso is regarded as the proponent of this theory. He declared "a criminal to be an atavistic phenomenon, a biological throwback since the somatological characteristics of criminals resemble those of primitive men.\textsuperscript{33}"

Biological theories are concerned with attributing crime to the biological or physiological reasons. Biological determinists maintain that the physical qualities which people inherit or develop may cause them to violate the law.


\textsuperscript{33} Lomboroso Cesare (1911) L. Uomo Delinquency. 1876, Translated with modification of Horbton, H.P. (1911) as crime, its causes and remedies Modern Criminal Science Series No. 3 Boston, Little Brown.
Physical make-up separates the deviant from the non-deviant. Amongst the physical theories of delinquency causation, the most interesting was phrenology i.e. the study of the conformation of the skull as indicative of mental faculties and traits of character, especially according to the hypothesis of F.J. Gall (1758-1828). Gall was a Viennese physician who as a young medical student, "noticed that some of his fellows with pronounced characteristics had certain head configurations. He asked himself why people had "such different faces and such different natures; why one was deceitful, another frank, a third virtuous". In attempting to answer these questions he made it a point of his life to examine every head he could find. He haunted medical laboratories, he visited prisons and lunatic asylums, his fingers fairly "itched" to measure the bumps and inequalities of the skulls he found. He thought he discerned a relationship between head "Knobs" and certain propensities and character traits, to which he gave fancy names. In this manner phrenology launched itself upon a world eagerly waiting to receive it.34

According to Cessare Lombroso, a biologist with an outstanding contribution to the science of criminology, "there exists a group of criminals born for evil, against whom all social cures break as against a rock." Criminality according to him is in-born. A typical criminal, says Lombroso, has certain physical characteristics as low forehead, hairy body, red eyes, ear deformation, receding chin, big and protruding jaws, and an extreme sensitivity or non-sensitivity to pain. While serving in the army as a physician he observed that troublesome soldiers had certain physical characteristics which were missing in the others.

(B) Psychogenic Theory

In general, this theory stresses the psychological pathology of the delinquent. Hirschi stated that all theories are based on three fundamental perspectives.

- Motivational theory, which emphasize that legitimate desires that

34 K. Kusum, 'Juvenile Delinquency- A Socio-legal Study' (1979) Published by KLM Book House, New Delhi, p.13
conformity, cannot satisfy force a person into deviance.

• "Control perspectives - a person is free to commit delinquency acts because his ties to the conventional is based on the cultural deviance which says that deviant conforms to set of standards not accepted by a larger or more powerful society.\(^{35}\)

There are also many researchers who have stressed the Psychological and Psychiatric variables to be highly related to delinquency Glueck and Glueck\(^{36}\) have held that physically a delinquent is mesomorph in constitution. In attitude he is Hostile, defiant, resentful, suspicious, Stubborn adventurous, unconventional and non submissive to the authority.

The criminal is a product of society. The impact of sociological factors is so great on individuals that they either shun criminality or embrace it, depending upon their environment and immediate social conditions. Professor Sutherland made an intensive study of criminals and offered two explanations for criminal behaviour namely:

• Processes operating at the time of occurrence of crime which be called the dynamic explanation of crime, and

• The processes operating in the earlier life history of criminal which he termed as Historical or generic explanation of crime.

Sutherland and Cressey\(^{37}\) hypothesized that the criminal behaviour is learned in the pattern of communications as person acquired patterns of lawful behaviour. The sociologists also speak of delinquency product of learning hand acculturation. This theory was called the theory of “differential association”. Sutherland felt that criminal behaviour is not inherited and one who is not already trained in crime does not indulge in criminal behaviour. Rather, criminal behaviour is learned in interaction with other person especially within intimate

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personal groups. This, according to Sutherland, would mean that impersonal agencies such as movies and newspapers play a relatively important part in the genesis of criminal behaviour. Sutherland further says that a person becomes delinquent because of access of definition of violation of law over unfavourable definitions to violation of law. "Differential association" varies in frequency, duration, priority and intensity. This means that association with criminal behaviour and also association with anti-criminal behaviour vary in those respects frequency and duration are modalities of association and priority is assumed to be important in the sense that lawful behaviour develop in earlier childhood may persist throughout life.\(^{38}\)

Merton\(^ {39}\) stressed the importance of 'anomic' according to him, deviant behaviour involves selective adherence to accepted. Social norms and occurs in areas of specific structural restrains in social system" he suggest that 'anomic' develops because of break down in the relationship between goals that place great stress on success and to which all groups in our society are in doctrine without equivalent emphasis on institutional or legislative channels of access to these goals.\(^ {40}\)

According to Sykes & Matza\(^ {41}\) delinquent behaviour like most social behaviour, is learned in the process of social interaction. Both feel that the family of the delinquent will agree with respectable society that delinquency is wrong even though the family may be engaged in a variety of illegal activities. They say that a delinquent is partly committed to the dominant. Social order in the he frequently exhibits, quilts or shame when he violates its prescriptions, accords approval to certain conferring figures and distinguishes between appropriates and inappropriate targets for his deviance.

They say that there are five important techniques, which are as under:-


• The denial of injury.
• The denial of responsibility.
• The denial of victim.
• The condemnation of the crime.
• The appeal of higher loyalties.

The authors feel that these techniques lessen the effectiveness of delinquent behaviour.42

(C) Psychoanalytical and Psychiatric Theory

Airchorn43 asserted that there must be something in child himself which environment brings out in the form of delinquency. Delinquents behave as they do because they are in some way "Maladjusted" persons. Airchron’s statement indicates further that the environment may function as a precipitating force, but never as primary force in causation.

(D) Medico-Biological Theory

This theory has been advanced at many times and in many ways and often in combination as "Medico biological" thesis of causation. Here this theory would include the hereditary factors, chemical balances within the physical organism, and certainly the influence of physical illness on behaviour. The biological explanation, concerned primarily with inherited characteristics, have a famous historical example in the concern of Lombroso44 with measurable physiological characteristics such theories remains popular today in such instances as the recent studies concerning ‘Y chromosome.

(E) The classical Theory

The classical theory of free will advocated that man is a free moral agent who chooses to do wrong. On the assumption of free will, the Classical theorists maintained that the criminal is morally guilty and responsible, he shoud; therefore, receive a punishment proportionate to that moral guilt. Thus, there were

42 G.M. Sykes & D. Matza op. cit pp. 664-670
set penalties according to the moral turpitude involved in the offence. Many eager researchers in different spheres, particularly medicine, psychology, psychiatry, and sociology applied themselves to this challenging problem towards the end of the nineteenth century. Some have looked for explanations in physical and mental health, others in emotional attitudes and still others in general social environment. The Classical theory was attacked since it treated all men as mere digits ignoring their individual natures or the circumstances under which they committed the crime. It subjected to the same punishment the hardened criminal, the accidental and the habitual. As Liszt has remarked, ‘it was the Magna Carta of the professional criminal because he knew exactly what risks he had to run and could determine with cool calculation before hand whether the risk was worthwhile.’ The theory, in Saleille’s words, ‘is noticeably false, inhuman and supremely unjust but obviously simple and easy to apply’. It has been popular to attribute deviant behaviour to a single cause or factor, such as physical, psychological, environmental, Social etc.45

(E) Multi-causal Theory

According to Abrahamsen,46 “a criminal act is the sum of a person’s criminalistic tendencies plus his total situation divided by the amount of his resistance.” He rendered the multiplicity of causal factors into a mathematical formula:

Tendency Situation Crime Resistance

This shows that the root of the delinquency lies in both in nature and nurture. Lure of a chocolate may lead one child to pick a pocket whereas a spirit of adventure might lead another to run away with somebody’s car. The conduct of some children may be explained by a single precipitating and preponderant factor but nevertheless, there are many other factors which contribute towards precipitating the one factor. When a straw breaks a camel back, there are other preceding weights and strains to be considered. Recent sociologists, psychiatrists

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45 K. Kusum, 'Juvenile Delinquency- A Socio-legal Study'(1979) Published by KLM Book House, New Delhi
46 The Psychology of Crime p. 37 (1960)
and criminologists agree that delinquency is a result of a number of factors. Burt enumerated no less than 170 causes which were conducive to delinquency.

According to him, "crime is assignable to no single universal source nor yet to two or three: it springs from a wide variety, and usually from a multiplicity of alternative and converging influences. So violent a reaction, as may easily be conceived, is almost everywhere the outcome of a concurrence of subversive factors: it needs many coats of pitch to paint a thing thoroughly black." 

The discussion at the Seminar supported fully the multi causal theory of delinquency and called for research to bring out which particular causes are more relevant in the context of rural, social and economic setting in India.

No one factor is the sole cause of delinquency. It is a result of the interaction between the individual and his immediate and economic factors like poverty, slums etc. The natural factors are biological, mental and emotional. Geography and climatic conditions are indirect contributors to delinquency, According to B.K. Bhattacharya, "there is much to do... to remove abject poverty, to mend broken and disorganized homes, to abolish slums, with their carcinogenic situation and to alleviate miseries of the millions of refugees. At the other end, paradoxically, there is seen better clothes, and food, better entertainment facilities, earlier physical and sexual maturity and economic independence for some favored few. The young people do not get adequate guidance nor good example from the grown ups. In an atomic age, an age of violence, when robber nations care little for humanity, with ethics shattered and ideals fallen, immediate gratification is sought, leaving tomorrow to take care of it self. One must not however, cease to hope and do one's best."

At a seminar held in the U.N. Regional Institute for Asia and the Far East, at Tokyo, the increase in juvenile delinquency was attributed to increase of leisure time, breakdown of family system, weakening human relations, rising standards of living and aspirations for the same, impact of war, influence of mass

47 Supra note 11.
48 Id., at p. 599-600
49 Seminar, supra note 8.
50 Seminar, supra note 8 at p.97.
communication, social change etc. Going through the records and history of children committed to institutional care, one finds that in most of the cases there are at least four or live factors that have turned these children astray the most potent being poor economic conditions coupled with unwholesome family atmosphere.\(^{51}\)

### 2.4 Causes of Juvenile Delinquency

Juvenile delinquency takes place in various forms and very in degree, frequency, duration and seriousness and involves different forms of specialization like drug addiction, sex offences, predatory acts etc. Delinquency like other social behaviour has complex roots. It is most often a transitory phenomenon. The future criminals can certainly be reduced by preventing the children of going astray. The child because of his being future of the nation should be given atmosphere conducive to his being a responsible and sensible citizen. If the child is brought up in an unwholesome environment, he assimilates wrong norms and values and at later stage of life it becomes difficult to bring him to the right path. It is now matter of common knowledge that a good number adult criminals committed first offence in their childhood, long before their first conviction as adult offender. They being child managed to escape notice of their first offence which encouraged them to commit further offences till they were apprehended, tried and convicted.

However unless causes of delinquency are known and identified the problem of delinquency cannot be prevented. So the question arises as to what causes a child to break a taboo, a social sanction or law? Delinquency as a social disease cannot be treated without knowing about its causes. The subject of crime unlocks such powerful emotions that it is most difficult to obtain objective or scientific data on the incidence of crime and on the circumstances under which the crime rate rises and falls. In order to explain juvenile misconduct it is necessary to analyse the condition of the individual involved, the influence of the society around him and the sequence of occurrence preceding the deviant

\(^{51}\) K. Kusum, 'Juvenile Delinquency- A Socio-legal Study'(1979) Published by KLM Book House, New Delhi, p.28-29
behaviour of the juvenile. Delinquency is an important problem requiring urgent attention. The problem of causation is not easy but rather highly complex.

This fact cannot be lost sight of that the law and order situation in the whole world is deteriorating everyday. Disorder and conflict in society are dominating the lives of the people leading to social tension, phobia and lawlessness. This owes considerably to the deviation in the behaviour of some members of society from the social norms. Matza states that problems of deviance are perceived as threats to the social norms, values and control. Deviant behaviour among the delinquents and criminals is assuming serious and violent forms and it is an alarming situation. According to Singh the most dreadful aspect of the problem is that juvenile delinquency is the widest gateway to adult crime. If the trend continues for long, a time may come when the very life of the society would be disrupted. Wolfgang asserted that almost universally, the highest incidences of assaultive crimes are committed by young offenders, most of whom are in their twenties and many of them are in their late teens or early thirties. Lately, it is observed that juvenile delinquents commit offences of serious nature (like adults) including riots, arson, robbery, dacoity, murder and even rape.

There is no single cause of Juvenile delinquency but there are many and varied causes. Basically, causes of Juvenile delinquency are of three types.

- Biological
- Socio-Environmental
- Psychological, Physiological and personal

A. Biological Causes

(i) Ocular Ailments:

It leads to irritability. It is a discontent factor causing emotional disturbance and discomfort. More over, this may prevent the acquisition of sufficient knowledge so useful for making one able to make a living.

(ii) Nose and throat problem

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This may cause weakness and discomfort and may result in school truancy or dislike for work. Breathing may be obstructed, and may result in mouth breathing and may, thus, give an appearance of inefficiency in work.54

(iii) Hearing Problem

Such as deafness or difficulty in hearing makes the person concerned inefficient. Efficiency is generally weak and adversely affects his ability to work and he depends on others which may lead to antisocial behavior.

(iv) Speech Problem

It is also found to lead to delinquency acts especially in children. A person with speech problem is pitted or laughed at in the society. Due to this, feeling of inferiority may be developed which may lead to a desire to make up in criminal acts.

(v) Enuresis

It involves a disorder of functions of the bladder. Sometimes it discomfort and even some time may lead to delinquency.

(vi) Irritation

Irritation caused by ailments such, as ringworm eczema, irritation of sexual organs is also a significant factor resulting in delinquency.

(vii) Headache

It may cause irritation of temperamental though rarely may result in some sort of out burst55.

(viii) Excessive strength

A person who is possessed excessive physical strength and his mental trait being uncultured and not properly channelized, probability of his committing an act of offence becomes higher.56

(ix) Hypoglycemia

Hypoglycemia caused by low level of glucose in blood disturbs the mental equilibrium and affects the level of consciousness, memory and orientation. It

54 See also Healy W. The Individual Delinquency p. 218.
55 See also Healy W. The Individual Delinquency p. 225, 226 and 231.
56 Id at p. 236.
may make the patient liable to assault violent breaches of peace, suicide homicide, drunkenness, perversions, theft, mischief, arson and slander.

B. Socio-Environmental

(i) Mobility

This factor is responsible for crime causation in the society. The rapid growth of industrialization and urbanization has led to expansion of means to communication, travel facilities and propagations of views through press and platform. Migration of persons to new places where they are strangers offers them opportunity for crime as chances of detection are minimized considerably.

(ii) Cultural conflicts

In a dynamic society, social change is an inevitable phenomenon. The impact of modernization urbanization and industrialization in a rapidly changing society may sometimes result in social disorganization and this may led to culture conflicts between different values of different sections of society. The immigration affects the crime rate of a place. Culture conflict between inhabitants and immigrants results in deviant behaviour. Ruth & Cavan found that Eskimos who are still not free from the problem of crime till now. How they frequently indulge into deviant behaviour such as loitering drunkenness and sex offences due to their immigration to urban areas and social contract with non-Eskiness. India has faced this problem during Indo-Pak partition days in 1947 and Bangladesh in 1971. There was in flood of ‘Refugees’ from Sindh and North West frontiers region in 1947, which broke down their traditional social structure of Indian Society and resulted into enormous increase in crime.

(iii) Family background

This factor also incites or encourages the Juvenile to commit for offence/crime in society. Sutherland said that the family background has greatest influence on the criminal behaviour of offender or Juvenile. The Children are apt

57 Montagu M.F. “The Biologist looks at crime”, The Annals, 1941 pp. 50-51
to imbibe criminal tendencies, if they find their parents or members of their family behaving in the similar manner. A child who is brought up in a broken family is likely to face an easy prey to criminality. The lack of parental control over children due to death, divorce, or desertion of parent or their ignorance or illness may furnish soothing ground for children to resort to criminal acts. The frequent quarrels amongst parents, undue domination of one over the other, step-motherly treatment with children, frequent births in the family, immorality of parents, misery, poverty of unwholesome family atmosphere unemployment, low income or parent's continued long absence from home may led to the child to do commit the offence in the society. Some are the same factor which emanates from the family background are as under:-

(a) Family Structure

Family is considered to be the most effective variable in socializing the child and also in serving as a source for learning various types of behaviour. The nature and structure of the family are largely responsible for carving out the personality make-up of the children. A functionally adequate family encourages growth, confidence, frankness and ability to face reality. Delinquents mostly come from functionally inadequate homes (Carr\textsuperscript{60} and Srivastava\textsuperscript{61}). Ingram\textsuperscript{62} found family structure to have important bearings on delinquent behaviour of a child. Dornbuschs\textsuperscript{63} study revealed that both the pattern of family structure and decision making contribute distinctly to adolescents deviant behaviour.

(b) Broken Homes

One facet of family structure which has been the subject of many studies is the broken home. Broken home means a home where either of the parents is dead or living separately or is divorced or that parents are drunkards or drug addicts or

\textsuperscript{60} Carr, Lowell, J., Delinquency Control, 1950, p. 166
the parents or any other member of the family often fights with each other. In such circumstances, the child feels disowned and insecure and thereby finds his way on the cross roads. He is exposed to the anti-social activities, which he adopts to satisfy himself and in the process, he is led towards delinquency. Some researchers have found very high incidence of broken homes among juvenile delinquents. Shaw and McKay\textsuperscript{64} (1932), Weeks and Smith (1939), Glueck and Glueck (1950), Browning (1960), Peterson and Becker (1965) have reported in their studies the relationship between broken home and delinquency. Badami (1965); considered broken homes with other factors, such as, poverty, lack of recreational facilities, disorganized family, including family conflicts, and neglect of children to be the important factors causing juvenile delinquency. Rankin (1983) found that broken homes were highly associated with family offenses such as running away from home and school truancy rather than with other types of juvenile delinquent activities.

(c) Child's Birth Order in the Family

Another aspect of family structure which has often been related to delinquency is the ordinal position of the child in the family. Lees and Newson (1954) found differences among the delinquents which could be attributed to sibling position. Their study showed that intermediate children having both older as well as younger siblings were significantly overrepresented in a group of delinquents. They found that the intermediate children were attended to less by parents as compared to the oldest and youngest children which lead the intermediate children towards delinquency. The results of their study have received some support from the findings of Gluecks (1950) and Nye (1958).

(d) Family Size and Type

Family size has also been cited as a factor in causation of delinquent behaviour in juveniles. Delinquents are found more likely to come from larger families as compared to the smaller families. Glueck (1950) found delinquent boys were more often from larger families. Andrew (1976) and Fisher (1984) also

\textsuperscript{64} Shaw, C.R. and McKay, H.D., Are broken homes a causative factor in juvenile delinquency? Social Forces, 10, 1932, 514-524
found similar results in their studies on juvenile delinquents. The type of family
joint or nuclear may also cause juvenile delinquent behaviour but studies in this
area are still wanting. Similarly, several studies are seen here and there,
emphasizing upon the large size of population to be a contributing factor to the
growth of juvenile delinquency, but systematic studies are required to be done in
India to investigate into this phenomenon.
(e) Parent-Child Relationship

The most important single factor in the developmental picture of children
is relationship with their parents including parental behaviour. The pattern of
interpersonal relationship with a family is important in shaping the inter-personal
behaviour and cognition of the child (Glueck and Glueck, 1950 and Nye, 1958).
According to Desai (1979), "the child needs to feel that there is at least one solid
dependable fact in the changing confusion of his social relationships, that he need
never doubt his parents affection for him". But in many cases, misunderstandings,
hard feelings and open conflicts occur between parent and the child.

Bandura and Walters (1956) found that the interpersonal relations between
aggressive delinquent boys and their parents were at the behaviour level,
characterized by a lack of dependency on the part of the son. According to these
investigators the development of hostile and rebellious behaviour towards
parental figures appears to be related to scarce and inconsistent parental display of
affection and recognition towards the child. Bhattacharya (1976) has pointed out
that every child is born with the desire of being wanted, loved and understood. As
the child grows, he or she expects to have ever increasing sphere of affection
beginning with mother, father and other members of the family; Failure to meet
these needs results in dissatisfaction and hostility in the child. Subsequently, such
dissatisfaction and hostility precipitates social deviance. Shukla A (1977) in his
study on adolescent thieves found that most of the delinquents were not deeply
attached to the family members, although in some cases they might have been
attached to some members of the family. The occasional delinquents showed
greater signs of attachment with family than the habitual, or the professionals.
Lakshmann (1982) reported that juvenile delinquency is affected by the differential treatment given to the children by their parents.65

(f) Behaviour of Step Parents

The behaviour of step-parents is also the main cause of delinquency. When step motherly treatment is given to the child by the step parents the child tries to run away and loiter in street and other places and this also leads the child to commit offence.

(g) Behaviour of alcoholic parents

It is fact that the behaviour of such parents also influences the children’s behavior. When behavior of parents is not good and meaningful, behavior of child would also be biased because the mind of child is impressionable. The children of the alcoholic parents are mostly found indulging in the delinquent activities. The children also become addict to alcohol which results in their going out of control of their parents.

(h) Excessive punishment

Excessive punishment given to the children by their parents many a time spoils the child in stead of disciplining him because he may feel dejected and frustrated leading to his involvement in anti social activities for the purpose of bringing shame to the parents.

(i) Constant Quarrel

Constant quarrel between parents make the home environment uncomfortable and intolerable for the children. This also causes delinquency in children and leads to delinquent behavior of the child under mental and psychological pressure.

(j) Exploitation of Children by their parents

Child begging or sending children to work at a tender age to add the family income can be regarded as source of delinquency.66 Some places such as gambling houses, houses of ill fame, billiard halls, prostitutions, may corrupt the

child or young person and lead to delinquency. Parents should protect their children from such houses/places.\textsuperscript{67}

(iv) Neighborhood

Neighborhood influences also have much to do with the nature of crimes in the particular locality. Thus, thickly inhabited areas, towns and cities offer frequent opportunities for sex offences and crimes relating to theft, burglary, Kidnapping, cheating, deceit etc. The cases of pick pocketing are common at railway stations and bus stops and other halt station. Vehicle theft by youngsters is too common at a few places and other gathering places. Another significant feature of delinquency is certain anti social activities in the neighborhood. These include prostitution houses, gambling houses, brothels and similar other dubious characters institutions. The cinema theatres, swimming pools sport grounds, racecourse generally offer a favorable atmosphere for delinquents.

(v) Socio-economic condition

Socio-economic condition is also the factor, which leads to the child to commit the offence. Present day industrial progress, economic growth and urbanization have paralyzed our domestic life. The loose control over the wards has slackened this leaving them free to behave as they like. Now-a-days, money is the parameter to gauge or measure the social status of a man in society. The crimes in the high circle of society may easily be covered up through money. The poverty contributes a major factor in commission of crime.

This important factors contributing to delinquency seems to be from low status in social system, educational deficiency, poverty, inadequate accommodation, broken houses, bad neighborhood and large size of family. Their adverse factors occur in the clusters and interact to make a very patent crime-producing situation. Gold\textsuperscript{68} has said that parents of low status are at a disadvantage in trying to exert control over their sons to react to social frustration in a rebellious and delinquent fashion. Therefore, parent's occupation educational

\textsuperscript{67} Ibid
\textsuperscript{68} Gold Status forces in Delinquency Boys 1963 Michigan University Press Ann Arbor pp. 35-60
level and their income are considered important factors in steering the youth towards or away from delinquency.

West\textsuperscript{69} feels that poor attainment educational is the important factor for delinquency. Unclothed children coming from poorer homes are unpopular with teachers, not encouraged by parents to do well in school they play truant. Bad neighbourhood too contributes to it. According to him "delinquency is more prevalent in town than in small villages because of the densely populated industrial areas and slums inhabited by poverty stricken families accompanied by illegitimacy, immorality, alcoholism and disease. Financial hardship plays another prominent role for committing the crime. When the parents due to financial condition do not fulfill minimum requirements of children then the children lead to criminality or commit offence.

Ferguson\textsuperscript{70} stated that size of family is another factor of crime. When there are many members in the Houses, a worker's earnings may be insufficient and one earner and several dependent which in turn, may lead to both physical and mental deprivation and truancy in school.

(vi) Alcohol/Intoxication

It is also another major cause of crime. Now-a-day, it has become a fashion to use of alcohol is. Some people give a spoonful of Brandy to a sick juvenile who is suffering from cough. It is generally supposed that the Brandy may be useful for cough and cold. The abuse of alcohol ultimately causes heavy damage to the body and mind and the person or juvenile who has consumed liquor cannot understand the consequences of his acts and he is quite likely to do some harmful and wrongful act.

After consumption of alcohol one looses self-control. In families, it results in quarrel between husband, wife and children and assault on them. It creates disgusting atmosphere at home and the children think it better to leave home. This may also lead to commission of crime by such frustrated child. The lack of

\textsuperscript{69} D.J. West (1967) Op Cit.
\textsuperscript{70} Ferguson (1952), "the young Delinquency in his social settings", London Oxford University press pp. 11-32.
discipline in family is highly hazardous to the child. The child should be checked whenever it is necessary otherwise they may indulge commission of offence.\footnote{Annual Report of Children's Aid society Bombay (1960-61) pp. 33-34}

(vii) Peer Group

The behaviour of an individual largely depends on his peers. Some of the individuals (mostly in teen ages) form gangs in which a number of individuals associate together in group activity which often emerges into criminal tendency (Rogers, 1960). Gangs act as a contributory factor to juvenile delinquency. Boys and girls often learn techniques of committing crimes in gangs. Gang is more or less a means of conveying techniques of delinquencies, of training in delinquency, of safeguarding its members engaged in delinquency and of maintaining continuity in delinquency (Kaldate, 1982). If a child remains with a gang along with other delinquents, he gets more opportunity and frequent chance of engaging himself in delinquency. He joins gang to secure everything which he does not get otherwise.

(viii) Nature of Society

The nature of society whether democratic or authoritarian, also determines the incidence of delinquent behaviour of the children in that society. Moreover, the habitat of people in society is also one of the aspects of society which tends to affect juvenile delinquency. For instance, the rural and urban settings in India are much different in terms of occupation, education and interpersonal relationship. These differences seem to have differentially affected the incidence of delinquency in these two populations and this aspect needs to be further studied.

(ix) The socio-cultural condition

The socio-cultural environment is also an important factor in the causation of juvenile delinquency. When a child moves in his society, he mixes with different shades of people some of whom are engaged in destructive activities. The anti-social elements have ulterior motives to make profit by converting the normal children into delinquents. This helps them to earn money through these young delinquents by engaging them also in antisocial activities such as theft,
assault and aggression. A juvenile, coming in the clutches of antisocial elements finding protection or check from other members of society, is naturally driven to commit crime (Bhatia, 1977). This affects adversely not only the personality of such children, but it also creates serious law and order problems for the administrators.

In general, the type of environment prevailing in society is an important determinant factor in the incidence of juvenile delinquency. For instance, unhealthy social environment in certain districts in India such as Mainpuri and Bulandshahar in Uttar Pradesh, Sri Ganganagar in Rajasthan and Bhind and Morena in Madhya Pradesh, has a dominance of criminality which naturally helps in making the youths to be delinquents.

Moreover, factionalism in society relating to class, religion, culture etc., also affects juvenile delinquency. Wolfgang (1967) stated that one of the significant aspects to which may authorities draw attention in connection with deviant behaviour is social class. Whatever the position of a society on a closed-open class continuum, the social class factor looms large in all studies of violent crimes.

Socio-economic status of a member of society has also been reported to play an important role in influencing delinquent behaviour (Merrill, 1947). Gluecks study (1956) showed that most of the delinquents were from poor families. Similarly, Singh (1980) found that truants belonged to poor families. However, Doraiswami (1940) pointed out that poverty was not the major factor in juvenile delinquency. As such, the various aspects of socioeconomic status, namely, social class, education, occupation, income and related factors are also important and deserve to be studied.

According to the geographers, climate and topography have a considerable influence. It is generally believed by them that offences against property are frequent in winters and those against body in summers. Mabel A. Elliot, writes that in winters theft and stealing is very common. This is due to high cost of

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living in winters, expensive winter clothing, and fuel with little employment and less agriculture.

Population among the geographical factors of crime causation we may mention the population factor. Over population leads to slums unsanitary and unhealthy conditions. According to Clarence Darrow\textsuperscript{73} the child criminal is now common and for the most part is a product of the city. All crime is doubtless much more common in the city than the country, and the young criminal especially, is the product of the crowded community...\textsuperscript{74}

(x) Cinema

Cinema is also considered as a cause of crime or delinquency because children are of easy impressionable mind. What they see on the screen they try to do as it is in real life. Present day pictures are full of criminal activities scenes like robbery, theft, loot and rape etc. The parents must be careful and serious in not taking their children to undesirable pictures especially with the crime scenes.

The connection between movie and delinquency is considered to be quite close. Cinema, it is said, has an adverse effect on the moral sense of the children because of its emphasis on violence, crime and sex. Too crazy people for movies neglect their studies, turn truant from school and house. Quite often when they don’t have money for the cinema ticket, they resort to stealing. The undesirable influence of television lies in introducing an element of impersonal relationships in the family. According to Marie Seton,\textsuperscript{75} interest in films in the country (India) is unparallel, therefore, carefully planned programmes with appeal to different groups could be built up through suitable films.

(xi) Role of Press

The press through sensational news of crime stimulates delinquent conduct. Press plays an important role in making good and bad impressions on easily impressionable mind of the children. Children are attracted and lured by

\textsuperscript{73} Crime, its causes and treatment 75
\textsuperscript{74} K. Kusum, 'Juvenile Delinquency- A Socio-legal Study'(1979) Published by KLM Book House, New Delhi p.25
\textsuperscript{75} Marie Seton, The Films as the Educational force in India, Ministry of the education, Government of India 1956 pp. II and 40-41.
the headlines of a newspaper and clipping of news items on telephone etc. announcing the news of robbery, describing it as an adventurous short-cut to riches. The children learn the mode of committing the offence. Cases of kidnapping and child-lifting reported the daily and shown repeatedly are misguiding factors to the young who run away from homes or schools to commit offence. Jerome Motto\textsuperscript{76}, of the University Of California School Of Medicine, says that newspaper is one of the factors in encouraging suicide. He based his charge on finding that suicide rate in the Detroit area dropped by 20\% during the ten months' strike when newspapers were not available. He blamed the newspaper for their constant emphasis on violence, aggression, sexuality, power and notoriety.

(xii) Cheap Literature

There is a general feeling and belief that cheap literature has an adverse effect on young minds. Main among the criminogenic effects ascribed to literature is its harmful sexual influence on young persons and secondly, its stimulation of criminal tendencies through attractive descriptions of criminal surrounded with an atmosphere of excitement and adventure. A more direct criminogenic effect of such reading is that its description of a particular crime may act as a direct suggestion or of a technical procedure to be used by the reader. Another harmful effect of such literature is that it prevents children from spending their leisure in healthy pursuits. The causal connection of cheap literature with delinquency has particularly been stressed by Frederick Wertham in the United States and by Mays in England. According to Wertham such literature only offers murder, crime and drug traffic to children. Their effect in general is anti-educational and they interfere in education by taking "large chunks of a child's life during which he is not positively, that is, educationally occupied." He derived his conclusions from studies made over a period of seven years, Similarly, Mays in England holds the adults responsible for providing stimulation to the teenage cult through cheap advertisements and photos in the periodicals, with the ulterior motive of

\textsuperscript{76} Jerome Motto, Professor, School of Medicine, California, in the Hindustan Times 30.1.1970
promoting sale of certain kinds of articles. Bhattacharya holds the same view, The movie, the radio and the crime magazine, he says, stimulate crime through imitativeness, especially in the impressionable ones who are open to suggestions.77

(xiii) Physical Standards

Lombroso (1835-1909) emphasized on the biological causes of crime and suggested several criminal types, such as, criminals by passion and occasional criminals and also said that criminals were born as such. Kretschme (1926) identified “body-mind” types: the cylothyme and schizothyme. He believed that the cylothymes were less serious delinquents and criminals than the schizothymes. Sheldon (1949) also linked the body-types to delinquency. He discovered three basic body types:-

(1) Mesomorphs
(2) Endomorphs
(3) Ectomorphs

Gluecks (1956) used the aforesaid logic of Krestschmer and Sheldon in a study of juvenile delinquents and found the delinquents to be more mesomorphic or athletic in body structure than the non-delinquents.78

Otto Pollak79 attributed criminality in women to physical factors such as menstruation, pregnancy etc. which disturb their psychological balance. Similarly Pauline Jarnowky investigating the characteristics of female thieves and prostitutes observed this only when her work was almost complete. She found signs of degeneracy among many prostitutes she studied. She found abnormalities of ears and teeth and in the shape and size of their faces and skulls. In La Donna Delinquents, Lombroso also noticed similar traits but confessed that there was no easy definition of a female "criminal type". In general however, he noted that murderesses, thieves and prostitutes weighed more than normal girls. Healy stressed the factor of physical over-development in delinquency amongst girls.

77 K. Kusum, 'Juvenile Delinquency- A Socio-legal Study'(1979) Published by KLM Book House, New Delhi p.27
79 The Criminility of Women Ch. 10 (1960)
According to him, "there can be no doubt that the common sense observation of many judges is true, namely that a girl's sex delinquency based on physical over-development, perhaps directly causing her attention to be drawn to the sex life, as well as teaching her to be attractive to the opposite sex." According to E.A. Hooton his studies revealed that criminals differed from non-criminals in that they had various characteristics of physical inferiority. However, it cannot be denied that many personality problems of children are caused due to physical handicaps and other such anomalies. Such children develop an inferiority complex, a feeling of dejection, anxiety and frustration. This interferes with the proper development of their personality.80

Mental make up

Mental make up of the child also conditions his behaviour to a large extent. Various researches reveal that a large proportion of delinquents are feebleminded and deficient in intelligence. According to Henry H. Goddard, the greatest Historian, there are two basic theories of crime and delinquency. One refers to spiritualism and the other relies on worldly explanation. According to VoId (1960) both the theories are ancient and modern as well. But natural or these worldly theories can be called scientific since the spiritual explanations cannot be empirically tested and upheld or disproven. The oldest theory of causation was that of diabolic possession and instigation, the act committed was judged only by its external appearance irrespective of the intent and motive. The absence of intent was rather an aggravating than an extenuating factor since the offender, in this case, was considered to be possessed of supernatural power. The child offender was no exception. He was considered wicked and evilly disposed, dangerous, incorrigible and, therefore, irrespective of his age, sex, mental and physical conditions, deserved to be punished. Conduct disorder usually develops during childhood and manifests itself during an adolescence life. Some juvenile behavior is attributed to the diagnosable disorder known as conduct disorder. Juvenile delinquents who have recurring encounters with the criminal justice

80 K. Kusum, 'Juvenile Delinquency- A Socio-legal Study'(1979) Published by KLM Book House, New Delhi, p.13
system are sometimes diagnosed with conduct disorders because they show a continuous disregard for their own and others safety and property. Once the juvenile continues to exhibit the same behavioral patterns and turns eighteen he is then at risk of being diagnosed with antisocial personality disorder and much more prone to become a serious criminal offender. One of the main components used in diagnosing an adult with antisocial personality disorder consists of presenting documented history of conduct disorder before the age of 15. These two personality disorders are analogous in their erratic and aggressive behavior. This is why habitual juvenile offenders diagnosed with conduct disorder are likely to exhibit signs of antisocial personality disorder as they mature. Once the juveniles reach maturation their socially unacceptable behavior has grown into a lifestyle and they develop into career criminals. "Career criminals begin committing antisocial behavior before entering grade school and are versatile in that they engage in an array of destructive behaviors, offend at exceedingly high rates, and are less likely to quit committing crime as they age. (xv) Heredity

The factor of heredity is emphasized a lot when studying the cause of delinquent behaviour. According to Goring, feeblemindedness is the result of hereditary transmission. An opinion was expressed in a Seminar on juvenile delinquency that 'delinquent parents breed delinquent children.' Heredity and environment influences a child's behaviour to a large extent. 'Heredity conditions what a child can do or not do, whereas environment influences what he does.' However it may be pointed out here that quite often what appears to be a hereditary trait is nothing more than mere identification. Thus, where a father is a thief, the son may start stealing from an unconscious desire to be like him. Association makes him what he is. What passes from parents to children is a tendency. These tendencies remain dormant till aroused by external pressures. If children of criminals commit delinquent acts that should not be attributed to heredity but rather to association, influence or training. Remove such children
from such an association very early in age and they will be different.  

C. Psychological, Physiological and personal

The offender’s mental traits, peculiarities to abilities play a very important role in the determination of delinquency. It is really the mind that controls it, the mind is designed, defective or feeble, we must turn, for acute, to removal of defect or to the fortification of the faculty. There are some substantial factors in causation of antisocial behavior and crime.

Psycliological and Neuro-psychiological conditions and ailments, ocular ailment, nose and throat obstructions, eating trouble, speech defects, enthuses, phinosis physical irritations excessive physical strength mental disorder etc; as in the case of normal behaviour, the delinquent behaviour is also affected by intellectual factors. It is commonly observed that intelligent persons in teenagers perform delinquent acts in rather refined manner. Early studies by Goring (1913), Goddard (1921), found low intelligence as the single factor influencing juvenile delinquency. In India, Kundu (1969) found delinquents to be of inferior intelligence. In contrast, some researchers have found delinquents to be more intelligent. Muthayya and Bhaskaran (1964) found delinquents to be slightly more intelligent than normals.

The personality traits, such as neuroticism, psychoticism, frustration and maladjustment appear to be important causative factors of juvenile delinquency. Hinderlang (1971) found delinquents to be more neurotic than non-delinquents. Shanna (1979) found delinquents to be highly frustrated. They were reported to have higher scores on regression and aggression. Moreover, Basu (1984) on the basis of his study pointed out that emotional instability, in-security, feelings of inadequacy (both in respect of primary and secondary needs) and inferiority are common denominations or behaviour disorders in juvenile delinquency. Healy and Bronner (1936) found that delinquents were either rejected, deprived or insecure. Russell (1977) found that neuroticism, depression, sensitivity, impulsivity, social extroversion and social non-conformity were dominant personality

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81 K. Kusum, 'Juvenile Delinquency- A Socio-legal Study' (1979) Published by KLM Book House, New Delhi, p 15
characteristics in juvenile delinquents.

Delinquents have often been observed to be rigid in their behaviour and do not easily change their pursuits. Sivanandam (1990) in her study indicated that the girl delinquents and women criminals were high on introgression blame avoidance, evading frustration, need persistence, group conformity rating and low on obstacle dominance. There are many studies (Dean, 1953; Glasser, 1978; Thilagaraj, 1985) on the level of aspiration of delinquents reporting different trends of results regarding aspiration level of delinquents vis-a-vis non delinquents.

(i) School Factors

The school has the closest contact with most children over the longest period of time. Bad schooling which includes cruel treatment by teachers creates hatred and frustration among the school going children which forces them to leave the school and take the path of delinquency. Bhatia (1977) pointed that the unfavourable school conditions may include harsh and unsympathetic treatment which often aggravates the situation. According to Pathak (1975): "School is usually thought as a constructive agency but when it fails) to perform its designated functions, it may become by virtue of its negligence, a main contributor to delinquency." To many children schooling is uninteresting, monotonous and distasteful with the result that they play truant (Desai, 1979). Feldhusen, Thurston and Berming (1973) and Elliott and Voss (1974) found school related variables as more contributing factors to delinquent behaviour than the effects of either family or friends. Martin (1978) pointed out that delinquent behaviour is the manifestation of psychological defence against threats to self esteem, and a substantial part of those threats originates in school experiences. He further pointed out that the school experience may frustrate lower class youths and negatively affect their self concepts by labeling some individuals as bad or problem children. He found that highly isolated children in the schools were more related to delinquent activities. Braithwaite (1978) in his study on delinquency and nature of schooling at Australian schools reported that the students from the
highly competitive schools show less delinquency than students from non-competitive schools. Gold (1978) proposed that delinquent behaviour is the manifestation of a psychological defence against the threats to self-esteem, and a substantial part of those threats originates from the school experiences. Sekar, Edwari and Shariff (1983) concluded from their study that there is an association between children who are anti-social and neurotic with their below average performance and irregular attendance in the school.  

(ii) Drug-addiction

Use of drugs by the youngsters in these days is very common. Due to drug-addiction the children starts committing small offences. Intoxication results in assault on other family members particularly females and children which disturbs family discipline. The lack of discipline in family is highly hazardous to the child. The child should be checked whenever it is necessary otherwise they may indulge commission of offence.

(iii) Overcrowding

It is a very bad for young children, whose mind is impressionable. The child sleeping in the same room with his parents sees and overhears things which the better to do are shielded. The shadow of father jealousy towards others or other negative discussion falls across the young and impressionable mind. The activities of the father and mother may change the mind of children and they may also lead to crime.

A few other causes of delinquency may be noticed as under:-

1. Bad Company
2. Adolescent instability and impulses
3. Early sex experiences
4. Mental conflicts
5. Excessive social suggestibility
6. Love of adventure

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83 Annual Report of Children’s Aid society Bombay (1960-61) pp. 33-34
7. Motion pictures
8. School dissatisfaction
9. Poor recreation
10. Street life
11. Vocational dissatisfaction
12. Sudden impulse
13. Physical condition

The mental troubles and emotional maladjustments are strong factors in the delinquency. Dr. Nathaniel Hirach found that 65% of Juvenile Delinquent (America) suffers from emotional personality or mental deviations. Bad Company is cause of delinquency and child should be saved from bad company and bad neighbor. Child labour is also cause of delinquency the children should be protected from it and there should be strict legislation prohibiting child labour.

Smoking is also another cause of Juvenile delinquency. Smoking affects the lungs and hearts and itself is a bad habit, which is responsible for causing Juvenile Delinquency. It is very harmful to mind and body. In 1919 the Bengal Legislation Act was enacted. The act prohibits any sale of giving of Tobacco, or cigarette paper to any young person under age of sixteen. Section 4 empowers any police officer in uniform or any person or class of persons duly authorized by the state govt. to seize any Tobacco Pipes or Cigarette papers in the possession of any person who is under age of sixteen years. In Maharashtra and Gujarat States section 10 of Bombay Children Act empowers the police officers to seize any cigarette or tobacco or any smoking material in possession of any person/child found smoking on any public place or street.

2.5 Prevention of Juvenile delinquency

In order to prevent Juvenile Delinquents we have to deal not only with maladjusted children and youths whose difficulties bring them before law, but also with those who while not violating laws, are disturbing others in school and

85 Hirach. N. Dynamic cause of Juvenile crime’ p. 239.
86 See Section 3, the Juvenile Smoking Act, 1919
in the street. Prevention is necessary for such children. If they are not prevented then they would become the habitual offender so their prevention is necessary. They make mistakes and become excited and fail to behave according to legitimate expectations. First of all, we should identify such juveniles and thereafter give him treatment. They will become habitual offender if they are not timely prevented from committing the offence. Juvenile delinquency, as a sign of sick society is day by day becoming an alarm to awaken those who are either struck with the disease or those who are likely to get struck. Over-crowding in the cities, coming up of slums, cinema, smuggling, gambling and drinking are some of the contributory factors responsible for this ever growing phenomenon. This study is guided by a desire to gain an insight into the problem of delinquency and its statutory treatment in a remote developing region of this vast and ever growing country. An attempt has been made to know the various causes of delinquency and its nature in different areas and strata of society.

The most effective way to prevent juvenile delinquency has indisputably been to assist children and their families early on. Numerous state programs attempt early intervention, and federal funding for community initiatives has allowed independent groups to tackle the problem in new ways. The most effective programs share the following key components. There are so many Jurists and criminologists who suggested many provisions for the prevention of juvenile delinquency. Some of the provisions are very useful for the welfare of the juveniles and their development.

Delinquency Prevention is the broad term for all efforts aimed at preventing youth from becoming involved in criminal, or other antisocial, activity. Increasingly, governments are recognizing the importance of allocating resources for the prevention of delinquency. Because it is often difficult for states to provide the fiscal resources necessary for good prevention, organizations, communities, and governments are working more in collaboration with each other to prevent juvenile delinquency.

With the development of delinquency in youth being influenced by
numerous factors, preventive efforts are comprehensive in scope. Prevention services include activities such as substance abuse education and treatment, family counseling, youth mentoring, parenting education, educational support, and youth sheltering. Reductionism e.g. over-simplifying complex experiences and circumstances by converting them to simple quantities, relying on a psychosocial focus whilst neglecting potential socio-structural and political influences.

2.5.1 Preventive Programmes of Juvenile Delinquency

There may be two kinds of programmes for preventing the juvenile delinquency;

(i) Individual Programme

Individual programme involves the prevention of delinquency through counseling, psychotherapy and proper education.

(ii) Environmental programme

Environmental programme involves the employment of techniques with a view to changing the socio-economic context likely to promote delinquency.

These two forms of preventive approaches are reflected in the following strategies, which are adopted in crime prevention programmes.

(i) Individual Programme

(a) Clinical programme

The object of this clinic is to provide aids through Psychiatrists Clinical Psychologists and Psychiatric Social workers to help the Juveniles delinquents in understanding their personality problems.

Taft and England\textsuperscript{88} have listed the function of clinics as follows

- To participate in discovery of pre delinquents.
- To investigate cases selected for study and treatment.
- To treat cases itself or to refer cases to other agencies for treatment.
- To interest other against in Psychiatrically oriented types of treatment of behavioral disorders in children

\textsuperscript{88} Taft and England, Criminology P. 524.
• To reveal the community unmet needs of children.
• To cooperate in training of students intending to specialize in treatment of behavioural problems

George Albee comments these clinics are treating the wrong people they are using the wrong methods, they are located in the wrong places and they are improperly staffed and administered. The Taft and England raise some pertinent questions and feel that there is difficulty to evaluate the child guidance clinic as a prevention agency.

(b) Educational Programme

The impacts of educational institutions are very significant in the countries where almost every child going to school and preventive programme can be launched in an effective manner through the schools. Teachers should not discriminate among the students; they should be treated equally and provided the moral education which is very helpful to the students for their life stand. Moral education is a significant factor for the students, which decide their life. They should be able to understand the difference between right and wrong ideas which are favourable for them and which are not. They should learn to respect the property of others. They should not steal the things of others. It is duty of the teacher to provide the moral education to the students and teach them the art of living in the society with the good manner.

(c) Mental Hygiene

This method is also helpful in prevention and treatment of Juvenile delinquency. To prevent the mental conflict and to bring about a proper mental adjustment in childhood and value of mental therapy in curing a mental disturbance cannot be over-emphasized. The mission of life must be determined and energies must be directed towards the fulfillment of the high mission. Development of high sentiment and values in child also prevent Juvenile Delinquency. In October 1944, on occasion of inauguration of the Indian Council for Mental Hygiene Dr. K.R. Masani, the then Director of Indian Institute

of Psychiatry and Mental Hygiene, said that the application of mental Hygiene was wide and varied and in Education, Law, Medicine, Public health, Industry, mental hygiene played an important role in preventing the delinquency and crime.

(d) Parent education

Parental education is very important for the Juvenile for preventing the commission of an offence. Parents should give such, Education to their children so that they do not commit the crime in society or are away from such commission. Every community should ensure opportunities for parental educations, which will help making good homes, improve family relationship, and education and care of children. Some educational programmes inform parents on how to raise healthy children.

(e) Recreational programmes

The recreational programmes are a good check on delinquency. Recreation programs enable youths to mix up with other adults and children in the community and develop friendship. Such positive friendships may assist children in later years. Youth programs are designed to fit the personalities and skills of different children and may include sports, dancing, music, rock climbing, drama, karate, bowling, art, and other activities. It is believed that the energies of youth can be very well channelised into pursuits like sport games and other healthy activities, which would counteract delinquent among the participants. The establishment of recreational agencies like sports, playgrounds community centers, concerts drama, puppet shows are very necessary for preventing the delinquency and developing social group work and youth groups. In rural areas, recreational agencies should provide open air meeting halls, playgrounds for sports and cultural activities. Youth organizations and groups/agencies should take and assume the responsibility for organising these programmes so that Juvenile may be kept away from delinquency.

(f) Removal of inferiority complex

Inferiority complex, fear, apprehension may sometimes lead the child to commit crime under wrong and misplaced belief/impression of proving himself.
Children deserve encouragement to become confident and good spirited person. Discouragement pulls them behind in their life. They should be properly to face various good and bad phases of life and their failures should not be criticized. Praise cheer, sympathy and love should be showered to banish inferiority complex.

(ii) Environmental programme

(a) Community Programmes

The community programme reverses the trend. The basic aim of community programme is to reach the people in need of help instead of people approaching the workers and agencies. Another significance of this programme is that the participation of the local community is considered to be more important and role of professional leadership is sought to be kept at the minimum level. Marshal B. Clinard has outlined the key supposition of these programmes as follows:

- Local people will participate in efforts to change neighborhood conditions.
- Because they do not accept an adverse social and physical environment as natural and enviable
- Because self-imposed changes in the immediate Environment will have real significance to the resident and consequently will have more permanent effect.

The Chicago Area project is the most important example for the community programme and it is the one of the oldest in the U.S.A. Clifford R. Shaw founded that the role of the local leadership of high delinquency could be more useful instead of or professionally trained workers. It is considered that the local leadership is more familiar with the area conditions and has or keeps better communication with their residents. Therefore they have greater engagement in the local problems and can be more efficacious in finding the required financial sources. The Youth Correction Act, 1941 was passed in California (U.S.A.) Youth Correction Authority was established to coordinate and provide facilities in Educational, Medical and Rehabilitation institutions, which worked for juvenile

delinquents. Besides the rehabilitation programme, it assisted in the development of facilities for sports, recreation and leisure time activities for children and young persons on the community level as a preventive measure.  

(b) Publicity

This method can also be very useful in preventing the Juvenile Delinquency. The newspapers, magazines, radio, television and motion pictures etc. should show the juvenile delinquency in proper perspective honestly and should also present real reports about the various wrong done by the juveniles and analyze its true causes and also protect the juvenile against false and misleading reporting. The actual position should be presented and produced before the society about their delinquent behaviour so that they may be properly assessed and dealt with by the society. Since a long time the question of publicity for Children's Court hearing has been an issue. Secrecy of Court proceedings has always been opposed in democratic countries, that is, the reason that our Constitution has provided for the publication of Court proceedings. However, some restriction in this respect is placed in the Children Acts. Section 36 of the Children Act, 1960 provides as under;

"36 (1) No report in any newspaper, magazine or news sheet of any enquiry regarding a child under this Act shall disclose the name, address or school or any other particular calculated to lead to the identification of child nor shall any picture of any such child be published:

Provided that for reasons to be recorded in writing, the authority holding the enquiry may permit such disclosure if in its opinion such disclosure is in the interest of the child.

(2) Any person contravening the provisions of sub-section (1) shall be punishable with fine which may extend to one thousand rupees."

The reason for such restriction in case of juvenile delinquent may be that publicity sometimes rather than being humiliating to the delinquent, has given him a sense of importance as a public figure and has raised his status among other

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91 B.N. Mishra, Juvenile Delinquency and Justice System, p. 34.
delinquent children. Publicity of crime is plainly punitive in origin and is made that a criminal should receive a public condemnation of his criminal activities. But as regards the objectives of the Children Act, it is plain that the Act is enacted "to provide for the care, protection, maintenance, welfare, Training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the Union territories."

In any case if press or other publicity is given to the crime of juvenile delinquent the rehabilitation of juvenile delinquent will become more difficult. The less publicity an individual case gets, the better is the chance to bring the delinquent back into conformity and to protect him from either delayed hero worship or a stigma that he cannot cast off. Rehabilitation does not go on the glare of publicity but through personal relationship of the delinquent with adult, nondelinquents and when needed through specialised case work or clinic services.

However, a different view of the secrecy of publicity has also been taken. It has been stressed\(^{92}\) that the secrecy of Children's Court proceedings is opposed as it may open the way for exploitation of or injustice to the accused person. It is perhaps against the interest of other persons who would stand to lose or gain in prestige, power or finances according to the outcome of a trial. It is further said that Juvenile Courts need a watch-dog to protect public and individual interests and that the best watch-dog is press.

(c) Parental love and affection

Child needs his parent's love and affection also. Unless his parents really love him the child can not get the best of his parents love and affection. Child needs unconditional, immediate and true love, care and protection of his mother and father. On account of deprivation of such love and care the child may develop frustration and dissatisfaction leading to crime. So parental love, care and protection is very necessary for the child to prevent him for committing or doing the crime.

(d) Family Environment

\(^{92}\) J.D. Caven, Functions of the Juvenile Courts,p.281
Family factors which may have an influence on offending include; the level of parental supervision, the way parents discipline a child, parental conflict or separation, criminal parents or siblings, and the quality of the parent-child relationship. Children brought up by lone parents are more likely to start offending than those who live with two natural parents, however once the attachment a child feels towards their parent(s) and the level of parental supervision are taken into account, children in single parent families are no more likely to offend than others. Conflict between a child's parents is also much more closely linked to offending than being raised by a lone parent. If a child has low parental supervision they are much more likely to offend. Many studies have found a strong correlation between a lack of supervision and offending, and it appears to be the most important family influence on offending. When parents commonly do not know where their children are, what their activities are, or who their friends are, children are more likely to truant from school and have delinquent friends, each of which are linked to offending. Lack of supervision is connected to poor relationships between children and parents as children often in conflict with their parents may be less willing to discuss their activities with them. Children with a weak attachment to their parents are more likely to offend.

2.5.2 Role of Police

The police has an important role in apprehending and protection of juvenile delinquents. The police has more contact with the juvenile than any other agency dealing with the juvenile delinquents. The police is a separate agency from the Juvenile Court and it is also guided and directed by the policies and philosophies of the Juvenile Court with which the police has to work. Thus, in order to understand the police's behaviour towards Juveniles, it is essential to understand all the facts of the Juvenile Court.

In America, the police have evolved a distinctive style and approach towards offenders (Juveniles as well as adults) and they have a unique effect on many of Juveniles they contact. Moreover, the police have some kind of contact with many more misbehaving and delinquent. All the delinquent and
misbehaving children are picked up and arrested by the Police but less than half are referred to the Juvenile Court and other half are to be handled independently by the Police and Police decide which children will be handled and how. In addition, police have many more informal functions and they encounters with children on streets and in places where they (Children loiter) their main function is to protect them from harm and maintaining law and order. In India also, police have an important role for protecting the children from harm and maintaining the law and order. It is necessary that sympathetic treatment should be given to such type of children who do commit mistake or offence so that they do not repeat such omission. Manner of handling of the juvenile by the police determines the child's subsequent behaviour to a large extent.

2.5.3 Enforcement of Law

The basic or main function of the police is to enforce the laws. The function may involve interfering with crime by stepping in to prevent a crime. It is duty of the police to inspect such places where illegal activities are carried on to lure or attract children to be involved in these activities. Constant surveillance is one of the ways in which law and order is maintained and delinquency and crime is substantially reduced in amount and seriousness. The regulatory activities are protective as well as preventive. Regular inspection and investigating may reduce the crime and delinquency in the places. If supervision by the police reduces or eliminates the illegal activities of adults, juvenile delinquency will also be decreased substantially particularly on public places. The police is empowered by the laws to apprehend the juveniles involved in delinquency and criminal acts. Those drunken youth and girls loitering on the streets late night, boys found trying to look on doors and windows and fighting should be apprehended immediately and strict action according to rule should be taken so that they do not repeat such types of activities.

2.5.3.1 A New Approach to Police Administration

There should be a special and trained police officer to handle this

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93 Ruth Shonle Cavan Theodore N. Ferdinand IV Edition P. 341
Special police for handling the juveniles in conflict with law is required also under the Juvenile Justice (Care and Protection) Act, 2000. The common police officer is not sufficient for this purpose. Specially trained police force is required for properly and effectively dealing with juvenile offenders particularly with a view to preventing juvenile delinquency. In 1955, first U.N. Congress held in Geneva on prevention of crime and Treatment of delinquents had also resolved that the specially trained Police Officer should be appointed for this purpose. A special training is necessary for the police officer to a special police unit for handling this delinquent problem because police is the first point to contact for delinquents. Police as is generally not done, should prepare the real report about the Juvenile Delinquents. They should not conceal any fact about them and submit the real and complete report about their family background to the concerned authority to enable it to deal with the juvenile delinquent more effectively.

The whole issue involves and requires:

(a) Constitution of Special Juvenile Aid Police Unit.
(b) Special Training Programme for Police.
(c) Socialization of the Police.

(a) Constitution of Special Juvenile Aid Police Unit

India is a very wide country having many states and union territories. It has divergent problems so different ways and means are required to tackle this issue. Urban areas, cities, towns, industrial habitations etc. face this problem more. In many states, only city police has a special wing but in the rural areas such trained police is not available. For instance, Bombay has got a Juvenile Aid Police Unit established in Oct. 1952 as a part of vigilance branch under the control of a Deputy Commissioner of Police (criminal branch) headed by a lady inspector. The Juvenile Aid Police Unit deals with the cases of pre-delinquent, delinquent, socially handicapped and victimized children and enforces the provision of Bombay Children Act. Apart from it, there was a Bombay Railway

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Juveniles Guide Service specially for boys run away and picked up in the railway station. In 1958 in Parele a boys club has been established for children between ages of 10 to 16.

Tamil Nadu also has such boys clubs. Madras city has a Juvenile Aid Police Unit. Hyderabad has Juvenile Aid Bureau under a Deputy Superintendent of Police. There are male & female officers in this bureau who are specially trained in this work. Andhra Pradesh has also police boys club. Bihar had 'Juvenile Aid Bureaus' at Ranchi and at Patna. Each Bureau had 8 members under one Inspector of Police. Delhi Police also established a 'Juvenile Aid Bureau'. whereas Calcutta Police started a bureau in 1958 under inspector of police who worked under the Deputy Commissioner of Police, Detective Department. The officials in the bureau were not given any special training but were given only workable information. Unless specially trained police is deployed and mindset of police is changed to work and act as a friend of the people particularly juveniles noticeable and expected change in the working of the police cannot be brought.

Subsequent to the establishment of Juvenile Aid Police Unit in Bombay, Juvenile Aid Police units/bureaus were established at Calcutta in 1956, Hyderabad in 1958, Madras in 1960, Calicut in 1970 and Bhilai, Indore and Jabalpur in 1974. The third Five Year Plan took note of the good work done by these special police units and recommended their expansion for dealing with juveniles, including vagrants, delinquent children and children in pre-delinquent stage. On the basis of their study on Juvenile Aid Police Unit in the country, Shukla and Malviya suggested that "it is necessary to establish specialist units in all the big cities with a population of one lakh or more, where the problem has already assumed significant proportions and where it would be feasible to have a body of specially trained officers engaged in this task on a whole time basis. The specialist units should be a part and parcel of the general police function and their work should be fully integrated with normal police work at the level of the police station".  

The National Police Commission favoured a less aggressive approach in

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95 See K.S. Shukla and P.D. Malviya, “Juvenile Aid Police Units”, Police Research and Development, Quarter III & IV, 1972, p.17
dealing with children of tender age. It recommended that “juveniles becoming wayward, taking drugs, pilfering objects out of bravado and smartness could be warned on record and their parents duly advised. Persons in danger of falling into the clutches of criminals could be brought to notice of social welfare organizations. Counselling and warning should be deemed legitimate as police activities towards prevention of crime and recognized as such in law.” 96 The Commission further recommended that “the police be trained and equipped properly with service oriented functions”, including the counselling of the persons in distressful situations, which the Commission recognized as “service par excellence”.97 “The commission recommended that “police should make a start in the metropolitan cities with this activity of counselling”.98

In regard to the role of police in the enforcement of social legislations, including Children Acts, the Commission took the view that as the primary law enforcement agency available to the State, police cannot escape involvement in the enforcement of such laws; rather police have a duty to enforce these laws. In taking this view, the Commission rejected the conservative view that police should have nothing to do with social and economic legislations because:
(1) the police are concerned with the basic criminal law only;
(2) due to deficiencies of man power and equipment, they can barely manage to enforce the basic criminal law and cannot undertake a wider role;
(3) socio-economic reform is not the business of police; and
(4) greater efficiency would result from concentration on a narrow role.

The Commission endorsed a forward looking view and observed that:
(1) police are the primary law enforcing agency and must enforce all laws;
(2) social and economic legislations represent an attempt to fulfil the aspirations of the people as outlined in the preamble of the Constitution and the Directive Principles of State Policy, and therefore, police must lend a hand in this national effort;

97 Ibid, p.18.
98 Ibid, p.18.
(3) by enforcing these laws police would be acting as agents of social change, a role which is definitely better for their psychological health than the traditional negative and punitive role; and

(4) Social legislations often aim at social defence which being preventive in approach is of direct concern to the police. 99

After having taken this positive view, the Commission recommended that separate police wing might be set-up for the enforcement of all social legislation. The main reason advanced for this suggestion was that the enforcement of social legislation requires a certain operational approach and attitude of mind on the part of the enforcement personnel which can be brought about by specialization and training. The Commission recommended the creation of special police squads for metropolitan and other important cities which should function under the supervision of the city Police Chief. 100 This recommendation of the Commission endorses the idea of establishing special juvenile aid police that had been considered appropriate for dealing with the cases of delinquent and non-delinquent children needing police attention and care.

(b) Special Training Programme for Police

A special unit of police is necessary for the big cities like Calcutta, Bombay, Bangalore, Madras and Delhi etc. at the police station level where one to one contact takes place between police and delinquent. There must be at least one Inspector of Police having interest in the field. He must have attended special courses on the issue. This aspect of special wing training of “Liverpool” Model has been discussed and recommended by the Annual Conference of inspector General of Police of all states and in 1960 they recommended a committee for preparing the training courses. A high level committee recommended a training programme, and also establishment of an institute on pattern of central forensic institute of Calcutta and on the pattern a national institute established in Delhi. Educational institutions like colleges and universities in India should conduct such course and seminars for these investigational staff to provide opportunities

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99 Ibid, p.15.
for participation of and discussion amongst police, judges, lawyers, social workers etc. on their point of view regarding handling such a sensitive issue. Such seminars and courses whenever conducted, should be attended by the higher cadre of Academic, Judicial and Administrative wing and by the persons working in field who have to deal with day to day situations. These seminars should aim at sensitisation of all concerned at all levels so that real goes to concerned lot i.e. The juvenile delinquents and the society as well. Such programmes are very necessary for spreading awareness and knowledge to the students and general public about causes and ways and means by which such delinquency may be controlled and reduced in the society. This subject should be included in teaching curriculum at school level.

(c) Socialization of the Police

(1) Nature of Police work

Kratcoski\textsuperscript{101} have identified following major areas of police dealing with Juvenile, viz:-

(a) Discovery
(b) Investigation of Delinquency
(c) Case disposition
(d) Protection of Juveniles
(e) Delinquency prevention

In India, following areas have been mentioned in the list:

(a) Mapping of delinquency area for the children based upon socio-economic situation of the locality
(b) Close surveillance on delinquency area so that delinquency is prevented.
(c) Discovery and investigation of delinquency.
(d) Case disposition
(e) guarding the interest of Juveniles so that they cannot come in contact with criminals.

According to Kratcoski who made a study in Chicago only 40% of

\textsuperscript{101} Kratcoski P.C. and Dractcoski. L.D., Juvenile Delinquency, 1979.
Juveniles were arrested by the Police officers and out of them only 20% reached court. It is also seen that in most of cases police released the Juvenile offenders after questioning and oral communication based statement/admissions of the child. Police administration acted as heavy deterrent on the children's mind and produced a good result. But, in India police does not have any such power of admonishing and releasing a boy on warning. A Magistrate only is authorised and given this power. Empowering police on this aspect would help a lot to reduce burden on courts and resolving the problem of Juvenile Delinquency at local social level.

In India also, it is true that all the juveniles delinquents with whom police deals are not arrested because they are children or young person and police takes very lenient view about a child who is involved in the commission of a minor offence. But the involvement of children in petty offences should be taken care of in the beginning itself. The misbehaviour of a juvenile may be of a higher degree but if such Juveniles are let off after admonish and warning and parents are cautioned, the boys would have been saved at an early stage. But, police has not got such power. Therefore, police takes very lenient attitude upon the Juvenile misbehaviour just by ignoring and not making any report of incident. So the juveniles are not corrected in the initial stage. Prevention would save much time, money and pain of repentance. Misbehaviour of Juveniles should be corrected in the initial stage. Big Railway Stations, Bus Stands, like Calcutta, Delhi, Mumbai, Chennai have operating and trained gangs of Juvenile lifters. The kidnapped child is trained to indulge in criminal activity by the lifter. There should be a check not only on the lifting or kidnapping but also subsequent training centres of crime being run by these kidnappers and anti-social elements.

(2) Juvenile's Impression of the police

The Juvenile's impression toward the police is not good. They believe that police is very fearful. It is generally said that a police should act as a friend. In a survey conducted at Burdwan regarding attitude of the High School Boys toward Indian police it was found that not more than 2% of High School boys had a
feeling that police is and acts as a friend. More than 60% felt that police is fearful and remaining had no idea. It is perceived that despite attaining independence the role of police has not been changed for understanding the public. The police still acts like British Raj days. At present there is no regular special training programme for handling these types of issues. No university has set up any special department for handling this issue though. The Children Acts and Juvenile Justice Acts had been included in the syllabus of the law courses. Several studies have been made/done about youth attitude toward police by the Portune and Bouma. In 1971 Robert Portune102 studied of almost 1,000 junior high students in Cincinnati and he observed:

(a) Attitude change by age: Portune found that hostility toward law and police increased from grades seven to nine.

(b) Attitude vary by race: The whites behaviour had much more favourable than the attitude of blacks.

(c) Attitude varies by sex: The girls had been more favourable than the boys.

(d) Attitude vary by Academic Performance in School: The better students or students who got their education from the well-established schools having well Academic preference had more favourable attitude toward the police than the poor students.

(e) Attitude varies by socio-economic class: The higher occupational status of father had been more favourable toward the police than the very lower status of father of child.

Both Portune and Bouma administered 10,000 questions at Michigan school children in ten cities and these students were from seven to nine years of age. They asked about their attitude towards police, attitude of their father, friends toward the police. At last they found and concluded that the Juvenile with police contacts were more negative or the attitude of Juveniles who come in contact with police was very negative toward police.

102 Robert Portune, Changing Adolescent Attitude toward Police (Cincinnati W.H. Anderson Company (1971))
Clemens also studied 133 delinquents and 133 non-delinquents boys in Dayton and reported that Juvenile Delinquents/Offenders were more negative toward police.

(3) Police attitude toward the Juvenile

It is very often quoted that a police should act and deal with Juveniles in a friendly manner. It means that police attitude toward the Juvenile should be lenient, favourable and not hostile. Police attitude towards Juvenile is affected by the pressures of youth and by the occupational determinants of police work. Police working directly and indirectly affects adolescence. While handling the Juveniles who come in contact of police, the law enforcement officer should learn to make difference and discriminate between dangerous, hardcore offenders and harmless Juvenile offenders. The attitude of police must be hard toward the hardcore and dangerous offenders and lenient toward Juvenile involved in petty offences. In view of the pressure created by the youth and by the occupational determinants of police work, it would seem that police officer would have considerable animosity towards law violating Juveniles. However, Walter Miller, in his national survey of youth gangs, does not find this to be true.

(4) Police as a Preventive force

It has been considered that police as a preventive force should prevent the crime in the society and work for welfare of the public. This golden rule always quoted is “prevention is better than cure”. It is an essential duty of the police to prevent the crime or criminal from committing the crime. It is necessary that police should act as a preventive force and should take various preventive steps like:

(a) Preparation of Map of Delinquency area:-

It is duty of the every in charge of the Police Station to prepare a map of delinquency pockets within its area. There is a growing tendency among the criminals to immediately migrate from the place of crime and live in the thickly populated areas or place so that they cannot be arrested. Area map should be upto

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103 Clemens Bartollas and Sthara J. Miller, The juvenile Offender: Control, Correction and Treatment p.60
date and under surveillance as the area may develop in delinquency pockets with
the migration tendency of population from rural to urban areas and from restricted
to unrestricted areas. The map should be kept at the conspicuous place in the
Police Station and all the police officials should be well acquainted with it.

(b) List of Delinquency Types:

Every Police Station should have and keep a list of delinquency types with
the suitable age group in the areas. This list should also be up-dated and based on
the close social studies.

(C) Deep understanding of pre-delinquency activities:

A list of pre-delinquent activities mostly found in the pockets should be
prepared and kept in the record. There is strong need for deep understanding of
the pre-delinquent activities. Preventive steps should be taken for prevention of
such activities by the very Police Station. Unless there is deep understanding
about their activities such delinquent activities can not be curbed.

(5) Police as a detective force

Detection of crime is also a primary function and duty of the police.
The following are the primary functions of the police as a detecting force:

(a) Discovery of the delinquents/potential delinquents including neglected
children as early in the life as possible and apprehending or taking them to
custody.

(b) Detention and escorting

(c) Investigation of children's cases.

(d) Disposition by referring such Juvenile and child to the Juvenile Court/Board to
other competent authority.

(6) Discovery and apprehension

The West Bengal Children Act, has not provided for the procedure of
arrest but in some states it has been provided in the Children act that no Juvenile
accused can be arrested for the bailable offences. The Madras Children Act and
Hyderabad Children Act provided that a child guilty of non-bailable offence can
only be arrested. The West Bengal Children Act and Children Act also provide
that a the Juvenile offender be not handcuffed. There are unwritten instructions in
the most states in this regard but the procedure varies from state to state. In
Himachal Pardesh, handcuffs are permitted only when Juvenile is of the violent
nature. In Gujarat rubber and leather straps are used. In Tamil Nadu handcuffing
is not allowed. In Andhra Pradesh it is avoided and in other states law does not
provide specific instructions.

(7) Opening of History sheets

Maintaining of History Sheets of Juveniles is necessary. But in Andhara
Pardesh it has been prohibited. Opening and maintaining of History Sheets of
Juveniles is a major reason for apprehension of victimization of those discharged
from the Borstal School and certified schools. However, Juvenile Justice (Care
and Protection of Children) Act, 2000 provides that the records in respect of a
juvenile shall be destroyed after a period of seven years.

(8) Finger Print

Finger print is also very helpful for the police for detecting offence by the
Juvenile delinquent. This is very effective and helpful measure for the police to
reach and apprehend the offender. There should be proper authorisation by rules
for taking of finger prints even of the juvenile delinquents for record which may
be used for identification purposes. This not only will help the police to
apprehend the real culprit but also the juveniles in establishing their innocence.

(9) Social Report of Juvenile

On apprehension of a juvenile delinquent the investigating officer should
prepare his social report. The problem of child delinquency cannot be dealt with
alone by the police. The investigating officer should make a thorough enquiry
about the juvenile offender. It is true that for lack of expertise it may not be
possible for the police department to go deep into the socio-psychological
phenomena in which child is forced to commit the delinquency but such
information may be collected by the probation officer. Under Juvenile Justice
(Care and Protection of Children) Act, 2000 probation Officer is required to
obtain detail regarding antecedents and family background of the juvenile.
Thus, it is seen that the police has a very important role in the prevention and control of juvenile delinquency, as well as in the treatment, rehabilitation and after-care of delinquent and non-delinquent children. Primary functions of the police in relation to juvenile delinquency are:

1. The detection of pre-delinquency and crimonologenic situations and bringing these to the notice of parents, teachers and others with a view to taking timely corrective measures;
2. Location of destitute and neglected children and their referral to institutional/non-institutional care so that they are not exploited by adult criminals;
3. Organization of recreational activities for children living in high delinquency areas, so that they could spend their leisure time in constructive activities under a benevolent supervision;
4. Safeguard children from being exploited by adult offenders, exposing those who exploit children and take appropriate measures against the exploiters; and enforce the laws relating to children, especially those which deal with children in conflict with law.

In his attempt to categorize the police functions in respect of juveniles, Shukla has made a broad delineation of the police functions in juvenile justice:

1. At the Pre-delinquency Stage
   (a) Location of geographical areas which are breeding grounds of delinquency;
   (b) Patrolling of delinquency and other areas that are susceptible for delinquencies;
   (c) Detection of young persons in moral danger;
   (d) Reclaiming 'strays' and 'runaways' with a view to their restoration to the guardians or institutionalization, as the case may be according to the judicial processes;
   (e) Teaching civic sense, traffic sense etc. to juveniles through lectures etc.;
   (f) Parent-teacher counselling and bringing to the notice of the parents case of truancy, keeping undesirable company, small acts of delinquency etc.

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time. In cases of problem children, the parents may be advised to consult child guidance clinics or a psychologist;

(g) organizing police recreational programmes like boys, clubs, sports clubs, youth camps, Bal Melas, excursions etc.;

(h) dealing with all cases of juveniles who are uncontrollable, destitutes, neglected, victimized, exploited etc.;

(i) investigation of all cases of missing children and restoring them to parents/guardians.

2. With Delinquent Children

(a) Implementation of all laws relating to children;

(b) spotting and identification of youth gangs and rescuing juvenile delinquents from the gangs of Kidnappers;

(c) friendly warning and advice to justice delinquents, instead of prosecution for small acts of delinquencies;

(d) investigation of cases of juvenile offenders with special emphasis on need to

   (1) conduct investigations into psycho-social and home background of the juvenile delinquent;

   (2) take the help in this regard of child guidance clinics, social care workers, probation officers etc.;

   (3) place such background material before the juvenile court or other relevant child-care bodies;

   (4) utilize special methods of handling juvenile offenders after arrest;

   (5) adopt sympathetic and human techniques of interrogation of juvenile offenders; and

   (6) use of liberal bail provisions.

3. In the Rehabilitation of Released Juvenile Offenders

(a) helping and giving all possible assistance in the rehabilitation of released juvenile offenders;

(b) maintaining benevolent and obtrusive supervision over the
released juvenile offenders in the cooperation with probation officers; and

- (c) affording protection to released juveniles, especially juvenile probationers, against threats and victimization by their erstwhile associates in crime.\(^{105}\)

In order to get effective implementation of above said functions reorientation of approach of the police while getting involved in the programmes for the prevention and treatment of the juvenile delinquency, is essential. Dealing of the police with the juveniles must be in conformity with a new outlook. A juvenile offender should not be looked by the police as a hardcore criminal but a child in need of care and protection.

2.6 Aftercare and Rehabilitation programmes

Most of the children released from special schools and other such institutions find themselves in need of great help for their rehabilitation in the community. They immediately require some shelter and a reasonable support and proper guidance for their settlement in the society and return in the main stream. Few other neglected and uncontrollable children also require some temporary help till they are taken back by their parents/guardians.

Most of the Children Acts have ignored this important institution. The Children Act, 1960 introduced Section 12 and has empowered the Administrator to establish or recognise after-care organisations and to invest these organisations with necessary powers. Sec. 12 of the Act has been substituted by new section by the Children (Amendment) Act, 1978. However, children who have once their way into these institutions begin to realise soon after their discharge that they cannot settle in life any more.

The problem of rehabilitation of juvenile delinquents is a complicated one. Even the developed countries like U.S.A. have not been in a position to solve it properly as is evident from the following statement:-

To find out what the child is and to uplift and develop him not only are vast resources in terms of money and human material, needed which are not

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\(^{105}\) S.P. Srivastva, Juvenile Justice In India; Policy, Programme and Perspective,(1989), Ajanta Publications (India), Delhi,pp.160-162
always forthcoming, but the reliability and efficacy of the various measures adopted for the rehabilitative ideal are themselves of doubtful nature. As observed by the American Commission\textsuperscript{106} in its report though there is no shortage of theories of the etiology of delinquency, experts in the field agree that it is extremely difficult to develop successful methods for preventing serious delinquent acts through rehabilitative programmes for the child. Summing up, the Commission observed that in theory Juvenile Court was to be helpful and rehabilitative rather than punitive but in fact the distinction often disappeared, not always because of the limits of knowledge and technique. In theory, the court's action was to affix no stigmatizing label. In fact a delinquent is generally viewed by employers schools, the armed services and by society generally as a criminal. In theory the Court is to treat children guilty of criminal acts in non-criminal ways but in fact it labels truants and runaways as junior criminals.

The commission further quoted Mr. Justice Fortas, speaking for the \textit{Supreme Court in Kent v. United States},\textsuperscript{107}

There may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children.

The Juvenile Justice (Care and Protection of Children) Act. 2000 in Chapter 1IV titled "Rehabilitation and Social Reintegration" has taken some new and positive steps by inserting sections 40 to 43 in the Act. Section 40 deals with process of rehabilitation and social reintegration. It provides that the rehabilitation and social reintegration of a child shall begin during the stay of the child in a Children Home or Special Home and the rehabilitation and social reintegration of children shall be carried out alternatively by (i) adoption, (ii) foster care, (iii) sponsorship, and (iv) sending the child to an alter-care organisation.

Section 41 deals with 'adoption'. It envisages that the primary responsibility for providing care and protection to children shall be that of his


\textsuperscript{107}383 U.S.A. 541, 556 (1966).
Sub-section (2) provides that adoption shall be resorted to for the rehabilitation of such children as are orphaned, abandoned, neglected and abused through institutional and non-institutional methods. According to sub-section (3) in keeping with the provisions of the various guidelines for adoption issued from time to time by the State Government, the Board shall be empowered to give children in adoption and carry out such investigations as are required or giving children in adoption in accordance with the guidelines issued by the State Government from time to time in this regard. Sub-section (4) of the section provides that the children homes or the State government run institutions for orphans shall be recognised as an adoption agencies both for security and placement of such children for adoption in accordance with guidelines issued under sub-section (3).

Sub-section (5) has, however, put certain restrictions by inserting therein that no child shall be offered for adoption-

(a) until two members of the Committee declare the child legally free for placement in the case of abandoned children,

(b) till the two months period for reconsideration by the parents is over in the case of surrendered children,

(c) without his consent in the case of a child who can understand and express his consent.

Sub-section (6) further states that the Board may allow a child to be given in adoption-

(a) to a single parent, and

(b) to parents to adopt a child of same sex irrespective of the number of living biological sons or daughters.

It may be submitted that a balance is to be found between this Act and the said section and the Adoption and Guardianship Acts in this area and such conflicts may be ironed out in course of time by court decisions if some problem arises in this context. However, this provision is a pragmatic step in right direction
and empowering the Board with such wide powers is appropriate. But such jurisdiction should be exercised transparently and with open mind and not influenced by agents or institutions exploiting children for gains.

Another mode of rehabilitation is inserted by way of a new section 42 in the Act of 2000 under title 'Foster Care'. It provides that the foster care may be used for temporary placement of those infants who are ultimately to be given for adoption. Sub-section (2) further envisages that in foster care the child may be placed in another family for a short or extended period of time, depending upon the circumstances where the child's own parents usually visit regularly and eventually after the rehabilitation, where the children may return to their own homes. Sub-section (3) has empowered the State to make rules for the purposes of carrying out the scheme of foster care programme of children.

Another rehabilitation scheme is inserted by adding new section 43 in the Act providing for sponsorship. The section states that the sponsor programme may provide supplementary support to families to children's homes and to special homes to meet medical, nutritional, educational and other needs of the children with a view to improving their quality of life. The provisions are made to make rules by the State Government according to sub-section (3) for the purpose of carrying out various schemes of sponsorship of children such as individual to individual sponsorship or community sponsorship.108

These provisions are laudable in theory and it is a matter to be seen in future as to how they help rehabilitation of juveniles and children in real sense. The other step in this direction relates to after-care organisation as provided in section 44 of the JJ.(C&P)Act, 2000. The institution such as Observation Homes, Children's Homes, Special Homes, Shelter Homes, Reformatory School and Borstals are meant to avoid prison sentence to the juvenile offenders under a specified age group.

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