CHAPTER-II
HISTORICAL AND
CONCEPTUAL
DEVELOPMENT OF JUVENILE
DELINQUENCY
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Historical and Conceptual Development of Juvenile Delinquency

This period of history is sometimes known as the beginning of reason and humanism. People began to see children as flowers, who needed nurturing in order to bloom. It was the invention of childhood, love and nurturing instead of beatings to stay in line. Children had finally begun to emerge as a distinct group. At the end of the 18th century, "The Enlightenment" appeared as a new cultural transition.

For understanding the existing juvenile justice system in India it requires resources to history. The history of juvenile justice in India can be traced back to the early 18th century, where references to children and the laws and rules governing them can be found in the texts of the ancient Hindu scripts. The juvenile justice system in India originated during the British rule and was a direct consequence of western ideas and development in the field of prison reform and juvenile justice. The changes introduced in India to deal with the delinquent juveniles, however were not limited only to those practiced in England. In this topic the researcher has tried to find out historical and conceptual development of concept of Juvenile delinquent from 1773 – 2000.

2.1. The Evolution of the Law in India – 1773–2000:

The History of Juvenile justice system has been divided into five periods by reference to legislative or other landmark developments namely,

a. Prior to 1773:

The Manusmiriti and the Hedaya shows differential punishment of children for certain offence. Under Hindu Law a child throwing filth on a public road was not liable for punishment but only to admonition and made to clean while an adult similar circumstance was to pay a fine and made clean to the filth. A young boy having sex with consenting adult woman under Muslim Law was not punishable\(^1\). The Muslim law has given discretion to Kazee to determine the decree of Tazeer or chastisement. The Hindu Law ordained the king as was the case with the equity court in England to

take income of a child’s property till he came age and become recognized as separate entities from adults needing special care from other for their survival and not fully responsible for their acts.3

Both the Hindu and Muslim laws had provisions for the maintenance of children. The primary responsibility bring up that children was that parents and family’s charity for the care of the poor & destitute has been a noble cause under the both Hindu and Muslim laws & indirectly provided for the care of children in case of the failure of the family to do so. Muslim law makes compulsory for person who finds an abandoned child to take its charge he has reason to believe that it may otherwise perish. It is generally maintained that neither set of laws had any reference to juvenile delinquents.

b. 1773 to 1850

The period between 1773–1850 began with emergence of East India Company as governing body from a trading company and ended with the introduction of the first legislation relating to children. In this period also increased destitution and delinquency amongst the children.4 The East India Company dominated India, during the period between 1773 and 1850. This started as a trading company and later developed into a governing body. But in 1773, the destruction of the company seemed imminent, resulting in the British taking greater parliamentary control over the Company and placing India under the rule of a Governor-General. During this period, the reform movement emerging in England also influenced India. Colonial exploitation resulted in migration of indigenous rural population into urban slums and an increased number of destitute and delinquent children. Concerned for the plight of children, Indians approached Lord Cornwallis, then Governor-General of India, to establish a center for destitute children in Calcutta, a major trading city. As a result, the first orphanage, "Ragged School," was established in 1843. The Ragged Schools

special name given to orphanages were charitable schools, dedicated to providing free
education of destitute children. The objects of the school were

a. Reformation of juvenile offenders arrested by police.
b. To encouragement of apprenticeship amongst the working classes.

All these grounds were responsible for introduction of the Apprentices Act, 1850.

c. 1850 to 1918:

Many legislations have been passed in this period covering a wide range of
matters concerning children. The period between 1850 and 1919 was a time where the
country was faced by a rapid social change, industrialization and increasing
populations. These changes brought about a new class of delinquent, neglected, and
dependent children needing formal intervention. Thus the need for new legislations
dealing with children was felt. Some of the most important laws passed between 1850
and 1919 were the Apprentice Act, 1850, the Indian Penal Code, 1860, the Code of
Criminal Procedure, 1861, and the Reformatory Act, 1876 and 1897. The Apprentice
Act, 1850 dealt with young people between the ages of 10 and 18 who were either
destitute or petty offenders. Children who were convicted were made to serve out
their sentences as apprentices for businessmen. Section 82 of the Indian Penal Code of
1860 also recognized the special status of children. It set age limits on criminal
responsibility and excluded children younger than 7 from culpability. Moreover,
children between 7 and 12 years old could be considered to have sufficient maturity to
understand the nature of their actions under certain circumstances.

The Code of Criminal Procedure of 1861 allowed for separate trials of children
younger than age 15 as well as their confinement in reformatories rather than prisons.
The Act further provided mechanisms for placement on probation. It was result of
these enactments that penal philosophy in India towards juveniles could be seen to
changing from that of penal to reformation. The concept of a reformatory school for
delinquent children came to fruition with the passage of the Reformatory Schools Act
of 1876. This policy of separate treatment of juveniles was further bolstered by the

5 Keshwar s, a report on Juvenile Delinquency in India, Bureau of delinquency statistic and

6 Kumari Ved, The juvenile justice system in India: from welfare to rights, Oxford University
Press, 2004, p. 21
Reformatory School Act of 1897, which dealt solely with the treatment and rehabilitation of the young offenders. It allowed boys younger than the age of 15 to be placed in reformatory until 18 years of age, boys younger than 14 were released on license, only on the grounds that they could obtain subsequent employment. It should be noted that these reforms applied only to male delinquents/destitute and young girls were excluded.

d. 1919 to 1950:

One of the most significant developments in the History of the Juvenile Justice system in India is report of Indian jail Committee 1919-1920. From 1919 and 1950 two major changes occurred in India's juvenile justice policy as the country slowly moved toward independence. First, an internal move to establish a special children's act came from the Indian Jail Committee (1919–1920). This committee recommended to the British government to establish a separate court for children as well as separate institutions for children. As the country was still under British rule, it could not enact central legislation for the entire country. However, individual provincial governments could choose to enact their own legislation, which prompted the second major effort wherein provincial governments did just that, and enacted separate legislation for juveniles in their respective jurisdictions.7

The first province to enact its own piece of juvenile legislation was Madras. The Madras Children Act, 1920 made provision for the custody, trial, and punishment of youthful offenders and for the protection of children and young persons. The law created three categories of children: "child" anyone younger than 14, "young person" anyone between the ages of 14 and 18, and "youthful offender" anyone younger than 18 guilty of an offence. During this time, the provinces of Bengal and Bombay also passed their own children acts in 1922 and 1924, respectively. Apart from these three provinces, other jurisdictions either neglected to create a separate legislation for juveniles, or failed to fully enforce their respective acts. After India gained its independence in 1947, the central government drafted the Country's Constitution in 1949. The Constitution contained certain specific rights that could be applied to

7 Ibid p. no. 88.
children the same being Articles 15(3), 23, 39(e) and (f), and 45 of the Indian Constitution.8

e. Post 1950:

In this period various officials and non official development have contributed to the development of juvenile justice since 1950. The years following 1950 witnessed both official and non-governmental initiatives that contributed to the development of a more pronounced juvenile justice system in India. To address the increase in neglected and delinquent children as a result of partition of the country into Pakistan and India, the Indian government passed a Central Children's Act (CCA) in 1960.9 The CCA provided for the care, protection, and treatment of juveniles, and made it applicable in the territories under direct central government rule. The central government, however, did not make any effort to apply the law throughout the entire country. As a result, states with existing laws were free to enforce their own laws, and other states failed to pass any laws regarding the special treatment of children. Further still in 1974, India declared its National Policy for Children, "recognizing children as a nation's supremely important asset and that their programs must find a prominent place in the national plan for the development of human resources". The policy included, among other things, training and rehabilitation of delinquent, destitute, neglected, and exploited children. Some important measures are taken in this period as under-

1. Five Year plans:

With the establishment of planning commission in 1951 five years plan were started and provisions for children were made under these plans though the implementation of services under juvenile justice has not been a specific head of expenditure in the five year plans. Implementation of state as well as central Acts relating to neglected and delinquent children has remained with the states. Eighth plan India recognized Human development efforts. Child survival and development received high priority. Ninth plan is on strengthening the early joyful period of learning specifically that of the girl child, through effective expansions of day care

9 Ibid. p. 282.
services an linkage of child care services and primary schools to promote developmental opportunities to the girl child. Tenth five year plan by the ministry of social justice and empowerment point out that the mandate of the ministry is to reach out to every child is need of care and protection and to ensure that his or her basic rights are fulfilled.

Policy and programmes:

By 1986, almost all states had passed their own children's legislation. Because these acts lacked consistency in terms of defining delinquency, court procedures, and institutionalization practices, the Indian government felt a need for a children's justice act that could be applied throughout the country. With that in mind, the central government passed the most comprehensive act to date, the Juvenile Justice Act of 1986. The Juvenile Justice Act was considered a unique piece of social legislation intended to provide care, protection, treatment, development, and rehabilitation for neglected and delinquent juveniles as well as the adjudication of matters relating to the disposition of delinquent juveniles. To accomplish the goals of this legislation, special provisions were made for separate procedures for handling offenders and non offenders. Juvenile courts were created to deal with juvenile delinquents, and juvenile welfare boards were established to handle neglected juveniles. The final decision regarding the implementation of these courts and boards was left to the respective state governments, but with some stipulations.\textsuperscript{10} The year subsequent to the passing of the Juvenile Justice Act of 1986 was discontent in the field of juvenile justice. The Juvenile Justice Act of 1986 despite being landmark legislation in the field of juvenile justice failed at various levels to fulfill the aims and goals of ensuring that juvenile delinquents needed special care and protection and had to be viewed in a different light.

Following which a number of national consultations were held concerning juvenile justice administration during 1999-2000 to improve the existing unsatisfactory state of affairs. Three lines of thought emerged as to how to deal with the problem, some suggested that the law provided a satisfactory framework but needed proper implementation. It was possible to strategize within the law and use

\textsuperscript{10} Shrivastava S.P., Juvenile justice in India: policy, programme, and perspective Policy, Programme, and Perspective, Ajanta Publications (India), 1989, P. 258.
spaces and gaps to enforce the true spirit of the law. The second position was that the law, by its very design was inadequate. Amendments were needed to incorporate a uniform age for boys and girls as well as other measures like adoption foster care and non institutional measures along with the increased participation of the community.  

The third position was in favor of scrapping the present law and having a new one its place. A further divide within this approach was firstly to have a comprehensive code for children and have two laws, i.e. one to deal with neglected children and the other for delinquent children. It was within this background that a committee was appointed under the chairmanship of Justice Krishna to prepare a children code. This committee prepared the Code Bill 2000 and presented it to the then Prime Minister Atal Bihari Vajpayee on 14th November 2000. He assured that the same would be a valuable input. Following which the Juvenile Justice (Care & Protection of Children of Children) Act was enacted.

2.2. Conceptual Development of Juvenile Delinquency

The word juvenile is defined differently by varying terms including youthful, immature, childish, etc., and the juvenile delinquent is defined as a ‘young person who habitually breaks the law, especially somebody repeatedly charged with vandalism or other antisocial behavior’. Thus those offences committed by the adults and punishable, which when committed by children or youth the aged of eighteen are denoted as juvenile crimes and the juvenile courts deal with such cases.

Meaning of Juvenile Delinquency:

The term 'juvenile delinquency' has been differently interpreted but, generally speaking, it refers to a large variety of behaviour of children and adolescents which the society does not approve and for which some kind of admonishment, punishment or preventive and corrective measures are justified in public interest. The word 'juvenile' has been derived from Lat in term 'Juvenis', meaning thereby young. The Latin initiative “delinquere” translate as to emit in its original earliest sense. It was apparently used in times to refer to the failure of an individual to perform a task
or duty. The term 'delinquent' describes a person guilty of an offence against the customs. The concept of delinquency has been viewed differently by various authors. According to Tappan, there are two kinds of delinquency:

- The adjudicated delinquents, who have been processed through the courts and
- In official delinquents’ who are handled officially by the police, courts and other agencies.

The United Nation Congress on juvenile delinquency states that, ‘juvenile Delinquency cannot be considered independently of the social structure of the state. It retains its fundamental characteristics in many countries as resurgence of its traditional manifestation or in the appearance of new forms. It recorded increase is partly due to the fact that certain countries include a juvenile delinquency a series of minor acts of indiscipline or social maladjustment. The new manifestation of juvenile delinquency, the important of which has often been exaggerated, take such characteristics forms as a gang activities, purposeless offence, acts of vandalism, joyriding and the like, which can be serious form the point of view of public order without necessarily being an indications of serious and antisocial behaviour, it is recommended:

(a) That the meaning of juvenile delinquency should be restricted to violation of criminal law,

(b) That even for protection, specific offences which would penalize small irregularities of maladjusted behaviour of minors, for which adults should not prosecuted, should not be created. As such this definition has been divided into two parts one is legal and another is non-legal.\(^1\)

Legally speaking, juvenile delinquent is a child, age fixed by child who commits any offence. Children who are require active community care and treatment are covered under separate category known as child in need of care and protection per section 2 (d) of Juvenile Justice (Care and protection of Children) Amendment Act, 2006.

Ruth Cavan describes the delinquency as “A delinquent child is 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

disobedient or habitually wayward or who habitually is a truant from home or school, or who habitually so deports himself as to injure or endanger the moral, health or welfare of himself or others. The need was also felt in USA for narrowing the extent of juvenile delinquency and the Standard Juvenile Court Act avoided most of the items of delinquency cited in the list of Rubin. The Standard Act included in its provisions what corresponds to the usual delinquency definition; only two items in addition to violation of law or ordinance. These items are: a child "who deserts his home or who is habitually disobedient or is beyond the control of his parents or other custodian; and who, being required by law to attend school, willfully violates rules thereof or absents himself there from."14

Walker has stated that delinquency refers to acts that violated a state law or municipal ordinance by youth of juvenile court age or to conduct so seriously antisocial as to interfere with the rights of others or to menace to the welfare of the delinquent himself or for the community.

In England, the Children’s Department of a local authority, a police constable and officer of the National Society for the Prevention of Cruelty towards Children must bring a child before a juvenile court if they have reasonable grounds for believing him to be in need of care, protection or control on any of the following grounds, that the juvenile is not receiving such care, protection and guidance, as a good parent may be reasonably expected to give, and in addition-

(i) that he is falling into bad association or is being exposed to moral danger; or
(ii) that the lack of care, protection or guidance is likely to cause him unnecessary suffering or to affect his health seriously or proper development;
(iii) that he has been the victim of a sexual offence or an offence involving bodily injury or lives in the same household as a perpetrator of an offence of that kind against a juvenile and
(iv) that he is beyond his parents’ control.

In India, the concept of delinquency does not create any problem as the juvenile delinquency is confined to the violation of the ordinary penal law of the

14 Marilyn D. McShane, Franklin P. Williams, 'Encyclopedia of juvenile justice' Sage Publication, 2003-, P.47
country so far as the jurisdiction of the juvenile court is concerned. The term 'juvenile' has been defined under the Juvenile Justice Act, 1986\(^{15}\), as a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years. Offence under this Act,\(^{16}\) means an offence punishable under any law for the time being in force which includes the Narcotics Drugs and Psychotropic Substances Act, 1985 and the Terrorist and Disruptive Activities (Prevention) Act, 1987. Reading the above two definitions, delinquent juvenile means a boy below the age of 16 years and a girl below the age of 18 years who has been found to have committed an offence punishable under any law for the time being in force. Under the Juvenile Justice Act, 1986, separate provisions have been laid down for the neglected and uncontrollable juveniles. They are dealt with by the Juvenile Welfare Boards and not by Juvenile Courts. From the above discussion, it is clear that the law relating to delinquency in India is different from the USA and England. The Juvenile Courts in India do not have jurisdiction in relation to the neglected juveniles as they have in USA and England.

The Dictionary meaning of the term 'Juvenile Delinquent' is 'a young law breaker'. The dictionary meaning of the term delinquency means failure in omission of duty by, fault, a crime\(^{17}\). The Juvenile Justice (Care and Protection of Children) Act, 2000, provides the definition of child in conflict with law as under\(^{18}\):

(i) Who is found without any home, or settled place or abode and without any ostensible means of subsistence or who is found begging, or who is either a street child or a working child.

(ii) Who resides with a person (whether a guardian of the child or not) and such person-

(a) Has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out or

(b) Has killed, abused or neglected some other child or children and there is likelihood of the child in question being killed, abused or neglected by that person.

\(^{15}\) Clause (2) of section 2.

\(^{16}\) Section 2 (n) of the Juvenile Justice Act, 1986.


\(^{18}\) Sec. 2 (k) Juvenile Justice (Care and Protection of Children) Amendment Act, 2000.
(iii) Who is mentally or physically challenged or ill children or children suffering from mental disease or incurable disease having no one to support or look after.
(iv) Who has a parent or guardian and such parent and guardian is unfit or incapacitated to exercise control over the child.
(v) Who does not have parent and no one is willing to take care of those parents have abandoned or surrendered him or who is missing and run away child and whose parents cannot be found after reasonable inquiry.
(vi) Who is being or likely to be grossly abused, tortured into drug abuse for the purposes of sexual abuse or illegal acts.
(vii) Who is found vulnerable and likely to be inducted into drug trafficking,
(viii) Who is being or likely to be abused for unconscionable gains,
(ix) Who is victim of an armed conflict, civil commotion or natural calamity.

2.3. Causes of Juvenile Delinquency:

Child is not born criminal there are various causes or factors responsible to become criminal. Juvenile Delinquency can be checked at a very primary stage and measures can be taken both at home as well as in school to help bring children out of this characterization. As it is evident from the above discussion that it's not just the will of an individual which makes him get into the world of wrong deeds, all other factors like schools, neighborhood, Family, Society, Situations are equally responsible for the degradation or fall of a child. Hence instead of labeling them as one we must try and find ways, rectify the errors in their lives which led them to behave in this manner. Children are soft clay, we can mould them, we have the art, we have the knowledge, all that is needed is faith and patience which if we fail to practice it results in complete reform of a child to anti social elements and thereby criminals, which is

19 Mario L. Hesse, Richard Lawrence, Mario Hesse, 'Juvenile Justice: The Essentials', SAGE, 2009, p. XIV.
Criminals are not born they are made, and if we as a society can make them then we as a society also have the power to cure them.

**Factors in Juvenile Delinquency**

- **Personal Factors**
  - i) Physical factors
  - ii) Psychological factors
  - iii) Mental disability
  - iv) Emotional stability
  - v) Fear
  - vi) Lack of self control
  - vii) Impulsiveness
  - viii) Hostility
  - IX) Defiance
  - x) Submissiveness

- **Individual Factors**
  - Family
  - Broken home
  - Delinquent sibling
  - Step-mother or father
  - Favoritism
  - Defective discipline
  - Poverty
  - Rejection of the child
  - Over crowded family
  - Conflicting relations

**Howard Becker** has referred four types of Delinquencies:

i. Individual Delinquency.

ii. Group supported Delinquency.

iii. Organized Delinquency.

iv. Situational Delinquency

These four types of juvenile delinquents are discussed by way of following reasons.

1. **Parent Children Relationship:**

When children reach adolescence, conflict between parents and teens and normally increase, as teens needs to distance themselves from parental identity to establish their own identities. Some parents are authoritative and insist upon rules and regulations. They just do not discuss or negotiate with children. Researchers generally agree that
a number of factors play an important part in youngster’s delinquencies.\textsuperscript{20} We may divide these factors in to two groups:

1. Individual factors.
2. Situational factors.

The former includes traits like submissiveness, defiance, hostility, impulsiveness, feeling of insecurity, fear, lack of self control, emotional conflict, etc while the latter may be subdivided into five groups: family, companions, school environments, movies and work environment. These causes of juvenile delinquency are mentioned as under:

Family:

Many theorists consider family as the most significant factor in the development of juvenile delinquency. Class, status peer group relations, class mobility etc are also directly or indirectly related to the family environment. Psychological theorists like Irving, Barman, August relates the causation of delinquency to early childhood experiences, emotional deprivations, child rearing process etc. influence the formation of the personality and the development of attitudes, values and lifestyle. The abnormal expression of behavior expressed is an antisocial form is the result of these factors. Whereas the psychologist is concerned with the identification of individual variables, such as motional, drives, values, and needs, the psychologists is concern more with the social environment, the factors in the social system, and the functioning of the institutions that affects delinquency. Thus the psychologists focus on internal control and sociologist focus on external control. Family environment producing delinquent behavior may be analysed with reference to a broken home, family tension, parental rejection, parental control and family economics. A moral family each member conforming to the moral values of the family. The family is abnormal if it lacks any of these characters.\textsuperscript{21}

The broken family means where one parent is absent because of parental separation, divorce or death fails to provide affection and control to the children.

\textsuperscript{21} Mark D. Dittloff, ‘The family and juvenile delinquency’, University of Wisconsin-Green Bay, 1990, P.66
Greater number of delinquents than non-delinquents is from broken home. Family tension is also a major contributing factor to delinquent behavior. Long term tensions reduce the family cohesiveness and affect the parent's ability to provide a conductive atmosphere to satisfactory child-rearing and family problem solving.

Parental rejection or emotional deprivation has much to do with juvenile delinquency if a rejected or neglected child does not find love and affection as well as support and supervision at home, he will often join groups of a deviant behavior outside the family. Mutual rejection of parents of parent and child affects positive relationship and can ultimately results in delinquent behavior. Broken home, family tension and methods of parental control also can play a part in the development of delinquent behavior. Emotional instability and behavioral disturbances is one or both of parents also lead to child's delinquent behavior. Children of the parents who are constantly in conflict often exploit the situation and gets away with a great deal of misbehavior.

Family economics is also an important contributing variable in delinquency. A family's inability to provide for the material needs of the child can create insecurity and affects amount of control that the family exerts over the child, because he often seek material support and security outside the home. The economic condition of the family can be one of many contributing factors in multi-problem family.

2. Neighborhood:

The impact of neighborhood on the child is greater in urban areas than rural areas. After the family, the child spends a part of the day in the company of children in this neighborhood. The neighborhood can contribute to delinquency by blocking basic personality needs, engendering culture conflicts, and fostering antisocial values. On the other hand it can supplement the influence of the home in the maintenance of social values. Congested neighborhoods with inadequate ration facilities deny the natural play impulses of children and encourage the formation of delinquent gangs.

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Picture houses, cheap hotels, video-halls, etc. in neighborhood become breeding place of vice and delinquency.\textsuperscript{23}

3. Cinema and Pornographic Literature:-

Movies and story books featuring immorality, smoking, drinking and brutality leave a strong impression on the young mind of children and adolescent. Many times, they teach techniques of crime and delinquency. Several children are arrested in different parts of our country for using cinema techniques to commit thefts, burglaries and kidnapping, etc. they claimed to have seen such procedures in the movies. these movies also develops attitudes conducive to delinquent behavior by arousing desires for easy money, suggesting questionable methods for their achievement, inducing a spirit of toughness and adventurousness, arousing sexual desires, and by invoking day-dreaming\textsuperscript{24}.

Films and pornographic literature have also added to the magnitude of delinquency. Cinema, television and obscene literature may often provoke sexual and other impulses in adolescents. Hence they may start their adventure in satisfying them in the process of which they commit crimes. Deep slated inner desires-couples with outside pressures, compulsion and temptation also contribute to juvenile delinquency. For example, on hearing the interesting narration of the illicit sex experiences or such other criminal experiences from ones' gang rate, one may be tempted to follow the same.

According to psycho-analytical view, the delinquent is an individual who is governed by the pleasure principle. He wants to get immediate pleasure and immediate satisfaction for his needs. So he becomes victim to his own impulses. Thus it may be said that juvenile delinquency is also the result of environmental factors.

A grave problem such as juvenile delinquency can't he solved by means of legislation and government efforts alone. As far as India is concerned in many of


\textsuperscript{24} Ram Ahuja, \textit{Criminology}, Rawal Publication, New Delhi, 2000, pp. 110-111.
the states children acts have not been effectively enforced. Some of these Acts themselves have effects. Official machinery is not effectively used for controlling this problem. Government as well as private agencies must work hand in hand with all sincerity and seriousness to find an effective remedy for the problem of juvenile delinquency. The public attitude towards Juvenile delinquents must also change. A juvenile delinquent is a product of unwholesome environment congenial for the development of his faculties in conformity with social expectations.  

4. Hereditary Factors:–

Delinquency and crime often run in families. The question of why this occurs has been a subject of criminological inquiry for some time. Hereditary explanations of causation hold that criminality in some families is hereditary, and that deviance is genetically encoded in those born into the family group. Thus, a bad seed is theoretically inherited and passed from generation to generation. Richard Dugdale’s research on the Juke family, published in 1877, was among the first scientific studies that systematically argued in favor of a genetic basis for immorality, crime, and delinquency. The validity of hereditary explanations can logically be tested by studying the behavior of siblings, twins, and children raised away from their criminally inclined biological parents. Studies of adopted children indicate that a greater incidence of deviance occurs among those whose biological father has been a criminal in comparison to when the adoptive father has engaged in criminal behavior.  

Other research on twins has indicated that identical twins have a higher likelihood for delinquency and criminality than fraternal twins. However, there is an important caveat that must be kept in mind when considering research on heredity: Research has not identified a 100% correlation between heredity and crime, and studies have not identified an explanatory variable for hereditary deviance. Other explanatory factors must also be considered, such as personal experiences and environmental influences. In other words, the genetic “bad seed” argument does not

explain correlations between heredity, family dysfunction, underclass cultural norms, and antisocial group dynamics.  

Chromosome theory represents an example of the modern approach to heredity theory. Chromosomes, which are composed of DNA, contain the genetic code for human gender differences. Gender is determined from chromosomal arrangements, so that women typically have an "XX" pattern and men have an "XY" pattern. Some people have anomalous patterns, which include "XXX" for some women and "XYY" for some men. During the 1960s, scientists investigated the theoretical implications of the "XYY" pattern. Research was reported in 1965 suggesting that "XYY" males are more prevalent in prison populations than in society. These "super males" were reported to be more aggressive than typical "XY" males, and therefore more prone to criminal deviance than "XY" males. Subsequent research challenged these findings and the methodology used, in particular the fact that less than 5% of males exhibit this pattern, and therefore the theory has little predictive value. However, chromosome theory represents an important example of how modern scientific knowledge can be used to update older theories. Research continues on possible connections between chromosomes and criminality.

5. Psychological Factors:

Juvenile Delinquency is psycho-physic problem, increasing in the developing country like India. Defective constitution or glandular systems were also considered to be cause of delinquent behaviour, poor health, short, too big structure or some deformity which gives rise to feeling of inferiority, dispose one to more aggression as compensatory reaction for his inadequacies. Consequently this leads to delinquent behaviour.

6. Intelligence:

Earlier writers like Lombroso stated that most important cause of delinquency and crime is low grade mentality. Burt, Healey, Bronner deny that delinquents are mentally retarded. In fact a direct causal relationship between intelligence and delinquency is thoughtful. High intelligence is no guarantee for good behaviour. Often persons with superior intelligence have been found to be leader of notorious gangs an antisocial organizations. Sometimes it is argued on the basis of statics that since the majority amongst the delinquency posses low intelligence, defective intelligence therefore causes delinquency.

7. Environmental & Sociological Factors:

A delinquency has been differentially associated with the Environmental and social factors like, Broken Home, Improper parental control, Unusual jealousy and rivalry among the siblings or children with the family, Delinquent behaviour of parents or other family members, Domestic conflicts, Economic difficulties and poverty of the family, Denial of reasonable freedom, Maltreatment and injustice done to the youngsters and Lack of proper physical and emotional security.

8. Urbanisation:

Urbanisation one of the most striking features of the industrial age is the growth of city life. Facilities of transport and communication have brought thousands of people nearer to each other and made it convenient for them to live together in cities. The industrial revolution has changed the mode of production. Economic production has been transferred from home to the factory. Market economy is one of the main characteristics of such society. Thus large-scale production has taken both the work and the worker of the factory and people more and more have started to shift from farming to urban occupation. This stage is known as urbanisation and practically urbanisation is the result of rapid industrialisation. In conjunction with urbanisation, industrialisation has brought changes in the family pattern. The community of

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29 Sheldon Gluck & Eleanor Gluck, 'unraveling juvenile delinquency', New York common wealth Fund, 1950, p. 57
31 Ibid. 9, pp. 106-109
interest, outlook and income has been replaced by the new occupational pattern. This leads to partial interpersonal and superficial relationships in all areas of social-life. The alienation caused by urbanisation has shattered the very foundations of well lead family life. The dynamic developments are agitating the elementary basis of social order. The established tenders of social norms are undergoing perplexed transformations. This process in the long run leads to deviations in the individual behaviour.

The enculturization of the child is essentially the primary function of the family. But the members of the modern families have either a little time or zeal to perform this function effectively and efficiently. Thus, growing intensity of superficial and of impersonal relations among the members ultimately leads to the lack of smooth family relationship. Any defective family relationship generates stress and strain on the part of individuals and begets tendency towards socially mal-adaptive character formation. Juvenile Delinquency is one of the major social problems resulting from the rapid pace of urbanisation and industrialisation.

2.4. Characteristics of Juvenile Delinquency\textsuperscript{32}:

A number of studies have conducted on Juvenile Delinquency, on the basis of these studies and on the basis of data compiled by National Crime Records Bureau, 1998, followings are characteristics of juvenile delinquency.

- The delinquency rates are many times higher for boys than girls, the percentage involvement of girls in juvenile delinquency is less than boys.
- The delinquency rates tend to be highest during early adolescent i. e. 12 to 16 years age group.
- Juvenile delinquency is more in an urban than a rural phenomenon. The metropolitan cities produce more juvenile delinquent than small cities and towns.
- Children living with parents and guardians are found to be more involved in the juvenile crimes. This shows the role of family environment in juvenile delinquency.
- Low education background is the prime attribute of delinquency. Thus most delinquents come from the illiterate and less educated families.
• Poor economic background is another important characteristic of juvenile
delinquency in India. Almost all studies conducted in our country on juvenile
delinquency and its relation to the socio-economic order shows that those
belonging to the bottom strata have founded to have the highest rates.
• Though some delinquencies are committed in groups yet the number of juvenile
gangs having support of organized adult criminals is not large in our country.

2.5. Types of Juvenile Delinquency:

Haward Becker has referred to four types of delinquencies are as under.

1. Individual delinquency:

This refers to delinquency in which only one individual involved in committing of
crime and its cause is located within the individual delinquent. Most of the
explanations of this delinquent behaviour come from psychiatrists. Their argument is
that delinquency is caused by psychological problems stemming primarily from the
defective / faulty / pathological family interaction patterns. They indulged in
delinquency as solution to these problems, as it delinquency either bought attention
from parents or provided that support from peers of reduced their guilt feelings. Some
studies also identified important aspect of the family relations leading to the
delinquencies. The delinquents are found differ than non delinquents a little in their
relationship with their mother but more in their relationship with their fathers. Thus
father-son rather than mother-son relation seemed more crucial in delinquency, as
delinquent boy could not internalize moral value because of the absence of good role
models in their fathers. In addition their discipline was also more harsh and stern.

2. Group supported delinquency:

In this type, delinquencies are committed in companionship with others and cause
is located not in the personality of the individual or the delinquents family but in the
culture of individuals home and neighborhood. Sutherland who developed the theory
of different association, the young become delinquent due to their association and
companionship with others already delinquent. This set of ideas focuses on what is
learnt and who it is learnt rather than on the problems that might produce motivation
to commit delinquencies.
3. Organised delinquency:

This type of delinquencies that are committed by formally organized groups. These delinquencies were analysed in the United States in 1950 and the concept of delinquent subculture was developed. The concept refers to set of values and norms that guide the behaviour of group members encourage the commission of delinquencies, award status on the basis of such acts and specify typical relationship to person who falls outside the groupings governed by group norms. Cohen was the first person who refers this type of delinquency.

4. Situational delinquency:

The above mentioned three types of delinquencies have one thing common. In all of them delinquency is viewed as having deep roots. In individual delinquency the roots of delinquency lie primarily within the individual, in group supported and organized delinquencies, the roots lie in the structure of the society with emphasis either on the ecological areas where delinquency prevails or on the systematic way in which social structure place some individual in poor position to complete for success. Situational delinquency provides a different perspective. Here the assumption is that delinquency is not deeply rooted, and motivate for the delinquency and means for controlling it are often relatively simple. However the concept of situational delinquency is undeveloped and is not given much relevance in the problem of delinquency causation.

It is supplement rather than a replacement of other types. Vagrancy or running away are also another types of delinquency which are frequent in case of juveniles, vagrancy is the condition of a person living on the borderland of society outside the bounds of normal settled family or social life. Children who have not permanent attachments and who are given to aimless wandering about from one place to another and dragged into the kind of habit of running away. Vagrant children when they feel helpless take shelter with beggars and other criminals. Vagrant children forget their homes and accept begging as a job. They sleep on street or footpaths. They joins groups, thieves, rackets, beggars and criminals.
2.6. Theories of Juvenile Delinquency:

The psychologist, psychiatrists, sociologists, lawyers, and philosophers have propounded various theories to understand the deviant behavior of Juveniles. Exploration of the causes of Juvenile Delinquency is the major objectives of these persons and their major aims to develop the body of generalizations which amount to juvenile misconduct. The task is manifold but it involves to main components which are closely related but analytically different. The first has to do with the development of exploration for the kind and magnitude of delinquency observed in a society, while the other centers around the discovery of the process involved in the acquisition of delinquents behavior patterns by specific youths. Although each theory has been presented as a new exploration in itself, it often depends to some extent upon previous theoretical formulations. Most explanations however, recognize that delinquency and crime cannot be explanation in terms of one single causal factor.  

1. Biological Theory:

The close relationship between organic constitutional and psychological factors together with the bearing of the later on behavior, lends a considerable significance to physiology in the of delinquency. The biological orientation is based on the assumption of that criminals are radically different from normal human beings in organic structure, which largely determines their criminal action. Organic defect due to heredity, like mental deficiency, may sometimes, be result of delinquency. Defects in body structure, such as deafness, blindness, lameness have been considered for personality not so much because of individual’s subjective responses to his peculiarity. The criminal is therefore a biological phenomenon, the degenerate member of the human species whose criminal behavior originates in this somatic or psychic deficiency. Cesare Lombroso is considered as the profounder of this theory. He declared “a criminal behavior originates to be an atavistic phenomenon, a biological throwback since the stomatodogical characteristics throwback of the criminals resembles those of the primitive men”.

William Sheldon attempted to distinguish between criminals and non-criminals on the basis of three symatotypes:

a. Endomorph to viscertonic (relax, comfort living, and sociable in nature)

b. Mesomorph to be presumably somato-tonics (active, assertive and vigorous)

c. Ectomorph to be cerebrotonic (restrained, inhabited and somewhat withdrawn)

He concluded that these body types were inherited and that most of the delinquents he studied were mesomorph.35

2. Rational Choice Theory:

The rational choice theory, also known as rational action theory, was inspired initially by Cesare Beccaria, whose utilitarian views and ideas were widely accepted throughout Europe and the United States. Beccaria's contributions helped to eliminate cruel and unusual punishment in the nineteenth century, which at the time was very common, and to form the basis for the classical theory of crime, a school of thought that influenced the French Revolution and the establishment of the Eighth Amendment in the United States Constitution. Beccaria believed that people choose to engage in all behavior, criminal and non-criminal, and without the fear and certainty of severe punishment for criminal offenses, people will continue to choose to commit those crimes. Additionally, he believed that all individuals possess free will. People use free will to make rational decisions, such as whether or not the personal benefits are worth the risk of violating the law by committing a crime. It is by free will that people are able to follow through with those "rational" decisions. To Beccaria, punishment should address prevention rather than revenge.36

He believed that the only way to deter criminals from continuing to commit more serious offenses is to ensure that the punishment is well suited for the crime. In other words, the punishment should only be severe enough to outweigh the personal benefits gained from committing the crime. If this were not the case, minor offenses would be punishable by the same sanctions as more serious offenses, making it more


logical for an offender to commit a more serious crime and suffer the same consequences, a concept that is today referred to as marginal deterrence. A British philosopher named Jeremy Bentham elaborated on Beccaria’s views and proposed the idea that people choose their actions by whether or not they produce happiness and avoided unpleasant conditions. With this perspective, laws were created to keep its community happy and punishment is only justified if it is used as a method of prevention. More specifically, the purpose of punishment is to provide a cheap method of preventing all criminal offenses, to ensure that a criminal does not use any unnecessary force, and if possible, to convince a criminal to commit a less serious crime.

The popularity of the classical theory peaked in the 1800s but began to decline and was eventually neglected altogether by the majority of criminologists by the end of the twentieth century. During the mid 1970s, as positivist approaches towards the rehabilitation of known criminals began to prove ineffective, the popularity of the classical approach improved. A significant increase in the reported crime rate inspired some criminologists to suggest that it would be more effective to evoke fear into criminals by threatening severe punishments than to waste the public’s money by trying to rehabilitate them. These suggestions were carried out during Reagan’s presidency, when politicians passed tough new laws, including mandatory prison sentences for drug offenders, in an effort to decrease the crime rate. Fortunately, although the national prison population increased significantly, the plan was a success and the crime rate plummeted. Criminologists began to portray criminals to the public as rational planners who deserve to be punished. This more modernized view of the classical school of criminology is now known as the rational choice theory and is used to explain why criminals commit crimes.37

The rational choice theory spawned from ideas from Cesare Beccaria who contributed to the formulation of the classical school of criminology in the 1700s, but was later modernized and developed to incorporate factors such as emotions, morality, and values. The theory attempts to explain the causation of crime by assuming that after consideration and evaluation of certain personal and situational factors, an individual uses free will and rational choice in the decision-making process that determines his/her commission of a crime. Despite some seemingly valid

criticisms, the theory has influenced significant historical landmarks and documents and is still one of the oldest standing explanations for crime around today.

3. Social Disorganisation Theory:

This theory attributing variation in crime and delinquency over time and among territories to the absence or breakdown of communal institutions (e.g. family, school, church and local government) and communal relationships that traditionally encouraged cooperative relationships among people. The concept is defined in terms of the absence or breakdown of certain types of relationships among people, and is intimately tied to conceptions of those properties of relationships that are indicative of social or communal "organization." Relationships among people in a given territory are presumed to be especially "organized" when there high levels of involvement across age-levels in activities coordinated by representatives of communal institutions e.g. family-heads, pastors, school organizations and local officials. Such organized interaction is presumed to be closely and reciprocally associated with the development of a sense of community or communal bonds among people in close geographic proximity to one another. 38

The concept was developed to refer to the absence of organization among people in relatively small ecological units (neighborhoods, census tracts, communities), but has been used to explain variations in crime among larger units e.g. counties.

Edwin Sutherland invoked the concept of social disorganization to explain increases in crime that accompanied the transformation of preliterate and peasant societies where "influences surrounding a person were steady, uniform, harmonious and consistent" to modern Western civilization which he believed was characterized by inconsistency, conflict and "un-organization. He believed that the mobility, economic competition and an individualistic ideology that accompanied capitalist and industrial development had "disintegrated" both the large family and homogenous neighborhoods as agents of social control, expanded the realm of relationships that were not governed by family and neighborhood, and undermined governmental controls. This disorganization of institutions that had traditionally reinforced the law facilitated the development and persistence of "systematic" crime and delinquency. He also believed that such disorganization fosters the cultural traditions and cultural

conflicts that support such activity. The seventh proposition in the 1939 version of his textbook was that "social disorganization is the basic cause of systematic criminal behavior." states and nations) as well as variations over time.

- Crime rate in the Society:

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<tr>
<th>Response</th>
<th>Category</th>
<th>Aggregate Percentage</th>
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<tbody>
<tr>
<td></td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>Upper class</td>
<td>20%</td>
<td>-</td>
</tr>
<tr>
<td>Middle class</td>
<td>64%</td>
<td>-</td>
</tr>
<tr>
<td>Lower class</td>
<td>16%</td>
<td>100%</td>
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<tr>
<td>Total</td>
<td>100%</td>
<td>100%</td>
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While giving response from the total respondent 02% respondents agreed that majority of children in conflict with law fare belongs to the upper class. While 14% respondents said that children in conflict with law may be from middle class. While 84% respondents said that children from lower class committing crimes.

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- Problems for implementation of the Juvenile Justice (Care and Protection) Act.

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<tr>
<th>Response</th>
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<th>Aggregate Percentage</th>
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<tbody>
<tr>
<td></td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>Unawareness of the Act.</td>
<td>8%</td>
<td>-</td>
</tr>
<tr>
<td>Infrastructure is less as compare to the requirement.</td>
<td>12%</td>
<td>-</td>
</tr>
<tr>
<td>Agencies involved in implementation of Juvenile Justice</td>
<td>12%</td>
<td>-</td>
</tr>
<tr>
<td>(Care and Protection) Act, 2000 are not sufficiently equipped</td>
<td></td>
<td></td>
</tr>
<tr>
<td>all above</td>
<td>68%</td>
<td>100%</td>
</tr>
<tr>
<td>Total</td>
<td>100%</td>
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While giving response by the total respondents 15% respondents agreed that unawareness is one of the reasons for implementation of the Juvenile Justice (Care and Protection) Act, 2000. Whereas 03% respondents said that due infrastructure is not sufficient for the children in conflict with law. While 03% agree that agencies which are working under this Act are not sufficiently equipped. While 79% respondents said that unawareness of the Act, infrastructure, agencies under this Act all are the hurdles for better implementation of the Juvenile Justice (Care and Protection) Act, 2000.
- Society as to curb the problems of children in conflict with law:

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<th>Response</th>
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<th>Aggregate Percentage</th>
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<tr>
<td></td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td>48%</td>
</tr>
<tr>
<td>No</td>
<td></td>
<td>28%</td>
</tr>
<tr>
<td>Can’t say</td>
<td></td>
<td>24%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>100%</td>
</tr>
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While giving answer of this question from total respondents 28% respondents agreed that society active on their part so as to curb the problem of children in conflict with law. While 66% respondents said the society is not active on their part so as to curb the problem of juvenile delinquency children in conflict with law. While 06% respondents said that they are not aware about this question.

- **Strain theory:**

Anomie was applied to criminology during the 1930s by Robert Merton and others, who studied the tension between socially acceptable goals and the means one is permitted by society to use for achieving those goals. Merton’s theory focused on the availability of goals and means. He posited that the greater society encourages its members to use acceptable means to achieve acceptable goals. In the United States, “acceptable means” include hard work, prudent savings, and higher education. Acceptable goals include comfort, leisure time, social status, and wealth. However, not all members of society have an equal availability of resources to achieve society’s recognized goals, thus creating strain for these less empowered members. Strain is manifested as a desire to achieve these goals, and one’s inability to acquire the legitimate means to attain them.

In this theory, those who do not have access to acceptable means may resort to illegitimate and illicit avenues to achieve their goals. In other words, those without resources and access may become delinquents or criminals to achieve comfort, leisure, status, and wealth. The implications of Merton’s and his fellow researchers’

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findings are clear: Lack of opportunity and inequality are central causal factors for delinquency and crime. However, anomie and strain theory have been criticized for placing too much emphasis on deviance emanating from the poorer classes, and for failing to adequately explain why so many youths and adults who suffer from strain do not turn to delinquency or crime. 41

4. Differential association:

Differential association theory was Sutherland’s major sociological contribution to criminology; similar in importance to strain theory and social control theory. These theories all explain deviance in terms of the individual’s social relationships. Sutherland’s theory departs from the pathological perspective and biological perspective by attributing the cause of crime to the social context of individuals. “He rejected biological determinism and the extreme individualism of psychiatry, as well as economic explanations of crime. His search for an alternative understanding of crime led to the development of differential association theory. Sutherland argued that the concept of differential association and differential social organization could be applied to the individual level and to aggregation (or group) level respectively.

While differential association theory explains why any individual gravitates toward criminal behavior, differential social organization explains why crime rates of different social entities different from each other’s. The first explicit statement of the theory of differential association appears in the 1939 edition of Principles of Criminology and in the fourth edition of it, he presented his final theory. His theory has 9 basic postulates.

1. Criminal behavior is learned. This means that criminal behavior is not inherited, as such; also the person who is not already trained in crime does not invent criminal behavior.

2. Criminal behavior is learned in interaction with other persons in a process of communication.

3. The principal part of the learning of criminal behavior occurs within intimate personal groups.

Negatively, this means the impersonal communication, such as movies or newspaper play a relatively unimportant part in committing criminal behavior.

4. When criminal behavior is learned, the learning includes (a) techniques of committing the crime, which are sometimes very simple; (b) the specific direction of motives, drives, rationalizations, and attitudes.

5. The specific direction of the motives and drives is learned from definitions of the legal codes as favorable or unfavorable. This different context of situation usually is found in US where culture conflict in relation to the legal code exists.

6. A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law. This is the principle of differential association. When people become criminal, they do so not only because of contacts with criminal patterns but also because of isolation from anticriminal patterns. Negatively, this means those associations which are neutral so far as crime is concerned have little or no effect on the genesis of criminal behavior.

7. Differential association may vary in frequency, duration, priority, and intensity.

Priority seems to be important principally through its selective influence and intensity has to do with such things as the prestige of the source of a criminal or anticriminal pattern and with emotional reactions related to the association. These modalities would be rated in quantitative form and mathematical ratio but development of formula in this sense has not been developed and would be very difficult.

8. The process of learning criminal behavior by association with criminal and anticriminal patterns involves all of the mechanisms that are involved in any other learning. Negatively, this means that the learning of criminal behavior is not restricted to the process of imitation. A person who is seduced, for instance, learns criminal behavior by association, but this would not be ordinarily described as imitation.
9. While criminal behavior is an expression of general needs and values, it is not explained by those general needs and values since non-criminal behavior is an expression of the same needs and values. Thieves generally steal in order to secure money, but likewise honest laborers work in order to money. The attempts to explain criminal behavior by general drives and values such as the money motive have been, and must completely to be, futile, since they explain lawful behavior as completely as they explain criminal behavior. They are similar to respiration, which is necessary for any behavior, but which does not differentiate criminal from noncriminal behavior.

5. Labeling theory:

The labeling theory of juvenile delinquency deals with the effects of labels, or stigmas, on juvenile behavior. Labeling theory holds that society, by placing labels on juvenile delinquents, stigmatizes them, leading to a negative label for a youth to develop into a negative self-image. A court of law, some other agency, a youth's family and supervisors, and/or the youth's peers give a name - or a "label" - to the youth, often in "degradation ceremonies". These ceremonies may be a suspension hearing with the principal or dean of a school, a court trial, or a home punishment, among others. Youths who are labeled as "criminals" or "delinquents" may hold these as self-fulfilling prophecies believing the labels that others assign to them, thereby acting as the labels. A youth who succumbs to a label may then proceed to act as a "criminal" or act as a "delinquent," abandoning social norms because he or she believes that he or she is a bad person and that this is what bad people are supposed to do.42

Frank Tannenbaum called this social labeling the "dramatization of evil." He argues that this "transforms the offender's identity from a doer of evil to an evil person." Labels can be applied formally, by social institutions (courts, schools, etc.) or informally, by a youth's acquaintances, peers, and families. These labels can be positive, or negative, and even socializing, but stigma that hold negative connotations and may negatively affect the juvenile are the main concern of labeling theory. Self rejection, by self-fulfilling prophecy, plays a role in social labeling theory. Self rejecting attitudes result in both a weakened commitment to conventional values and

the acquisition of motives to deviate from social norms". A sense of anomie (normlessness) sets in and the juvenile will form bonds with like-minded, delinquent, peers. These delinquent peers can lead to the juvenile delinquent.43

The idea is that once labelled as deviant a young person may accept that role and be more likely to associate with others who have similarly labelled. Labeling theorists say that male children from poor families are more. The labeling theory of juvenile delinquency deals with the effects of labels, or stigmas, on juvenile behavior. Labeling theory holds that society, by placing labels on juvenile delinquents, stigmatizes them, leading to a negative label for a youth to develop into a negative self-image.44

6. Sociological Theories:

Sociologists study interrelationships between individuals, socioeconomic groups, social processes, and societal structures. They have long examined the association between societal factors and criminal causation, focusing on the effects of society on individual and collective behavior. Sociological theories are not strongly deterministic, in that they tend to explain predispositions toward criminal deviance, and they therefore allow for some degree of free will. Beginning in the 1920s, the Chicago School of Sociology centered at the University of Chicago pioneered modern sociological research. A great deal of research and a number of theories since that time have been developed, and continue to be developed, to improve our understanding of the relationship between society and human deviance. Several elements are commonly present in sociological explanations of delinquency and crime:

- Socioeconomic conditions and pressures shape individual and collective behavior.
- Inequality and deprivation are associated with delinquency and criminality.
- Subcultural norms are often at odds with accepted norms of society, creating tensions that can result in subcultural conflict with the greater society.

43 David Locker, symptoms and illness: the cognitive organization of disorder, edition 1981. P.1
Delinquency and crime are associated with underclass conditions such as poverty, neighborhood degeneration, low educational achievement, inadequate housing, and family dysfunction.

Several sociological theories of delinquency and criminality are examined in this section, including:

- Anomie and Strain Theories
- Social Ecology (Structural) Theory
- Differential Association Theory

Social disorganisation Theory emphasis on crime is generated by the breakdown of and traditional values and norms. This was most likely to occur in urban areas with transient populations and high levels of migration, which would produce the breakdown of family relationships and community competing values this is one of the factor responsible for increasing juvenile delinquency. The sociologists have been trying to apply the concept of ecology, class and role to understand the delinquency. Sociology is the first major discipline to study criminology and crime causation.

7. Anomie Theory:

Emile Durkheim, an eminent French Sociologist, for the first time, talked about the social system and environment and how it affects the individual. His primary emphasis focused on suicide and differential rates of the occurrence depending on such factors as isolation and feeling of not being a part of the community. His early investigation in to suicide rates led him to conclude that a person does not feel himself as a part of a group, he will be isolated from mainstream of social life and his reaction to this situation would be some sort of deviant behaviour. His technical terminology for this phenomenon was anomie means a feeling of isolation or more specifically normlessness. Robert K. Merton extended the concept of this theory according to him he made three fold distinction in his theory of deviant behaviour:

1. The cultural goals or aspiration that the people learn from their culture.
2. The norms that people employ when attempting to achieve goals and

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3. The institutionalized means or the facilities that is available for goal achievement.

Merton's theory facilitates our understanding of the effects of strain produced by the system, but it does little to increase our understanding as to why all persons in similar situation do not choose the same alternative, that is, why some perform acts of deviance.\textsuperscript{46}

8. Gang Theory:

In the 19th century, juvenile friendship groups replaced family and social ties that had been lost to industrialization, changing immigration patterns and poverty. Due to their members' limited options, the groups developed into factions that carved out "territories" and engaged in petty criminal behavior. With the rise of adult organized crime in the 20th century, these groups of disaffected youth moved into more aggressive criminal pursuits, with many "graduating" into mob membership. As the century ended, many juvenile gangs had become apprenticeship organizations for adult, corporate gangs, their members often serving as low-level functionaries in criminal activities.

Juvenile gangs are composed of young people with a child's emotional maturity who wield adult weapons. Understanding the sources of alienation and isolation in these young people's lives is only the first step a humane society needs to take toward reintroducing them as productive citizens. A juvenile gang is a group of minors who form a socially cohesive unit by creating a set of mores and taboos unique to the group. Juvenile gang members are typically alienated, low-achieving adolescents from dysfunctional families who find a supportive environment in the gang. Many gang members may come from affirming family backgrounds or be successful students, but bow to overwhelming peer pressure to join the gang. The first juvenile gangs hung out on street corners, but today's gangs have established complex territorial limits.

An individual's self-image and sense of self-worth are controlled by the group mentality of the gang, and are grounded in the desensitization caused by the violent life most gang members feel locked into. With nothing to lose, they are free to act in a way that objectifies other human beings who are not members of the group. The attitudes of society and the punitive nature of the "correctional" system do little to change this negative outlook, but tend to reinforce the bonds represented by gang membership. The romanticization of gang life and the continued isolation of gang members due to their lack of education and training have turned large areas of our cities into zones of inter-gang warfare, and have encouraged expansion of gang activity into suburban and rural areas.

Frederick Thrasher is considered as the foremost authority on the gang behaviour because of his extensive research on the subject. He felt that gang originate naturally during the adolescent years from spontaneous play groups. The major factors that transfers a playgroup into a gang is conflict with other groups. As the result of the conflict, it becomes mutually beneficial for individuals to band together in the form of a gang to protect their rights and to satisfy needs which their environment and their family cannot. The more environments are supportive of his conducive to delinquency, the more delinquency will exist\(^47\).

9. Sub Cultural Theory:

David Downes, in his study of working class delinquency in Stepney and Poplar, invokes the definition of culture formulated by C.S. Ford, namely: 'learned problem solutions'. That is subcultural responses are jointly elaborated solutions to collectively experienced problems. Deviant behaviour is viewed as being a meaningful attempt to solve the problems faced by a group or an isolated individual - it is not a meaningless pathology. It is necessary, therefore, to explore and understand the subjective experience of the actor. Thus Downes has stated 'whatever factors and circumstances combine to produce a problem derive from wither the individual's frame of reference - the way he looks at the world or the 'situation' he confronts the world he lives in and where he is located in the world. To achieve this aim it is necessary to delineate how new situations - and with them new problems - are assessed from the point of view of

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the culture that the individuals already embrace. In short: subcultures emerge from the moral springboard of already existing cultures and are the solutions to problems perceived within the framework of these initial cultures.

Culture is seen as the ways people have evolved to tackle the problems which face them in everyday life. It includes language, ways of dress, moral standards, political institutions, art forms, work norms, modes of sexuality - in sum all human behaviour. That is, people find themselves in particular structural positions in the world; their age, class, gender, race, for instance, and in order to solve the problems thus posed, certain cultural solutions are evolved to attempt to tackle them. That is, people in each particular structural position evolve their own subculture. And, of course, the major structural axes are those of age, class, ethnicity and gender. The shape people's levels in the context of the particular space they occupy the particular time and country we are talking about. Thus the structural predicaments which give rise to problems for particular groups are varied and stratified throughout society. Subcultures, of course, overlap, they are not distinct normative ghettos: the subculture of young black working class men will overlap a great deal with their female counterparts. But there will also be distinct differences stemming from the predicaments of gender. And, of course, people in the same structural position can evolve different subcultures and these will change over time. Mods, rockers, teds, punks, may all be varieties of attempts by working class youth to deal with similar problems. For subcultures are human creations and can vary as widely as the imagination of the participants involved.

All human beings create their own subcultural forms and although we tend to use the term for the young and the deviant, it is important to note how this is just a matter of focus. Policemen and Army Officers, for example, form their own subcultures which are in their way as developed and exotic as those that exist in the underworld.48

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48 Gilford R. Shaw and Henry and D. Mckay, 'Juvenile delinquency and urban areas', University of Chicago Press, USA, 1969, p.316
10. Socio Economic Theory:

Various sociologist and economist felt that the social system, poverty and breakdown of the families, have also contributed to the rise in delinquency. These adverse factors develop in slum areas. In most of the developing countries, social factors are responsible to provide delinquency. The size of the family, where only one member, out of eight or ten, is earning, may lead to frustration among the members as needs of all members cannot be filled. The status of the parents, their educational background and income etc. are considered important social factors for the cause of delinquency. Bad neighborhood can contribute to crime and delinquency. Breakdown of homes is also responsible for the crime and delinquency. Desertion or separation due to divorce or death between the parents leads to lack of attention of the children and they play truant. An economic factor plays an important role to increase the crime and delinquency where the minimum requirement of the family members to maintain their status, are not achieved.

11. Psychoanalytical Theories:

Feud asserted that all relevant personality formation is concluded very early in childhood, based on interaction between child and the adult environment. The child goes through a sexual stages during which the focus of attention is on resolving conflicts between his or her unconscious derives and demand of adult world. As a child develops three parts personality structure of the id the ego, and the super-ego. These parts correspond to the primitive instincts (id), the sense of self (ego), and the conscience (super-ego), respectively. When the personality mechanisms are badly wrapped, anti-social action including juvenile delinquency can occur.

According to August Aichhorn there must be something in the child himself which the environment brings out in the form of delinquency. Delinquent behave as they want because they are in some way, maladjusted persons. The environment may function as precipitating force, but never as a primary force in causation. According to Woodmansey delinquency is a kind of abnormality in which the delinquent

imaginates the others to be hostile and become hostile to others. With each fresh experience this hostility to others gets reinforced, and finally explodes into overt from of antisocial behaviour.

Early theorists of psychoanalysis, such as Carl Jung\textsuperscript{51} and Sigmund Freud,\textsuperscript{52} attempted to construct systematic models to explain human personality. The personality systems they designed created classifications to explain interlinkages between one’s personality and behavior. Sigmund Freud was the founder of psychoanalysis, and his research is the foundation for psychoanalytic theory. During the late nineteenth and early twentieth centuries, Freud wrote that individual personalities have three fundamental components, which strongly affect one’s behavior:

- **Id.** Primal, selfish drives and desires. All persons are born with the basic desire for self-gratification, with no regard for others. Infants were considered by Freud to be perfect examples of the predominance of the id.

- **Ego.** The rational mind. As children mature, the ego places checks on the id’s desires and channels them into behavioral choices. Selfishness is suppressed, and consideration is given by youths to the welfare of others.

- **Superego.** The guiding moral conscience, which weighs the ego’s choices and labels them according to the personality’s definitions of right and wrong. Guilt, shame, and other emotions reflect the influence of the superego.

As humans mature, the libido, or sex drive, emerges. The libido is checked by the interplay between an individual’s id, ego, and superego. Healthy development of the id, ego, and superego occurs early in life, so that early experiences are critical for future adult behavior. Troubling or Juvenile Delinquency traumatizing events during childhood can become catalysts for delinquency and criminality. Juvenile delinquents and adult criminals are, according to psychoanalytic theory, persons without sufficiently developed egos and superegos. If the moralistic superego is weak, a person can easily act out on his or her primal urges without remorse (an unchecked id), and mislabel deviance as acceptable behavior. When people without superegos act out on these urges, their behavior is socially unacceptable. Such behavior, if illegal,

\textsuperscript{51} see Campbell, *The portable Jung*, New York: Penguin Books, p. 38
\textsuperscript{52} http://www.sagepub.com/upmdata/4880_Martin_Chapter_3_Juvenile_Delinquency.pdf, visited on 24/04/2010
forces society to define the individuals as delinquents or criminals, and to deal with them accordingly.

Thus, people who have poorly developed superegos and egos are incapable of acting outside of their own interests and are roughly analogous to *psychopaths* in the modern era. Psychopaths, also termed *sociopaths*, are deemed to be unable to empathize with other people's feelings or well-being. Freud also argued that human personalities are formed during several phases of childhood development. Abnormal personalities and other psychological imbalances begin to form during these phases, and can reflect the phase in which the problem developed. For example, according to Freudian theory, if a person regresses to or becomes fixated in their phallic phase of development (ages three to five years), they may become sexually deviant and engage in illicit sex practices such as prostitution or rape.

12. Multifactor Approach Theory:

Gluck and Gluck used the multi factor approach. He concluded delinquency youngsters could not be blamed on any set of factors. The delinquent behaviour was the result of combination of all factors. The History of the Juvenile Justice system itself shows the result of the Juvenile Justice (Care and Protection) Act, 2000. This Act is one of the landmark results of the juvenile justice system in India, before passing this Act there were certain lacunas in the Act of 1986 which are removed by this Act. Uniform provisions formed for boys and girls regarding age. It is concluded that the juvenile justice system is not a recent origin but it has long history on the basis of said history the Juvenile Justice (Care and protection) Act, 2000 came into an existence. In this research work the researcher has mentioned various causes of the juvenile delinquency. Many Criminologists has given their different theories regarding causes of crime. Children are not born criminals they becomes deviants under circumstances. Hence first and second hypothesis are proved.

In the present day juvenile Justice System is continuous process resulting from changing concept of juvenile in conflict with law. There are various development relating to juvenile justice system have close relation with law reforms taking place in the world. This Act has been enacted as a consequence of the major shift in the policy

from welfare to the rights of the children with India’s ratification of the convention on the rights of the child. This convention has given various important rights to the child. As its consequences under this Act the age of the boys has increased from 16 to 18 years of age.

Child is not a born criminal there are various factors responsible for him to become criminal. These factors like, family neighbour, environment, media, psychological, economical, social, political, religious directly and indirectly affecting on the children. Under this Act, new concept of the rehabilitation is evolved i.e. not to punish but to reform.