PART - B

THEORIES
CHAPTER 5

THEORIES AS TO THE CAUSATION OF JUVENILE DELINQUENCY
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Unless we know the cause of the crime we shall not be able to provide remedy to reduce or to eliminate the crime. It is very essential to study the causes of juvenile delinquency. Various thinkers have put their theories for the causation of crime and delinquencies. The thinkers have given different reasons for the causation of crime. The study of the theories would develop the knowledge to discover the remedy to deal with the problem of juvenile delinquency. While making survey of the delinquency in the field, study of the theories would be helpful to discover the cause of delinquency.

Since the primitive stage of the society the crime is in existence. No society can be crimeless. From the primitive stage to the modern time, the society tried to search the causes of criminal behaviour and in this attempt various theories of crime causation emerged.

Criminologists have always different views regarding the causation of crime. Some criminologists believe that there are some criminals of personality type. They tend to criminality because of their heredity, psychopathic or biophysical traits. This is subjective approach of study of criminal behaviour and crime causation. Some criminologists have objective approach to the problem of crime causation. They explain criminality in terms of social factors, and insist on analysis of socio-economic, ecological, topographical and cultural environment.
Individualistic Theories and Juvenile Delinquency

Demon theory, theory of classical school, theory of Neo-classical school, theory of positive school have individualistic approach. These theories concentrated on the mental, biological and other individual character of the offender as causes of delinquencies. So far as aspect of mental disorder is concerned, it cannot be the cause of delinquency, as the child who does not know the nature of the act, cannot be held criminally liable. Physical, biological or anthropological, hereditary characters have lost their importance as causes of crime with the explanation of the factors of criminal behaviour other than the personality of the offender are vehemently explained. Most important achievement in individualistic approach is that this approach of causation of crime directed a new realistic dimension rejecting the abstract nature of causation of crime.

The Demon Theory of Pre-Classical School

The demon theory, or some modification of it, has been presented as an explanation of crime and juvenile delinquency for a long period of recorded history. The fundamental religious viewpoint posits that people who fail to follow the basic norms of the group are possessed by demon¹. There was general belief that man by nature is simple and his actions are controlled by some super power. It was generally believed that a man commits crime due to the influence of some external spirit called `demon' or devil. Only the remedy was of shaking devil out of the criminal. Worship, sacrifices and ordeals by water fire were the remedies to remove devil’s influence from the person of a victim. In the recent time also, this theory is applied in some cases whenever the child’s or the adult’s behaviour is abnormal and appears to be violating general rule of behaviour.

¹ Lewis Yablonsky and M. R. Haskell : Juvenile Delinquency (1974), p.345
Free Will Theory of Classical School

Ceasare Bonesana Marchese De Beccaria (1738-1794) during the middle of the 18th Century expounded his naturalistic theory of criminology. Accepting the Christian doctrine of free will, the classical school postulated that man could choose between good and evil alternatives. The Causation of crime explained was that the man is hedonistic, man's instinct of having a maximum pleasure and avoiding a pain. The man commits a crime only because he gets the pleasure in committing a crime at that moment. He thinks momentary. He does not think of the future pains, the future consequences of the act.

Jeremy Bentham (1748-1832) the English Legal Philosopher and Penal reformer was the proponent of the classical school. In 1825, he published the book, "An Introduction to the Principle of Moral and Legislations" whether the commission of crime is profitable or not shall be measured from punishment. If the punishment is producing more pain than the pleasure in committing crimes, the criminal shall not commit crime.

The major defect in the theory was that the theory solely relied on the act. The state of mind of a person committing offence was not at all taken into account. The theory proposed equal punishment for the same offence to adult, juveniles, insane, first offenders, habitual, without making any distinction.

Theory of Neo Classical School

This theory distinguishes the criminals and isolates them from the society. In the middle of 19th century, the Neo-classiest developed a study of criminology on the scientific basis, considering the mental disorders of a person for holding him liable for his criminal behaviour. Neo-classiest
recognizes that mental disorders of a person destroy or slacken the normal capacity of a person to control his own behaviour. They made distinction between the first offenders and recidivists. Neo-classist recommended lenient treatment for insane offenders on account of their mental depravity, but they had unanimous view that all responsible or irresponsible criminals should be kept segregated from the society. Prof. Gillin observed that Neo-classist represent a reaction against the severity of classical view of equal punishment for the same offence.

Positive School (Italian Form)

Italian Criminologist Cesare Lombroso (1836 - 1909), Raffaele Garofalo (1852 - 1934) and Enrico Ferri (1856 - 1928) are the main exponent of this school. Lombroso was Italian Psychiatrist and Physician in Army. He made anthropological experiments to study the physical characteristic of the criminals. He came to a definite conclusion that the criminals were physically inferior in the standard of growth and therefore developed a tendency for inferior acts. He further generalized that criminals are less sensitive to pain and therefore they have little regard for the suffering of other. Lombroso classified the criminals in three categories I) Hereditary criminals or Atavists, II) Insane criminals, III) Criminoids- physically criminal type. Lombroso concluded that 1) Criminals are at birth a distinct type, 2) They can be recognized by certain stigmata (e.g. long lower jaw, scanty beard, low sensitivity to pain), 3) These stigmata or physical characteristics do not cause crime but enable identification of criminal types, 4) Only through severe social intervention, born criminals can be restrained from criminal behaviour.

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5. Lewis Yablonsky and Haskell : Juvenile Delinquency (1974.), p.346
Lewis Yablonsky observed that, "after his initial studies, Lombroso greatly modified his theories. A great central error in his early studies was that he neglected to note that most of the criminals in Italian Army were Sicilians and thus were distinct physical type. They did not however, commit more crimes than the general population because of their physical typology as Lombroso alleged, but because they came from a culture that was more criminally oriented."  

Enrico Ferri (1856-1928)

According to Enrico Ferri, the crime is the synthetic product of three main factors: 1) Physical or geographical, 2) anthropological, 3) psychological or social. Thus Ferri emphasized that criminal behaviour is an outcome of a variety of factors having their combined effect on the individual. In his own words "as a given number of water at a defined temperature will dissolve a fixed quantity of chemical substance and not an atom more or less, so in given social environment with definite individual and physical conditions, a fixed number of delicts, no more or no less, can be committed."  

According to Ferri, the kinds of criminals are – Insane, born, habitual, passionate, occasional.

Raffaele Garofalo

Raffaele Garofalo is one of main exponents of positive school. He firmly believed that criminal is the outcome of his own environmental phenomenon. He was skeptical of economic distress as a cause of crime though, again, he did not deny that economic condition may affect the form in which crime is manifested. Garofalo identifies four basic criminal classes which though distinct, are yet related in that, each is characterized by a

6. Ibid. p 347
8. Ibid.
deficiency in the basic altruistic sentiments of pity and probity. These four classes are those of (1) the murderer, (2) the violent criminal, (3) the thief, and (4) lascivious criminal.10

Bonger’s Economic Structure Theory

William Aldrain Bonger (1876-1940) was the Dutch criminologist, a Marxist. He was the early propounder of theory of Economic Causation of crime. In the first half of the 20th century, he derived his conclusions after research study of Economic condition of various socialistic countries. According to Bonger capitalism was one of the potential causes of criminality. According to him poverty is the outcome of capitalistic system in which there is economic competition. According to him capitalistic form must be changed and means of production should be reorganized and a society should be classless. Bonger explained that the capitalistic system created selfish tendency to earn more profit without consideration of the working class. Profit element is the important thing in capitalistic system. In competition in the capitalistic market, everybody tries to gain more and more profit. W.A. Bonger established co-relationship between economic conditions and crime & drew the conclusions summarized as under-

1. He prepared a statistical data and demonstrated that almost 79 percent of the criminals belong to non-profitable class.
2. Influence of economic conditions on delinquency is essentially due to capitalistic economy.
3. Capitalistic economic system produces inflation and deflation, which rises bankruptcy and insolvency respectively and it is the reason for affected persons to lead an anti-social life.

10. Ibid at 111-134 quoted in Ibid. pp 263-264.
4. Capitalistic economy contributes to enormous increase in crime.

5. Competitive tendency among entrepreneurs is the particular feature of capitalistic economy.

Child labour according to Bonger is entirely a capitalistic phenomenon, which is one of the salient features of juvenile delinquency.

Poverty multiplies opportunity for deviant adjustment and the culture of poverty produces the massive self-defeating attitudes prevalent in slum youth. The offences are, in the great majority of cases, against property and have therefore arisen from want in some form: for what a man has, he does not steal. J. M. Beattie concludes his long essay on 'The Pattern of Crime in England' from 1660 to 1800 with the sentence: 'Crimes against property in the eighteenth century arose primarily from problems of employment, wages and prices.... They increased when men found them squeezed by rising prices or lower wages or lack of work and declined when they were squeezed no longer.'

According to this theory, the crimes in the countries like U.S.S.R., where the socialistic pattern of economy is in existence should have come to an end. But this is not the position in U.S.R.R. According to the study of Cavans, juvenile delinquency was frequent in all strata of the society.

The emphasis of Marxist theory is that all human behaviour is determined by economic factor. It is also true that in capitalistic system of economy, poor becomes poor and rich becomes richer and create a big gap between poor and rich. For want of means and ways, the poverty produces the criminals and they are the product of capitalistic system. In India, out of total of 96,144 juvenile offenders about whom data of economic set up was available, 80% were from lower classes. Out of 1,62,789 juvenile offenders

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15 Crime in India 1971 Ministry of Home Affaire Government of India
about whom data of economic setup was available, 85% were from lower class families.¹⁶

While forming opinion that there is nexus between poverty and criminal behaviour, the ratio of the population of poor class, rich class and middle class is required to be considered. The population of rich class is considerably small than the middle class. The population of middle class is very much low than the poor class. White-collar crimes in India are rising in numbers considerably. If the quantum of amount of white-collar crimes is compared with the amount of crimes of poor class, the conclusion will be that the problem of white-collar crimes is the peril to the Indian Economy. Cohen observed that honesty is not the monopoly of only the rich persons. Many people lead an honest and upright life despite their poor financial condition.

It cannot be assumed that economic motives are the only ones which determine the behaviour of men in society.¹⁷ Psychological factors cannot be overlooked where the reactions of living human beings are involved.¹⁸

Radical theorists like Quinney, Lewis Yablonsky assert that when children are freed from the evils of class struggles and reintegrated into the main stream of life, the instinct of co-operation of the young will become dominant, and a society free of crime and delinquency will emerge¹⁹.

Indian religious culture is based upon the noble value of faith, warmth and reliance and cooperation. Indian economic culture is neither socialistic nor capitalistic. Aggression and foreign rule, for centuries in India, changed the cooperative economic culture of Indian society. The foreign rules imposed their economic culture upon the Indian society. Indian society’s economic culture is based upon equality and fraternity. Neighbourer in Indian society does not look his neighbourer hungry and he gives food from his own and satisfy his hunger and this is the culture of cooperation in the original Indian

¹⁶ Crime in India 1982 Government of India
¹⁸ Ibid.
society. The Indian society is now under the influence of foreigner’s economic system. It is necessary to develop our own system of economic cooperation.

Social Disorganization Theory

The social group forms the rules in it’s interest and in the interest of its members. The members are bound to obey the rules. Social change in the society is inevitable. If social change is gradual, the change of social rules is gradually obeyed. But if the social change happens with a fast speed, this fast change results into conflict, disharmony and cultural division. Social disorganization takes place in such a fast speed of social change, that the influence of existing social rules upon members of the social group is slackened. Social disorganization has been defined as a decrease of the influence of existing social rules upon the individual members of group. Social group is divided. One division of social group discard the existing rules or the new situation after a social change complete it to discard the old rules and adopt new one. This situation of fast social change is defined as Social Disorganization. War, Industrialization, Urbanization, Modernization causes the social disorganization.

Social disorganization may be due to cultural conflict, between different values of different sections of society. The difference may be between old and new values, local or imported values and traditional values and the values imposed on the community by the Government or other agencies.

Due to industrialization, the person has attraction towards urban cities. Industrialization and urbanization caused migration of the rural class to the cities. This migration automatically slackens the influence of rural values and social disorganization is the result of it. Consequences brought about by the
Second World War, like industrialization, modernization and urbanization have, in many countries caused breakdown of traditional patterns of social organization in them.

Industrialization raised the opportunity of employment and the husband and wife naturally tempted to earn more in urban cities. The family was disorganized due to migration from rural areas. The result of this was the lack of control over the children, lack of getting affection of parents to the children. This situation paved way to free acts of a child. Such situation is conducive for juvenile to turn to delinquent behaviour. In slum areas of urban cities, when the juvenile migrates and if he comes in the contact of adult criminal or criminal gangs, this social change affects his civilized behaviour to delinquent behaviour.

Multiple Factor Approach To Crime Causation

We have discussed the sociological factors under the social disorganization theory. There are some other social factors of crime causation such as family, economics, political factors etc\(^\text{20}\). Sutherland called them social institutions. Government, religion, educational institutions, public agencies of communications are social institutions.\(^\text{21}\)

Home and Family

No child is so constituted at birth that it must inevitably be law-abiding and the family is the first agency to affect the direction which a particular child will take\(^\text{22}\). The family is expected to train the child in effective way but there is no science, which guides the way for child’s learning. The family’s study and harmonious pressure upon the child forms his character without difficulty and with a minimum of conflicts. But when

\(^{20}\) Edwin H. Sutherland & Cressey "Principles of Criminology (Indian Reprint 1968), p. 189

\(^{21}\) Ibid.

\(^{22}\) Ibid : 171
parents are in conflict with each other, the harmonious pressure of the parents upon the child is not probable. The inconsistencies of culture affect the degree of obedience of a child. Obedience also depends upon the prestige of parent.

As Sutherland observed\(^{23}\) that the homes from which delinquent children come, are frequently characterized by one or more conditions namely (a) other members of the family criminalistic, immoral or alcoholic (b) absence of one or both parents by reason of death, divorce or desertion (c) lack of parental control through ignorance, blindness or other sensory defect or illness (d) home uncongeniality as evidenced by domination by one member, favouritism, over solicitude, over severity, neglect, jealous, crowded housing conditions, interfering relatives (e) racial or religious differences, differences in conventions, standards, foster home or institutional home (f) economic pressure, such as unemployment, insufficient income, mother working out.

Criminality In Home

Criminalistic behaviour of other members of the child's family is one of the elements in delinquency of some children. Vice and crime were present five times as frequently in the homes from which delinquents come as in the homes of non-delinquents.\(^ {24}\)

Two psychiatrists have concluded that parent's unwitting sanction or indirect encouragement is a major cause of, and specific stimulus for, truancy and various kinds of delinquency\(^ {25}\).

\(^{23}\) Ibid. 172
\(^{24}\) Cyril Burt : The Young Delinquent (4th Edn 1944) quoted in Ibid 174
\(^{25}\) Adelaide M. Johnson and S.A. Szurek : Etiology of anti social behaviour in delinquents and Psychopaths Journal of the American Medical Association 154:814-817 March 6, 1954, quoted in Ibid. 175.
Broken Home

The condition of home is modified by death, divorce or desertion. This modification in condition of home has been believed to be an important reason for delinquency of the children. A Bantu Tribe in South Africa, have a proverb, "If the old bird dies, the eggs are addled". The proportion of delinquent girls coming from broken home is greater than the proportion of delinquent boys coming from such homes and the proportion of delinquent Negroes is greater than the proportion of whites.26

Absence Of Parents

The child looses the love and affection of the parents in their absence due to their death, divorce or desertion. Death of parents influences the life of a child adversely. The child looses all protection care, love and affection with the death of parents. From the interviews with some children, it is noticed that the child lives the life very unprotected in absence of parents. There is no father or mother to listen to his cries, which is its birthright. It has to see the world just as lonely as none is there in the world to care for it. This situation leads the child to the delinquency. The modification of some conditions by death, divorce or desertion has generally been believed to be an important reason for delinquency of children.27. From the story of a boy of 16 years who had passed matriculation standard and whose father died and whose mother was blind and who had then younger brother of 12 years, it was found that, before the death of his father, the boy was having very high regard for the countrymen and nation, neighbours and natives. After the death of his father he became orphan and at the same time the circumstances cast on him the liability of his blind mother and small brother. After his father’s death,

27. Ibid. p.175.
some natives of his village tried to exploit the situation and tried to threaten him and rob him. Some natives had tried to take revenge of his father from the boy. Some had tried to take away the property of the boy forcibly from him. This treatment of the natives thrust upon the mind of a boy and the feeling of revolt were awakened in the mind of the boy against the society. He chose to be a notorious gangster. At the same age he assaulted many people, whenever they tried to threaten, without even caring for his life. He had taken the risk to die in the assault. His aggressive attitude changed the people's mind of hatred against him. He was away from education from three years and fought with the financial crisis by remaining without food for one or two days. None gave him a work to earn. He could not see the hunger of his blind mother and 12 years old brother. He wept observing their hungry faces and as a last resort decided to steal the food grains for satisfying the hunger. He stole the food grains and vegetables to satisfy the hunger of himself and his mother and brother. He was a terror in the village. None dared to lodge a report against him and if any one dares to lodge, he assaulted him at any time in future days, months or quarters.

After three years the circumstances changed. With the recommendation of his cousin, he was employed as Clerk in the Government Office and gradually his whole attitude was changed. But due to these adverse circumstances he became very courageous and he had ability to fight with the injustice and atrocities. He therefore became the leader of the employees and also started further education up to the post graduation. He again came to his original character, of regard towards the nation and all and became helpful to the society. Thus, loss of parents influences the life of a child very adversely. The story of the boy does not stop here. When he left his house for his service and went to the Urban Society the control upon the younger brother was
slackened. He was free to do any thing as per his will. Blind mother could not
control him. Intermittent visits to the home were not sufficient to control the
younger brother. The younger brother therefore turned to the delinquency. He
came in contact with drunkards and gamblers. In absence of the elder brother
he sold the articles from the house for gambling. He tried to manufacture the
illicit liquor. Due to these delinquent behaviour further progress became stand
still. This was the effect of disorganization of the family and broken home.
The elder brother tried to improve the situation of his younger brother with
utmost care and control and brought him by using various devices to the
lawful behaviour and for being a good citizen. This example of orphan boy
and of a broken home clearly shows that the absence of the parents carry the
children to the delinquency if they are not properly cared by their relatives or
the State. The State is not immune from the liability of taking care of such
destitute children, as it is the asset of the nation.

The broken home had essentially the same significance for boys and
for girls when comparison was restricted to similar delinquencies. 28

Discipline And Training

The other condition, which is responsible for delinquent behaviour, is
the discipline and training of the juvenile in home. Home discipline is the
most important factor, which determines the delinquency and non -
delinquency of the child. The non - discipline appears in the form of parental
indifference to discipline, physical, intellectual or moral weakness of parent
which made discipline weak, lack of discipline due to absence of parents,
disagreement about the control of the child over strict discipline 29.

28. H. Ashley Weeks : "Male & Female Broken Home rates by types of delinquency"
American Sociological Review 5.601-609 Aug. 1940 quoted in Ibid. p 177
29. Ibid. p 177
Discipline was four times as important as poverty in the home in relation to delinquency.30

Family head is very important character. He commands the members of the family and they obey him. His commands are not questioned out of love and affection. He protects the interest of every member of the family. In such family exists the happiness and the children seldom turn to delinquent behaviour, as it is most cultured home.

On the other hand, when the father has apathy towards the family, he does not provide needs even after his earning is good. He spends his earnings for his vices without caring for the wife and children. The children and wife are beaten under the influence of liquor and drugs. He takes away the money earned by his wife forcibly and spends for his vices. Consequently the children are kept without food. The mother weeps watching hungry faces of her children. This apathy of father towards family creates feeling in the mind of a child that his father does not like him. This apathy of father grows the feeling of insecurity in the mind of child. This is the circumstance of broken home. These circumstances teach the child to be bold to pave way to satisfy the hunger and to achieve the security. The child comes out of the house and searches a remedy to satisfy his hunger. Lastly, the child is thrown in the delinquent environment.

This apathy of the family head is the cause for a broken home. This apathy of family head towards family is not punishable by law though it ruins the life of all the dependents. Because of neglect and indifference the home discipline is deteriorated. In many homes when the children grow and become physically able, the family control becomes loose. They choose their own resources to direct their behaviour without any advice of the parents even without the knowledge of the parents. They come in contact with the person

30 Burt quoted in ibid p 177
outside the home and thereafter their behavioural pattern, delinquent or non-delinquent depends upon the community patterns encountered. However this neglect of training by parents is frequently accompanied by criminal behaviour of parents and it is probably more extensive in slum areas than in middle class residential area. The facts of the case De Shaney -v- Winnebago County Department of Social Services are heart-wrenching. In the first five years of the life Joshua De-Shaney endured repeated beatings at the hands of his father and thereby suffered severe brain damage. During these years, Joshua remained in his father's custody even though Wisconsin's Winnebago County Department of Social Services (DSS) had strong reason to believe that Joshua was the victim of serious abuse. In January of 1983, after being admitted to a local hospital for multiple wounds, Joshua was temporarily removed from his father's custody, but a Wisconsin juvenile court soon returned the child to his father. During the course of monthly visits throughout 1983, a DSS caseworker methodically observed and recorded many signs of Joshua's victimization but took no further action to protect the child. In both February and November of 1983, a local emergency room contacted DSS to report that Joshua had been treated yet again for injuries believed to have been caused by child abuse. On both occasions the caseworker chose to take no action to remove Joshua from his father's custody. In March of 1984, a few weeks before his fifth birthday, Joshua suffered a final and savage beating. His subsequent hospitalization revealed a history of traumatic head injuries, leading doctors to conclude that Joshua would have to spend the rest of his life in an institution for the profoundly retarded. Joshua and his biological mother then brought suit against DSS and

other local officials for their failure to remove Joshua from his father's custody in the face of repeated evidence of physical abuse.

Ruling that the Due Process Clause does not require a state "to protect the life, liberty, and property of its citizens against invasion by private actors," Supreme Court of America denied the right to live to Joshua. State's failure and Supreme Courts inability to use "Due Process Clause" against State to require it to protect the life of a citizen against invasion by a private person, is the failure of legal system which has the aim to protect the life and liberty of a person. State's inaction and court's inability to use "Due Process Clause" put the father of Joshua in a power to deprive the child of his life and liberty. Is it a failure of the principle "Due Process" or a failure of court to use it?

**Size of the Family**

Merely the size of the family does not influence the behaviour of a child. As a standard family there should not be more members than 4 i.e. husband, wife and two children. The family, which consists of parents and only son, love the son extremely. This extremity of love and affection slackens the control over the only son or daughter and the parents neglect the minor delinquency of the child such as skipping schools etc. But this neglect on the part of parents encourages a child to proceed further to major delinquency such as stealing money from his own house and then from the house of others. And thus the child is involved in criminal activity. So also in the large family there are some merits and demerits. If the members of the large family are active and earning, there will be no problem in such family but if a single member is earning and if he has to maintain the family of 7 members or more, naturally financial dearth will create a problem of

delinquency in the family. Joint Hindu family includes father, mother, brother and unmarried sister. Joint Hindu families are of a high profile. All the elders of a Joint Hindu family have love and affection towards their family children. There are examples in the Hindu family that after the death of the parents the children were maintained by the Uncle or Maternal Uncle or Grand Father, Grand Mother or even Sister of the Father. Thus, the children are restrained to proceed to the path of delinquency even in absence of the parents. In such Joint Family, the children feel that they are all round secured and protected and they do not think to deviate from the morals of the family and keep away from delinquent behaviour. The study of Hansa Sheth and Shukla in which it is concluded, “adolescent thieves bring out that the families of the subjects are exceptionally large and that the study shows a high correlation between large families and maladjustment in the house”.

It appears that in this study the financial condition of the family is not considered. Had the financial condition of the family been considered, the conclusion would have been different. If financial condition is satisfactory, the large family is not, in the Indian culture the problem for delinquency. On the contrary, large families protect their children from delinquency if lawful means are provided to meet out their needs with the creation of self-confidence in them. Large family should be construed as joint family.

**Economic Condition of the Family**

Sloth, torpor are the enemies of money. Those who live with sloth and torpor, they never make any economical development of the family. They cannot provide food, clothing, and shelter to the children in a proper manner. The children cry for food, and their hunger disintegrates the family. The children look outside the home for their satisfaction of the basic needs. They loose

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34. Bharti Sharma; Juvenile Delinquents and their Social Culture (1st Edn. 1990), p.45
their faith in family. They do not obey the guidance of their parents. And as a ultimate resort, they are thrown in the criminal world and learn the delinquent behaviour. Bharti Sharma produced a data\(^{35}\) of agricultural labourers, service class, self-employment, farming and others and concluded that, “24.4 were delinquents and 83.9 were delinquents in service class, 14.6 were delinquents in class of self-employment, 4.9 were delinquents in farming class and 12.2 were delinquents in others”. This data is of the lower strata group. This data does not include the study of Upper Strata income.

This data being very deficient may not give a correct picture of delinquency but comparatively it shows that the children of agricultural labour class and farming class have a very lesser tendency of delinquent behaviour in comparison with others, though their income is very less. The reason behind it is the rural culture of cooperation, care and faith in each other. Poverty alone does not force a person into delinquency, but it may produce the conditions helpful to anti-social conduct. Residents of rural areas are generally in extreme poverty but with little or no crime record.

**Illiteracy and Education**

Knowledge is such a treasure, which cannot be snatched away by any power in the world. Knowledge is the power of individual. Every person pays respect to the knowledge and a person possessing it. To gain knowledge, education is the simple media. Education is the basic right of a child. State and society is duty bound to satisfy the basic needs of education of the child. The education flourishes all faculties of knowledge of a child and expertise him in a particular faculty in which he has aptitude. The

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\(^{35}\) Ibid, p.46
education makes him matured in the society and inculcates in him the feeling
of love and affection towards the society, if the education is of morality and
ethics. This feeling of love and affection leads the person towards truth and
non-violence, which lord Buddha, preached and Mahatma Gandhi the father
of nation has made it a part of his life.

If parents are educated, there shall be atmosphere of education in the
family and the children will grow in educational atmosphere. If the parents
are illiterate, they must at least know the importance of education. Those who
know the importance of education, they will not allow their wards to work to
earn but they will fight with the poverty to educate them and to make them
virtuous citizens. But those who are illiterate and addicted to various vices,
they never care for their own life and life of others even their wife and
children. The children also do the same towards them. The children remain
illiterate. None teach them culture of education and ethics and illiteracy
throw them in the environment of the delinquency. We find that the society,
which is taught to take education, has marched rapidly forward towards
civilization. Education is expected to enlighten a person. Truancy may be the
first step towards criminal behaviour. Truancy is therefore the delinquency to
climb the ladder, which take to the pick of offences. It is therefore duty of the
society and State to break this step of truancy so that the child may remain in
the educational atmosphere. The family, society and the State have common
responsibility to create interest of education in the mind of a child and also in
the illiterate family to prevent the further peril of delinquency. The Schools
of the children cannot avoid of their responsibility towards the children’s
education. The nature of activities provided by the school greatly affects the
truancy rate and truancy. In a stirring letter to the principals of schools in the
city, T. R. Kakkar Delhi Police Commissioner had sought their active
cooperation in developing a close rapport with the police to tackle the
problem of increasing the juvenile delinquency in Delhi. He further added that the failure to contain an innocent offender in time could have catastrophic effects on society.\textsuperscript{36}

For the future of the country we shall have to take concrete steps against the truancy and to create affectionate relationship between the pupils and the teachers and to promote the principle of love and faith in the field of education.

Six Principal processes in relation to delinquency

From the analysis of home condition in relation to delinquency, Sutherland asserted six principal processes.\textsuperscript{37} They are summarized as under-

1. A child may assimilate within the home by observation of parents or other relatives the attitudes, codes and behaviour pattern of delinquency. He then becomes delinquent because he learns delinquency at home.

2. Parents determine both the geographic and the social class locus of the home in the community and the locus of the home in turn, largely determines the kind of behaviour patterns the child will encounter.

3. The home may determine the prestige values of various persons and also the type of persons with whom intimacy later develops. The child learns to appraise persons with his learning, clothing, language or occupation as important or unimportant and these appraisals later affects his acceptance or rejection of the behaviour patterns, which are presented.

4. The important element is that isolation of the child from the family is likely to increase the child’s associations with delinquency behaviour patterns and decrease his associations with anti-delinquency behaviour patterns.

\textsuperscript{36} Times of India News Paper of August, 5th, 1997
\textsuperscript{37} Edwin H. Sutherland and Cressey : Principles of Criminology (Indian Reprint 1968), pp 180, 181, 182
5. The home may fail to train the child to deal with community situation in a law-abiding manner. Delinquency pattern may not be available in the home, but the home may be neutral with respect to delinquency of the child.

6. Sixth process may operate although it is not very important. This is the persistence in the general community of habits of disobedience formed in the home. The father is authority in home. The boy transfers hatred of authority when he becomes active in the outside community.

The Institutions of Government

In many cases, laws are passed by the legislature for the purpose of controlling behaviour but the cohesive body of opinion and sentiment does not support the legislation. The result of it is that the legislation receives little respect, as there is no proper machinery for enforcement. Officials who have the responsibility of the enforcement of laws may avoid it. Political party is an agency, which can control the crime by applying the various measures. It gives service to the general society but the same service is a means to its own welfare. The political machines render services to the persons who violate the law or who wish to prevent the enactment of laws opposite to their gain. These services rendered to such persons are generally regarded as corruption, protection of law violators, protection sought by organized crimes, letting contracts of government public work and making money through it. Filling offices by inferior persons by political machines are the practices of the corruptions by political machines. This corruption influences the crime rate as the political machines does the governmental activities in favour of the criminals. Such type of relations between politicians and criminals is highly dangerous because it does not only increase their adult’s crime rate but it learns the juvenile delinquent behaviour. Juvenile delinquency and adult
violations of the criminal code seem to have kept close relations to the politics of the local community.

The Institution Of Religion

The institution of religion has to play very significant role in the society to keep the individual away from the criminality. It develops and maintains sacred morality among mankind. When sacred morality of religion is violated the crime takes place. The crime and religious institution has therefore close relationship. The conclusion can be easily derived that, 'lack of religious training' is the basic cause of crime.

The Educational Institution

The school has to play a major role to train the child for his future adult life. Poor education or failure of schools are the shortcomings which assist the crime causation or causation of delinquency. A minimum expectation from school is that, it must train the child in such a way that the child must learn certain values of a law-abiding society. It can be safely stated that crimes and delinquencies are closely related with the school.

It appears that crime decreases with the amount of formal education. The truancy and delinquency are closely co-related by area. Truancy precedes delinquencies.

War

During the period of war there is sudden change of atmosphere, the peaceful to emergency. The crime increased during war and post war period.
Sutherland somewhat disagrees with the causes of increase of juvenile delinquency in wartime.

He asserts that arrests and conviction of juveniles are not only an indication of delinquent behaviour of juveniles, but are also an indication of reaction of officials and other adults towards the delinquent behaviour. He agrees with E. Abbot's casual explanation of increase in juvenile delinquency in wartime, that it is the result in changes in the family and other local community institutions. Parents engage in war activities or join army and thereby supervision of the children is neglected. Wartime regulations are violated with great frequency and it results in delinquency. Thus we see that social disintegration during wartime is the cause for increase in juvenile delinquency. In the coup of Cambodia, even orphans haven't been spared in the last struggle for power. Poan Konker, a 7 years old orphan with deep, sad eyes, is one of the smallest victims in the political upheaval brought by co-premier Hun Sen's bloody coup.

Public Agencies of Communications

News Papers, Comics, Movies, Television and Radio are public agencies of communications. All these agencies of communication have great impact on mind of the person. The newspaper publishes the news of the taste of public with a view to increase of the sale of newspaper. The news of rape, robbery, murder, dacoity and their modes of committing are tasteful to the public. This news is read by public with immense interest and the sale of newspaper increases. The Editor who only looks to the sale of his newspaper and not the effects of news in society is rather resilling from the best purpose of newspaper. The people have right to know. But the news which are

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injurious to the society in general or particular or which teaches the
techniques of criminality to the offenders, are necessarily to be avoided.
Safety and integrity of society cannot be allowed to be hampered by using
right to know. Newspapers some times glorify specific criminals and increase
their prestige and consequently they become hero for other criminals and
particularly for delinquents. Sometimes a newspaper gets the advance
information of taking action against criminals. When the criminals read it
through a newspaper, they escape.

Thus the newspapers is the media of getting knowledge and it is double
edged weapon, it is to be used with great care and caution in the interest of
child and society.

The Comics

There are conflicting views as to weather the comic books are
detrimental and producing delinquencies. Reading particular book is the part
of the taste of reader. The mental faculty chooses the book to read. Without
interest reader will not read a word. So the non-delinquents shall not keep
any interest in reading harmful books. He will choose the book of his own
interest but the delinquent will read the book of crimes with a view to read
technique of crimes etc. It will depend upon the child's enlightenment
through the cultivation on his mind by the influence family, education and
religious rites.

Movies, Television and Radio

As read in the newspaper, a boy of 7 years of age saw on T.V. the
advertisement of washing machine cleaning dirty clothes into bright white.
The boy had 2 years young brother who was black. Their parents went outside the house for some reason. The boy thought that if his 2 years brother were washed in washing machine, he would be a white. The elder boy dropped the younger into washing machine and the machine was switched on. Younger boy was split into pieces in the washing machine and had become a mixture of blood and flesh. This shows that how the T.V. or movie influence the mind of a person.

After viewing T.V., movie, many children play as Gangsters or Robbers. They play lovemaking or make love after viewing T.V. or movie of romantic lovemaking. The children imitate the actors, actress in speaking, dressing, walking, hairstyle, using makeup articles. It is fact that the activity of each person is influenced by T.V. or movie or radio in more or less extent. T. R. Kakkar Delhi Police Commissioner criticized the addiction to cable television and said that, it was having a horrendous impact on the tender minds of children and was making them morally vulnerable. 40

Movie, T.V. or radios do not only show criminal activities. Movie, T.V. or Radio show religious bonds, philosophies of life manners, etiquettes, child rearing, historical heroes’ life, morality, family life, social life and so on. T.V. or movie has not left a slightest field of a life to show.

Movie, T.V. or radios show the situation in the society and remedies. It is the desire of a person who would lead him to legitimate activity or delinquency. To select the course of life and activities in life is mostly dependent upon a person. The desire for easy money and luxury, may lead to activity in a legitimate economic enterprise as well as to the delinquency. It is dependent upon the person’s culture, which he embraces from his family teaching, religious preaching and education.

Weakness of Theories of Crime Causation

After examination of the various theories causation, we perceive that each theory claims to be sound than other theory. The question remains as to what theory is a universal truth. Each theory has particular approach and explanation to the problem of causation of crime. A firm view cannot be formed as to the causation of crime as the each theory may be applicable in a particular circumstance. One theory therefore may be true in a particular circumstance. The theory is formed with the particular hypothesis, which is tried to prove by gathering evidence in the particular section. The particular impact on the mind of a juvenile for his being delinquent cannot be studied unless the researcher enters by creating confidence in the mind a child. His true exposure of the cause for his being delinquent would really be helpful to ascertain the hypothesis. a priori method however reliable it may be, would not be helpful to disclose the real cause of delinquency. Each delinquent may disclose different cause for his delinquency and it may set different theory of crime causation.

By and large, examination of existing researches in juvenile delinquency discloses a tendency to emphasize a particular approach of explanation.\textsuperscript{41} Like the blind men and the elephant of the fable, each builds the entire subject in the image of that piece of it which he happens to have touched.\textsuperscript{42} The varieties of the physical, mental and social history of different persons must determine, in large measure, the way in which they will be influenced by social disorganization, culture conflict and the growing pains of the city.\textsuperscript{43} The theoretical study, on critical examination, proves that the study of crime causation is unilateral and does not form the universal principle for causation of crime or delinquency.

\textsuperscript{42} Ibid.
\textsuperscript{43} Ibid. p.6
Sutherland's Differential Association Theory

The approach of this theory is sociological. Edwin H. Sutherland has presented this theory. The theory is based on the process of learning the criminal behaviour. The basic nine principles of "differential association theory" presented by Edwin H. Sutherland are summarized as under:

1. "Criminal behaviour is learned. It is not inherited. The person who is not already trained in crime does not invent criminal behaviour.

2. Criminal behaviour is learned in interaction with other person in a process of communication verbal or gestures.

3. The principal part of the learning of criminal behaviour occurs within ultimate personal groups. This means that impersonal agencies such as movies, newspapers play unimportant part in the genesis of criminal behaviour.

4. Learning criminal behaviour includes (a) technique of committing the crime (b) the specific direction of motives, drives, rationalizations and attitudes

5. The specific direction of motives and drives is learned from definitions of the legal codes as favourable or unfavourable.

6. A person becomes delinquent because of an excess of definition favourable to violation of law over definition unfavourable to violation of law. This is a principle of Differential Association”. The principle of differential association refers to criminal and anti-criminal associations. When the persons become criminal they keep contact with criminal patterns and isolate from anti-criminal patterns.

7. Differential association may vary in frequency, duration, priority and intensity. Importance is given to priority in the sense that if the child develops lawful behaviour in his only childhood, it may persist throughout life. If the child develops delinquent behaviour in his early
childhood, it may also persist throughout life. This tendency has not been adequately demonstrated. Intensity has to do with prestige of the source or criminal or anti-criminal pattern and with emotional reactions related to the associations.

8. The process of learning criminal behaviour by associations with criminal and anti-criminal pattern involves all the mechanism as in any other learning. Negatively this means that learning of criminal behaviour is not restricted to imitation.

9. Criminal behaviour is a general expression of general needs and values. But it is not explained by those general needs and values, since non-criminal behaviour is of the expression of the same needs and values. Thieves steal in order to secure money so also labourers work in order to secure money. This does not differentiate criminal from non-criminal behaviour.

The attempts by many scholars to explain criminal behaviour by general drives and values, such as the happiness principle, striving for social status, the money motive or frustration, have been and must continue to be futile since they explain lawful behavior as completely as they explain criminal behaviour.\(^{44}\) Sutherland's principle of differential association, which means, in effect, that if the number of criminogenic influences exerted on an individual is greater than the strength of anti-criminal influences then that individual will violate the law, has been criticized as tautologous and question begging.\(^{45}\)

Psychologists dismiss it as superficial.\(^{46}\) Its weakness is the fact that it fails to distinguish adequately between motive and behaviour, between what a crime means to an individual and what it means to the rest of community.\(^{47}\) It takes no account of hidden or unconscious factors influencing behaviour.\(^{48}\)

It assumes that all crimes of theft are identical and therefore can be treated

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44. See Sutherland and Cressey: Principles of Criminology, (Indian Reprint 1968), 77, 9
46. Ibid.
47. Ibid. p. 86, 87
48. Ibid. p. 87
alike. It is legalistic in this sense, inadequate and unsuitable. It takes as little way and then abandons us to doubt. Sutherland embraced the social disorganization hypothesis, adding to it his own individualistic touch by calling it "differential social organization" for the reason that he was not aware of this weak side of his theory. 49

The question is whether the criminal behaviour is learned from other or the circumstance influences to think over and introduces thought of a criminal behaviour in the mind? Whether the mind of a born child is clean and empty as to the abnormal behaviour. The mind and crime have close relation. The crime is impossible unless the mind embraces to do it. Is the "differential social association" a only factor which influences the mind to commit a wrong? Or are there any other factors for which influences to commit crime? When a death takes place in a sudden fight or due to any negligence on the part of the person committing it, the theory of differential association shall not apply as the persons is purely the outcome of a momentary decision of his mind without any learning of a criminal behaviour. Sutherland's claim regarding principle of differential association as a general theory to cover all crimes, is therefore not sound.

However, it is readily apparent that much of the illegality rampant in American Society in particular is related to features of social organization, including conflicts in basic values, a variety of social satisfaction influences including differentials in availability of legitimate means to attainment of cultural goals, widespread disrespect for law and order, the growing bureaucratization and impersonality of "mass society" and the racial and ethnic cleavages of a nominally democratic society. 50 Thus the theory of Sutherland is covers the crimes of conflict between two different groups of society one favourate to the violation of law and the other unfavourable to the

49. Ibid.
violation of law but does not cover all crimes. However, his theory has the relation to the social causal factors.

Conclusion

From the discussion in this chapter, we have closely observed that family plays a very significant role in cultivating law abiding principles of moral rules in the mind of a child and if the family is broken, the child gets the various ways open to learn the criminal behaviour. The theory of "differential association" throws light on the causation of crime. The theory of differential association is most useful for the State to consider the criminal and non-criminal behaviour of the associations in the society, which may influence the individual to be anti-criminal or criminal while making the law to regulate the criminal behaviour. This theory is guiding principle for the state to make provisions of law to regulate the criminal behaviour of the associations who are favourable to the violation of law. This theory has the social concern and it assumes the danger to social order through the criminal association. To take measures against the individual favourable to the violation of law is easy but to take measure against the social associations favourable to the violation of law is difficult task. The principles laid down in various theories are very much useful for the Juvenile Court or Juvenile Board when the delinquent and neglected child is brought before them. For the treatment socially organized criminal association requires more energy and powers than the individual criminal requires. The theory is therefore the guide to the State for making law against such socially organized criminal associations.

The study of multiple factors and individualistic approach theories are also the guide for the State to make laws. This multiple factors theory are most useful guide to the Juvenile Court or Juvenile Board to ascertain the
circumstances under which circumstances the delinquent or neglected child was influenced for his behaviour and how he should be treated on the basis of the theory applicable to him. If the delinquent or neglected child is the sufferer of broken home his treatment by the Juvenile Court or Board will be in a different way than the way which will be applied for the treatment of economic sufferer or public agencies communications or war or earthquake sufferer. These theories of crime causation are useful to study the circumstances, which influenced the child to violate the law or social norms and to prescribe treatment for welfare care, protection and rehabilitation of the child. The theories of crime causation have great significance and their study is sine qua non in the juvenile justice system.

If there are criminal groups, which are indulge in criminality and works to learn the crimes, can there be a State control upon such groups? The duty is not cast up on the institution of government to make laws and to implement them to restrain the juveniles to participate in such groups. The Govt. machinery knows the sources of crimes, but lack of strong will of State to eradicate the criminality is the reason for increase in crime, which the data reflects. Even, on the contrary, the kings of the criminal world or economic world assist the politicians and political parties financially, and the political machines become blunt in taking suitable actions against the big bosses of criminal world.

We may conclude that the State has to play a significant role in dealing with the criminal groups and to keep the innocent children away from the evils of such groups.