CHAPTER 1

INTRODUCTION

Youths are supposed to be the backbone of a nation. The future of a nation depends upon its youths. Quality youths are therefore, the dream of the hour. Different attempts to enhance the overall quality, sensitivity and accountability of the youths at Government, Semi-Government, Non-Government and at individual level are going on all over the world to ensure the future prospects of its youths. Children are born innocent and they acquire almost all their virtues and vices from their surrounding socio-cultural environment in which they born and brought up. Most of their qualities, both social and anti-social, are formed and developed during the course of their individual and collective life rather than inherited by birth (Petrovsky, A.V. 1985, P. 30-35). Different interacting components present in their socio-cultural environment in general and social institutions in particular, play a major role in the formation and development of their normal as well as deviant behaviours. The breakdown of traditional and supportive system of family pattern and social organization due to rapid pace of industrialization, urbanization and globalization particularly since World War II modern societies are experiencing several intricate problems (Gibbons, D.C. 1970, P. 205). Out of these problems, one is the formation of deviant behaviour among the juvenile delinquents. In the Juvenile Justice Act (JJA), 1986, the term ‘delinquent juvenile’ was used to mean a juvenile who had been found to have committed an offence. The Juvenile Justice Act, 2000, for the first time in India provided the term ‘juvenile in conflict with law’ in place of ‘delinquent juvenile’. Section 2(J) of JJA, 2000 has defined ‘juvenile in conflict with law’ as a juvenile who is alleged to have committed an offence and has not completed eighteen years of age at the date of
commission of such offence. Most of the youths are seen misled and spoiling their lives by involving themselves in a variety of anti-social activities and behavior such as truancy, staying out late, stealing, wandering aimlessly or vagrancy, challenging attitude, bullying, smoking, drug addiction, telling lie, teasing, forgery, suicide, sex offences and the like.

This problem of deviant activities of the juvenile delinquents is a universal phenomenon and is rising alarmingly all over the world causing a serious concern to the society. The nature and extent of the problem varies considerably from one society to another and even within different strata of the same society. Every element which prevents children from developing in a healthy way, both physically and emotionally tends to bring about a pattern of emotional disturbance which is always at the root of all anti-social activities and behaviour. Such anti-social behaviour and activities when found in youngsters is called juvenile delinquency. Juvenile delinquency then involves any offensive act against any person or property committed by a child. According to law, a child is responsible for his offences after the age of seven and is considered juvenile until he is sixteen, seventeen or eighteen. Because, in the eye of law, any person who is seven years of age or of such an age as determined by the law of the land concerned, is deemed to be of having sufficient mature understanding and can be held liable if she / he commits any offences except in case of insanity.

The intensity and severity of juvenile offences are generally determined by the socio-economic, political and cultural conditions prevailing in a society. The conditions conducive for the growth and rise of juvenile offences and unrest are usually found at various levels of social structure in society including interpersonal relations. It is driven
by the negative consequence of social and economic development, political instability, weakening of major social institutions including family, school, religious institutions, media and others. Three major socio-economic and environmental causes are responsible for increasing trend of psychological problems among the common people in general and the youth in particular (Tharyan, P. 2004, P. I). The first is the increasing gap between supply and demand for almost everything and anything and the competitiveness that creates. The second is the increasing gap between expectation and reality. The third is the rapidly changing face of Indian families and the values from the more traditional, supportive and collective approach to a more individualistic approach where personal autonomy is valued more than collective growth and prosperity.

The environment that a society provides is never tailor made with the growing need of the future citizens in view. In fact a majority of the population is engaged in the very materialistic or mundane business of making money. Let the films be full of crime, violence, perverted sex display, criminals and dons of the crime world, corrupt politicians, flirts whether males or females, imparting status to the wrong things, the supremacy of muscle power over the brain power, the evil prospering and the good suffering, the differences between the rich and the poor and numerous other such vices. Moreover, industrialisation in conjunction with rapid urbanisation and subsequent globalisation has shaken the very foundation of the traditional mode of living and the values it have precipitated have brought about a profound transformation in the values, culture and everyday living of the young people. These changes in turn affect authority structures, forms of obedience and mode of political participation even going so far as to influence perceptions of reality. In both developed and developing countries artificial aura of consumer standards created by different media, particularly by electronic
advertisements, are considerably beyond the capacity of most families to achieve. Nevertheless, these ideals become a virtual reality for many young people who are going to maintain a lifestyle that they can not afford. The contradiction between idealised and socially approved goals and the limited real life opportunities to achieve them legally creates a sense of frustration in many young people. A deviant career becomes one form of addressing this contradiction. One of the reasons for delinquent behaviour is therefore an excessive focus on proposed goals coupled with insufficient means to achieve them (Salagaev, A. 2003, P. 194).

In the beginning of the 18th century, industrial revolution has shaken the very foundation of the traditional society in Europe particularly in England. Technological inventions have brought about a tremendous effect on the structure of traditional society. One of the most striking features of industrial age is the growth of city life. Before industrial revolution economy of the society was of subsistence kind with little division of labour and specialization. The mode of production was small-scale. But industrial revolution has changed the mode of production. Economic production has been transferred from home to factory. Market economy has taken place. The established standards of social norms and values are undergoing perplexed transformations. This process in the long run leads to deviations in individual behaviour. The socialization and enculturation of a child is the primary function of the family. But the members of the modern families have little or no time to perform this function effectively, efficiently and sincerely. The growing intensity of superficial and impersonal relations among the members of the family ultimately leads to the lack of smooth family relationships. Any defective family relationship generates stress and strain on the part of the individuals and begets tendencies towards socially maladaptive
character formation. Thus, juvenile delinquency is one of the major social problems of deviation resulting from the rapid pace of industrialization and urbanization. Juvenile delinquency had therefore become a living social problem of deviations in the western countries first. Not only that, it is also more acute in the highly industrialized western countries. Hence industrialization being coupled with urbanization and subsequent globalization, gives birth to the problem like juvenile delinquency. The greater the degree of industrialization, modernization, urbanization and the like, the higher is the rates of delinquency and criminality (Gibbons, D. C. 1970, P. 205).

Some other factors responsible for juvenile delinquency are parental neglect, addiction to drugs and alcohol, unemployment, poverty, love revenges, the environment the society provides to the younger generation, aspirations of modern children, communication gap between the elders and the younger generation and the like. Modern syllabuses are heavy and the time to acquire the desired knowledge is short. The pressure and the expectations from the elders if very high which in a lot of cases leads to depression which may culminates in suicides. Young promising lives are cut short when their feelings don’t find an adequate outlet. No proper career guidance in a regulated way is available to the youngsters. Whatever they do is most from their own resources, which are not many. In addition to education and career, marriage too has become a big issue. The entire social ethos is undergoing a big change which leads to a big communication gap between the elders and the younger generation and the gap is becoming wider now than ever before. The approachability of the parents to the children and the availability of their matured advice and timely warnings are either very scanty or absent. The growing boys and girls are left to fend for themselves. The result,
they go astray. But the issue is not for the individuals. It is a social one and needs immediate attention (Reeta, V. 2008. P. 15).

So the issue of juvenile delinquency should be paid more attention and some solution should be brought to it. Not only the government but even the society and individual at personal level should take steps towards reducing juvenile delinquency. Everyone should come together and fight against this issue. Adequate facilities, proper education should be provided for the teenagers who are in the juvenile homes. The teenagers should be properly counseled, talked and treated like teenagers not like criminals, only then we will be able to bring any change and reduce the juvenile crime and delinquency in the country. This issue, if left untouched, the condition would get worse and there would be no way of improving it.

1.1 MEANING AND CONCEPT OF JUVENILE DELINQUENCY

The term ‘juvenile delinquency’ is very frequently used in the modern world to denote the problem of juvenile offences and unrest. The dictionary meaning of the word ‘juvenile’ is ‘young person’ or ‘a child’ and of ‘delinquency’ is ‘fault’ or ‘crime’. Thus juvenile delinquency indicates any failure in or omission of duty or ‘fault’ or ‘crime’ on the part of a child. Some of the children and teenagers in the society are habitually committing certain anti-social and harmful offences which may take the form of truancy, staying out late, stealing, wandering aimlessly or vagrancy, challenging attitude, bullying, smoking, drug addiction, telling lie, teasing, forgery, suicide, sex offences and the like. Delinquency is the word for these deviations.

Juvenile delinquency is relatively a new concept. It is a socially constructed concept. It is a product of sweeping social, political, economic and religious changes. It
is the creation of criminological or sociological theories in an attempt to group a series of offences in categories of age, being considered that penal offences have a series of features determined by the level of biological maturity and with mental priority of the active subject of felony. The discovery of childhood and adolescence as separate and distinct stages of life is the root of the historical development of the idea of juvenile delinquency.

In its origin, the concept of ‘juvenile delinquency’ comes from two Latin words - ‘juvenis’ and ‘delinquere’. The Latin word ‘juvenis’ represents something coming from youth, belonging to youth and the verb ‘delinquere’ could be translated by ‘to make a mistake, to slip’. Juvenile delinquency, therefore represents the whole amount of deviation and breaking of social norms by the minors. The term juvenile delinquency was introduced with the intention of not associating the serious connotations of the term ‘criminality’ for the faults made by the minors (Balint, S. 2010, P.1).

The definition of delinquency varies from state to state, city to city and neighbourhood to neighbourhood. Delinquency in one country or in one state may not be delinquency in another. Generally however, delinquency is an ‘act committed by a juvenile that, if committed by an adult, would be a criminal act’. Although there are variation among country and jurisdiction, there is general agreement about the core offenses that constitute delinquency. These acts are classified into four types: crimes against persons, crimes against property, drug law violation and offenses against public order.

Delinquency may include another category depending upon the law of the land. This category covers the acts called the status offenses. Status offenses are acts that are
illegal only because the person committing them is not an adult. An adult can not be charged with a status offense. An adult can not be arrested for smoking, being truant from school or breaking a juvenile curfew law. There are four major types of status offenses: running away, truancy, ungovernability, and liquor law violation. A status offense in one state or in one country is sometimes considered a delinquency violation in another (Nagla, B. K. 1981, P.45).

1.2 DIFFERENT APPROACHES TO JUVENILE DELINQUENCY

Different approaches have been used to define and explain the term juvenile delinquency. Lawyers, Psychiatrists, Sociologists, Anthropologists and Psychologists of different nations have tried to give a precise definition of the concept from their respective points of view. While the problem of juvenile delinquency remains the same, the approach of different disciplines towards the problem has been somewhat different from each other.

1.2.1 SOCIOLOGICAL APPROACH

The sociological approach views delinquency as a deviation from group norms and as a disruptive force in the smooth functioning of organized social life. This viewpoint considers delinquency as any type of behaviour that is not socially accepted. It is non-normative or anti-social behaviour pattern. Social norms differ from one country to another and therefore what is an offence for a nation may not be an offence for another. Dutta Gupta, B. (1964, P. 122). Delinquent behaviour is any behaviour which a given community at a given time considers it in conflict with its best interests, whether or not the offender has been brought to the court (Robinson, S. M. 1961, P.11).
Sociologists view the concept on delinquency more broadly, believing that it covers a multitude of different violations of legal and social norms, from minor offences to serious crimes, committed by juveniles. Included under the umbrella of juvenile delinquency are status offences, so called because they are closely connected with the age status of an offender, a particular action or behaviour is considered a violation of the law only if it is committed by a juvenile. Sociologists associate the specifics of youth behaviour with the home, family, neighbourhood, peers and many other variables that together or separately influence the formation of young people’s social environment (Salagaev, A. 2003, P.191)

1.2.2 LEGAL APPROACH

Juvenile delinquency is applied to youthful aberrance in general but it is more accurately a precise legal term defining the legal status of a child offender. From legal point, delinquency is called a pattern of behaviour which is disapproved by the court of law. It is said that if there had been no law, there would have been no crime. Legal experts usually insist that studies on delinquency, like crime, should concern themselves only with officially apprehended delinquents. They do not extend the designation of delinquent to those who do not come within the purview of juvenile court even though their behaviour might have been referred to the court (Chauhan, S. S. 1990, P. 506). They define delinquency as anti-social tendencies of a child which becomes or ought to become the subject of official action. To the lawyer, the concept of juvenile delinquency is clear-cut and is given a precise definition in law. The legal approach tends to explain delinquency in order to protect the public from dangerous conduct and protect the delinquents from unjust acts by the police and the court. A child is responsible for his
offences after the age of seven and is considered juvenile until he is sixteen, seventeen or eighteen. Because, in the eye of law, any person who is seven years of age or of such an age as determined by the law of the land concerned, is deemed to be of sufficient mature understanding and can be held liable if she/he commits any offences except in case of insanity. It refers to the antisocial or criminal activity of the child below 18 years of age and which violates the law. In true context, that same activity would have been a crime if it was committed by the adult. Such activities are definitely tried in juvenile court and are sentenced a bit differently than that of an adult (Rubin, S. 1949, P. 261).

1.2.3 PSYCHOLOGICAL APPROACH

Psychologically considered, delinquency is not a distinct entity, but one form of emotional disturbance. It is built out of conflict and is intended to serve as a way of meeting or covering up a problem. Delinquency is a purposive behaviour which occurs when children got frustrated in their attempt to fulfill some of their basic drives, such as the need for secure social relations both inside and outside the family for recognition and so forth. In delinquent acts, there is often a pattern of prolonged emotional hurt and turmoil, culminating after long frustration in an outburst of violent behaviour (Bandura, A. 1973, P. 61). Psychologists approach delinquency from the point of view that it is deficiency in the formation of superego. They defined delinquency as holes in superego. When superego is not sufficiently developed, the released repressed instincts may lead to anti-social behaviour (Vold, G. 1968, P.93). Differing from the legal definition of the controversial term, psychologists lay much emphasis upon the cause of juvenile delinquency in defining it. From the legal viewpoint all those who are not apprehended
are not delinquents, but from the psychological viewpoint all such offender also are delinquents. Consequently, the psychological definition of juvenile delinquency is more comprehensive than its legal definition. Any child of either sex, between the ages of 15 and 18, who commits a crime, irrespective of the fact that he/she is apprehended or not, is a juvenile delinquent. In this manner, juvenile delinquent is one who forcibly possesses the property of another or cause it damage, indulges in anti-social activity, creates danger to another's life or hinders the activities of others. Hence a child who throws stones at a car and runs away, one who sets fire without cause, creates danger for the life of another just for the fun of it, are all juvenile delinquents.

1.2.4 PSYCHIATRIC APPROACH

The psychiatric approach is emerging as the most popular approach to the problem of juvenile delinquency. It is gaining ascendancy over all other approaches. Legislation is being much influenced by it. The major tenet of this ideology is that delinquency is a disease and the delinquent is a sick person. Even the language of medicine is used. The delinquent is called a patient. Such term as pathology, diagnosis, prognosis, treatment, symptom recovery and release occur in abundance in psychiatric literature on the handling of delinquents. Delinquency is the disease and the anti-social behaviour of a delinquent is the outward manifestation of the disease. To complete this analogy, there are two kinds of delinquency, latent and manifest. Latent delinquency refers to potential delinquency; the situation refers to as a disease. Manifest delinquency refers to as overt bad behaviour (Aichhorn, A.1935, P. 45-55).

1.3 DIFFERENCE BETWEEN CRIME AND DELINQUENCY
There is a distinctive line between delinquency and crime. The term ‘delinquency’ is used rather than crime when either a child or an adolescent commits an offence. The same offence when committed by an adult it is termed as ‘crime’ and when committed by a child or an adolescent it is termed as ‘delinquency’. The Second United Nations Congress on the prevention of crime and treatment of offenders in 1960 stated that ‘juvenile delinquency should be understood by the commission of an act which, if, committed by an adult, would be considered a crime’.

Another point of difference between crime and delinquency is that juvenile delinquency starts with no definite purpose or motive. At the first stage, there is no motive of material gain. The offence is committed just to earn livelihood with minimum labour. But in case of crime there is a definite motive or purpose, a capacity of skillful judgment of the act, while delinquency includes any type of wrong doing either having a motive of material gain or not. Thus running away from school, truancy, indulging in sexual promiscuity, associating with deviants, smoking and the like are considered as juvenile delinquency. So, it can be said that delinquency is more inclusive in nature although the rate of inclusion varies among different societies of the world (Philipson, 1977, P. 117). It can be seen that what is an offence to a juvenile is not an offence to an adult. Running away from home or smoking is not considered as an offence in case of an adult but it is very often treated as an offence when committed by a juvenile.

1.4 AGE AND DELINQUENCY

The main criterion of differentiation between juvenile and adult offenders resides in their ages. The minimum age for criminal responsibility (MACR) is the lowest age at
which children may potentially be held liable for alleged crimes. In general, it is the lowest age at which children in a given country can be prosecuted in any court of law and is therefore a fundamental concern for the protection of children’s rights and juvenile justice. The domestic laws of all countries have laid down a minimum age below which a person is exempted from prosecution and punishment. Persons below that age do not realise nor intend the consequences of their acts. The lowest age of criminal responsibility in India is fixed at 7 years by Indian Penal Code (IPC). Section 82 of IPC states ‘Nothing is an offence which is done by a child under 7 years of age’. Hence under Indian law a child below 7 years of age can not be prosecuted and will not enter the juvenile justice system as a juvenile in conflict with law (Section 2(d) of JJA 2000). Most European countries have fixed the lowest age of criminal responsibility between 13 and 15 years. In France, Poland, Germany, Italy, and Finland the lowest age have fixed at 13,13,14,14 and 15 years respectively.

The law has recognized that a person between the age of 7 and 18 years is less culpable than an adult and has set out different levels of criminal responsibility depending upon the child’s maturity and age. The final age categories relevant to the MACR arise in legal provisions known as doli incapax (incapable of doing harm) provisions which are found in the criminal law statutes of roughly 60 countries worldwide including in 4 out of 8 South Asian countries. Doli incapax is a Latin term meaning ‘incapable of doing harm’ and refers to a rebuttable presumption of innocence for children between the two specified ages, for example, 7 and 12 in India. The lower doli incapax age limit is the MACR, just as India’s MACR is 7, and no child younger than that age can ever be found criminally responsible. Between the MACR and higher doli incapax age limit children are always assumed to be free from criminal
responsibility unless and until court evidence specifically proves that a child in a given case is mature enough to face criminal responsibility. The concept of doli incapax evolved in English common law beginning in the 1300s, inspired directly by ancient Roman law. British legal influences carried it around the world and in particular to South Asia via enactment of the Indian penal code in 1860. Since the Penal Code of Bangladesh, India, Pakistan and Sri Lanka all share this same source, they feature virtually identical doli incapax provisions with slight age range variations. Section 83 of IPC states ‘Nothing is an offence which is done by a child above 7 years of age and under 12 years who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion’. Under the Indian law, children between 7 and 12 years of age having sufficient maturity and 12 and 18 years who have committed an offence are responsible for their criminal acts, but are not to be treated or sentenced in the same manner as an adult. Such children will be dealt with under juvenile legislation and the focus will be on reforming and rehabilitating.

The main criterion of differentiation between juvenile and adult offenders resides in their ages. While every state uses the criterion of age to define juvenile delinquency, the range of age varies, according to each state. For some states the maximum age beyond which the juvenile justice cannot intervene is 15 years (Connecticut, North Carolina). For others, it is either 16 (Georgia, Illinois and Texas) or 17 years of age (Alabama, Oklahoma, Nebraska and Florida). Among these maximum ages, the most common one shared by the majority of the states is 17. On the other hand, the minimum age common to most states is 7. Thus, for the majority of the states, the juvenile court’s intervention is limited in the range of ages 7 and 17 (Adenwalla, M. 2006, P. 24)
1.5 HISTORICAL PERSPECTIVES OF DELINQUENCY

The term juvenile delinquency was established only after the separation of juvenile jurisdiction from the criminal court. Until then, juvenile and adult offenders were taken to the same criminal court and received the same treatment. The discovery of childhood and adolescence as separate and distinct stages of life is the root of the historical development of the idea of juvenile delinquency. The idea of childhood did not exist at all in earlier times, as once the ‘child’ moved from the biological dependence of ‘infancy’ it ‘belonged to adult society’. At that time children were considered as ‘miniature adults’ as they dress, behave and converse and were engaged in the same social activities and work (Aries, 1962, P. 125). The history of Hebrews, Greeks and Romans, whose cultures had a great impact upon the Western society, bears testimony to the fact that children, by and large, were taken for granted by their parents and the patriarchal society at large. The resultant effect of all this was that they were treated as objects of intervention rather than as legal subjects in their own right. Many labelled them as a ‘problem population’ whereas others reduced them to being seen as property and thus treated them as non-entities. The Roman law, for instance, endowed the father with absolute power and authority over his family. Such power the power of life and death and an uncontrolled corporal chastisement over wife, children and other family members (Oppenlander, N. 1981, P. 386). Ancient Greeks left girls and children born with disabilities on the wild hillsides, where exposure or animals were sure to kill them and the practice was continued routinely in Rome until Christianity became the State religion. The killing of unwanted children may have become less common in the centuries since then, but it never completely disappeared. In the given adult-child power
relation, the usual cliché of childhood being a ‘golden age’ not only seemed to be a myth but a distant dream for majority of these children.

The concept of childhood as a discrete life stage emerged in Europe between the fifteenth and eighteenth centuries. The nineteenth century, however, saw the birth of the child-saving movement, the growth of the orphanage, the development of child protection legislations, schooling and the construction of separate institutions, including the juvenile courts, for delinquent children, in different parts of the Western world. However, in 1899 there was a shift in the way courts handled juvenile cases. The juvenile offenders were reported to the juvenile justice, and the adult offenders to the criminal court. The main criterion of differentiation between juvenile and adults offenders resides in their ages.

Juvenile delinquency as legal status concerns with the misbehaviour by children is at least as old as recorded history. An Egyptian priest, almost 6000 years ago wrote on the walls of a tomb, ‘our earth is degenerate in these latter days. There are signs that the world is coming to an end because the children no longer obey their parents’. Socrates wrote a paragraph over 2400 years ago that might well have appeared in the morning paper of today, ‘Children now love luxury, they have bad manners, contempt for authority, they show disrespect for elders and love chatter in place of exercise. Children no longer rise when elders enter the rooms. They contradict their parents, chatter before company, gobble up dainties at the table, cross their legs and tyrannize over their teachers’. The earliest known code of laws, the code of ‘Hamurabari’ took specific note of the duties of children towards their parents and also prescribed punishments for any violation. As gradually the legal system started expanding and
were elaborated, the age of offenders continued to be important in defining responsibility for criminal behaviour (Stulken, E.H. 1956, P. 833).

Under ancient Roman law, a child below the age of seven years was considered incapable of committing an offence. In other words, an unlawful act committed by a child below the age of seven does not come under the judicial purview. The concept of ancient Roman law is still prevailing in almost all the criminal law in all parts of the world including the common law of England. The basic intention of ancient Roman laws regarding the juvenile delinquency for the welfare of children, rather than specific types of behaviour engaging in by the errant youngsters that motivated the early reforms to urge the passage of juvenile court of legislation. The first establishment of juvenile court was in the year 1899 in Cook Country climaxed many years of legal and humanitarian concern for the welfare of children, held to be violated rules of law and concerns with the criterion by which they might be so adjudged (Waters, 1932, P. 177).

In India, some sporadic instances of juvenile delinquency were there in ancient days. Epic Mahabharata contains deviant tendencies of Duryodhana. No reference of delinquency was there in Hindu or in Mohomadean law. There were some Hindu ethical codes concerning the punishment of young children. The then British Governemnt first passed the Apprentices Act in the year 1850 and then Indian Reformatory School Act in the year 1876 to deal with the problem of juvenile offences (Bhattacharayya, S. K. 2000, P. 4).

**1.6 THEORITICAL BACKGROUND OF JUVENILE DELINQUENCY**

Human society has developed innumerable explanations for criminal causation. The Heretical traditions have been developed throughout the ages as representing each
society’s understanding of themselves and their environment. In pre scientific societies, superstition represented an amalgam of spiritual and natural understanding. After the European Enlightenment, theoretical traditions represented an attempt to find the true root causes of deviance. Psychologists, Psychiatrists, Sociologists, Lawyers and Philosophers have propounded various theories to explore and understand juvenile delinquency. Although, each theory has been presented as a new explanation in itself, it often depends to some extent upon previous theoretical formulations. Most explanations, however, recognise that delinquency and crime cannot be explained in terms of one single causal factor (Knudten, S. S. 1970, P. 55). Many theories have been propounded to explain particular aspects of juvenile deviance as no single theory has been universally accepted to cover all aspects of the problem.

1.6.1 Early Theory of Delinquency and Crime: Superstition and Myth

Early human communities thought it necessary to devise culturally acceptable explanations for why adults and juveniles violate the rules and laws of the group. The purpose of these explanations was to formulate systematic parameters for identifying the sources of social order, reasons for disorder, and sanctions against those responsible for breaking norms of behaviour. Keeping in mind that ancient and medieval society conflated what it now term delinquency with criminality, it is instructive to explore several pre modern explanations for criminal deviance. Many early attempts to explain deviance were grounded in spiritualism and naturalism (Johnson, H.A. and Travis, W. N. 1996, P.69). Social stability came from a harmonious relationship with forces beyond the corporeal world, and human criminality was a consequence of a wrongdoer’s inappropriate connection with supernatural powers or nature-based influences. Offenses
were essentially spiritual sins or crimes against the natural order, and punishments were considered to be in accordance with nature or divinely sanctioned. This presumption of linkage between order, disorder, and nonhuman influences became part of the body of laws and traditions in many early societies. Two early theories of delinquency and criminality are naturalism and demonology.

1.6.1.1 Naturalism

Naturalism refers to the ancient practice of linking human affairs to the natural world and inferring that human behaviour is derived from the forces of nature. Just as the tides are affected by the sun and the moon, so too are human passions and fortunes. All that is necessary is for humans to become adept at understanding how the forces of nature work and develop the ability to interpret these forces. Naturalism is therefore a deterministic theory of criminal causation, because it eliminates individual responsibility for one’s lack of responsible self-control. Ancient civilizations around the Mediterranean region often concluded that human behavior is driven by nature. Natural ‘signs’ were observed to divine the course of human events, and offerings were given to appeal for favours or to appease perceived signs of punishment. For example, the Romans had a propensity for studying flights of birds and reading the entrails of sacrificial beasts to divine their fortunes. Romans also believed that the moon, or Luna, influenced human behavior. Our word lunatic comes from the ancient belief that criminal or otherwise bizarre behavior is caused by phases of the moon. Greeks believed a great deal in living one’s life as virtuously as possible, and that a virtuous person was a good person. One method for determining one’s virtue was to observe the contours of one’s body because virtue was manifest in human appearance. Thus, good people were
pleasing to the eye, and people literally stood naked before the court while officials debated their virtue (Martin, G. 2005, P. 73).

1.6.1.2 Demonology

Human beings for many centuries believed that evil creatures, demons or devils, wielded great influence over humans, sometimes possessing them and making them commit offenses against the greater good. Criminal behavior and delinquency were not considered to be a consequence of free will, instead, these offenses were manifestations of conflict between creatures of evil and chaos against deities of goodness and order. Demonology is also a deterministic theory of criminal causation. When people committed crimes against society, they were also committing offenses against the deified order, and remedies and punishments were meted out accordingly. Painful ordeals were devised to elicit confessions or drive out the demonic spirits. Driving out evil demons, known as exorcism, was frequently quite excruciating. A number of ancient cultures, for example, engaged in the practice of drilling holes in the skull, which supposedly allowed evil spirits to depart from their human host. In Medieval and Renaissance era Christians considered crimes to be offenses against God and the Roman Catholic Church, used burning, maiming, breaking, and beating to drive out supernatural invaders. These were also effective techniques for producing confessions of possession, although suspects who refused to confess were often considered to be so under the influence of the devil that they were unsalvageable. Basically, confession was evidence of possession, and failure to confess was evidence of possession. The possessed person was executed if the spirits or demons refuse to leave their human host. As a sidebar, it should be noted that mental illness was also explained as evidence of
spirit possession, with similar methods used for salvaging the unfortunate human host (Moyer, I. L. 2001, P. 13).

1.6.2 Theory of the Classical School: Choice and Responsibility

New theorists, during late eighteenth and early nineteenth centuries, investigating criminal and delinquent causation, began to apply scientific methods to explain deviant behavior. They focused on the personal responsibility of individuals for their behavior. The new theories they developed roundly rejected naturalism and demonology as explanations for delinquency and criminality - an approach that was typical of the rationalism of the European Enlightenment. Rationality and humanitarianism were at the heart of Enlightenment philosophy and this was reflected in the new approaches for explaining and responding to deviant behavior.

The Classical School is typical of free will theories of criminal causation, which regard deviant behavior as a product of individual rational choice. Such rational choice is grounded in the human desire for pleasure and aversion to pain. Because of this emphasis on human-centered rationality, classical theorists argued that perpetrators should be held personally accountable for criminal and delinquent acts, and punished accordingly. Since the criminal’s calculus for making this choice is the acquisition of a benefit from criminal behavior, society must develop policies to increase the costs for this benefit. Thus, punishment would become increasingly harsher as one’s deviance becomes more egregious; the costs of crime must always outweigh the benefits. Having made this observation, it should be noted that the Classical School was actually quite progressive in the history of theories of causation.
The Classical School originated with the writings of Cesare Beccaria (1764, P. 51-55) in Italy, who discussed why crime occurs and how society should respond to it was groundbreaking, and it resulted in widespread debate. Beccaria advocated the then-radical proposition that punishment should be swift, certain, and proportional. He also argued that both corporal and capital punishments should be abolished, and that most criminal laws should be revised accordingly. The philosopher Jeremy Bentham in England promoted Beccaria’s thesis in the late eighteenth and early nineteenth centuries, primarily in his book ‘Introduction to the Principles of Morals and Legislation’. Bentham believed that humans rationally seek pleasure and avoid pain, so that rational people can be deterred from criminal deviance. Nevertheless, criminals conclude that the pleasure derived from crime counterbalances the pain of punishment. Bentham further argued that deterrence would be accomplished by the certainty of punishment, and by making the severity of each punishment surpass any benefit derived from the crime. Because free will and rational choice are at the center of Classical Criminology, it naturally represents a rejection of deterministic theories of deviance. However, as debate was joined during the nineteenth century on the question of what constitutes free will and choice, the Classical School modified its philosophy by acknowledging that juveniles and mentally ill adults do not have the same capacity to make rational choices as do mature, sane adults. Therefore, special consideration was gradually developed for these classes of offenders. This modification is sometimes referred to as the neoclassical approach to deviance (Burns, J. H. and Hart, H. L. A. 1996, P.12).

The British neo-classical criminologists revised the classical theory and provided for juridical discretion under objective circumstances, introduced the idea of
minimum and maximum sentences, described the principles of equal justice as unreal, suggested giving importance to age, mental condition and situations in fixing punishment to criminals. Children under seven years of age and mentally diseased persons were to be exempted from the law (Vold, G.1968. P. 25).

1.6.3 Biological Theories: Physical Qualities and Causation

Biological theories refer to the effect of congenital traits on human behavior. It is based on the assumption that criminals are radically different from normal human beings in organic structure, which largely determines their deviant action. Organic defects due to heredity, like mental deficiency may sometimes be the cause of delinquency. The deviant is therefore, a biological phenomenon, a degenerate member of the human species, whose anti-social behaviour originates in his somatic or psychic deficiency (Mishra, B. N. 1991, P.19). Adherents of this theory present deterministic explanations of delinquency and criminality, and hold that some people are ‘naturally born criminals’ with physical qualities that govern their deviant tendencies. These qualities include genetic, biological, and biochemical profiles that theoretically cause, or have a strong effect upon one’s propensity for deviant behavior. The central implication of biological determinants is that free will is at best a secondary cause of delinquency. Rather, the blame for deviant behavior shifts to internal physical qualities, which explain one’s predisposition for criminal conduct (Curran, D. J. and Renzetti, C. M. 1994, P.123).

1.6.3.1 Physiognomy: An Honest Appearance

The concept of an ‘honest face’ or an ‘evil face’ has been deeply ingrained in human culture, probably since prehistory. Facial characteristics were deemed to be indicators of moral character, so that facially pleasing people were more likely to be given the benefit
of the doubt than facially ‘displeasing’ people. This practice is known as physiognomy. Physiognomists dutifully reported the soundness of a variety of physiognomic traits and measured their prominence among criminals and other undesirables in comparison to the general population. Protruding eyebrows, receding foreheads, sinister noses, jutting jawbones, and certain looks on faces are popularly considered to be indicators of deviance. These attitudes hearken back to eras of quasi-scientific research (Martin, G. 2005, P. 74).

1.6.3.2 Phrenology: Bumps on the Head

Pre-modern theorists had long posited that secretions from the stomach, kidneys, heart, spleen, and other organs affect moods, emotions, and conduct. During the late eighteenth and early nineteenth centuries, Franz Gall systematically promoted his theory that the brain is the source of all personality, including deviant personality. His theories, eventually systematized as phrenology, caught on among many members of the scientific community, who focused their research on head shapes. Lumps, bumps, indentations, protuberances, and other cranial features were considered by phrenologists to be indicators of brain development. Scientists devised brain ‘maps’ that sketched out the specific locations of certain feelings, emotions, and behavioral attributes. An underdeveloped location on the skull suggested underdevelopment of that portion of the brain, and overdeveloped skull locations suggested overdevelopment of portions of the brain. Using brain maps as guides, experts believed that they could postulate criminal and delinquent skull shapes, as well as creative, intelligent, insane, and unintelligent skull shapes. The skulls and brains of deceased criminals were studied by phrenologists in laboratories to support their position (Martin, G. 2005, P. 75).
1.6.3.3 Atavism: Evolutionary Primitiveness

Cesare Lombroso, an Italian prison physician, in his influential book ‘The Criminal Man’ in 1876 argued that criminals could be identified by primitive physical anomalies present at birth. His approach was certainly deterministic in the sense that some people are literally born as criminals. Lombroso made postmortem observations of criminals and concluded that they are anthropologically less developed humans - evolutionary throwbacks who are intellectually undeveloped compared with modern humans and the characteristic of these people was called atavism. It was therefore quite natural to suggest that criminality and evolution are linked. Physical abnormalities are indicators of evolutionary primitiveness and the traits identified were bent noses, high cheekbones, lack of earlobes, prominent lips, elongated arms and jutting jaws.

Since these conclusions were observational, he recognized that not all criminals exhibited these physical features. He theorized that passions such as avarice and opportunism could be caused by societal and other environmental inputs. Thus, biology and life experiences can combine to trigger criminality in some people. Although modern criminologists reject Lombroso’s theory of evolutionary primitiveness, he is recognized as being one of the founders of the Positivist School of criminology. His theory of congenital predisposition toward delinquency and criminality greatly influenced later positivist inquiry into deviant behavior. Positivists began to theorise that biology, society, and environment can affect human behavior, and that these influences can lead to criminality among those who are predisposed toward deviant behavior (Mishra, B. N. 1991, P. 19).
1.6.3.4 Heredity: The Bad Seed

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 (1985) was among the first to systematically argue 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 rose away from their criminally inclined biological parents. Studies on 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. Chromosome theory represents an example of the modern approach to heredity theory (Bohm, R. M. 2001, P.). 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 males who 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 per cent 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 (Jacobs, P. et al, 1965).

1.6.3.5 Somatotyping: Body Types

Somatotyping sought to identify certain body types that are more likely to be found among offenders. William Sheldon (1949, P. 40) and other researchers promoted somatotype research during the mid-twentieth century. In his book ‘Varieties of Delinquent Youth’, Sheldon identified three somatotypes that he argued are prevalent in male juveniles, classified as follows:

Mesomorphs: People who are muscular, sinewy, narrow in waist and hips, and broad-shouldered

Ectomorphs: People who are fragile, thin, narrow, and delicate

Endomorphs: People who are pudgy, round, soft, short-limbed, and smooth-skinned

Sheldon assigned a scale of 0 to 7 for the prevalence of each somatotype in individuals, with 0 being a complete absence of the type, and 7 indicating a strong prevalence. He concluded that a high degree of mesomorphy and a low degree of ectomorphy were found in juvenile delinquents and other aggressive, violent individuals. Although many experts criticized his theory, other researchers concurred with Sheldon’s conclusion that delinquents and other offenders are more likely to be muscular mesomorphs than thin ectomorphs. Critics responded that somatotyping is inherently inaccurate and subjective.
and does not adequately explain the role of environmental factors on the predisposition of some to engage in deviant behaviour.

1.6.4 Psychological Theories: The Mind and Causation

Psychological theories of delinquency and criminality figure prominently among many explanations of deviance given by practitioners and researchers and stimulated a great deal of debate among experts and laypersons, largely because they are fundamentally subjective in nature and their explanatory value is disputable. Psychological theories ascribe deviant behaviors to cognitive and personality disorders brought on by one’s environment, brain chemistry, or some other condition. Such theories are not as rigorously deterministic as other approaches to causation, because they allow for some degree of free will - albeit a disordered free will. In this sense, they are a modified form of determinism.

1.6.4.1 Psychoanalytic Theory: Personality, Behavior and Childhood

Early theorists of psychoanalysis, such as Carl Jung and Sigmund Freud attempted to construct systematic models to explain human personality. The personality systems they designed created classifications to explain inter linkages between one’s personality and behavior. Aichhorn, A. (1953, P. 45) argues that there must be something in the child himself which the environment brings out in the form of delinquency. Delinquents behave as they want because they are in some way, maladjusted persons. The environment may function as a precipitating force, but never as a primary force in causation. 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 behaviour:

**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 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, and mislabel deviance as acceptable behavior. When people without superegos act out on these urges, their behavior is socially unacceptable. Such behavior, if illegal, 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. According to Freudian theory, if a person regresses to or becomes fixated in their phallic phase of development, they may become sexually deviant and engage in illicit sex practices such as prostitution or rape. Woodmancy (1971, P. 155-166) has given psychiatric explanation to delinquency and argues that delinquency is a kind of abnormality in which the delinquent imagines the others to be hostile and becomes hostile to others. With each fresh experience of this hostility to others gets reinforced and finally explodes into overt form of antisocial behaviour.

1.6.4.2 Conditioning Theory: Learning by Experiencing

Every person’s future behavior is conditioned by past experiences. In other words, one can learn from lifetime events and make decisions, perceptions, and conduct on these events. These experiences or environmental stimuli underlie socially acceptable behavior, as well as delinquency and criminality. Ivan Pavlov (1941), a Russian physiologist and pioneer in conditioning theory, conducted behavioral experiments on dogs during the late nineteenth and early twentieth centuries. The basic attributes of his experiments were stimulus - response and reward - punishment. His laboratory dogs were stimulated to respond with certain behaviors. Pavlov’s methods were remarkably simple. The dogs were rewarded when they responded correctly, and punished when responded incorrectly. Pavlov’s most famous experiment involved conditioning dogs to salivate at the ring of a bell. He initially rang a bell each time the dogs were fed that stimulated them to salivate, and eventually simply rang the bell without food. The result was that the dogs were stimulated to salivate even though no food was given.
Extrapolating these observations to human behavior, Pavlov’s experiments theoretically demonstrate that behavior is predicated on lifetime stimuli. During the latter half of the twentieth century, Skinner (1953, P. 23) and other researchers promoted behavioral psychology. Their underlying theory of stimulus - response added to the progression of conditioning theory. Many behaviourists concluded that human criminals and delinquents could be conditioned to continue their behavior in a manner similar to Pavlov’s dogs. According to this school, environmental stimuli operate either as punishers or reinforcers. Criminals and delinquents are stimulated by their environment to continue acting out deviantly until they are punished in some manner. Therefore, when offenders are repeatedly rewarded for their deviance and receive no punishment for breaking the law, they are likely to continue until the authorities catch them.

1.6.4.3 Psychopathology Theory

The concept of the psychopathic personality was developed during the 1950s to describe criminals who behaved cruelly and seemingly with no empathy for their victims. The observation that some criminals are apparently unable, that is, they have no capacity to appreciate the feelings of their victims led to a great deal of research on this behaviour. In essence, free will is a secondary motivation for this type of delinquent or criminal. Psychopaths also known as sociopaths are considered to be people who have no conscience in Freudian terms, no superego. They are severely dysfunctional in their relationships with other people, and are fundamentally selfish, unpredictable, untruthful, and unstable. The term is sometimes used to describe very aggressive delinquents and criminals who act out spontaneously without an observable motive. This aggressiveness
and impulsiveness are typical manifestations of the psychopathic personality, which is why many become lawbreakers (Cleckley, H. M. 1976).

1.6.5 Sociological Theories: Society and Causation

Sociologists have examined the role of societal factors to explain human behaviour. 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 behaviour. 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.

1.6.5.1 Anomie and Strain Theories: Norms, Means, and Ends

An eminent French sociologist, Emile Durkheim (1951 and 1994) first studied social system and environment and how it affects the individual. The concept generally refers to a state of ‘anomie’ - a feeling of isolation or ‘normlessness’ vis-à-vis the accepted norms of the greater society. Norms are rules, and a consensus, about the way people should behave in society. Durkheim concluded that after social upheavals such as wars, traditional norms of behaviour no longer work, thus causing societal normlessness. Suicide, crime, and other crises exist in societies that do not develop effective norms. Anomie refers to a broad breakdown of norms in society, or a disconnection between an individual from the norms of his or her society’s contemporary values. Durkheim’s theories have had great influence on sociology, continuing well into the modern era.

1.6.5.2 Merton’s Strain Theory
Merton’s (1968, P. 672-682) Strain 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. The term ‘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 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’ 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 (Robert, C. 1983, P. 25).

1.6.5.3 Concentric Social Ecology Theory: Urban Zones

Researchers in Chicago observed that some urban zones had a higher incidence of crime and juvenile delinquency over time, regardless of which ethnic group moved into the zone. They concluded that the social structures of these areas affected the quality of life of the inhabitants. By definition, urban ‘structural conditions’ include overcrowding, poor sanitation, inadequate transportation, unemployment, poverty, poor schools,
transience, births out of wedlock, and low employment. These factors contribute to high delinquency and crime rates because of resulting widespread social instability (Shaw, C. R. and McKay, H. D. 1969, P.316). Social ecology research generally describes prevalent physical and social structures that affect the quality of life. Social ecology theories have been criticised for over reliance on social structures to explain delinquency and crime. According to critics, other factors such as anomie or in-migration of criminally inclined people, who drive out law-abiding residents, can also explain deviance (Wilks, J. A. 1967).

1.6.5.4 Differential Association Theory

Edwin Sutherland (1939, P. 157) described the theory of differential association as a process of social learning, in which criminals and law-abiding people learn their behaviour from associations with others. People imitate or otherwise internalise the quality of these associations. Delinquency is learned behaviours that are acquired from interacting with others who participate in criminal lifestyles, so that the difference between offenders and non-offenders lies in individual choices. In other words, offenders and non-offenders strive for similar goals, but they choose different avenues to achieve those goals. These choices are based on the lessons they take from exposure to certain kinds of life experiences. In particular, those with strong attachments to delinquents are more likely to become delinquents, and people who grow up in criminal milieus will adopt deviant values that can result in delinquency and crime. Differential association theory's appeal is perhaps grounded in its proposition that all persons possess the same learning processes, which are developed through communicating and interacting with groups of people. Norms and values are similarly learned, but some
people internalise deviant norms and values. The major criticism of this theory is that it is difficult to empirically test the principles and objectively measure the association and the priority, intensity, duration and frequency of relationships.

Delinquent sub-culture concept is normal integral and deep-rooted feature of social life of modern urbanised society. The delinquent sub-culture is one logical response to the frustration that is built into the middle class way of life. Certain children are denied status in respectable society, because they cannot meet the criteria of the respectable status levels. Delinquency sub-culture meets the demands of delinquency by providing status. He says that the working class boy faces a problem of adjustment to the degree to which he values good opinion of middle class persons because he has, to some degree, internalised middle-class standards himself (Cohen, A. 1955, P.119).

1.6.5.5 Labeling Theory

The labeling theory of juvenile delinquency deals with the effect of labels or stigmas on juvenile behaviour. Labeling holds that society, by placing labels on juvenile delinquents, stigmises them, leading to a negative label for a youth to develop into a negative self-image. Labeling theory holds that deviance is not inherent to an act, but instead focuses on the tendency of majorities to negatively label minorities or those seen as deviant from standard cultural norms. The theory is concerned with how the self-identity and behaviour of individuals may be determined or influenced by the terms used to describe or classify them, and is associated with the concept of a self-fulfilling prophecy and stereotyping.

Deviants are outsiders and deviance is not a quality of the act a person commits but rather a consequences of the application by others of rules and sanctions to an
offender. The deviant is one to whom that label has successfully been applied. Focus of attention has been changed from the individual deviant to the reaction of the audience observing and labeling the behavior as deviant. It is clear that many individuals commit deviant acts, but only some are dealt with officially. The time at which the act occurs, the place where it occurs, and the people who observe the act all are important in determining whether or not official action will be taken. Official efforts to control crime and delinquency often have the effect of increasing crime. Individuals who are arrested, prosecuted, and punished are labeled as criminals. Others then view and treat these people as criminals, and this increases the likelihood of subsequent crime for several reasons. Labeled individuals may have trouble obtaining legitimate employment, which increases their level of strain and reduces their stake in conformity. They may feel and find that conventional people are hesitant and reluctant to associate with them and thereby pushing them to associate with other delinquents and criminals as a result. This reduces their bond with conventional others and fosters the social learning of delinquency and crime. Finally, labeled individuals may eventually come to view themselves as delinquents and criminals and act in accord with this self-concept (Becker, H. S. 1963, P. 9).

1.6.5.6 Control Theory

The basic premise of control theories is that all people are alike in their susceptibility to commit delinquency and crime. Control theorists do not seek to know why certain individuals commit crime. They want to know what keeps the rest of society's members from engaging in criminal activity. They argue that people's behaviour, including their deviant and criminal activity, is controlled by their attachment and commitment to
conventional institutions, individuals and processes. If that commitment is absent, they are free to violate the law and engage in deviant and criminal behaviour (Siegel, L. J. 1992, P. 232).

Delinquent acts will result when one's bond, or connection to society is weak or broken. No motivational factors were necessary for one to become delinquent, the only requirement was the absence of control that allows the individual to be free to weigh the benefits of crime over the costs of those same delinquent acts. Four variables: attachment, commitment, involvement, and belief are responsible as to why individuals conform to or deviate from social norms. Attachment refers to the extent to which a person is attached to others. As the individual becomes more attached to others, he is far less likely to become delinquent. The primary attachments and interactions are with the parents, closely followed by the attachments to peers, teachers, religious leaders, and other members of a community. Commitment refers to the fear of law-breaking behavior. When one considers committing deviant or criminal behaviour, he/she must consider the risks of losing the investment he/she has made in previous conventional behavior. If one were to have developed a positive reputation, earned a valuable education, raised a supportive family, and/or established a strong name in the business world, he/she would suffer a substantial loss by violating laws. The societal accumulations that one accrues throughout a lifetime represent assurance to society that this person is committed to conventional values. He/she has more to lose by violating laws. Not only can one be committed to conformity by what he has obtained, but the hope of acquiring goods through conventional means can reinforce one's commitment to social bonds. Engrossment in conventional activities comprises the component of involvement. Involvement in conventional activities would keep someone's time too
occupied to allow him the indulgence of deviant behavior. By programs that focus on positive recreational activities to occupy the leisure time of juveniles. Belief refers to the existence of a common value system within the society. Individuals vary in the depth and magnitude of their belief and this variation is reliant upon the degree of attachment to systems representing the beliefs in question (Hirshi, 1969, P. 12).

The general theory of crime evolved to propose that self-control is the general concept around which all of the known facts about crime can be organized. Low self-control is supposed to explain an individual's propensity to commit or refrain from committing crimes, just as high self-control explains an individual's likelihood of conforming to social norms and laws. Self-control theory argues that a lack of self-control is neither a sufficient nor a necessary condition for crime to occur, because other properties of the individual, or of the situation may counteract one's likelihood of committing deviant acts (Gottfredson and Hirschi, 1990, P. 85 and Akers, 1994, P. 201).

1.6.6. Critical Theory: The Impact of Injustice

Critical theories of causation challenge the ‘orthodoxy’ of criminology by arguing that deviance is a product of inequities created in all societies. These inequities are endemic to socio-economically hierarchical societies, which allow many members of society to prosper, but which also prevent many members from participating in this prosperity. Two critical theories of delinquency and criminality are conflict theory and radical criminology.
1.6.6.1 Conflict Theory

Conflict theories of causation hypothesise that social tensions and conflicts are indelible features of society. Conflicts arise between dominant and subordinate groups, classes, races, genders, political groups, ethnic groups, and other defined outsiders in society (Becker, H. S. 1963, P. 14). The fundamental characteristic of these tensions is that they often pit the haves against the have-nots, with the latter being labeled as criminals or insurgents during these conflicts. Because such tensions are indelible, they can at best be controlled by social institutions. In practice, this means that the have-nots must be coerced to obey the laws and rules of those in power. From this perspective, laws and rules are simply instruments of control used by ruling elites to maintain control of key institutions, and thereby shut out others who might challenge the authority of the elites. The focus of conflict theories is on the entire economic and political system, and the socioeconomic tensions theoretically created by this system.

1.6.6.2 Radical Criminology

Proponents of the emergent radical approach argued that because power and wealth have been unequally distributed, those who have been politically and economically shut out understandably resort to criminal antagonism against the prevailing order. These classes will continue to engage in behavior labeled as criminal until society remedies the plight of the powerless and disenfranchised. Critical theories similar to radical criminology frequently use Marxist theory to critique the role of capitalist economics in creating socioeconomic inequities (Krisberg, B. 1975). Marxist perspectives on criminology argue that the ruling capitalist classes exploit the labour of the lower classes and co-opt them by convincing them that capitalism is actually beneficial for
them. Marxist-oriented radical criminologists hold that ruling elites have used their own interpretations of justice to maintain their status. Hence, the criminal justice system is inherently exploitative and unfair toward criminals who originate from the lower classes. The fact that African Americans, Latinos, and the poor are overrepresented in prisons is explained as a manifestation of the inherent unfairness at the core of the existing capitalist establishment. One readily apparent criticism of critical theories is that they rely exclusively on political and economic ideologies to explain delinquency and criminality. Other factors are given cursory attention. Policies based on the precepts of Marxist radical criminology would require a fundamental reordering of the political and economic system (Chambliss, W. J. and Seidman, R. B. 1976).

1.6.7. Integrated Theories

Numerous attempts have been made to combine two or more pre-existing theories in an attempt to provide more comprehensive explanations of criminal and delinquent behaviour. The resulting theories or conceptual schemes are far too numerous and a few of the more prominent attempts are:

Developmental and life course (DLC) theory attempts to explain how antisocial behaviour develops, how different risk factors exist at different stages of life, and the differential effects of life events on antisocial behaviour (Farrington, 2003, P. 221).

Moffitt developed a life course – persistent and adolescence limited theory that attempts to explain two types of antisocial behaviour using biological, psychological, and sociological approaches. Antisocial behaviours either persist across the life course or are limited to adolescence. Those that persist in crime suffer from neuropsychological problems that begin in prenatal development and lead to
psychological disorders during childhood that facilitate the delinquent behaviors. Offenders that persist across the life course also grow up in disadvantaged neighborhoods and suffer from inadequate parenting (Moffitt, T. E. 1993, P. 674 and 2006, P. 502).

Life course capitalization theory of Hagan and Parker proposes that low intergenerational educational aspirations and educational underachievement is disadvantageous to adolescents and that subsequent adult and parenting problems may well result from this disadvantage. Thus a parent’s educational disinvestment as an adolescent leads to dropping out of school, teen parenthood, unemployment, and marriage and parenting problems, all of which contribute to the intergenerational causation of delinquency among children and adolescents (Hagan, J. and Parker, P. 1999, P. 259).

Interactional theory represents an attempt to combine social learning, social bonding, and social-structural theories. This theory holds that, like all other human social behavior, delinquency is the result of interactions among individuals and is the result of the learning and exchanges that occur in such interaction. Thus, understanding interaction among juveniles and their parents, siblings, peers, gang members, school personnel, and others is critical. Interaction with gang members, for example, may increase the level of delinquent behavior among new members, but those who leave the gang and interact with others who may be less criminally inclined become less likely to engage in behaviors encouraged by the gang (Thornberry, P. T. 1981).

Hayes notes that labeling, differential-association, social-learning, and social-control theory all provide useful information in the delinquency process. None of these theories,
however, accounts for the entire process. Hayes incorporated elements of labeling, differential-association, social-learning, and social-control theories in an attempt to explain both initial and continued delinquency. National Youth Survey showed new model that weakened social controls to increase opportunities for associating with delinquent peers, learning delinquent behaviours, and committing initial delinquent acts. Initial delinquency increases the likelihood of being observed and negatively labeled by parents. These labels, in turn, increase the likelihood of future delinquency (Hayes, H. D. 1997, P. 161).

In this way a large number of theories have been developed to identify and explain the causes of juvenile and criminal deviance. Early attempts to explain deviance applied the then-accepted notion that natural and supernatural forces affect human fortunes and behavior. Superstition was supplanted by rationalism during the European Enlightenment. Classical School theorists were proto criminologists who focused on individual responsibility for delinquency and criminality. The Classical School’s approach is grounded in free will theories of causation, which apply rationalism to explain each criminal’s decision to break the law. The propagation of modern scientific methods of inquiry included the application of empirical reason to the new field of criminology. Biological explanations of causation are deterministic theories that study the effects of congenital traits on human behavior. Although many early biological theories - physiognomy, phrenology, and atavism - are quasi-scientific by modern standards, they represent a serious effort to bring scientific rigor to the study of criminal causation. Biological inquiry continues unabated, with new fields of inquiry such as DNA research providing new bases for exploring the causes of delinquency and criminality. Social sciences such as psychology and sociology have also been the source
of a rich diversity in theories of causation. Psychological explanations are grounded in several research traditions, such as psychoanalysis, conditioning, and psychopathology. These explanations are not as deterministic as biological theories, for they leave open the possibility of deviant free will. Sociological approaches examine the effects of social structures and processes on the behavior of individuals and groups of people. Societal conditions theoretically affect people’s collective perceptions of the availability of opportunities and the intensity of deprivations, so that delinquency and crime are reactions to certain types of environments. Critical theory is counter conventional in the sense that it challenges orthodox theories of criminal causation. In essence, they lay the blame for delinquency and crime on socioeconomic and political inequalities. Conflict theory and radical criminology represent typical critical approaches, arguing that fundamental changes must be made in society to remedy criminal deviance.

1.7 JUVENILE DELINQUENCY IN INDIAN SCENARIO

Indian civilization owes its origin to hermitages and monasteries. Pupils had their early education and training for all round development of their personality under the care and guidance of learned and enlightened sages in healthy natural surroundings. They had to spend in a spiritual environment for a prescribed period of time for vedic studies in order to build their characters on a solid foundation of purity, truth and honesty. In ancient Hindu society out of the four stages in life, Brahmacharya was the most important stage at which children were used to receive training in self-control, discipline and personality development.

Despite strong control over the children, the problem of juvenile unrest and anti-social activities existed in the ancient days also. The great epic Mahabharata contains
examples of juvenile evil tendencies. Duryodhana hit upon a plan to do away with the all powerful Bhima by serving poison along with sumptuous dishes. But his evil design did not ultimately succeed. There are some other incidents in Mahabharata itself which reveal the anti-social activities of an individual or a group of individuals. The diabolical design of the Kouravas to exterminate the Pandavas by constituting dwelling house for them with highly inflammable materials are well known through the ages. Despite such sporadic instances, the fact remains that in those days there was little scope for a child to go astray due to an inbuilt social control mechanism. Therefore, the history of yore reveals that there was no definite law to deal with the problem of juvenile delinquency. Neither Hindu nor Mohammedan laws had any reference to juvenile delinquency. During the Hindu period, some ethical codes were followed to tackle any such problem. The Hindu ethical code concerning the treatment of children provided that a parent should not administer any punishment for any offence to a child who is under five years of age. Children of such tender age should be nursed and educated with love and affection only. After the age of five, punishment may be given in some suitable form, such as physical chastisement or rebuke by parents. Towards the later half of childhood, punishment should be gradually withdrawn and replaced by advice. From the age of sixteen and upwards, sons and daughters should be treated as friends by the parents. Similarly, in Mughal period, Koranie precepts were followed in dealing with matters relating to juvenile offences (Bhattacharyya, S. K. 2000, P. 2).

The present age can be regarded as one of the toughest times in the post independence period in India. The main reason is that we are living in a society where the age-old and cherished values are eroding rapidly and the venerated pillars of social structure are at an all time low. These developments become prominent from the
beginning of the nineties and with the advent of the open market economy. The new economic formation brought along with it many vices and above all the philosophy of rapacity. This has led to the emergence of an eccentricity within the society, along with violence and crime, which is dragging it towards a final destruction. Different types of crime as well as child delinquency is one of the most serious problems all over the country in present times which is the result of the glaring contrast of wealth and poverty. The problem of juvenile unrest has tremendously increased in intensity and magnitude in recent years. Today print and other media in India are full of news items regarding the involvement of juveniles in anti-social behaviour and activities. The incidence of delinquency is much higher in the larger industrial towns where unemployment, overcrowding, slum conditions, lack of recreational facilities, social disorganization and indiscriminate mixing of population tend to develop (Rastogy, R. S. 1959, P.324).

Ancient India, though governed by a number of laws, hardly had any law specially dealing with juvenile delinquency. As the problem of neglected children and juvenile delinquency grew with times, a need for legislation to that effect was felt. India, a British colony then took inspiration from England, which by then had already passed its own juvenile legislation. The Apprentices Act, 1850 was the first legislation dealing with children in conflict with law, providing for binding over of children under the age of 15 years found to have committed petty offences as apprentices. Subsequently, the Reformatory Schools Act, 1897 provided that children up to the age of 15 years sentenced to imprisonment may be sent to reformatory schools rather than prison. The Madras Act started the era of diversion of all children from the criminal justice system by establishment of a separate juvenile court and the residential
institutions under it in 1920 which was followed by many other States. The Children Acts passed around this time had certain common features though they laid down different cut-off ages for defining children. They all included two categories of children: delinquent and neglected children. However, the definition of ‘neglected children’ differed in these legislations. They all provided for establishment of a separate children’s court to deal with all cases of children covered by the Children Act. These Children Acts also made provisions for the establishment of separate residential institutions to house the children during the pendency of their proceedings or after disposal of their cases by the children’s courts, directing them to be sent to an institution. Use of prison was permitted in exceptional circumstances under these legislations (Gupta, N. 2010).

Parliament enacted the first central legislation, namely, the Children Act, 1960 as the model legislation. All the states that enacted their Children Acts after 1960 followed the same pattern. The Children Act, 1960 introduced a sex discriminatory definition of child and established two separate adjudicatory bodies to deal with children in conflict with law and children in need of care. It prohibited imposition of death penalty or sentence of imprisonment or use of jails or police station for keeping children under any circumstance. It did not recognize the right to a lawyer in the proceedings before the children’s courts. The Children Act, 1960 was amended in 1978 to permit lawyers before the children’s courts but not before the Child Welfare Board.

In 1986, Parliament passed the Juvenile Justice Act (JJA) for the whole country. The Act was enforced throughout the territory of India except the State of Jammu and Kashmir on October 2, 1987, bringing in a uniform system of juvenile justice
throughout the country. In 2000, Parliament enacted the Juvenile Justice Act 2000 as it found it expedient to reenact the existing law relating to juveniles bearing in mind the standards prescribed in the Convention on the Rights of the Child, 1989, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), and all other relevant international instruments. The JJA 2000 was amended in 2006 and new Model Rules, 2007 under it were notified on October 26, 2007. These rules were called the Juvenile Justice (Care and Protection of Children) Rules, 2007. These Model Rules are applicable to every state unless replaced by their own new Rules (Kumari, V, 2009, P. 557).

There has been recent spurt in the crimes by juveniles in India. In 2008 crimes by juveniles across India increased by about 9.2 per cent over the previous year. The figure in 2007 was 8.4 per cent more than in 2006. According to the police sources, the share of crimes committed by minors to the total crimes has increased not only in the cities but in the country as a whole. The crimes committed by minors were 1.7 per cent of the total crimes in the country in 2005. It increased to 1.9% and 2% in 2006 and 2007 respectively. There are increasing cases of juveniles involved in conflict with the law. They are found largely involved in thefts, pick pocketing and burglaries. They are now forming even their own gangs. According to NCRB figures for 2009 the largest number of cases involving juveniles were thefts followed by causing hurt and burglaries besides rioting. According to NCRB data, 34527 juveniles were apprehended all over India during 2007 out of which 32671 were boys and 1856 were girls.
The share of crimes committed by juveniles to total IPC crimes reported in the country during 1997 to 2000 was same at 0.5 percent. However, in 2001, this share has increased to 0.9 percent and further marginally increased to 1.0 percent in 2002 and remained static in 2003, 2004 and 2005. This share marginally increased to 1.1 per cent in 2006 and remains static in 2007. This share increased marginally to 1.2 per cent in 2008 and decreased to 1.1 per cent in 2009. The increase in 2001 may be partly attributed to increase in age of delinquent boys from 16 to 18 years as per the new definition of juveniles. Similar pattern was observed in juvenile crime rate also. Juvenile crime rate was 0.9 during 1999 and 2000 whereas it has shown a mixed trend during 2000 to 2011. This increase of course may be partly attributed to inclusion of delinquent boys from 16 to 18 years as per the new definition of juveniles. Table 1.1 shows the incidence of juvenile crime rate to the total cognizable crime in India during 1999 to 2011.
Table 1.1 Incidence and Rate of Juvenile Delinquency under IPC (1999-2011)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Year</th>
<th>Incidence of Juvenile Crimes (In lakh)</th>
<th>Total cognisable crimes (In lakh)</th>
<th>Percentage of Juvenile Crimes to Total Crimes</th>
<th>Estimated Mid-year population (In lakh)</th>
<th>Rate of Crime by Juveniles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1999</td>
<td>8888</td>
<td>1764629</td>
<td>0.5</td>
<td>9866</td>
<td>0.9</td>
</tr>
<tr>
<td>2</td>
<td>2000</td>
<td>9267</td>
<td>1771084</td>
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<td>10021</td>
<td>0.9</td>
</tr>
<tr>
<td>3</td>
<td>2001#</td>
<td>16509</td>
<td>1769308</td>
<td>0.9</td>
<td>10270</td>
<td>1.6</td>
</tr>
<tr>
<td>4</td>
<td>2002</td>
<td>18560</td>
<td>1780330</td>
<td>1.0</td>
<td>10506</td>
<td>1.8</td>
</tr>
<tr>
<td>5</td>
<td>2003</td>
<td>17819</td>
<td>1716120</td>
<td>1.0</td>
<td>10682</td>
<td>1.7</td>
</tr>
<tr>
<td>6</td>
<td>2004</td>
<td>19229</td>
<td>1832015</td>
<td>1.0</td>
<td>10856</td>
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<tr>
<td>7</td>
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<td>18939</td>
<td>1822602</td>
<td>1.0</td>
<td>11028</td>
<td>1.7</td>
</tr>
<tr>
<td>8</td>
<td>2006</td>
<td>21088</td>
<td>1878293</td>
<td>1.1</td>
<td>11198</td>
<td>1.9</td>
</tr>
<tr>
<td>9</td>
<td>2007</td>
<td>22865</td>
<td>1989673</td>
<td>1.1</td>
<td>11366</td>
<td>2.0</td>
</tr>
<tr>
<td>10</td>
<td>2008</td>
<td>24535</td>
<td>2093379</td>
<td>1.1</td>
<td>11531</td>
<td>2.1</td>
</tr>
<tr>
<td>11</td>
<td>2009</td>
<td>23926</td>
<td>2121345</td>
<td>1.2</td>
<td>11694</td>
<td>2.0</td>
</tr>
<tr>
<td>12</td>
<td>2010</td>
<td>22740</td>
<td>2224831</td>
<td>1.0</td>
<td>11858</td>
<td>1.9</td>
</tr>
<tr>
<td>13</td>
<td>2011</td>
<td>25125</td>
<td>2325575</td>
<td>1.1</td>
<td>12102</td>
<td>2.1</td>
</tr>
</tbody>
</table>

Source: The Registrar General of India.

Juvenile delinquency under SLL crimes has declined by 12.4 per cent in 2003 as compared to 2002 as 8,981 cases of juvenile delinquency under SLL reported in 2002 declined to 7,867 in 2003. It has increased by 15.7 percent in 2005 as compared to 2004 as 5,756 cases of juvenile delinquency under SLL were reported in 2004, which increased to 6,662 in 2005. But it decreased by 12.0 per cent in 2007 as compared to 2006 and by 24.2 per cent in 2008 as compared to 2007. In 2009 again the juvenile delinquency under SLL crimes has increased by 36.9 per cent as compared to 2008. Table 1.2 represents the juvenile delinquency cases apprehended under IPC and SLL crime during 1999-2011.
Table 1.2 Juveniles Apprehended under IPC and SLL crimes regarding age groups
(1999 - 2011)

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Year</th>
<th>7-12 Years</th>
<th>Percentage to total</th>
<th>12-16 Years</th>
<th>Percentage to total</th>
<th>16-18 Years</th>
<th>Percentage to total</th>
<th>Total apprehended</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1999</td>
<td>4039</td>
<td>21.9</td>
<td>10311</td>
<td>55.9</td>
<td>4110</td>
<td>22.3</td>
<td>18460</td>
</tr>
<tr>
<td>2</td>
<td>2000</td>
<td>3292</td>
<td>18.3</td>
<td>11389</td>
<td>63.3</td>
<td>3301</td>
<td>18.4</td>
<td>17982</td>
</tr>
<tr>
<td>3</td>
<td>2001</td>
<td>3696</td>
<td>11.0</td>
<td>12729</td>
<td>37.9</td>
<td>17203</td>
<td>51.2</td>
<td>33628</td>
</tr>
<tr>
<td>4</td>
<td>2002</td>
<td>4488</td>
<td>12.5</td>
<td>13864</td>
<td>38.7</td>
<td>17427</td>
<td>48.7</td>
<td>35779</td>
</tr>
<tr>
<td>5</td>
<td>2003</td>
<td>3584</td>
<td>10.8</td>
<td>11678</td>
<td>35.1</td>
<td>18049</td>
<td>54.2</td>
<td>33320</td>
</tr>
<tr>
<td>6</td>
<td>2004</td>
<td>2107</td>
<td>6.8</td>
<td>12415</td>
<td>40.1</td>
<td>16421</td>
<td>53.1</td>
<td>30943</td>
</tr>
<tr>
<td>7</td>
<td>2005</td>
<td>1645</td>
<td>5.0</td>
<td>13090</td>
<td>40.1</td>
<td>17946</td>
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<tr>
<td>8</td>
<td>2006</td>
<td>1595</td>
<td>5.0</td>
<td>12535</td>
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<td>18015</td>
<td>56.0</td>
<td>32143</td>
</tr>
<tr>
<td>9</td>
<td>2007</td>
<td>1460</td>
<td>4.2</td>
<td>12114</td>
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<td>20953</td>
<td>60.7</td>
<td>34527</td>
</tr>
<tr>
<td>10</td>
<td>2008</td>
<td>1281</td>
<td>3.7</td>
<td>12272</td>
<td>35.6</td>
<td>20954</td>
<td>60.7</td>
<td>34507</td>
</tr>
<tr>
<td>11</td>
<td>2009</td>
<td>1133</td>
<td>3.4</td>
<td>10741</td>
<td>31.9</td>
<td>21768</td>
<td>64.7</td>
<td>33642</td>
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<td>3.1</td>
<td>10123</td>
<td>33.4</td>
<td>19253</td>
<td>63.5</td>
<td>30303</td>
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<tr>
<td>13</td>
<td>2011</td>
<td>1211</td>
<td>3.6</td>
<td>11019</td>
<td>32.5</td>
<td>21657</td>
<td>63.9</td>
<td>33887</td>
</tr>
</tbody>
</table>

Source: The Registrar General of India.

From petty thefts to rape, abduction and murder juvenile crime has entered a deadly new phase in India, mostly in the upper strata of society mostly in the upper strata of the society. In October 2007, 3 Ahmadabad teenagers killed their 6 year old neighbor to raise 25 lakh rupees in ransom to lead a life of luxury. In August, a Mumbai teenager was killed by 4 friends who demanded Rs. 2crore ransom from his parents. A 14 year old girl helped a woman to hack her mother in law in return for a new mobile phone. A teenager, near Sonepat in Manipur, molested a girl and shot dead her brother when he protested. In May 2009, two teenagers in Patna abducted and killed nine-year old boy for Rs.50 lakh ransom. In the same year, Chandigarh Police arrest a 17 year-old boy for raping and making an objectionable movie of a minor girl on his cell Phone. These are
some of the juvenile crimes for instance. These incidences are enough to imagine how horrible the juveniles might be of present days.

Juvenile delinquency is not limited to a single class. In fact, it spreads across social strata and geographical locations. The widening rich-poor divide in urban areas and loss of innocence have been pushing minors from poor sections of society into the world of crime and delinquency. The children from well-do –families are also increasingly stepping in the world of crime. The main factors are peer pressure, lavish lifestyles, too much freedom from the parents and even simple curiosity are leading to these dangerous trends among the youngsters in India. The situation is alarming indeed and needs the urgent attention not only of the law enforcing authorities but also of people in all walks of life. It is not possible for the police alone to curb it. There has to be an active engagement of various instruments of the Govt. and the various institutions that deal with young people. Without an integrated approach we cannot combat this alarming phenomenon.

1.8 JUVENILE DELINQUENCY IN NORTH EASTERN REGION

Northeast India comprises the seven states of Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. Here, 7.6 per cent of land area and 3.6 per cent of the total population of India has been facing the onslaught of armed violence since the late 1940s. The region is home to more than 70 major population groups and sub groups, speaking approximately 400 languages and dialects. No other part of India or South Asia has been subjected to such a prolonged violent struggle, which has held development to ransom. Violent and vociferous demands by various ethnic groups for independence and for new states in the Northeast have been occurring over the past five
decades. The fire of insurgency has for long engulfed this strategic region for the last half century or more making it one of South Asia’s most disturbed regions.

Along with the problem of insurgency, the other social crimes like theft, burglary, kidnapping, riot, murder, rape and the like are increasing among the youths as well as the juveniles at an alarming rate all over the region. With the state pre-occupied with the problems related to insurgency and economy, not much thought has been given to the worrisome phenomenon of increasing child offenders who at the age of 13 and 14 have committed crimes such as murder and rape. In the state of Assam, children in the age group of 14 to 16 have committed various offences, whereas in the other states the child offenders have been in the age group of 16 to 18. Guwahati is not just the gateway to the Northeast but also become the centre for various types of crimes and delinquent activities in the region. The Maharishi Vidya Mandir tragedy on May 4, 2005, in which a Class X student died following a fisticuff which is shocking and tragic. The fact for which it started over so trivial a thing like a Tiffin box goes to show how easily the children are given to violence (The Assam Tribune, 2005, P. 6). In the next year, in 2006, same type of incident took place at Gordan Higher Secondary School, Nalbari, in which one 11 year old child of class V had to die in the hands of one of his classmates in the classroom (The Dainik Agradoot, 2006, P.1). In the same year, another tragic incident of juvenile crime had occurred at Mangaldai, in which a nine year old girl was killed by three juveniles by pressing her throat (The Dainik Agradoot, 2006, P. 4).

In 2011, in the District of Bongaigaon, a student of class IX was killed by two of his friends for 50 lacs of rupees ransom (The Assam Tribune, 2011, P. 1). These are some of the examples which come into focus only due to the severity of the type of
crime committed by juveniles. Majority of the crimes involving juveniles do not come
to focus and reported to police or court. The parents or guardians do not like to disclose
the faults committed by their children.

Snehalaya, an NGO, observed juvenile offences and juvenile justice delivery
system in the Kamrup district of Assam in 2009. It is found that maximum numbers of
pending cases were against the children in the age group of 14-17 years. There were
sizeable numbers of children below the age of 14 years. These cases could have been
settled without bringing these children into the juvenile justice system. Most of the
juveniles have become adults before their cases are settled by the Board. Along with
petty offences of theft, other offences include murder, attempt to murder, sexual
offences like rape were committed by the juveniles. The maximum numbers of charges
were for theft. Many offences were of serious nature and committed mostly with adults
(29.2 %).

The study recommended to set up Juvenile Justice Board office with adequate
staff and infrastructure outside the CJM court premises with a full-time magistrate on
days of sitting and to establish two separate Juvenile Justice Boards (JJBs) for Kamrup
(Metro) and Kamrup. It also suggested to setup the Special Juvenile Police Unit (SJPU)
and empower it adequately so that in coordination with JJB it can enhance police
treatment of child offenders. The suggestion was also made to conduct half-yearly
review of pendency of cases in the Board as prescribed in Section 14 of the JJ Act
taking into confidence all the members of the Board and to set up a special home with
specialized psychosocial services at the earliest in Guwahati for juvenile offenders, who
need serious reformatory intervention.
This study is limited to Kamrup district, but it could throw light on the mode of functioning of the JJBs in the rest of the districts of Assam as well as in the entire country. Developing of a separate fast track, clearly articulated and child-friendly Juvenile Offence Procedure Code is a concept to be thought of at the national level. A new cadre of juvenile police with adequate qualifications should be raised in every state to handle child offenders. This would not only enhance the police treatment of children but would be a preventive contribution towards the reduction of criminality in the society by their involvement in disciplining children, who are otherwise difficult to discipline. Considering the fact that in many of the cases involving juveniles, they are accomplices to alleged adult criminals, it is suggested that any adult exploiting a minor by involving him or her in criminal activities as accomplice, or misguiding him or her must be meted out additional punishment. Such a provision in the JJ Act would act as a deterrent. This would call for a further amendment to the JJ Act 2000 (Singh, D. 2009, P. 3).

1.9 STATEMENT OF THE PROBLEM

Delinquency has become a cause for serious national concern in most of the countries throughout the world. The phenomena of crime and delinquency have been present in all ages and in all societies. It varies only in degree and form. No society can completely get rid of it. Man as a peace loving creature in nature wants to derive maximum of happiness within his short span of life. Everybody wants to live in a society where the rate of crime and delinquency is significantly low.

The problem of juvenile delinquency in India is not totally new. But it has acquired the dimension of a social problem only in post independent India. Our traditional agricultural society and the intimate social atmosphere provided by the joint
family system prevented any such delinquent tendency on the part of the child from becoming a major social problem. The rapid pace of industrialization and urbanization are now working against that intimate social atmosphere. In such a situation, it is necessary to analyse the whole problem from a socio-psychological point of view.

A number of sociological, psychological, anthropological, and medical studies have been conducted in the western countries, particularly in England and America. In India also, a number of studies have been conducted on juvenile delinquency. The present study is an effort to focus light on the influence of home, school, religious institutions, and mass-media in delinquent behaviour formation among juvenile delinquents. A large percentage of criminal careers have their origin in childhood. Most of the experts in criminology have considered juvenile delinquency as the widest gateway to crime. So for the purpose of checking adult criminality, juvenile delinquency is the most promising field. The present study will be helpful for knowing the reactions of the delinquents towards the most influencing social institutions and accordingly suggestive measures can be made for these institutions. In this way the present research programme is undertaken to make a thorough study on the global problem of juvenile delinquency so that corrective measures could be made to prevent would-be criminals at the earliest stage of its growth. Hence, the present research problem has been stated as ‘Influence of social institutions in the formation of deviant behaviour among juvenile delinquents’.

1.10 NEED OF THE STUDY

Growing industrialization and urbanization in India have given rise to new kinds of social orders and also of crime and delinquency. Increased rate of crime and
delinquency have become a matter of grave concern for all. Regular reports in the newspapers testify to the alarming proportion to which crime and delinquency have reached. For maintenance of law and order in the society there is an urgent need to devise ways and means at least to minimise crime and delinquency in society.

Juvenile delinquency is the gateways to adult crime since a large percentage of criminal careers have their roots in childhood. It is a problem that has been causing a serious concern all over the world. The youngsters between certain age groups are easily attracted to the temptations of life and this leads to criminality. Since a nation’s future depends upon young generation, the criminal tendency must therefore be curbed timely so that they do not turn into habitual criminal in their future life.

It must be conceded that the overflowing criminality of youth can not be attributed to a single factor alone. There are various influences such as population explosion, social, economic and political changes, pattern of education which account for the growing incidence of juvenile delinquency particularly in developing and third world countries. Therefore, this burning problem of delinquency should not be regarded as a penal problem. It is an educational and welfare problem. So the juvenile delinquents should not be put behind the bars and treated through the normal channel of penal system. What they need is guidance, sympathy and help. Considering all these dimensions of juvenile delinquency, an urgent need is felt to make an in-depth study on delinquency. Most of the countries of the world are now engaged in tackling the problem of juvenile delinquency because ‘the child of today is the citizen of tomorrow.’

Juvenile delinquency is fairly widespread among adolescents. It crosses all types of religious, cultural, and socioeconomic barriers. Juvenile delinquency is no longer a
problem restricted to the poor or to the children of disreputable families. It is now a problem that affects even the most affluent communities. The statistics on the prevalence of juvenile delinquency overwhelmingly calls for further research. Recent empirical findings from criminological research claim that the incidence rate for juvenile delinquent acts are on the rise, especially in suburban areas. Criminal behavior remains modest during childhood. However, more and more youngsters exhibit precursor characteristics towards criminal behavior. Furthermore, criminal activity is rapidly increasing in late adolescence. Juvenile delinquency is a problem that potentially affects every facet in our society. More research must be conducted to understand the difficult and often obscure personality traits of the juvenile delinquent. An intensive understanding of the juvenile delinquents’ needs, motives, fears, and overall profile will facilitate the development of effective prevention strategies and intervention programs. Common traits exist among juvenile delinquents must be assessed and understood sincerely and seriously in order to identify risk factors associated with juvenile delinquency. These traits will facilitate the identification of adolescents who are at risk for delinquent behavior. The school is just one institution that must devote resources to the evaluation of the possible personality traits which are associated with delinquency. A clinical profile of the juvenile delinquents may also be made.
1.11 OBJECTIVES

Following are the objectives of the study:

(1) To study the influence of family in the formation of deviant behaviour among delinquents.

(2) To study the influence of school in the formation of deviant behaviour among delinquents.

(3) To study the influence of religious institutions on juvenile delinquency.

(4) To study the influence of mass media in the formation of deviant behaviour among delinquents.

(5) To suggest some preventive measures for minimizing juvenile delinquency.

1.12 HYPOTHESES

Following hypotheses are formulated for the study:

(1) Juvenile delinquents experience uncongenial home environment.

(2) Inadequate school environment is responsible for the formation of deviant behaviour among juvenile delinquents.

(3) Religious institutions play a role in the formation of deviant behaviour among juvenile delinquents.

(4) Mass media have influence in the formation of deviant behaviour among juvenile delinquents.
1.13 DELIMITATION OF THE STUDY

i. The study is delimited in the territorial jurisdiction of the state of Assam, India.

ii. The study is confined to the school going children between the age group of 7 to 18 years of age.

1.14 OPERATIONAL DEFINITION OF THE TERMS

**Influence:** The word ‘influence’ means the act or power of producing an ‘effect’ without apparent exertion of force or direct exercise of command. In this study the word ‘influence’ means ‘the power or capacity of social institutions in indirect or intangible ways in the formation of deviant behaviour among delinquents’.

**Social institution:** A social institution may be defined as an organizational system which functions to satisfy basic social needs by providing an ordered framework linking the individual to the larger welfare. In this study, the term social institution includes home, school, religious institution and mass media.

**Deviant behaviour:** Deviant behaviour is a behaviour which is recognized as a violation of social norms. A person would be considered to be acting deviantly in society if he is violating what the significant social norm in that particular culture.

**Juvenile:** The dictionary meaning of ‘juvenile’ is a ‘young person’ or a child. The concept ‘juvenile’ embraces both the children and adolescent. According to the Juvenile justice (care and protection of children) Act, 2000 ‘juvenile’ or ‘child’ means a person who has not completed 18 years of age.
**Delinquent:** The term ‘delinquent’ means the child between 7 and 18 years of age who habitually indulges in antisocial activities. The legal term of delinquent is ‘Juvenile in conflict with law’. According to the Juvenile Justice (Care and Protection of child) Amendment Act, 2006, ‘juvenile in conflict with law’ means a juvenile who is alleged to have committed an offence and has not completed 18 years of age on the date of commission of such offence.