DELINEQUENCY:

Delinquency may be defined as anti-social behaviour (Hadfield's definition)\(^1\). According to this definition delinquency means a behaviour which is unsocial or anti-social in nature. The individuals in the society enjoy the privileges of society and society, in turn, puts certain demands to comply to its norms. If an individual inspite of enjoying all the privileges, does not conform to the social norms, his behaviour is considered anti-social. The conducts of such individual are regarded as delinquency, a vice or crime. Delinquency is primarily a term of social application; it is a failure of adaptation. But often delinquency is also the result of pathological disorder. It may also be the manifestation of neurotic complexes.

The term delinquency refers to the breaking of some law (Valentine's definition)\(^2\). In this sense, from delinquency we understand the breaking of some law or social norms. We call those children as delinquents whose anti-social activities take such a turn that they are to be punished by the law of the land. Delinquency, thus, refers to certain offences committed by children, which when committed by adults would be described as crime. It is the anti-social activities of children which due to their seriousness invite certain action at the hands of the society.

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2. Ibid.................................P- 594.
Delinquents are such children who steal or damage property etc. Some of them even commit such heinous crime as dacoity, murder, etc. And it is very often found that he or she has not learnt to distinguish between right and wrong conduct. However, the term "Juvenile delinquents" usually relates to adolescents who are old enough to come under the purview of juvenile justice system, although psychologically it is impossible to fix a definite age at which responsibility begins, because it depends much on the mental age rather than chronological age\(^3\).

**WHO IS A JUVENILE?**

A juvenile is a child or young person who under the respective legal system may be dealt with for an offence committed by him/her in a manner which is different from an adult. A child is regarded as a juvenile delinquent for an act committed by him/her which would have been a crime if committed by an adult.

To most parents, juvenile delinquents are other people's children who behave objectionally. To lawyers, they are minors who are accused of offences from which they are immune to the punishments that are usually administered to adults. To psychologists, they are youngsters whose social behaviour patterns show deviations from acceptable norms. But to the Judges, they are simply neglected children who have been brought into this world by parents who have turned their back on their offspring and left them to shift for themselves. The courts are trying to break this vicious cycle in which delinquent children become parents of more delinquent children\(^4\).

Under section 2(h) of The Juvenile Justice Act, 1986, juvenile was defined to mean a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen year. With a view to prescribe a

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3. Mathur, Dr. S.S., op. cit....... P- 595.
uniform age – The Juvenile Justice (Care and Protection of Children) Act, 2000 under section 2(k) defined juvenile or child to mean a person who has not completed eighteen years of age. Thus, under the new Act a person who is under the age of eighteen years is regarded as juvenile for any offence committed by him or her.

**JUVENILE DELINQUENCY**

Juvenile delinquency is a universal phenomenon. Every element which prevents children from developing in a healthy way, both physically and emotionally, tends to bring about a pattern of emotional disturbances, which is always at the root of antisocial or criminal behaviour. Such behaviour when found in youngsters, is called juvenile delinquency. Juvenile delinquency, then, involves any criminal act against persons or property committed by a child. According to law a child is responsible for his crime 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 age as by the law of the land concerned, is deemed to be of sufficient mature understanding, can be held liable if he/she commits any crime; in that case he may be termed as a "criminal " except in case of insanity.

Paul W. Tappan° has given his view regarding the age level of juvenile delinquents- “At Common law”, he says, the infant was held non-responsible for crime up to the age of seven, lacking mental capacity to entertain the intent required for criminal behaviour. From seven years to the age of fourteen the infant was presumed to be incapable intellectually because of his immaturity. But this presumption can be rebutted by showing that he/she had sufficient capacity to distinguish between ‘right’ and ‘wrong’. From the age of fourteen to twentyone there is a rebuttable presumption that the individual possesses

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criminal capacity and after-twenty one, the presumption become conclusive. It
is argued that when a person is capable of differentiating right and wrong, he
can simultaneously feel guilt, the "mensrea" or "culpable intent" required to
constitute a fullflaged crime. The book "Juvenile Delinquency Research and
Theory", has given a direct figure regarding the age level of juveniles. According
to it, to some extent, the age depends upon legal definition. Although there is
some differences as regards the age level, in the common element of definition,
in Europe, the legal age range is from eight or nine to sixteen, seventeen or
eighteen. In Asia and Far East, the age range is from seven to eighteen or
twenty. In U.S.A. the majority of the states set eighteen years as the upper age
limit, although in California it ranges up to twenty one years of age.

A Juvenile delinquent is a child first and an offender later. In this
context, penal laws, criminal codes and Children Acts of various countries
extend immunity from criminal liability to children under a particular age, however,
to the next higher age, the extended immunity is qualified.

Under the Indian Ponal Code, children are classified for the purpose
of criminal liability. It extends total immunity up to the age of seven and partial
absolution up to age of twelve. Section 82 of the I.P.C. reads- "Nothing is an
offence whish is done by a child under seven years of age". Section 83 of the
I.P.C. reads- "Nothing is an offence which is done by a child above seven years
of age and under twelve, who has not attained sufficient maturity of under­
standing to judge the nature and consequences of his conduct on that
occasion".

Juvenile delinquency is, thus, a syndrome. It is a gateway to adult
crime, since a large percentage of criminal careers have their roots in child­
hood. It is a problem that has been causing serious concern all over the world.

7. Edited by Mr. Herbert C. Quary of Illioniss University.
Even in the developed countries the number of cases of juvenile delinquencies are increasing every year, notwithstanding the high standard of living and availability of all kinds of necessities, amenities and luxuries, besides compulsory education up to a fairly high age. In fact, the problem in developed countries is more complex and deep-rooted than in developing countries.

It is alarming that today adolescents are committing the same type of criminal activities as adults, whereas in the former times the type of crime changed as the person grow older. For example, young people used to be involved in more youthful type of crimes such as pranks or petty stealing, but today they are committing the same vicious crimes as adult criminals—murder, robbery, rape, burglary, vandalism, automobile theft, etc. Thus, young offender seems to have become an all-rounded criminal. However, there is one difference between adult criminal and juvenile delinquent. An adult, to a great extent, can choose his environment, while juvenile delinquents are usually dependent upon adults.

The problem of juvenile delinquency has invited considerable attention of the legislators, sociologists, psychiatrists and social reformers. This problem being very critical and challenging, confronting the highly industrialized countries in this generation, is the personal demoralization of the future generation. The rise in serious crimes committed by juveniles is a matter of worry for the whole universe.

**GENERAL CAUSES OF DELINQUENCY**

A large body of writings by both behavioural scientists and creative writers have focussed on the question as to what causes juvenile delinquency. Though numerous theories have been proposed, to-date, no single theory explains the causes of delinquent behaviour to everyone's satisfaction. However, experts agree that a complex relationship of many factors give rise to this anti-social behaviour.
Generally the causal theories are grouped as physiological, psychological or sociological. The physiological theories may seem naive or occasionally ludicrous, but they deserve consideration because many people still believe them. At one time it was widely supposed that patterns of behaviour were directly related to physical characteristics and body types. But today, behavioural scientists and psychologists are unwilling to believe that guilt or innocence can be established by studying physical build or the way people's skulls are formed. And such things as malfunctioning endocrine system, epilepsy, inherited traits from a "bad family", feeblemindedness, chromosomal abnormalities and the like are also discredited as single cause for delinquent behaviour, though they may be contributing factors. With the development of psychology and sociology, personality disorders and unfavourable social environmental conditions have been advanced as primary causes of juvenile delinquency. Youngsters are likely to engage themselves in aberrant behaviour if they lost faith in themselves, if their achievements go unrecognized, or if they have no positive sense of identity. A healthy, supportive family environment is a good defence against delinquency because it is within the home or family that many destructive instincts are conditioned into socially acceptable conduct.

Economic determinism, which dictates an unequal distribution and consumption of goods, has often been cited as a cause of delinquency, because it creates economic system in which many people are poor. Those in needs are inclined to use any means to fulfill their wants and needs, even if it involves breaking the laws. Adolescents who are for one reason or another, outcasted from middle-class society, school organizations or athletic teams, frequently band together to form their own sub-culture, which have specified entrance requirements, code of ethics, hierarchies of goals and meaningful

totems. One of the best example of a unified sub-culture is the gang, which often compensates for low self-esteem by striking back at society with malicious and destructive behaviour. In addition to family, community, religious institutions and the schools play an important role in socializing children. Students who have the support of their families and the community, who have been reared in language and culture of the society, who have healthy minds in healthy bodies—in short, students who fit within the modern school systems are likely to do well and profit from their schooling. Those who are not so lucky—who are intellectually, socially, emotionally or economically deprived have difficult times in meeting the expectations of the meddle-class culture of their schools.

Thus, from the above discussion, the causal factors of juvenile delinquency can be broadly classified into two categories—(1) Individualistic causes and (2) Social or Environmental causes. The social, psychological or environmental causes can be further sub-divided into two sub-headings—(a) Causes pertaining to family, and (b) Causes pertaining to social environment.

**INDIVIDUALISTIC CAUSES**

(i) If a child is suffering from some physical defect or disorder, he begins to feel that something is lacking in him or her. In case the physical defect is laughed at, there is every possibility that the child may adopt antisocial behaviour which would be on account of reaction formation against the law of the society. The child will then wish to destroy the social norms and will consider that the society is responsible for his defect.

(ii) In case the motor and physical development of a child is more rapid or slower than an average child at that age, than adjustment difficulties are usually created and the child may adopt delinquent behaviour.

11. Mathur, Dr. S.S., op.cit............. P- 595
(iii) Often low intelligence also encourages anti-social behaviour. A child who is of low intelligence can be easily attracted towards anti-social behaviour.

(iv) Some children also become delinquents on account of physiological disorders in them. Such delinquents are considered as "temperamental delinquent" 12. For example, some girls show delinquent behaviour during their menses. The above are the major biological determinants or Individualistic causes which are believed to have some connections with delinquencies of children.

CAUSES PERTAINING TO FAMILY ENVIRONMENT

Unfavourable home or family environment is also argued as a primary cause of deviant or delinquent behaviour of children. The causes/ factors pertaining to unfavourable family environment may be summarized as follows:

(i) presence of step-mother or step-father
(ii) lack of parental affection, care and control,
(iii) quarrels among parents,
(iv) poverty, so that the basic needs of the children are not satisfied,
(v) use of alcohol and other drugs by the parents
(vi) high ambitions of parents which they want to realize through the achievements of their children.
(vii) loose or very strict discipline at home,
(viii) broken home-- divorce, separation or death of any one of the parents,
(ix) mother being in service, no control over the children
(x) sexual defect in mother, or her being of low character, mental abnormality in the mother or father etc.

12. Mathur, Dr. S.S., op.cit.............. P.-595.
CAUSES PERTAINING TO SOCIAL ENVIRONMENT

Criminal or deviant behaviours are the result of factors in the environment of the offender and not solely due to the biological makeup or defects of the offenders. The factors/ determinants available in the social environment which induce children to exhibit deviant or delinquent behaviour, can be summarized as follows:

i) Separation of youths, that is, marginal status of adolescents in society which results in a feeling of isolation and a feeling of not being a part of the community or society. This separation also results in peer group's considerable influence on the youths, and this influence extends to alcohol and drug use, as well as other anti-social activities. Moreover, extensive separation of youths from adults and lack of positive peer support may also result in isolation from the mainstream of interaction, then the reaction to this situation would be some sort of deviant behaviour. The technical terminology for this phenomenon is "anomie"- a feeling of isolation (Anomie Theory— Emile Durkheim).

(ii) The discrepancy between the social or cultural goals that the individual learn to aspire in their environment and the institutionalized means available for achieving those goals, may result in strain or frustration in the minds of the youths. This strain or frustration can produce behaviour that is deviant, anti-social or contrary to the norms of the society.13

(iii) Economic determinism which dictates unequal distribution and consumption of goods, may also be cited as a cause of delinquency. Economic status has a great deal to do with the rate of delinquent behaviour. The greater the economic deprivation, the greater the delinquency. It is felt that person in economically disadvantageous position often have the same material aspirations

as persons in economic advantageous position. This disparity very often creates situation conducive to deviancy, delinquency and crimes. More over, industrialization which results in urbanisation, slumdwelling etc. is also a determinant for rise of delinquent behaviour in children. Small children who are employed in factories and industries, very often show delinquent or deviant behaviour because of their economic condition, isolation from the affordable section, etc.

(iv) Association of youths with other delinquents, drug- addicts, criminals and maladjusted children also results in deviant or delinquent behaviour in children. Because, if individuals associate mostly with delinquents or criminals, or mal-adjusted individuals, chances are that they will become involved in delinquent activities. (Theory of Differential Association— Edwin Sutherland)

(v) In addition to family, community, religious institutions and the school play an important role in socializing children. In the contemporary schools which are purveyors of middle class values, only the students who fit within the modern school systems are likely to do well and profit from their schooling. But those who are not so lucky— who are intellectually, socially, emotionally or economically deprived— have difficult times in meeting their expectations and likely to become delinquents.

(vi) Besides these, media influence and subsequent information explosion may also be blamed for the rise in delinquent activities of children.

DRUG ABUSE AND JUVENILE DELINQUENCY

An understanding of the problem of drug abuse and consequent juvenile misconduct or delinquency of adolescents seems to be more relevant in our present study. As such, a more detailed discussion on the subject of widespread abuse of drugs by youngsters, the casual factors for such abuse

and the consequent rise in the delinquent behaviour or anti-social activities, shall not be out of place.

Researches conducted from time to time, have shown that a majority of the adolescents of our country use alcohol and other illegal drugs, particularly marijuana. A section of these youths use opiate narcotics such as heroin, brown sugar, etc, which are usually associated with the most severe problem of addiction. There is also strong evidence that a section of these youths use medicinal drugs such as proxyvon, relipan, phensidyl, correx, tossex and calmipose etc. A small minority of these youngsters are found to use volatile inhalants like dendrite, butyl nitrite, gasoline and toluene vapours found in correctional fluid, glue and marking pens.

Teenagers who abuse drugs become involved with police, courts and correctional programmes in a numbers of ways. Use of alcohol and other drugs, both legal and illegal ones for purposes other than medicinal are in themselves illegal activities, as are selling and purchasing of these substances. Beyond that, it is believed that the use of these substances results in other type of criminal activity. Specifically, use of these substances can stimulate people to be more violent and the need to purchase expensive drugs can result in revenue-producing crimes. Although our society is much more tolerant of alcohol in reality alcohol is a potentially addictive drug. Also, the trend among teenager who use alcohol is to use other substances as well—in other words to be involved in poly drug use. Also the patterns of drug use by the youths vary considerably. Some of them are one-time or infrequent users and particularly if they primarily use alcohol or marijuana, they are not generally targeted population for treatment programmes, for many people consider such sporadic use as normal behaviour. But those youths who are regular users of drugs, who have incorporated drugs into their lives and who have already developed tolerance and dependence on some drugs are drug addicts requiring
the attention of juvenile justice system. Tolerance and dependence, although not developed for all kinds of drugs, when developed to some of the drugs, there is an increased chance that a person may ingest a physically damaging amount of drug—a situation commonly called an overdose of drugs.

Some of the basic reasons why teenagers choose a deviant method of adaptation to the environment by resorting to drugs are—lack of opportunity, poor relationship with parents and peers, curiosity, peer group pressure, failure, uncertainty about future, and inability to adjust satisfactorily in the community or society, etc. Although it is difficult to generalize these reasons for drug use, one of the most prevalent explanation is that youngsters feel alienated from their environment and from the adult world. This alienation can be a direct result of the marginal status that is usually given to the adolescents in the society. An analysis of the role of the family and adolescent's status in the society, in contributing towards drug abuse, would be more relevant and helpful in explaining the phenomenon.

THE ROLE OF THE FAMILY

The use of drugs or motivation for using them does not suddenly emerge. Experts feel that the youngsters of today are exposed to the drug culture in their families long before the actual usage. It is true that children often see their parent relying on sedatives to help them go to sleep, stimulants and amphetamines to pop them up, tranquilizers to calm them down, and alcohol to have a good time. Many youngsters even justify using drugs by rationalizing that their parents use them. These youths model the drug using pattern of their parents. This is also highly consistent with the well supported social learning theory to explain how children learn behaviour of their parents. Researches also affirmed that youths do learn drug using behaviour by modeling themselves after their parents.
Besides parental drinking and drug use, a number family characteristics influence adolescents. Lack of cohesive family structure is another contributing factor. Today family no longer exerts as much influence on the child as it did in the past. The families had become restructured. The extended (joint) family which consist of parents, children, grand parents, uncles aunts and cousins, is no longer a cohesive unit, that can exert influence and on which the child can depend for support and guidance. Only the “nuclear family”, which consists of parents and their own children is prevalent now-a-days.

Apart from these, certain pattern of interaction in the family appears to be particularly influential on children’s eventual use of drugs. Some parents have by accident or design, provided their children with material possessions but failed to provide emotional environment conducive to fostering future emotional stability and positive behavioural adaptation in the community. When this emotional support is not provided the youngsters often see drug abuse as an alternative. The family thus has a vital role to play in influencing and keeping the adolescents away from drugs. The family, must help them in making a link between adolescence and adulthood in an orderly manner so that the youths may become productive citizens. If the parents relinquish their rightful roles of guiding, supporting and teaching their children, the peer group influence will surely become the primary source of influence and inducement for unsocial or anti-social activities.

**MARGINAL STATUS OF ADOLESCENTS IN THE SOCIETY**

The separation of youths from adults in our society does result in peer groups considerable influence over other youths and this influence extend to alcohol and drug use. Just as children use their parents as models for behaviour, the youths also use their peers as models. First of all, the adolescents get involved in peer group activities, such as meeting with friends, dating, attending parties etc. But it should be kept in mind that not all adolescents influence
each other to use alcohol and drugs, the peer group influence and activities are often necessary and valuable on the development of interpersonal relationship and other behavioural skills. However, in many cases the drug user seek out those peers who are similar to themselves in their feelings and behaviour\textsuperscript{15}. Although peer groups are not always detrimental influence on members, but those with a drug-using orientation can exert a powerful influence on other members. Thus, if both the family and peer groups have characteristics which are conducive for drug use, there is a strong likelihood that the youths may fall prey to drugs.

Adolescence is an important stage of intellectual or emotional development of a child. Cognitive developmental theory (Jean Piaget)\textsuperscript{16} suggests that the development of the child is predictive, normative and positive in a normal environment or one in which the child's developmental needs are generally met. If the child's developmental needs are met, the youth is able to accomplish specific developmental task. Some of the child's prerequisite developmental needs relate to the environment are attention which includes control, security, knowledge of control, consistent interaction with them and development of competence through success experiences. For the adolescent, the developmental tasks include accepting one's physique and sexual role, establishing new peer relationships, attaining emotional independence from parents, assurance of economic independence, choosing and preparing for an occupation, developing intellectual skills and concepts for civic competence, acquiring socially responsible behaviour pattern, etc.

To the degree that the developmental needs are not met and developmental tasks are not completed, the youth will experience behavioural problems. The problem behaviour may go against the norms set up in the youth

\textsuperscript{15} Kandel, Kessler and Margulies, \textit{Antecedents of Adolescent Initiation into stages of Drug use.}, 1973, P-628

environment or against the norms set up by the society or it may be a total rejection of legal and ethical norms. Such a situation can result in drug-subculture involvement and a rebellion, which is withdrawal of all allegiance to the social system.

Another aspect of adolescent status contributing to drug use is alienation. This alienation result in the youth's lack of direction and ignorance of boundaries and controls. This lack of knowledge resulting from alienation and his or her attempts to obtain from peers or noninvested adults, quite often can be occasion for the youth becoming involved with drug-culture. In addition, if his or her needs for control, attachment and effective support are not met, the youth may simply give up attempts to exhibit acceptable behaviour.

Yet another contributing factor towards drug-delinquency is the parents frequent urge to their children to rely or drugs (legal) in coping with stress through their own behaviour. Also television has been always transmitting the advertisement and popular programme displaying the ready accessibility of legitimate drugs and the "magical" ways that they can solve problems and contribute to the happiness in our fast paced world.

It is also possible that widespread drug use results, in part, from the general lack of meaningful activities available to adolescents in our society and the related sense of boredom. Adolescents who do not feel a part of any of society's valued activities, such as work or relevant education, have no reason to avoid the use of drugs. In such a situation there existed a kind of restlessness, an orientation for action and a sense that life generally was uninteresting, lacking in recreational alternatives. Whether the setting is urban, semi-urban or rural, where the youth groups congregated on corners, the theme of looking for action has not simply been taking drugs, but included any activity that could dispel boredom and increase the pace of life. The explanation of drug use as a reaction to adolescent's marginal status in the society and their
resultant boredom is further supported by the fact that youths who avoid drug use are involved with social institutions. These institutions include religion and the family, as well as the educational system as a preparation for further study.

**DRUG ABUSE AND OTHER ANTI-SOCIAL BEHAVIOUR**

Shifting attention from the causes of teenage drug use, here an attempt will be made to establish the connection between drug use and other types of illegal or anti-social behaviour. There is certainly a tendency for some youths who use drugs regularly to take part in other activities which are considered deviant. For example, committing violent acts is associated with being under the influence of alcohol, particularly in situations where the victim has also been drinking heavily. There are several theories to explain the association of violence and drinking. Psychological theories suggest that people expect alcohol to reduce their inhibitions, and this expectation leads them to act more aggressively. Although there are some controversy over the specific way in which alcohol leads to aggression, the widely accepted notion is that alcohol contributes to violent crimes by some people who use it.

Addicted individuals, who use drugs such as heroin, do use a large amount of their income to obtain these drugs and commit more crimes once addicted. The income to purchase drugs can be obtained through illegal activity, non-predatory crime, legitimate employment, public support, contribution from friends and family. When young people, under twenty, rely on illegal activities to support an opiate habit, they most often commit property crimes and then crimes against other people. As the youths move out of adolescence, vice crime such as prostitution and drug sales or peddling become more common than other offences. It can be concluded that although not all youthful addicts are involved in other types of offences, a large number

do commit property and violent crimes as a way to raise the income for drug purchases.

However, in many instances, youthful addicts have delinquency records before they use heroin. The association between drug use and other illegal activities occur not because one causes the other, but because both has a common cause. Where high rates of opiate use are apparent, high level of property crimes, delinquency and other social problems are likely to be found. Besides alcohol, PCP (phencyclidine) is another drug, which according to experts, results in violence. Chronic PCP use may cause violence and aggressive behaviour, paranoia, delusional thinking and auditory hallucinations. However, the incidence with which PCP results in this type of violence is unknown. In most cases, no known behavioural disturbance or psychiatric problems preceeded PCP use. Only youths who are not well acquainted with PCP use—seemed to act aggressively once they had use it. Similarly individuals who regularly use amphetamines have also become paranoid and in that state may make threats and become aggressive and violent. As with PCP, it is not known whether it occurs in large number of instances or whether the majority of the users are able to manage their usage without any such difficulties.

It is, thus, clear that alcohol abuse stimulates violent behaviour. Although we are not certain about the abuse of other drugs and consequent violent delinquencies to any great extent, the necessity for raising funds to support drug-addiction, however, induce other delinquent activities in the users. This necessity compel addicts to resort to criminal or other unlawful activities for procuring the regular doses of drugs. The overpowering need for regular doses of drugs even make the addict to commit even organized crimes like decoity and murder. Thus, there is an association between drugs and crime, since certain social conditions seem to induce both, with the result that many youthful offenders are likely to commit a variety of crimes including drug abuse.