CHAPTER-1

INTRODUCTION AND FORMULATION OF RESEARCH PROBLEM

Traditionally sociology has viewed deviance as some sort of opposition to the societal consensus on the 'proper' way to behave and think. In the *Rules of sociological method*, Durkheim (1973) describes a complex relationship between crime, deviance and difference. He perceives these three phenomena as degrees of divergence from the norms (rules) of the society in which crime attracts social censure of an official kind, while deviance is more lightly censured by a social rather than a necessarily an official reaction. Deviance therefore stands between crime and difference. Crime and deviance are therefore inevitable consequences of the range of individual differences that exist in any society. Sensibilities, that is judgements about what is acceptable and what is not, vary from society to society, and what may be condemned in a traditional society, as unacceptable difference; for e.g. homosexuality; may be celebrated in post modern societies as a lifestyle choice. A useful distinction is made between legal and illegal deviance. ‘Legal deviance’ refers to behaviour that breaks social norms or standards but remains within the law, ‘illegal deviance’ (crime) refers to behaviours that contravenes the law and is subject to formal punishment. Thus deviance is a social construct. It is something that is relative to time, place and social situation. Moreover the definition of deviance is interwoven with the issue of power that is who in society is able to impose their view of what is acceptable and what is not.

CRIMINAL LAW AND CRIME

At the first glance the definition of crime seems to be deceptively simple, that is it is what the law declares to be illegal. Criminal law is a body of specific rules and regulations regarding human conduct that have been established by political authority through Constitution, legislative enactments, treaties and systems of Common law. Crime is defined legally as violation of criminal law involving both an overt act or the omission of a duty required of the citizens and a culpable intent. Branham and Kutash (1949).
RELATIONSHIP BETWEEN CRIME AND DEVIANCE

The ways in which crime and deviance are conceptualized in sociology are varied and cannot be treated as the only two possible categories for activities that lie outside the social consensus of being normal. This includes behaviour that is actually subject to punishment by society depending on the circumstances in which it occurs. However with the passage of time the social response to activities often changes. For example the social response to homosexuality has changed from legal censure to relative acceptance. We can thus make a distinction between consensus crimes and conflict crimes. Consensus crimes are those which are unacceptable and conflict crimes are those which are illegal but are not always viewed as such by the society.

SOCIOLOGY OF DEVIANCE

According to some sociologists, sociology of deviance has collapsed under the impact of new social conditions and under the weight of its own contradictions. The concept of deviance emerged as part of the scientific search for ways to control population; leading to the creation of new categories of people such as the 'insane' or the deviant. The development of industrial society resulted in an increase in the number of people who were unemployed, sick or mentally unstable, and the rich sought to manage these problem groups by means of increased administration. Concepts such as homosexuality, prostitution and drug use, therefore did not refer to some absolute categories of abnormal behaviour but were developed through scientific discourse, as societies developed new ways of dominating population. The concept of deviance was therefore developed as part of the modernist approach, defining as inherently deviant those activities which ran counter to the societal consensus. By the 1970s hardly any sociologist employed the concept of deviance to define actions beyond the social consensus because such a consensus did not exist. From 1970s onwards sociologists increasingly turned to the concepts of crime and law rather than 'deviance'. Rather than scientific the concept had become ideological and therefore of little scientific use. In the post modern world the dominant majorities felt increasingly threatened by a society that is seemingly out of control where previously quiet minorities are now asserting their rights as full
citizens; where immigration seems to be undermining the way of life and where traditional moral order is breaking down.

JUVENILE DELINQUENCY

When we talk of deviance, one other concept, which immediately strikes our minds, is that of juvenile delinquency. No such problem has sought deeper concern in India, and in fact throughout the world, than Juvenile delinquency. Apart from the universal and natural feeling adults cherish for children, and more especially frustrated and thwarted children, the knowledge that a happy and wholesome youth is the best guarantee for a future mature society, prompts lavish and unselfish expenditure of time, energy and money in attempting to solve the eternal riddle of delinquency. Generations pass but the dilemma of aberrant juvenile behaviour persists. The term 'juvenile delinquency is not as old as the phenomenon we recognize and know today but, rather children of this category were referred to as 'depraved', 'headstrong' 'wayward' or just 'waifs and strays'. Clyde (1954). Perhaps the term was used first in 1823 when a group of New York educators and philanthropists formed a society for the prevention of Juvenile delinquency and opened the first institution called the 'house of refuge'. The problem of Juvenile delinquency in truth, is a perplexity that dips into every home at one time or another.

Juvenile delinquency is a problem that has caused great concern to the social reformers and social scientists of the modern advanced countries. Inspite of high standards of living ensuring adequate necessities and many amenities of life, compulsory universal education up to a fairly high age and ample opportunities for recreation, the number and percentage of juvenile delinquents is shooting up. The situation is more acute in western countries. In the comparatively underdeveloped Asian countries, the problem has not yet reached the same dimension. However with the steady economic development and increasing urbanisation in certain regions, the social structure and norms are undergoing changes and the problem of juvenile delinquency is coming up.
Indian society, rural in character and still clinging to age old traditions, and culture can not save the onslaught of these powerful forces. Inspite of this, India is also facing problems of increasing social maladjustments like the other developed countries. 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 family prevented any such delinquent tendency on the part of the child from becoming a major social problem. The rapid pace of industrialisation and urbanisation are working against the intimate social atmosphere. In such a situation it is essential to analyse the problem from a sociological point of view.

JUVENILE DELINQUENCY- THE CONCEPT

The term delinquency dates back to ancient Rome, when it referred to the 'neglect of duty' and 'abandonment of agreement'. Now the connotation of the terms has changed. When preceded by "juvenile", delinquent refers to a minor who has violated a federal, state, or local law. Many behaviour forms classified as normal and permissible for adults are deviant or delinquent for minors. These juvenile offences are called "status offences". First of all we should be clear about the meaning of Juvenile delinquency. The term 'delinquency' is very frequently used in common man's vocabulary. The dictionary meaning of 'juvenile' is 'a young person' or 'a child' and of delinquency is 'a failure in, or omission of duty, or fault' or 'crime'. Thus juvenile delinquency indicates any failure in the omission of duty or fault or crime on the part of the child (Sarkar 1987). Likewise 'delinquent' according to Oxford dictionary means an individual who fails in or leaves his duty or a transgressor. So a juvenile delinquent refers to an offender or a transgressor who is a child. Dictionary meaning of a juvenile is a young person. The word young may generally refer to a person who has attained his adulthood. But almost all societies in the world consider the non adults as juveniles. That is to say that juvenile delinquency basically refers to offences that are committed by the individuals who are under certain ages as specified by the law of the land. Though the age varies from society to society, yet a majority of nations in the world fix the age 'eighteen years approximately'. Thus the concept of 'juvenile' embraces both children and the adolescents.
Moreover, we use the term 'delinquency' rather then 'crime' when the offence is committed by either a child or an adolescent. In the case of 'crime' there should be 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. A delinquent child can be defined as 'wayward' 'incorrigible' or 'habitually disobedient' child. Thus running away from school, truancy, visiting places where liquor is used, indulging in sexual promiscuity, associating with deviants smoking cigarettes are all juvenile offences. It can be seen that what is an offence to a juvenile is not an offence to an adult. Thus running away from home is not an offence for an adult but for an adolescent, it is an offence. Hence the term 'delinquency' rather than crime is used in the wider sense of the concept. The nature and extent of juvenile act vary from society to society. However the following are some of the acts that are considered by the United States as 'delinquent acts':-

1. Driving a car without licence;
2. Skipping school;
3. First fighting;
4. Running away;
5. School probation or expulsion;
6. Defying parents authority;
7. Stealing items worth less than US $42;
8. Gang fighting;
9. Using narcotics;
10. Having sex relations;

(Gibbons 1970: 25)

In Great Britain, a boy under the age of fourteen cannot be made guilty of a sex offence. In England running away from home, truancy, defying parents authority and theft are mainly treated as juvenile acts. (The Encyclopedia Americana, Vol.16: 270).
In India juvenile delinquency is something different in nature as compared to other societies. For example, vandalism is treated as an expression of a juvenile offence. For example there are youngsters who are employed in the house as servants who depart secretly with valuables. According to Hussain (1967) "vandalism, theft, pilfering, street hawking and black marketing are the sources of juvenile delinquency in India". Thus the range of inclusion regarding juvenile delinquency varies considerably from culture to culture.

DEFINING DELINQUENCY

Legal Definition

There are multiple jurisdictions with in any society. Each jurisdiction has its own status for defining delinquent conduct. Every violation of federal, state or municipal laws committed by a youth under a particular age (usually 18, 17 or 16 years) constitutes delinquency. However society generates far more delinquency than crime by imposing more restrictions on juveniles than on adults. Juvenile delinquency is therefore what the law describes it to be. Thus, the Juvenile Justice Act is the most pertinent legal and official version of juvenile delinquency in India. Its main components and features are discussed below:-

JUVENILE JUSTICE ACT (1986)

1. **Short Title, extent and commencement:**
   - (1) This Act may be Called the Juvenile Justice Act 1986
   - (2) It extends to the whole of India except the State of Jammu Kashmir.
   - (3) It shall come into force on such date as the Central Government may by notification in the official Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different States.

2. **Definitions:** In this Act, unless the context otherwise requires:-
   - (a) "begging" means:-
   - (i) Soliciting or receiving in a public place or entering into any private premises for the purpose of soliciting or
receiving alms, whether under the pretence of signing, dancing, fortune telling performing tricks or selling articles or otherwise;

(ii) Exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether or himself of any other person or of any animal;

(iii) Allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms;

(b) “Board means a Juvenile Welfare Board constituted under Section 4;'

(c) “brothel”, “prostitute”, “prostitution” and “public place” shall have the meaning respectively assigned to them in the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956);

(d) “competent authority” means in relation to neglected juveniles, a Board and, in relation to delinquent juveniles, a juvenile Court and where no such Board or Juvenile Court has been constituted, includes any Court empowered under Sub-Section (2) of Section 7 to exercise the powers conferred on a Board or Juvenile Court;

(e) “delinquent juvenile” means a juvenile who has been found to have committed an offence;

(f) “fit person” or “fit institution” means any person or institution (not being a police station or jail) found fit by the competent authority to receive and take care of a juvenile entrusted to his or its care and protection on the terms and conditions specified by the competent authority;

(g) “guardian” in relation to a juvenile, includes any person who, in the opinion of the competent authority, having cognizance of any
proceeding in relation to a juvenile has, for the time being, the actual charge of, or control over, that juvenile;

(h) "juvenile" means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years;

(i) "Juvenile Court" means an institution established or certified by the State Government under Section 9 as a 'Juvenile Home'.

(j) "narcotic drug" and "psychotropic substance" shall have the meaning respectively assigned to them in the Narcotic Drug and Psychotropic Act, 1985 (61 of 1985);

(k) "neglected juvenile ", means a juvenile who -

(i) is found begging;

(ii) is found without having any home or settled place of abode and without any ostensible means of subsistence and is destitute;

(iii) Has a parent or guardian who is unfit or incapacitated to exercise control over the juvenile; or

(iv) Lives in a brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution, or is found to be associated with any prostitute or any other person who leads an immoral, drunken or depraved life;

(v) Who is being or is likely to be abused or exploited for imperial or illegal purposes or unconscionable gain;

(m) "Observation Home" means any institution or place established or recognized by the State Govt. under Section 11 as an Observation Home;

(n) "offence" means an offence punishable under any law for the time being in force;

(o) "place of safety" means any place or institution (not being a police station or jail), the person in charge of which is willing temporarily to receive and take care of a juvenile
and which, in the opinion of the competent authority may be a place of safety for the juvenile;

(p) “prescribed JJ” means prescribed by rules made under this Act;

(q) “probation officer” means an officer appointed as a probation officer under this Act or under the Probation of Offender Act, 1858 (20 of 1958) ;

(r) “special home” means an institution, established or certified by the State Govt. under Section 10;

(s) “supervision ”, in relation to a juvenile placed under the care of any parent, guardian or other fit person or fit institution under this Act, means the supervision of that juvenile by a probation officer for the purpose of ensuring that the juvenile is properly looked after and that the conditions imposed by the competent authority are complied with,’

(t) all words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1973 (2 of 1974) shall have the meaning respectively assigned to them in that Code.

The Juvenile Justice Act (1986) consists of different chapters.

Chapter 1 gives a list of the competent authorities and institutions for the juveniles, such as the Juvenile Welfare Boards and Juvenile Courts, it also discusses in detail, the procedures to be followed by these Courts and Boards. The chapter also discusses the provisions in relation to the establishment of Special Homes, Observation Homes and after care organizations.

Chapter 2 deals with the provisions relating to the Neglected juveniles such as the production of the neglected juveniles before Boards, special procedures to be followed when a neglected juvenile has parents and the power to commit neglected juvenile to suitable custody.
Chapter 3 deals with the ‘Delinquent Juveniles’ such as the bail and custody of the juveniles, inquiry by juvenile court regarding delinquent juveniles and orders that may be passed regarding delinquent juveniles.

Chapter 4 deals with special offences in respect of juveniles such as punishment for cruelty towards a juvenile employment of juveniles for begging, penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to a juvenile, exploitation of juvenile employees and alternative punishments.

The Maximum age today for juvenile delinquents according to Juvenile Justice Act 1986 is 16 years, for boys and 18 years for girls but earlier according to Children Act it varied from state to state. In states like Uttar Pradesh, Gujarat and Kerala, Maharashtra, Punjab and Madhya Pradesh, it was 16 years, while in West Bengal and Bihar it was 18 years. The Juvenile Justice Act of 1986 passed by the Parliament was enforced in the State w.e.f.2.1 0.87. This act has been replaced by the Govt. of India Juvenile Justice (Care and Protection of children Act, 2000) The Government of India, Juvenile Justice care and Protection of Children Act, 2000 aims to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to there development needs, and by adopting a child friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment.

Apart from the legal definition delinquency in general, and juvenile delinquency in particular, has been conceptualized in social science literature in different ways depending upon the focus, context and situation.

According to Haney & Gold (1973) “a delinquent act is one that is illegal and one the individual knows is illegal when he commits it”. (quoted in Sandhu 1977)

TAPPAN uses the following definition ‘Delinquency is any act, course of conduct, or situation which might be brought before court and adjudicated whether in fact it comes to be treated there or by some other resource or
indeed remains untreated. The juvenile delinquent is a person who has been adjudicated as such by a court of proper jurisdiction though he may be no different, up until the time of court contact and adjudication, at any rate, from masses of children who are not delinquent' (quoted in Sandhu, 1977)

The Children's Bureau, a formal federal agency in United States of America, defines the different forms of juvenile delinquency in the following words:

‘Juvenile Delinquency cases are those referred to courts for acts defined in the statuses of the State as the violation of a sale law or municipal ordinance by children or youth of Juvenile Court age, or for conduct so seriously antisocial as to interfere with the right of others or to menace the welfare of the delinquent himself or of the community’.

Neglected Cases, generally concern children whose parents have abandoned or refused to provide proper care (including medical care, education etc.) 'Dependency' usually means either complete absence of a legal custodian or lack of proper care.

HISTORICAL PERSPECTIVE

Before the British Rule i.e. during the Hindu and Mughal period, the laws dealing with crime and delinquency were somewhat vague in nature. Moreover there were no separate laws for the treatment of the delinquent children. When the British people conquered India, they introduced English laws with some modifications in Calcutta, Bombay and Madras. However in the Western countries, particularly Europe and America, it was in the eighteenth century that separate legislation was introduced. POPE XI for the first time brought forward the idea of "correction and construction of profligate youth". Germany was influenced by this idea and certain institutions were established in Germany. But as in the late eighteenth and nineteenth century rapid industrialization and urbanization brought about changes in the social economic structure of England. Child labour and exploitation of children became very common and consequently resulted in an increase in juvenile delinquency in England. Australia established the first juvenile court in 1899. But the Juvenile Court established in USA known as the Chicago Juvenile Court is the first Juvenile Court in the real sense. The purpose or object
behind separate treatment of juvenile offenders has been laid down in the preamble of any children law. The law provide for the 'care custody, protection, training, education and rehabilitation of children and juvenile offenders'.

Sporadic attempts were made in India also to separate juvenile offenders from adult criminals. As India was a British Colony, the British laws were made applicable here with or without modifications. For example the 'Apprentices Act of 1850', 'the Reformatory School Act of 1870', 'Penal Code', 'Criminal Procedure Code' were closely related with their counter parts in Great Britain. The Apprentice Act (India Act XIX of 1850) was the first legislation which directly concerned juvenile delinquents in India. The main objective of this Act was to regulate the relations between employers and the apprentices. The Reformatory School Act of 1870 was the second legislative effort relating to the treatment of Juvenile delinquents. But there was no difference between a prison and a juvenile reformatory in the nineteenth century. It was only after the first world war that a separate legislation was introduced for dealing with delinquents. It was in 1919 and 1920 that the India Jail Committee recommended for the enactment of a special Children Act and at the same time for the establishment of Juvenile Court with special judicial procedures and separate for the children. However it was not possible for the then government to have a uniform legislation for juvenile offenders. So it became the responsibility of the provincial governments to make separate legislations for the treatment of juvenile delinquents. Thus after the First World War some provincial government passed separate legislations. The Madras Children Act, 1920 was the first children act. Subsequently, West Bengal Children Act of 1922 and Bombay Children Act 1924 were enacted. The provincial Acts made provisions for Juvenile Courts, probation services, institutional treatment etc. It was in Madras that the first Juvenile Court was established in 1939. Subsequently, great interest arose in the field of the treatment of Juvenile delinquency since the country became independent. However, even after independence the Central Legislature did not take any initiative to enact a uniform Act for the whole Country. The Central Govt. has enacted a law relating to the care, protection and treatment of children in 1960 which is
enforceable only in the Union Territories. At the same time the states which already has separate acts for dealing with delinquents have either passed new Acts or modified the existing ones. For example Maharashtra has enacted its new Children Act, The Bombay Children Act 1948. Similarly States like Andhra Pradesh, Gujrat, Uttar Pradesh, Haryana, Kerala have adopted separate laws for the juveniles.

REVIEW OF LITERATURE

Because of the complex nature of the delinquency phenomenon, no single theory exists that can explain all crime and delinquency nor can one single cause of delinquency be specifically determined and applied in all cases. Because of the complex and varied nature of the phenomenon, it is necessary to examine a variety of explanations and schools of thought in relation to delinquency.

Firstly, let us take into consideration two prominent schools of thought namely, the Classical and the Positive school of thought. Both the schools of thought differ in the way, they perceive the offender or the delinquent.

The classical school of thought developed by Cesare Beccaria, an Italian conceived of man as a free agent, pursuing hedonistic aims and able to rationally decide on all the most courses of action (Void, 1968). As the offender was viewed as being very rational, the pleasure pain, principie was invoked as the major method of dealing with him. The pleasure pain principle proposed that if the punishment for the particular act produced negative consequences that were more severe than the pleasures derived from committing the act, the potential offender would be discouraged from being deviant. The offender was presumed to be rational enough to choose the right way since his behavior was supposedly guided by his desire to seek pleasure and avoid pain.

The Positive School of Thought (Ferri positive school of Criminology; 1968) was founded by Cesare Lombroso, emphasises on the delinquent's personal and background characteristics rather than his rational thought process and “free Will” The Positive School rejected the Classical Schools belief that man exercises reason, is capable of choice and free will and that the offender is no
different from the non offender (Matza, 1964, P-II). The School believed that man's behavior reflects his biological, psychological, sociological, culture and physical environment. Lombroso basically emphasised on the biological differences of the delinquents. Basically Lombroso felt that

(i) Criminals were distinctive type at birth,
(ii) They could be recognised by certain stigmata that is, such distinguishing characteristics as a "long, lower jaw" and "a low sensitivity to pain"
(iii) These physical characteristics enabled the identification of the delinquent types.

Thus the positive school of thought relied heavily on "biological determinism" (Haskell and Yablonsky). On the basis of these 2 schools of thought the theories relating to delinquency can be divided into three categories
I) Biological, II) Psychological and III) Sociological.

I. BIOLOGICAL EXPLANATIONS

Ernest Hooton in 1930s extensively studied Lombroso's principles and developed biological typologies. Sheldon extended Lombroso's and Hooton's concept and incorporated psychological factors. Sheldon arrived at three body classification-endomorph, mesomorph, and ectomorph. For example endomorph is a rotund person with characteristics of jovialness and outgoingness. He is an extrovert. The mesomorph is muscular with characteristics of aggressiveness and physical drive. The ectomorph is slender and slight. He is considered an introvert. In order to evaluate the individual on the basis of these characteristics he developed a numerical scale. The biological and body type approach to study deviant behavior has been attacked on many grounds. The approach depends solely on biological aspects and ignores completely and other aspects such as the psychological factors involved and the importance of the individual in precipitating delinquent behavior. Moreover these studies have been performed on institutionalized populations and not on control groups.
II. PSYCHOLOGICAL EXPLANATIONS TO DELINQUENCY

In order to overcome the shortcomings of the biological explanations, psychological explanations have been provided. Whereas the biologists emphasis on physical characteristics, the psychologists take a more specific approach and consider the individual and his motivational patterns in an attempt to describe delinquency.

Individual based Theory - MOSS (1975)

Individual based theory focuses on man's personality as the primary acceptability. There are two main schools of thought, the Psychoanalytic variable in explaining action, be it delinquent or within the bounds of social and the Learned Behaviour Psycho analytic theory-Originally developed by Sigmund Freud, it asserts that all personality formation is concluded very early in childhood, based on the interaction between the child and his environment. A child goes through a series of sexual stages (anal, oral, phallic and so on) during which he tries to resolve the conflicts which arise between his needs and his adult world (Blum 1953). Failure of to satisfy these needs may result in his becoming fixated at a particular level of development. According to Freud the personality structure consists of the id, the ego and the superego. When the psychosexual development becomes fixated, unique personality characteristics become evident. Some people become aggressive, others completely passive, thus the range of delinquent behaviour is immense.

The following theorists although not considered to be psychoanalysts, also used individual and psychological principles to study delinquency.

The Individual Approach – Healy and Bronner (1936) do not use the psychoanalysts method as their primary source of investigation and treatment. They place a heavy emphasis on the child feeling secure in his family, being accepted by the peers and other groups and receiving recognition if he has to make satisfactory adjustment to the environment.

The delinquent, has almost universally been a child.

"Who at some stage of his development has been blocked in his needs for satisfying relationships in his family circle. On the other hand, the non-
delinquent has nearly always without any such acute frustrations. His relationship with those in his immediate social environment had been much more satisfying" (Healy and Bronner 1936; 201)

The authors emphasize that the delinquent feels inadequate and deprived when he does not find socially acceptable channels for satisfying his needs. They explain why this is the case the father or mother either had not played a role that was admired by the child or else on account of the lack of a deep love relationship, was not accepted as an ideal.

Other modern theorists such as Murray, Dinitz and Reckless have also made reference to psychological factors and their effect on delinquent behaviour. They feel that internal factors such as lack of esteem and feelings of inadequacy contribute to delinquent behaviour. More specifically an adequate self concept has an important role to play in increasing delinquency.

Juvenile Delinquency and self-concept – Frak Scarpitti, Ellen Murray, Simon Dinitz and Walter Reckless

The authors carried on a longitudinal study comparing delinquent and non delinquent boys over a four year period to determine the relationship between a positive self concept and delinquency. The study indicates that if a youngster feels that he is not going to become delinquent and if he feels that his teachers and parents within his environment perceive him as being adequate and not delinquent then chances are he will not become delinquent. On the other hand if the child is perceived to be delinquent by his teachers, parents and other adults, then he is more likely to become delinquent as he is more likely to form a negative self image. A negative self image is conducive to the development of delinquent behaviour. (Scarpitti, Murray, Dinitz, Reckless 1962 : 209)

Following the concept of 'self image' some scholars have used the multifactor approach to explain delinquency. The multi factor approach incorporates both psychological and sociological principles.

Multifactor Approach

"persistent delinquency can be the result not only of one specific combination or pattern of factors that markedly differentiate delinquents from non
The Gluecks used the multi factor approach in comparing five hundred delinquents with five hundred non delinquents. The delinquents were matched by residence in underprivileged areas age, ethnic origin and intelligence. The Gluecks considered sociological variables (the environment) and psychological variables (internal dynamic processes). In addition they administered test. They concluded that the delinquency of the youngsters could not be blamed on anyone set of factors. The delinquent behaviour was a result of a combination of intellectual, social, temperamental and physical factors. To pinpoint any one of these would be difficult.

Like the Biological explanations, the Psychological theories add to our understanding and knowledge of deviant behaviour, psychological theories and especially the psychoanalytic method have assumed certain universal uniformities about human behaviour. Not all delinquents are mentally ill or deeply disturbed. More comparative studies using control and experimental groups have to be undertaken.

Walter Reckless has been successful in combining psychological and sociological theory in what he calls his containment theory to explain deviant behaviour. He feels that there are two important aspects of control, inner control and outer control and that depending upon the balance of these control systems, the individual can either take a delinquent or a conformist route. According to Reckless inner containment components consists of self control, a good self concept, high frustration tolerance, a well developed superego, and so on. Outer containment represents factors such as institutional reinforcement of a individuals norms, goals and expectations and social control factors such as discipline and limits. (Reckless 1966 : 223).

In order to overcome the shortcomings of the biological approach and psychological explanations, sociological explanations have been provided. Moreover the different approaches, i.e. biological, sociological, psychological attempt to study delinquency from different points of law, though the underlying emphasis remains the same i.e. on 'delinquent behaviour'. The
sociological explanations do not in any way oppose the biological or psychological explanations in that they are not rival answers to the same question but they answer different questions about the same sort of behaviour i.e. delinquent behaviour. The main difference between the psychological and sociological explanations is that the psychological explanations generally adopt a more individualistic view of human behaviour and focus on internal factors that lead to delinquency whereas sociological explanations take a more general view, by focusing on the external environment in which the individual lives.

III. SOCIOLOGICAL EXPLANATIONS TO DELINQUENCY

The sociological approaches to delinquency are connected with the effects of the social system or the environment on the development of the attitudes, group patterns of behaviour and other social factors. They emphasise on the importance of the group rather than the individual in fostering delinquent behaviour.

**Group and Structure Based Theory – Moss (1976)**

The group and the structure based theories emphasise on the importance of the group and the society as against the individual, in explaining delinquency. One of the primary functions of the group is to transmit to new members the roles, statuses and norms, that is to socialise the individual. According to this perspective unfavorable environmental conditions directly or indirectly contribute to delinquency.

One of the most important groups is the family. It is in the family the individual learns his basic orientation towards the society. The problem generally arises when the individual steps out of the family into the social world. He may feel discrepancies between the internalised norms and norms of others. A neglected childhood may have left an individual with an ambiguous norm structure and he may experience frustration when confronted with a multi norm role situation. The frustration may gradually lead to delinquency.

John Horton. (1966) has provided a more systematic analysis in order to understand the sociological explanations to delinquency. According to him sociological explanations can be divided into two value camps firstly- the
premise that the existing basic social structure is appropriate and secondly-
that repressive social structure is the cause of criminal behaviour.

Order based theories focus upon, the structural conditions, and seek to
explain social disorder and delinquency as a result of the bad alignment of
various elements within the system.

Conflict based theorists generally believe that delinquents are not people who
have been poorly socialised out rather they are the people who have become
alienated by a repressive system and consequently their only response is to
reject the system. "System rejection", they argue, can take the form of
delinquency.

Theory of Anomie by Emile Durkheim (1951)

Emile Durkheim (1951) was one of the earliest sociologists to talk abut the
social system and environments and how it effects the individual. His primary
emphasis focused on suicide and the differential rates of its occurrence
depending upon such factors such as violation and a feeling of being
completely cut off from the society.

Thus according to Durkheim ‘Anomie’ is a feeling of isolation or normlessness.
He on the basis of his investigations into suicide rates concluded that if
persons do not feel a part of the group and are cut off from the mainstream of
interaction, then a reaction to this situation would be some sort of deviant
behavior. Rejecting all psychological explanations as individualistic Durkheim
treated anomie as a sociological phenomenon, which often leads to social
disorganization of various kinds. Following him, Merton (1938) extended his
contribution which has implications for delinquency and crime.

Social Structure and Anomie – Robert Merton

The main focus of Merton's interest was “in discovering how some social
structures exert a definite pressure upon certain persons in a society to
engage in non-conformist rather than conformist conduct”. (Merton 1938:672).
He used a threefold approach consisting of the "Cultural goals" to be
achieved, the 'norms' which men employ to achieve these goals and finally,
the 'institutionalized means' or the facilities available to reach these goals.
Whenever there is a discrepancy between the institutionalized means that are
available within the environment and the goals which the individual aspires to achieve, strain and frustration is produced, norms break down and delinquent behaviour may result Merton also charts some alternative modes of behaviour which may result whenever there is a discrepancy between goals, means and institutionalized norms. For example as quoted in "Juvenile Delinquency: Concepts and Control", by Trojanowicz (1978) "when both the societal goals and institutionalized means are adhered to, there is conformity if the means are followed but the goal is lost, there will be ritualism and when there is emphasis on the goal and disregard for the institutionalized means, then innovation would result". In addition to these, Merton discusses two more alternatives: 'retreatism' which is a rejection of both goals and means and 'rebellion' which is withdrawal of all allegiance to the social system and an attempt to reconstruct a new one. Thus both the theories emphasise on the social environment in which the individual lives, and the strain produced by the system whenever there is discrepancy between what the individual aspires to achieve and what the society has to offer to him.

Merton's theory enriches our understanding of the social system but it does little to increase our understanding as to why some individuals perform acts of delinquency whereas others do not.

These macro theories primarily treat delinquency as a byproduct of modern societies, with a loosened hold over the individuals and a lack of sense of community. But things may be very different at the micro level. Empirical studies show that the societal changes produce delinquents more in specific socio economic segments, e.g. the slums, the lower income groups and so on. In Indian context, this may have a caste dimension too since there has traditionally been a close correlation between caste and class situations. Following the same track, which involves an emphasis on the social system, goals, means and institutionalized norms on one hand and the resultant discrepancy, a study has been conducted by Chandra (1967) of the University of Lucknow. According to him" in our country juvenile maladjustments, truancy, vagarancy and delinquency go together and constitute such a problem which is unknow in the west". He believes that such a maladjustment is because of the rigid system of social stratification, stubborn caste prejudice
and differentiation of life's opportunities and goals between the haves and the have-nots.

It leads to frustration aggressiveness and revolt in the bustees of our cities. The study revealed that 43% of the offenders belonged to upper and intermediate caste groups and the remaining to the low caste. It showed that delinquency is related with low and backward caste status. Moreover most of the delinquents are illiterate, it is clear that if a child living in slums, is exposed through the mass media to success symbols and a lifestyle which is difficult for him to attain because of the lack of the instutionalised means - such as adequate schools and employment opportunities will create strain and frustration. This strain and frustration would produce behavior that is contrary to the norms that govern general behavior and the result would be delinquent behaviour.

More recently a study by Cornkovich et. al., on School Bonding, Race and delinquency, Criminology (1992) also is in line with Durkheim's theory, i.e. whenever the social control weakens, the result is delinquent behavior which he investigated through the suicide rates. Control theory suggests that lack of attachment to parents and teachers, as well as a weak commitment to school and career goals, precede failure in school and subsequent delinquency where these predictions were tested in an investigation of the effects of school bonding on delinquency among Whites and Blacks, using interview data from a sample of 942 teenagers in Toledo, Ohio.

**Gang Theories - Frederick Thrasher's Gang Theory**

At about the same time when Merton was presenting his views on deviant behaviour, Frederick Thrasher's was exploring the subject of group delinquency. Thrasher's (1936) study is not advanced as a thesis that a gang is a cause of crime. It would be more accurate to say that the gang is an important contributing factor facilitating the commission of crime greatly extending its spread and range. (Thrasher 1936). Thrasher felts that gangs originate naturally during the adolescent years from spontaneous play groups. The major factor that transforms a play group into a gang is conflict with other groups. As a result of the conflict it becomes beneficial for the members who
have similar interests to band together in the form of a gang to protect their rights and to satisfy their I needs which their environment cannot. Thrasher studied the local community to determine what influence it has on gang behavior. He found that the environment is permissive, lacks control and facilitates gang activity. (quoted in Trajanowicz). He found that the environment is supportive of illegal gang behaviour. According to Thrasher local politics also contributes to gang behaviour as political pull was often the only way that rewards could be obtained. Specially because of extreme poverty conditions that existed at the time of this study. Thus Thrasher, like Durkheim and Merton, described how the environment can be conducive to delinquency. Thus Durkheim's example of suicide as a reaction to the strain produced by the environment, as well as Merton's description of alternatives available to strain can be correlated with Thrasher's discussion of gang behaviour as a mode of adaptation to environmental pressure.

Following the same line, i.e. group delinquency with an emphasis on 'gang' more recently a study was conducted by Lasley (1992) on Age, Social Contact and Street Gang Membership. In third generation research on street gangs, it has been hypothesized that an increase in post adolescent street gang membership is linked to deteriorating city economic conditions. To test this hypothesis age and socio economic status (SES) of street gang members were investigated using field interview with 435 non-randomly selected active street gang members in Southern California. The results revealed that gang membership peaked at the age of 16-17 years showing only a slight trend towards increasing age levels.

Similarly Mauger (1995) also studied 'Gangs'. His study is an attempt to understand the relation between European gangs and unemployment. The study revealed that the people belonging to the lower class have no other assets except their labour to offer to the market. If they get employed in the market then the delinquency rate is likely to go down. In other words there is an inverse relationship between employment and delinquency. On the other hand if there is unemployment and more specifically a decline in the manual labour jobs, then they are more likely to get involved in delinquent activities such as the underworld, social crime and social alienation.
Cultural Transmission - Clifford Shaw And Henry Mckay

Some scholars have tried to explain ‘delinquency on the basis of economic prosperity or economic status. They believe that culture played a major role in transmitting delinquency through personal and group contacts. Lack of effective social control is also related to high incidence of delinquency. According to Shaw and Mckay economic status has a great deal to do with the rates of delinquent behaviour, the greater, the economic deprivation, the greater the delinquency. Like Durkhiem and Merton, Shaw and Mckay (1969) feel that persons living in disadvantaged environments often have the same material aspirations as persons living in areas that have social and economic advantages. The disparity between their goals and the means available for legitimately achieving them therefore creates a situation conducive to delinquency in urban Areas (Shaw and Mckay 1969 ; 316).

Shaw and Mckay do acknowledge that other factors may cause certain youngsters to become involved in delinquent activities, but they feel that these individual factors are secondary to the economic and social factors that exist in the community and have little bearing on actual rates of delinquency (quoted in Trojanowicz, 1978)

Thus Shaw and Mckay’s emphasis on delinquency as a phenomenon learned while living in an environment conducive to delinquent activity is further defined and elaborated in a theory developed by Edwin Sutherland.

Differential Association - Sutherland 1966

Sutherland’s theory of differential association is probably one of the most systematic and complete theories of delinquency. The theory states (1) criminal behaviour is learned (2) criminal behaviour is learned in interaction with other persons in the process of communications (3) the principle part of learning criminal behaviour occurs within intimate personal groups (4) when criminal behaviour is learned the learning includes not only techniques for committing the crime but also specific direction of motives, drives, rationalization and attitude (5) A person becomes delinquent because of an excess of definitions favourable to violation of law over definitions unfavourable to violation of law (6) differential association may vary in
frequency, duration, priority and intensity and (7) the process of learning criminal behaviour by association of criminal and anti criminal patterns involves all of the mechanisms that are involved in any other learning. (Sutherland, Cohen, Lindesmith and Schwessler 1956)

According to Sutherland if the individual has many contacts with criminals over a long period of time and if they are important to him as well as intense, he will probably become involved in delinquent activity.

A major criticism of Sutherland's theory is that it is very difficult to empirically test the principles and objectively measure Associations and relationships. In their book "Principles of Criminology", Sutherland and Cressey admit that "the Statement of differential association process is not precise enough to stimulate rigorous empirical test, and it therefore has neither been proven or disproved. This defect is shared with broader social psychological theory". Sutherland (1966; 98). Moreover, the theory does not clearly answer the question as to why some individuals living in the same environment adopt delinquent behaviour while their peers do not. Role theory provides another explanation and tries to solve the complex riddle of delinquency causation.

**Self Role Theory - George Herbert Mead (1918)**

George Herbert Mead (1918) lends new insight into why an individual takes on certain type of behaviour (roles), becomes comfortable with them, and develops a characteristic lifestyle (Mead. 1918:577-602). Hence becoming delinquent and assuming a criminal identity involves more than merely associating with law violators. The associations have to be meaningful to the individuals and supportive of a role and a self concept that he wants to become committed to.

It follows from the above discussion that Durkheim, Merton, Thrasher and Shaw and Mckay all emphasise the fact that the environmental system has effect on producing strain and ultimately, delinquent behaviour. Sutherland explains how delinquency is learned and transmitted. Mead tells us why it is incorporated into an identity and perpetuated as a role.

The following scholars build upon the contributions of the above mentioned theorists and blend them with their own.
Albert Cohen (1995) feels that the problem of delinquency is mainly a working class phenomenon. He states that 'a delinquent subculture is a way of dealing with the problems of adjustment. These problems are chiefly status problems; certain children are denied the respect of society because they cannot meet the criteria of the respectable status system. A delinquent subculture deals with these problem by providing criteria of status which these children can meet". (Cohen 1955: 121). In other words, Cohen believes that the working class boys are not equipped to deal with the competitive struggle that takes place in middle class institutions. They have not learnt the type of behaviour that will contribute to their success and are therefore not comfortable when they come into contact with these institutions. As a result they develop frustration and react against these institutions which they feel present an environment which is to demanding. Gradually the boys with similar interests form a gang or a group, delinquent activity legitimises and leads to an aggression against the middle class institutions. The collective support of the group, provides a lot of confidence to a boy, who otherwise unconsciously is not convinced that his hostile reaction is normal. Thus the support of the group helps to keep away the feelings of inadequacy present within the working class boy. In a way Cohen can be considered as one of the scholars who attempts to bridge the gap between sociology and psychology.

**Success Goal and Opportunity Structures - Lloyd Ohlin and Richard Cloward**

To cope with some of the discrepancies presented by anomie theory, role theory and differential association, Ohlin and Cloward (1960) expand these concepts to give a more comprehensive explanations of the types of alternatives as available as a result of strain.

They also point out that the environmental system produced strain as a result of a lack of legitimate alternatives to satisfy needs.

"when pressure from unfulfilled aspirations and blocked opportunities becomes sufficiently intense, many lower class youth turn away from
legitimate channels adopting other means beyond conventional mores, which might offer a possible route to successful goals. Discrepancies between aspirations and legitimate avenues thus produce intense pressure for the use of illegitimate alternatives. Under these conditions there is an acute pressure to depart from institutional norms and to adopt illegitimate alternatives” (Ohlin and Cloward 1960: 105).

Ohlin and Cloward (1960) describe three forms of behaviour and adaptation to environmental strain of first, the criminal subculture, which exists in areas where there is a strong adult delinquent culture and where the youth learns patterns of delinquent culture at an early age and then become adult criminals. Second, the conflict subculture, which is similar to the criminal subculture in that it offers limited access to goals achievement through legitimate channels. The third form of behavioral adaptation is the retreatist subculture in which neither avenues of opportunity, legitimate or illegitimate exists. Thus the person simply withdraws from his environment and retreats to a drug culture.

Ohlin and Clowards's theory, like most of the other theories is difficult to prove empirically. The assumptions made by the theory, are very difficult to be translated into practical application. Ohlin and Cloward, Cohen, Durkheim, Merton, Shaw and Mckay and Thrasher have all either stated or implied that delinquency and crime are a result of the strain produced by a lack of environmental opportunity and is therefore more prevalent among lower socio economic classes.

Another closely related study was conducted by Hurrelmann, Klaus and Engel, Uure (1992) in which an attempt was made to study the relationship between recognition of status and prestige in the peer group and delinquency. The study also highlights the role of the environmental factors which again, is in line with the studies mentioned above, that is the opportunities which the environment provides to the members of a peer group. Analysis of data from survey of 1717 West German adolescents aged 12.-16 reveled that delinquency was associated with adolescents conformity to society's standards of prestige and success Findings showed a relationship between delinquency and inability to succeed at school on the one hand and failure to
achieve full recognition of status and prestige in the peer group, on the other. The results indicated that difficulties and problems connected with recognition within the peer group are associated with delinquency. Sometimes under peer pressure or to prove their worth in the group adolescents commit crime. Chockahngam (1986) found that majority of the recidivists committed crimes with the preference of their group lifestyle with the peers. In another Indian study Mohan and Nalwa (1992) stated that, given the importance of the peers in adolescence, most delinquency is committed in pairs or groups.

Walter Miller, on the other hand, proposes that delinquent behaviour may not necessarily be a reaction to strain or rebellion against middle class institutions but simply behaviour that is contrary to the middle class standards because of the patterns of conduct acquired from lower class culture.

**Lower Class Boy and Lower Class Structure- Walter Miller**

According to Miller "In the case of gang delinquency, the cultural system which exerts most direct influence on behaviour is that of the lower class community itself - a long established distinctively patterned tradition with an integrity of its own- rather than a so called 'delinquent subculture' which has arisen through the conflict of middle class culture and is oriented to the deliberate violation of the middle class norms'. Miller (1958: 6)

According to Miller the "Lower Class Culture" has come about as a result of the processes of immigration, migration and mobility. The Persons left behind as a result of these processes formed the lower class which has its own distinctive patterns of behaviour. Miller (1958) also discusses some lower class traits such as toughness, autonomy and so on, and the effects which the female headed households in the lower class culture has on the adolescents boys' sexual identification. The street group provides an opportunity to the young adolescent to act tough and show his masculine abilities and reject the female orientation that dominated a greater part of his life to that point. He indulges in delinquent activities to show that he is a real man.

The major criticism of Miller's theory is that he defines a lower class to be distinct with a culture of its own. However, with the advancement in the means of mass media and communication, it is not possible for the lower class to
remain unaffected by the culture of the other classes. He has presented his ideas on delinquency which remain fixed at the lower class alone.

While discussing about the lower class culture another study which is related with the lower class, but which takes economic deprivation into consideration can be discussed here.

A dissertation was conducted by Gupta (1991) to study socio economic status, self esteem and adolescent problems. According to her, social and economic deprivation are related to delinquency, that is, delinquency is more prevalent among the lower class as this class has no opportunity to move being more disadvantaged in education and job training.

Similarly a study was conducted by Sheth (1961) in Greater Bombay, Poona and Ahmedabad. According to her, juvenile delinquency is a problem that has caused great concern to the social reformers and scientists of modern advanced countries. She states that even the less developed countries are facing the same problem. According to her with economic development and urbanization, the social structure and norms are undergoing changes. With increased urbanisation and industrialization large number of people are now migrating from villages to the industrialized cities. The problem is more acute in the lower strata of the society. The nuclear family which settles in the city is economically hard pressed and socially outcast according to her. This economic insufficiency results in neglect and destitution of children. Thus the study analyses the problem of delinquency in an atmosphere of cultural change over and clashes, and highlights the phenomenon of delinquency to be linked with the lower segment of the society. It also throws light on the relationship between delinquency and urbanization.

Similarly another study has been done by Archana Dassi and M.Z. Khan (2000) in Delhi which throws light on family and the emergence of deviant behaviour. According to them it is often made out that juvenile deviance directly depends on social and official tolerance. In this, family plays a critical role, according to them. Parental reaction to different forms of juvenile behaviour paves the way for law abiding or law violating behaviour. This is best shown in the slum context. The study revealed that the social milieu and
lifestyle in slum neighbourhoods is relatively more tolerant of delinquent behaviour.

Thus Miller has presented his ideas on delinquency and its relations to the lower class. Other writers have also correlated delinquency with social class.

**Middle Class and Juvenile Delinquency-Edmund Vaz**

Much has been written on the relationship between delinquency and its prevalence in lower class sections of communities. Edmund Vaz is one of the few theorists to focus on middle class delinquency. He states that the apparent inconsistency between the protective upbringing of middle class children and their delinquencies is a result partly of middle class delinquency as viewed as a function of conformity to the expectations of the role of adolescent in the middle class youth culture and to parentally favoured activities. Among middle class teenagers, sociality is the quickest route to acceptability and status gain. But the pursuit of status and pull of popularity can easily lead to novel kinds of behaviour variations on everyday games and practices. This suggests that certain kinds of delinquency are an unexpected result of institutionalized patterns of conduct, and that delinquency is spawned among the stable, cherished values, attitudes and activities of the middle class. (Vaz 1967:4)

As stated by Tranjanowicz in his book "Juvenile Delinquency Concepts and Control", Vaz emphasizes youth culture and particularly the youth culture of late and describes how certain activities are fostered, perpetuated and supported by adults. Parents consider it important that there child participates in these activities. At the same time the child feels that it is important to gain status with his peer and be an active participant in group activities. It is from these activities that middle class delinquency evolves. An example of such delinquency is shoplifting, an activity that has become common place among the affluent middle class teenagers. Youngsters begin with shoplifting as an activity which originates as a game but gradually acquires the shap of delinquency.

All the sociologists discussed above explore the phenomenon of delinquency under the tradition of the Positive School. They emphasise the role of the
environment in determining adaptive behaviour rather than the free will and rationalism of the Classical school. David Matza, a modern sociologist, however combines the relevant concepts of both the Positive and Classical Schools of thought in an attempt to provide new insights into delinquent behaviour.

**Delinquency and Drift - David Matza**

Matza attempted to blend the classical schools' concept of 'will to crime' with positive assumptions and methods of scientific investigations. He does not totally agree with the deterministic orientation of the positive school that delinquent behaviour is caused almost entirely by emotional and environmental factors. He feels that there are other factors also which contribute to making a youngster choose the delinquent route. Matza feels that man is neither totally free as the Classical School assumes nor totally constrained as the Positive School assumes. He feels that everyone is somewhere between being controlled and being free and that everyone drifts between these two states.

According to Matza, "Drift stands midway between freedom and control'. Its basis is an area of the social structure in which control has been loosened, coupled with the abortiveness of adolescent endeavour to organize an autonomous subculture and thus an independent source of control, around illegal action. The delinquent transiently exists in a limbo between convention and crime, responding in turn to the demands of each, flirting now with one, now the other, but postponing commitment, evading decision." (quoted in Trajonowicz: 50)

He believed that environmental factors are not responsible for making a person delinquent but rather it is the individuals will which influences his actions. According to him a youngster may periodically drift into delinquency. He states "I wish to suggest that the missing element which provides the thrust or impetus of which the delinquent act is realized is will" (Ibid: 181)

Thus according to him there is a continuum between convention and crime. Sometimes he chooses the path of convention and vice-versa. Total commitment to delinquency is uncommon.
Thus, Matza’s description of the drift process helps to place the delinquency phenomenon in its proper perspective.

While continuing with sociological explanations, we cannot afford to miss the most famous theory of deviance that is the "labelling theory". The theory is associated with the work of Becker (1956), among others. The roots of Labelling theory, however lie in the earlier insight that state intervention in the criminal justice system is itself crimogenic, that is, it causes crime (Tannenbaum, 1938), for example the state shapes the way in which killing is viewed by separating type of killing into legitimate and illegitimate categories (see Pfohl, 1985). Labelling theorist make a distinction between primary deviance, in which everyone engages but which has a few consequences for the individuals and secondary deviance, where the social reaction to deviant actions creates a 'master status' of deviance for some people. Master status is where one aspect of the person's identity dominates the perceptions of others about that person. Labellists are not arguing that those labeled do not commit deviant acts, but that they are treated differently once the label has been attached. For example those who have been imprisoned are likely to find it difficult to obtain a job once freed because of the social reaction to the label and are more likely to reoffended. (Tony and Tim, 1999)

Thus the above mentioned sociological explanations of delinquency have their strengths and weaknesses. Merton and Durkheim have shown how the discrepancy between institutional means available and goals desired can produce strain which can in turn lead to delinquency. Thrasher also emphasizes on strain as a result of poverty and points out that an environment is conducive to delinquent behaviour when ineffective social control and inadequate models for identification exist. Shaw and Mckay, and Sutherland emphasize on the role of environment in producing delinquent behaviour. Mead sheds light on how a delinquent role is incorporated into ones lifestyle. Ohlin, Cloward and Cohen’s work also emphasize on strain of the social system which can lead to delinquency.

Miller and Vaz relate delinquency with class status. David Matza is important to the discussion because of his attempt to combine the most relevant concepts of both the Positive and the Classical Schools. In addition to the
above mentioned theories and explanations there are some other studies which emphasise on the importance of a particular geographical area to be linked with delinquent behaviour. In almost every metropolitan city, there are certain areas which are more likely to show high incidence of delinquency. Moreover the studies also highlight that there is a link between poverty and delinquency.

Another factor which comes out from these studies is that most of the delinquents come from broken homes and maladjusted families. For example a study was conducted by Srivastava (1963) in the cities of Kanpur and Lucknow. He used the term ‘vagrant’ that is a child between 7-18 years of age who stays away from school or tends to do so without the consent of his parents. The study revealed that ‘vagrancy’ was more common in urban areas and more particularly in industrial cities. He believes that vagrants are born out of economic misfortune or immoral and unwholesome habits of the parents. He uses the term 'operational zones' to refer to areas where these vagrants generally assemble. Insecure homes where conflicts are frequent drive the grown up child into the street where they seek company with gangsters who exploits them. (Srivastava 1963)

The study reveals an interesting fact, that there seems to be a positive relation between urbanization and delinquency. With migration, the people from an informal environment in the villages come into the cities in search of jobs and weakened informal social control. They get involved in delinquent activities. Thus delinquent activities are likely to be more common in the cities as compared to the villages.

Thus, the subject of delinquency has been studied by various scholars both in India and abroad. The studies have focused on different aspects of the problem. Some studies have adopted biological explanations which emphasise on the role of biological factors such as the body types, facial features etc. Some studies have adopted sociological explanations which emphasise on the role of the environmental factors in precipitating delinquent behaviour such as the concept of ‘anomie’, ‘social structure’, the concept of ‘gang’, ‘culture’, ‘differential association,’ the concept of ‘self the importance of goals and success etc. A number of studies have adopted psychological
explanations which emphasise on psychological factors in fostering delinquency such as the 'individual's ego,' that is, Freud's concept of 'id', 'ego' and 'superego' etc. Still others have adopted a multi factors explanation which incorporates both psychological and sociological principles. Almost all the perspectives discussed above focus upon the descriptions and explanation of delinquency. There is very scanty discussion on how the society treats these delinquents, especially the juvenile delinquents who are at the formative years of their lives. Every society, at all points of time, has formulated institutional means, to respond to these persons. These measures include punishment varying in intensity; reformation, and rehabilitation. As discussed in the beginning, all modern societies have evolved legal networks to cope with juvenile delinquency in their own ways. But an important point is, how do societies look at these delinquents because all measures of rehabilitation would depend upon this. The 'labelling theory' is one appropriate explanation that beautifully describes the societal response to deviance in general, and delinquency in particular. In fact labeling of an individual, who is young, may force him into delinquency in a much more intense way (Tony and Tim 1999).

THEORETICAL FRAMEWORK OF THE STUDY

A review of the relevant literature attempted in preceding pages points out an important gap, i.e. delinquency has generally been viewed as a lower class phenomenon, an activity associated with the 'underclass', the 'ghettos', and 'the culture of poverty'. Such a perspective however does not at all take into account the contemporary social situation where delinquents are increasingly coming from an affluent social and economic background. Hence the present study proposes to focus upon the process of making of a delinquent in different kinds of socio-economic background. Apart from that, how the State treats delinquents coming from different kinds of social categories, will also comprise an important focus of the analysis.

The present study views delinquency not as an inborn attribute but an attribute that an individual acquires while being in a particular social environment. The studies discussed above underline a number of factors which go in the making of a delinquent. Normally the role of the State is assumed to be that of reformation and rehabilitation of the delinquent. The
The present study within the framework of the Labeling theory would depart from the earlier studies in that it intends to explore into the role played by the state in reinforcing the labelling of an individual as a delinquent. Therefore, this study proposes to look at the role of family, school, neighbourhood, peer group, media & State in the making and unmaking of a delinquent.

THE SPECIFIC OBJECTIVES OF THE STUDY ARE AS FOLLOWS:

1. An analysis of the demographic profile of the respondents, i.e. their economic, school, family background etc.

2. To examine the role of family, neighbourhood, school, peer group and media in the making of Juvenile Delinquent.

3. To study the role of State, through its reformative institutions in both the ‘making’ of an individual as Delinquent.

4. To identify the similarities and differences between delinquents from lower socio-economic background and those from affluent families, in terms of the acts of delinquency they indulge in and factors which lead them towards such acts;

5. To examine the treatment given by the State to delinquents coming from different socio-economic backgrounds;

6. To make an appraisal of the Juvenile Justice Act. 2000 in Theory and Practice in the light of findings of the study; and suggest policy recommendations.

The study proposes the following hypotheses on the basis of a detailed review of literature on the subject:

1. The State, through its reformatory institutions, tends to reinforce the labelling of an individual as delinquent, instead of performing its prescribed role of erasing that label;

2. The contemporary phenomenon of delinquency cannot be explained in terms of ‘broken homes’ or ‘poverty’. It is hypothesized that youth from affluent families also indulge in delinquent acts;
3. The treatment of delinquents by the State (police and legal agencies) varies with the socio-economic status of the offender.

**METHOD OF STUDY**

This study was conducted in the State of Punjab. Since the study focused upon the role of the State in the making of a delinquent, a detailed structure of various State institutions involved in the reformatory process was presented. A diagrammatic distribution of the 'Homes' including the different categories of homes such as the 'Children Homes', 'Juvenile Homes,' 'State After Care Homes' and 'Special Homes,' is given below:

Children Homes (Total - 5 homes in Punjab; neglected and destitute children are kept) →
Juvenile Homes (Total- 2 homes, children kept till 18 years of age) →
State after care Homes (children kept till 21 years old) →
Observation Homes (Total- 2 observation homes in Punjab) →
Special Homes (Child below 18 years, who is convicted is kept here)

The present study was conducted in two Observation Homes located in Punjab, one in Ludhiana and the other in Faridkot. Observation homes, and not any other institution discussed above were chosen because:-

(a) The inmates stay here for a longer period of time as they are involved in more serious forms of juvenile acts, involving legal proceedings. They are generally booked under IPC and Criminal minor acts, the conviction of which can range from two months to ten years.

(b) Both these Observation Homes cover a major area of Punjab, each including nine districts.

(c) Preliminary survey in the different categories of Homes in Punjab revealed that in other Homes namely 'Children Homes', 'Juvenile Homes', State After Care Homes', only neglected and destitute children are kept, whereas 'Observations Homes' include children who are involved in serious acts involving legal proceedings.
Preliminary field work in the two Observations Homes had shown that there were around fifty inmates in each of these. All of them were personally interviewed with the help of an interview schedule. Some of these convicts were involved in serious crimes such as murder, rape or unnatural sexual acts. Such cases that appear peculiar, possessing research potential, were taken up for case study. Detailed information was gathered from all these inmates about their family background, school environment, neighbourhood, peer group etc. Questions were generally focussed to examine the process through which all these factors push a person towards delinquent acts.

Apart from this information detailed data on the functioning of Observation Homes was obtained. For this, a separate interview schedule was used for the officials and the information was cross examined with the help of the responses of inmates and observation by the researcher.

Since the study aimed to debunk the prevailing notion of projecting delinquency as a function of poor underclass, a few reported cases of delinquent behaviour in the city of Chandigarh were identified. Information was collected with the help of interviews and observations from these respondents and case studies were conducted. Police officials handling these cases were also interviewed. A detailed and critical appraisal of Juvenile Justice Act 2000 in Theory and Practice was made.

In order to acquire indepth understanding about the process through which an individual child is turned into a delinquent, the interview schedules used were relatively unstructured, so as to elicit the peculiar experiences in each case.

For the processing of data, both quantitative and well as qualitative methods were employed. While tabulation of data was done and inferences drawn, case histories were analysed and presented in an ethnographic manner, so as to present a naturalistic account of the experiences of the respondents. Rather than grouping the data and making trait analysis, an effort was made to retain the uniqueness of the cases (picked up for case analysis), so that the making of a delinquent can be understood from the respondents’ perspectives.
The study consisted of six chapters. Chapter-I presented the focus of the study, review of literature and theoretical frame in which the study was designed. The chapter also included the major objectives and method of study.

The demographic profile and family background were examined in chapter II. It primarily sensitized us with the various attributes of our respondents by presenting a profile analysis.

The third chapter focused upon the role of family, peergroup, school, neighbourhood and media in labelling an individual as delinquent.

The fourth chapter examined the role of the State in both labelling as well as unlabelling of the individuals as delinquents. A special focus was laid on identifying the role of the State in dealing with convicts in Observations Homes, as distinct from the treatment it gives out to the offenders coming from affluent backgrounds, who somehow manage to escape conviction and further legal proceedings.

In chapter Five, a detailed appraisal of Juvenile Justice Act 2000 was presented. In this chapter, a critical assessment of this Act was made in the light of the major findings of the present study, so as to suggest some policy recommendations towards the end.

The main findings, conclusions and theoretical contribution of the study were summed up in the last chapter. An attempt was made in this chapter to provide both theoretical as well as policy input on the basis of the proposed research study.