Crime constitutes the intentional commission of an act usually deemed socially harmful or dangerous and specifically defined, prohibited and punishable under Criminal Law and children have always posed conceptual and philosophical problems for criminal law by virtue of their age and status of dependency on adults.

As already discussed in the introductory chapter, juvenile delinquency is a complex social problem on which much thought and attention have been given in all countries including India during the last few decades. With advance of industrialization and urbanization, juvenile delinquency is gradually raising its ugly head all over the world. India, being a secular country contains a wide range of cultural variations, different religious, social and economic development and technical changes and hence the manner and extent of juvenile delinquency varies with the different class strata and mindset of people.
2.1 Concept of Juvenile Delinquency

The concept of juvenile delinquency emerges from the understanding of the term to mean the manifestation of desires and urges that remain unsatisfied in the normal way. For others it signifies misconduct but for the delinquent it is a normal response to inner desires and outer stimuli. In an etiological sense, delinquency is perfectly a normal behaviour. It may be deviant in an overall statistical comparison of children’s conduct but not in the developmental history of the individual delinquent child. On the contrary, it is a natural and inevitable consequence of all the elements that have entered into his growth. Like the non-delinquent, the delinquent is a product of the influences of specific conditioning circumstances.

Juvenile Delinquency has been the subject of extensive study. Whether youth as a whole is frustrated, disorganized or rudderless in a complex world, without meaningful life-objectives has been a matter of discussion. Any act prohibited by law for children up to a prescribed age limit is juvenile delinquency and it follows therefore, that a child found to have committed an act of juvenile delinquency by a court is a juvenile delinquency. Juvenile delinquency laws are characterized by the feature that they prescribe many acts which are regarded as non-criminal or even socially acceptable if indulged in by adults, like drinking or smoking. Offence under the Juvenile Justice Act, 2000 means an offence punishable under any law for the time being in force. The Indian position is in consonance with the Latin principle, *nullum crimen sine lege*, which means an act can not be crime unless it is so defined under the existing law. Thus, there is no difference between the contents of delinquency and an offence. The only difference is that an offence committed by an adult person is triable in ordinary courts whereas the juvenile who commits a delinquent act is tried in the Juvenile Court through a special procedure.

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The approach towards juvenile delinquency can broadly be divided into two main perspectives legal and non-legal. The non-legal aspect emphasizes the necessity to recognize misbehavior in a child even though it cannot be given a legal status, meaning to say that misbehavioural attitude may not at all time brought into books. This aspect may either be psychological or sociological. In analyzing delinquency situation, views and assumptions held by the psychologically oriented criminologists are quiet different from those observed by the sociologically oriented criminologists and thus the conclusion shows a different picture. Psychologically oriented criminologists say delinquency is the result of various imbalances and conflicts in the personality of the individuals. According to them, juvenile delinquency is the expression of desires and urges that remain unsatisfied in the normal way. For an ordinary man it signifies misconduct, but for a delinquent it is an ordinary response to inner desires just on any other kind of conduct. The psychological point of view tend to identify the personality of a delinquent in view of the following problems:

   a) Suffering from emotional deprivation;
   
   b) Failure in respect of internalizing moral principles and emotional reasons;
   
   c) Aggressive responsiveness to authority, etc. To them, delinquency is an eccentric pattern of behaviour in which an individual is at odds with the values or morals of his or her group, that means, it is the personal idiosyncrasies of a person which are largely responsible for deviant behaviour.

The psychological factors such as emotional disturbance, frustration, intra-familial tensions and grade retardation of the I.Q. do not singly affect the individual's behaviour. These factors are vaguely defined and are difficult to measure. The close relationship between physiological and psychological factors together with the bearing of the latter on behaviour lends considerable significance to physiology in the study of delinquency. Feelings and emotions have their physiological accompaniments. The influence on behaviour runs both
from physiological to psychological and from psychological to physiological factors. Besides psychological factors, there persists a notable tendency in sociological theory to attribute the malfunctioning of any of the social relationships primarily to those man's imperious biological drives which are not adequately restrained by social control.

To sociologists, delinquency is the behaviour which a given community at a given time considers to be in conflict with its best interests, whether or not the offender has been brought before the court. They view delinquent behaviour basically similar to non-delinquent behaviour rather as adaptive or conforming response to social conditions. According to the sociologically oriented criminologists, delinquency is an umbrella which covers number of socially disapproved behaviour that varies with time and place. Long before the issue of juvenile delinquency has been developed as a special area of sociology, people started thinking deeply about it. The oldest known code of laws, the code of Hamurabi, dating from 2270B.C. takes an account of many types of misconduct, some specifically of the youth, along with the provisions of penal sanction. As far back as 500 B.C. Socrates said, “children now have luxury. They have had manners and contempt for authority. They show disrespect to their elders and love to chatter in place of exercise”\(^6\). Hospital of saint Michael in Rome founded by Pope Clement XI in the seventeenth and eighteenth centuries and instruction of profligate youth is also a testimony to this effect\(^6\).

It is generally agreed by the sociologists that no child is a born delinquent. Delinquency is acquired through the learning process and is a form of social behaviour. It is a reasonable adjustment to the kinds of stress that young people confront in a modern society. They mainly see this problem in the context of -

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a) loss or inadequacy of the functions of traditional groups, and
b) the value conflicts of modern life which have been focused in the following manner:-

I) Conflict between sets of values :

II) Conflict between ends and means :

III) Conflict between goals and achievement, etc.

Moreover, they say, a child learns delinquent behaviour just as he or she learns other types of behaviour. It also originates as a part of random movement of children in the greater society. Tannenbaum says, “it is the community which provides the attitude, the point of view, the philosophy of life, the example, the movie, the contact, the friendship and the incentive to a child for use and elaboration”. Nothing he discovers on his own. According to him the society itself stamps and defines the activities of children. However, it may be said that delinquent behaviour is a kind of maladjustment arising out of conflicts between a group and a large community i.e. the child's adjustment to some particular group may make him or her maladjusted to the larger community.

An important aspect of the concept of juvenile delinquency is the delinquency area which is better known as “interstitial” or transition area. As conceptualized by Clifford and others, delinquency area tends to mean the varying rates of delinquency in urban and other area. According to them, delinquency shows high rates in urban areas as compared with those in rural areas. Its concentration is in central urban areas with gradual reduction in its rates as the distance from the heart of the city increases. Clark and Winninger have tried to establish that the pattern of illegal behaviour within small communities or within a “status area” of a large metropolitan centre is determined by the dominant class of that area. Though juvenile in all communities indulge in several petty offences at almost equal rates, serious

offences are much more likely to have been committed by lower class urban youngsters.

The legal approach to juvenile delinquency is the most vital and important aspect. The legal definition of the term 'juvenile delinquency' is of the greatest importance to the crime preventing agencies. Those who stress the legal aspect of definition, lays stress on the official delinquency, where there is no law, there is no crime. Those who believe this motion only recognize that type of delinquency, which is officially labeled and apprehended. The legal delinquency is an act, course of conduct or situation which might be brought before a court and adjudicated.

Thus, 'delinquency' being the closest situation, rather the door-way to crime claims to be acknowledged as a highly delicate issue, a section of children regardless of their socio-economic footing are found in every society to be involved in or entangled with activities causing infringement of social values and moral stand. Moreover, many thinkers believe that some form of delinquency behaviour may almost be an expression of normalcy. According to Tarrasch, few adults can expect a child to be 100% obedient abiding by all rules of life and always doing what is expected of him64. Many authors and experts have dwelt at length on this problem and attempted to define juvenile delinquency and social maladjustment. While some authors termed it as misbehaviour and anti-social propensity in ordinary parlance, some emphasize the legal aspects, i.e violation of law, arrests, adjudication, etc., again other authority lay stress on behavioural problems. As a matter of fact, the structure and functions of a social order and the concept of juvenile delinquency are relative to each other. The violation of social norms becomes a concern of parents, the community and educational institutions. From the psychological point of view, the anti-social activity of a particular age-group may be due to

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frustration and conflict which ultimately lead to aggression and rebellion. If seen from the legal angle, a juvenile delinquent is a person who has been adjudicated as such by a judicial court though he may be no different from masses of children who are not delinquent until the time of the court contact and adjudication at any rate.

Without therefore entering into divergent views, juvenile delinquency can be conceptualized as that behaviour which is an obstacle to the best psycho-social development of the child. The Second United National Congress on the Prevention of Crime and Treatment of Offenders held in London in 1960 deliberated on this problem and came to the conclusion that juvenile delinquency could not be considered independently of the social structure of the state. It was therefore recommended that the meaning of the term 'juvenile delinquency' should be restricted as far as possible to the violation of the criminal law and that even for protection, specific offences, which would penalize small irregularities or mal-adjusted behaviour of minors, but for which adults would not be prosecuted, should not be created. This congregation of the legal and non-legal aspects of the term juvenile delinquency thus led to the understanding that the juvenile legislation should provide for the protection, treatment and training of both delinquents and non-delinquents.

2.2 Forms and types of Juvenile Delinquency

Juvenile delinquency, in the present ecological context, can be characterized as something which was already in existence, may be in reduced dimension but today what we find is that of great change both in the qualitative and quantitative dimensions. The qualitative change is reflected in violent trends, absence of a striving for excellence and concern for the social welfare. The quantitative change is reflected in the rapidly increasing number of such delinquency. Leaving aside its legal implications, it may be described with reference to certain characteristic behaviour of the teen-agers namely
(i) waywardness and (ii) incorrigibility.

'Lack of proper parental supervision' make a child ill-equipped for growing with social competency, when he/she finds difficulty to cope with the demands of society and culture. The said adjustment problem may elicit a deviancy in the child concerned giving a good lead-up to juvenile delinquency where waywardness is observed as the characteristic symptom. Their crimes, though numerous and detrimental, are largely petty. Their delinquency reflects the fact neither families nor urban social institutions have shaped their behaviour properly, for becoming good citizens. These children are left to their own resources both in filling their time and preparing for the future. Many of them find companionship with 'gang leaders' and indulge in a variety of minor, utilitarian crimes. They are said to be wayward delinquents.

Regimented life in school is perceived by few children as a serious challenge to their autonomy, while some of them experience humiliation and even degradation in the formalities of school. Many of these children resent this whole experience and develop a new form of deviancy-incorrigibility. They show their resentment against the institutions that prove their undoings, truancy and school vandalism; they become chronic problems in industrial society. They become defiant towards their parents who pressure them to accept the discipline and goals of the schools. They fight society's best effort to curb their children impulses, while they are perceived by the society (family and community) as 'incorrigible'. Incorrigible delinquents formulated by Katz may be found in the lower social / economical stratum more; while in the middle and upper strata, they are not uncommon. According to Katz, American gangs had been rapidly increasing in number, largely driven by police recording practices and a popular culture that widely assumes that, but for the existence of gangs, youth crime rates would be substantially lower.

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66 Ibid.
Engulfing all the above characteristic forms, the typical expressions of juvenile delinquency can be classed into the following:

(i) **Individual delinquency**
This refers to delinquency in which only one individual is involved in committing delinquent act and its cause is located within an individual delinquent. Psychiatrists argue that type of delinquency is caused by psychological problems stemming primarily from defective / faulty / pathological family patterns.

(ii) **Group supported delinquency / Gang delinquency**
In this type of delinquency, the delinquent activities are committed in companionship with others and the cause is located not in the personality of the individual or in the delinquent's family but in the culture of individual's home and neighbourhood. The main finding in understanding why the young become delinquent is their association and companionship with others already delinquent. As quoted by Ferdinand, 'Gangs of youths gathered in the city streets, and their idleness together with the anonymity of city-life usually lead them towards juvenile delinquency.'

The concept of gang delinquency is very difficult to define as it covers a wide range of activities and interest. It is more or less a means of covering techniques of delinquencies, of training in delinquency, of safeguarding its members engaged in delinquency and of maintaining continuity in delinquency. The explanation of this term can be found in the studies of Professor Fredric M. Thrasher and Shaw and Mckay who provided a detailed analysis of gangs and a large number of borderline acts of criminal behaviour. Gangs may have boss who happens to be an

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adult person who runs a roti shop along with a brothel using children and young girls in business. Children in gangs under expert instruction learn to pick pockets, sell stolen goods to chor bazaars and even trick the police. Juvenile delinquents engage in shop-lifting, pick pocketing, smuggling and gambling. Delinquencies are generally committed by two or more children getting together. Other boys belonging either to the same school or same neighbourhood area who are not engaged in delinquency are also intimately chummed with other delinquent. In the more delinquent areas boys are organized for purposes of theft in definite groups which they call “cliques”, in which the labour is definitely divided for, eg. pick pocketing which is not an individual crime but managed in a group. Again some gangs engage in very harmless activities and largely work in a spirit of bravado. These groups are formed only because children are not guided towards a definite recreative extra-curricular activity during their free time. If a child remains with a gang along with other delinquents, he gets more opportunity and frequent chance of engaging himself in delinquency. Once he gets involved into it, he need protection from police as well as others who may suspect him.

In large crowded cities, shop lifting remains a common activity of boys and girls. Hooliganism and students unrest are also popular programmes. In gangs, therefore, gambling, drinking and betting are also common. The most rudimentary form of collective behaviour in the gang is inter-stimulation and response among its own members - motor activity of the playful sort, mere loafing together. It may assume the character of a common festivity such as gambling, smoking or sex. It is in this type of behaviour that the gang displays and develops its enthusiasm, its spirit and its expressive (orgiastic) nature.

Gangs vary in membership, type of leaders, mode of organisation,
interests and activities. They do not emerge out of distinctive responses but out of certain conditions present in the environment. The roots of the gang are found to be in spontaneous effort of members to create a society for themselves. What they receive by such association is the thrill and zest of participation in common interest, in hunting, capture, conflict, fight and escape. The activities of the gang are not very uncommon or thought out programmes but they channelize a fund of energy among their members which is undirected, undisciplined and uncontrolled by any socially desirable pattern and give to that energy an outlet for expression in more spontaneous manner and at the same time intensify all the natural impulses by the process of cumulative stimulation. It is thus, a natural and spontaneous type of organization arising through conflict and is a symptom of disorganization in the larger social framework and disintegration in the family. Gangs act as a contributory factor to juvenile delinquency. Children learn techniques of committing crime and habits pertaining to illegal ways of life which is all the way dangerous to their future life. This type of delinquency always remains as a sign of sick society.

(iii) Organized delinquency
This type refers to delinquencies that are committed by formally organized groups. These delinquencies were analyzed in the United States in the 1950s and the concept of delinquent “subculture” was developed. This concept refers to the set of values and norms that guide the behaviour of group members, encourage the commission of delinquencies, award status on the basis of such acts and specify typical relationships to persons who fall outside the groupings governed by group norms.

According to Katherine S Williams, there are two strong reasons for
concentrating on delinquency. As long ago as 1895, the Gladstone Committee in the UK recognized that the juvenile delinquent of today is the hardened and persistent adult criminal of tomorrow. By this hypothesis, if juvenile delinquency could be understood and possibly prevented, a large amount of adult criminality could be pre-empted and prevented. The second reason for the preoccupation with juvenile crime is simply its scale. The fastest rising criminal statistics since the Second World War have been for his group, which now accounts for over one-third of all officially recorded crimes. It has this naturally been perceived as an increasing social problem, which has led to public concern and growing embarrassment for politicians and policy makers. This perception is sharpened because the crimes with which youths are most often associated are those of wanton violence and destruction where a motive is often difficult to discover.

Most of the literature of this topic has centered on gang delinquency and the notion that the gang is a delinquent subculture or part of a lower-class male subculture. The assumption was that most juvenile delinquency took place in gangs or groups, or that it was committed because of pressure from peer groupings. The exact types of menacing behaviour have changed over time, but in Britain have been personified by such groups as Teddy Boys in the 1950s, muggers and football hooligans in the 1970s and carjacking drug taking and selling in the 1999s. It was also largely youths who were involved with the riots of the early 1980s.

Two early American works – Cohen (1955) and Cloward and Ohlin 1960 were influential in directing attention to the notion of the deviant

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68 Williams, Katherine S., Anomie, strain and juvenile subculture, Textbook on Criminology, 5th edition, p. 316.
70 supra note 5, chap 1 at p.3.
71 supra note 14, chap 1 at p.7.
subculture of young boys as a source of criminal activity. In Cohen's major work, Delinquent Boys, published in 1955\textsuperscript{72}, he claimed that crimes committed by the young could be explained by the subcultural values of the peer grouping. In other words, for the youths concerned, certain activities were correct by the standard of the subculture simply because they were wrong by the norms of the general culture (i.e. the culture of the middle class). He assumed that middle-class values placed more weight on qualities such as drive and ambition; individual responsibility; personal achievement; rational planning and the ability to postpone the gratification of immediate desires for the expectation of future gain; the control of aggression and violence whether verbal or physical; constructive and healthy use of leisure time; and last, but certainly not the least, the respect for property, particularly that belonging to other persons. Lower-class values often conflicted with those of the middle class, and included toughness, excitement and immediate gratification.

Cloward and Ohlin however, attached more importance to the criminality of the lower-class juvenile because it illustrates the existence of gangs subcultures which support and approve of the actions of the delinquent. Furthermore, the lower-class delinquent is more likely to receive the support and approval, or at least will not suffer the disapproval, of the non-delinquent and adult members of their class. They saw most lower- or working-class boys as goal oriented in agreement to the theory of Merton\textsuperscript{73} and saw their problem as a discrepancy between the available means and the desired ends. They called their theory 'Differential Opportunity Structure'. According to Cloward and Ohlin\textsuperscript{74}, three types of illegal opportunity may be available to the lower-class juvenile and it is for this classification that Cloward and Ohlin are probably best known:

\textsuperscript{72} \textit{Ibid.}
\textsuperscript{73} Merton, Robert K.(1949), Social Theory and Social Structure, New York : The Free Press.
\textsuperscript{74} supra note 11.
a) Criminal gang – This is explained to be a juvenile gang whose most important activity is the illegal taking of property. It will only develop in an area where there are opportunities for such offences as stealing and for the receiving and handling of stolen goods. This type of environment is most likely to exist if there is some tolerated adult criminal activity within the neighbourhood so that the neighbourhood gives certain limited criminal activities an air of respectability and apparent legitimacy. The area is relatively stable but in such areas the juvenile gangs are most likely to be driven to relatively orderly criminal activity for financial goals. Unpredictable individuals will not be accepted as members; they will therefore be driven to one of the other two types of behaviour.

b) Conflict Gang – The areas most likely to spawn conflict gangs are usually transient or unstable, often because of shifts in population or because of lack of pride in the community. In such environments, neither criminal nor legitimate role models readily exist for young boys. As a result they may lack purpose in life, become negative and violent, and from a conflict gang. Lacking social control, whether criminal or legitimate, the result is often a feeling of anger and a desire to prove their worth and status. It is this that turns them to violence.

c) Retreatist or Drug-oriented gang – This third type of gang may exist in any neighbourhood where drugs can be obtained. The members of these gangs are considered as 'neither fish nor fowl'; they have failed both in the legitimate and criminal spheres. Some of these 'failures' may become the stable corner boys referred to by Cohen, but some become members of these retreatist gangs. Which may an individual turns will depend upon their own personalities as well as on their association and the availability of drugs. Cloward and Ohlin recognize that many gangs probably partake in some drug use, but in most this will only be a peripheral activity.
Apart from the theories of Cloward and Ohlin which had been often criticized as suffering from a basic implausibility, following the above trial, a new from of delinquency embraces those children who reject the legitimacy of the school and its values. They choose a contra-cultural view of the world, with a desire to enjoy unconventional type of social life. Thus, this type of juvenile delinquency is attributed to the characteristics of a contra-cultural behaviour of the teenagers. They come from different socio-economic strata, commit any type of cognizable offences and hold the views of 'extremists' (radical change in hackneyed socio-cultural life). They are defiant towards parents, school controls and certain traditional values and try to establish suitable cultural base in peer groups. Drug habit is also present in them.

Vagrancy is also a condition of juvenile delinquency where a person living on the borderline of society is outside the bounds of normal settled family or social life. Children who do not have permanent social attachments and who are given to aimless wandering about from one place to another are dragged into this kind of habit of running away. Vagrant children, when they feel helpless take shelter with beggars and other criminals. They join groups of thieves, rackets, beggars and other criminals.

Perceptions of juvenile delinquency have gradually changed. In 1999, Young claimed that young men who are excluded from any 'normal' social position tend to come together to form gangs to regain a place and some self-respect. The theories of Cohen as well as Cloward and Ohlin seemed to be of only limited relevance, although they provided impulse to American classifications. The primary idea is that the growth of the cities with heterogeneous population, great mobility and fluidity, occupational and cultural variations and over-crowded in cities have given rise to new ways of living and the juveniles are affected by these conditions. The more moral education is

losing priority, the more the population of deviant juveniles is growing – as may be found also in the history of juvenile deviancy of developed countries.

2.3 Probable and Possible causes of Juvenile Delinquency

There are multifarious factors leading to juvenile delinquency. The traditional idea is that delinquency has its roots in heredity. According to this view, juvenile delinquents constitute a special type differing in physical and mental traits from other law-abiding normal persons. The chief exponent of this theory was Cesare Lombroso and even earlier exponents of physiognomy and phrenology found meaningful correlation between the physical feature and the social behaviour. However, in course of time, these theories as a basis for explanation of anti-social propensities, have fallen into disuse. There was also another old theory that criminal and anti-social propensities were due to some kind of diabolical possession and instigation. This theory is also no longer valid.

Our modern society is perennially concerned with both the younger group or delinquents up to certain age. The overall picture of delinquency varies with various national cataclysms. There arises a number of questions in relation to delinquency. The primary consideration is the reason why more and more children are being driven to commit crimes. Every child has a unique story to tell. As important as it is to quantify this phenomenon, numbers alone are of little help in understanding the context in which they live the desperation with which they counter their day to day struggle and the new challenges with which they are brought face to face each day. The basic governing factors which lead to juvenile delinquency can be grouped under three major heads (i) economic factors, (ii) personality factors and (iii) environmental factors. These are explained below in details:-
(1) Economic Factors

Economic factors play a key role in determining the overall health and social status of individuals throughout their life-span and there is a well-established correlation between adverse socio-economic circumstances and the probability of behavioural and school related problems in children. Poverty contributes a lot to the delinquency of a child. Although it may not be a direct cause of delinquency, yet its unwholesome effects on the child may be disastrous. Feeling inadequacy, frustration and emotional insecurity play a dominant role in giving rise to anti-social propensities. Economic hardship is one of the arguments of the parents to excuse themselves from the responsibilities of child rearing. The most wanted, loved and desired child becomes 'unwanted' in the child struggle to satisfy all the paraphernalia circumvented in its upbringing, at par with the family status, maintenance and prestige. This unpleasant unwanted situation gives impetus to frustration and varies the child to an area of minimal contact with the parents. He is exposed to an atmosphere, where instead of his long expected gesture of simple affection, there prevails an over grinning frown and this has a fatal effect upon the child's mental behaviour.

The lower-economic status is also a great determining economic factor leading to juvenile delinquency. Poverty accompanied by broken home and unfavourable environment usually contribute towards delinquency. It has been found that in India, The vast majority of juvenile delinquency or neglected persons come from the poor families, abandoned by parents early in life to their fate with none to care such children soon face into bad company and gradually become anti-social. Parents influence the children by their actions, what they do on a given occasion. Anything a parent does to a child or with a child has as its aim to control the child, to change, or to maintain a particular form of behaviour and this influence the child's actions. It is best described in the words of Sears, Maccoby and Levin. 'Actually every interaction between two people has an
effect both on their present action and on their potentialities for future actions. An affectionate hug or a reprimand not only influence what a child is doing at the moment, but adds a small change into his expectations of what will happen in future on similar occasions. This expectancy, in turn, increases or decreases the possibility that he will act the same way in the future.”

Owing to abject poverty, unemployment, under-employment, social ostracism and internecine among different sections of people at the rural levels, a large-scale migration of people takes place from rural to urban areas, thus swelling the enormous floating population. They settle down in undesirable areas without adequate amenities and as such, slums grow in course of time with an unfavourable environment. A strange culture prevails without any social norm. In other words, there is total 'anomie' i.e. normlessness. The social control system which is still prevalent in congenial rural settings ceases to remain in the strange atmosphere of slums in cities. In fact, the regulatory functions of the normal social order break down upon migration of people to urban shims. This situation results in social disorganization. In cities – particularly in urban slums, there is extreme weakening of family and neighborhood controls and in such a situation, children who have not acquired life – organizations based on habits of conventional behaviour, are easily duped by the baneful influences of gangs and other nefarious groups. Thus, the regulatory functions of the collective order break down upon migration to urban slums and a state of de-regulation, normlessness and anomie prevails. With the general shattering of the rural small group life, the urban area can be seen as a conglomerate of strangers. This situation gives rise to the problems of indiscipline, moral degradation, obstinacy and waywardness among the youth. It becomes a fertile ground for anti-social activities by the credulous and confused.

78 Ibid.
juveniles. When a juvenile lands in such adverse situation, he does not initially get into trouble. He seeks to eke out a living on his own. However, when he fails to find an avenue for a gainful employment, he is imperceptibly drawn through false allurements to the vortex of anti-social activities.

In developing countries like India, the problems of rural-urban drift, poverty and deprivation have adversely affected substantial segments of the youth population. The recent trends of youth unrest due to frustration, communication gap, social inequality, illiteracy, lack of opportunities for gainful employment, etc. have also accentuated the problem of juvenile deviance and maladjustment. In India, tradition, religion and age-old value still exert a considerable influence on everyday life. However, an adverse trend is now discernible in all these spheres of life. The age-old traditions of respect, obedience and faith have hardly any influence over the young generation. There is a tendency among the substantial segments of the youth population to disobey salutary advice and commands of their parents or guardians.

The University of Michigan's Panel Study of Income Dynamics (PSID)\textsuperscript{79}

\textsuperscript{79} Menon, Sugata, Young Criminals: Crime and Punishment in Juvenile Delinquency, Kanishka Publishers, Distributors, New Delhi, First Publication 2000, chapter 1, p.1-2. The Panel Study of Income Dynamics was born as a result of the desire to assess the success of President Lyndon Johnson's War on Poverty on the economic well-being of U.S. families. In 1966 and 1967, the Office of Economic Opportunity (OEO) directed the U.S. Bureau of the Census to conduct a national assessment of the success of the War on Poverty by conducting a study called the Survey of Economic Opportunity (SEO), which completed interviews with about 30,000 households. Interest in continuing this national study led OEO to approach the Survey Research Center (SRC) at the University of Michigan about interviewing a sub-sample of approximately 2,000 low-income SEO households. Professor James N. Morgan, who became the new study's director at SRC, argued successfully for adding a fresh cross-section of households from the SRC national sampling frame so that the new study would be representative of the entire population of the United States, including non-poor as well as poor households and also to follow members of the families who moved away from their original households, such as children who came of age during the study. This study became what is now called the Panel Study of Income Dynamics (Hill, 1992). ref : The Panel Study of Income Dynamics: Overview and Summary of Scientific contributions After Nearly 40 Years Katherine McGonagle and Robert Schoeni Survey Research Center - Institute for Social Research University of Michigan January 2006. Technical Series Paper #06-01- Katherine A. McGonagle Institute for Social Research Survey Research Center, Robert F. Schoeni Institute for Social Research Ford School of Public Policy University of Michigan, January 30, 2006.
had been used to provide comparable information on trends in the longer run family, economic status of individuals of various ages and to examine the role of cohort, age and family instability in producing these trends. The PSID data is used to show short run trends in status and the stability of economic position. Average level, trend and stability are said to be three independent important components of economic well-being. The approach and the basic findings of the analysis can be summarized as follows :-

(i) The examination of the economic position of the young and the old break-up in the 1969-1982 panel period into three five-year intervals. Several aspects of the income distribution are examined within these intervals—the average position of each group, the fractions of each with five-year family incomes falling below the poverty line, the fractions “affluent” (defined as five year family incomes at least five times higher than the official poverty line), and the fractions “extremely poor” (five year family incomes less than 80 percent of the poverty line.

A remarkable improvement is noted in the comparative economic position of the old relative to the very young. It is found that the elderly began the panel period with substantially lower average levels of well being than children and ended the period with substantially higher levels. Rates of affluence were initially higher for children but had reversed by the end of the period; rates of extreme poverty were initially higher for the elderly but these also had reversed by the end.

(ii) A look at the stability of family incomes within the three five-year periods reveals a substantial increase in the stability of the economic well-being of the elderly but modest decreases in the stability of children's economic well-being. Thus not only has the average economic

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80 a group of individuals in a statistical study who have a common characteristic such as age or income.
position of the elderly surpassed that of the young, but the gap in the stability of that position has also increasingly favored the elderly.

In respect of the role of transfer income—both contributory (e.g., Social Security) and non-contributory (e.g., Aid to Families with Dependent Children)—in raising family incomes and reducing poverty, it is found that social security and other contributory transfer income programmes have had a very favourable impact on the economic status of the elderly. The more purely redistributive non contributory programmes such as AFDC (Aid to Families with Dependent Children) and Supplemental Security Income have had modest and comparable effects on the economic status of the elderly and children. These effects were smaller in the early 1980s than in the middle 1970s.

(iii) The apparent improvement in the economic status of the elderly is examined and it is found upon an analysis of five-year age Cohorts over the three five-year periods with the PSID data that a substantial drop in the economic status of the five-year age Cohorts had been experienced over a passage of time. The only reason is that the elderly as a group appears to improve their economic position over time is because new Cohorts enter old age in a considerably better financial position than previous Cohorts.

(iv) An analysis of the comparative economic status of children conducted separately by race is made and it is found that there are dramatic differences in the economic status of black and white children. The greater incidence of female-headed families among blacks accounts for less than one-third of these racial differences. The studies are focused on the issue of the extent to which differences in family composition account for racial differences in the economic status of children relative to other groups in the population.
(v) Living arrangements have often been targeted as a cause of primary poverty. At least two-thirds of the differences in the economic status between elderly men and women can be accounted for by differences in their probabilities of living in husband-wife families.

The simplest measure of the economic status of the various age segments of the population is totally family cash income. Among the many reasons why total family cash income is less than ideal as measure of family economic status, the most important are the dramatic differences among families in the number and ages of family members who share a given income. The income-to needs ratio was substantially below that of the young during the 1968-1972 period, but had risen above it by the 1978-1982 period. The real economic status of the young rose very little over the period as a whole and not at all between the mid and late 1970s. By the end of that period, rates of extreme poverty were 50% higher for the very young than the elderly and twice as high for the very young as for individuals in the middle-age range.

However, the traditional explanation of crime and delinquency in terms of poverty is not fully satisfactory in the present day societies. Economic development of society in itself is answer to juvenile crime. The fact that major development countries are facing the problem of juvenile crime in more acute manner\(^{81}\) is enough proof that negative consequences of economic development have direct bearing on the propensity and sophistication of crime and delinquency. The major characteristics of societies with high rate of juvenile misconduct are industrialization, modernization and urbanization\(^{82}\). The increased affluence brought about by economic development tends to increase criminal activities because of far reaching socio-economic and cultural changes

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in the social structure that inevitably follow such development. This is explained in detail under the Personality Factors.

The wheel underneath gives a view regarding the classification of the juveniles by economic status. The maximum of them belong to the income group of Rs.25000/-.

**CLASSIFICATION OF JUVENILES BY ECONOMIC STATUS**

![Classification of Juveniles by Economic Status](image)

*Source: Children in India 2012- A Statistical Appraisal, Social Statistics Division, Ministry of Statistics and Programme Implementation, Govt. of India.*

A large chunk of juveniles (57%) belonged to the poor families whose annual income was up to Rs. 25,000/. The share of juveniles from families with income between 25,000/- and 50,000/- was 27%. The share of juveniles hailing from middle income group (50,000- 2,00,000) was 11%.
(2) Personality factors

There are four basic needs of a child, namely need for security, response, recognition and development. These needs shape his personality and character. In fact, every child is born with the innate desire of being wanted, loved and understood. As the child grows, it expects to have increasing love, affection and care from the mother, father and other members of the family. If these needs are not adequately met during this crucial period of a child's life, dissatisfaction and hostility start agitating its impressionable mind. The consequences of such an adverse situation lead to disastrous results both for the child and society as well. As a matter of fact, potentially anti-social propensities exist in every human being. What determines whether they develop or not, is what happens to him in his infancy and childhood.

In the early years, the basic personality pattern of the child is laid down for good or bad by the emotional relationship with his parents. Wrong upbringing, neglect and lukewarm attitude of parents, unhappy home, large family, feeling of insecurity, lack of recreational facilities, abject poverty, unwholesome surroundings, etc are the many factors which give rise to anti-social tendencies of a child at the initial stage. For want of basic needs in the family the child moves but and strives to satisfy his unmet needs by resorting to anti-social activities. Thus, he gradually gets exposed to nefarious elements like gang influence, vagrancy, truancy, homosexuality, indecent film shows, pornographic literature, lure of easy life and so on. One of these factors or a combination of some of these factors leads a child towards adverse direction and ultimately impels him to take to anti-social activities.

It can be invariably accepted that violence does no suddenly 'happen' at the age of 16 or 17. It is a part of a long developmental process that begins during the childhood. Many children mature in an atmosphere of violent relationships between men and women, husbands battering wives, women
assaulted by boy friends and other males or they themselves being at the receiving end of physical punishment. These children come to adopt the same attitudes and practices in dealing with peers and, eventually, their own families as their elders did. Frameworks for understanding children and childhood have developed in line with increasing clinical and academic knowledge of this area. Traditional conceptualizations, which viewed childhood transitions in terms of “a ladder-like progression through predictable stages, each of which has its set of tasks, are misleading. Multiple pathways through childhood are available and a definite set of needs do not exist”83. Children actively shape their own environments and are capable of negotiating change and adversity within families and elsewhere84. Socio-cultural change may bring about either positive or negative alterations to children's live, and claims that childhood was a safer and happier period in former times are not supported by empirical findings85. It is also evident that children are resilient when faced with adverse conditions86. Whatever it might be, the adaptability or resilience of children, some of which emerge from their very childhood lend an attributive role in shaping the personality and character of a child. The characteristics which play as a guiding factor in this regard can be discussed under the following heads:

a. Family background and experiences

For most children, the family is the context within which initial relationships and understandings are developed. Family lays down the foundation of personality and development and also emotional attachment. The structure and dynamics of families and family life has altered considerably in recent decades and although the extent of this change has been questioned, there is now a diversity of family types\textsuperscript{87}. Children are increasingly reared in lone parent family units or in reconstituted families although a majority of children still grow up in two-parent households. Existing evidence in relation to the effects of differing family types on children suggests that the nature of the household is not the most significant factor, but rather the quality of the relationships and the economic resources available to the family.

Studies have shown that a higher proportion of children in lone-parent households have scholastic or emotional problems, compared to those living with both parents, but this is more likely to be due to economic circumstances than to parental marital status. The increased levels of participation in the labour force by mothers probably mark the most important change in the lives of children. This transformation in women's roles has affected the balance of power within families, which, in turn, has influenced childcare practices. Structural and family background features contribute to the prolongation of conduct disorders. Behavioural disorder in childhood frequently results in poor educational attainment and this is connected to aspects of economic

disadvantage and not simply impaired intelligence.

Inadequate parenting coupled with inadequacy of food cloth and shelter, love and affection lead to the deviant acts. Consequently the child slowly deviates from the family norms, the possible reasons being in all probability, quarrelling, non-harmonical and cohesive relationship among the family members. Carelessness of parents towards their children and this all leads to a typical personality. The attitude of parents is therefore, an important criterion in the formation of behavioural pattern of a child. Indifferent attitude of parents often leads to a lack of attachment of a child to his parents and this condition fails to generate a close emotional relationship between the parents and the child. As a result, the child develops a feeling of isolation and gradually gets involved in anti-social activities through bad companionship. The problem therefore exists with respect to an unhealthy family life without any scope for the child to fulfill his social, emotional and economic aspirations. In such a situation, he seeks to achieve his ends by resorting to any means fair or foul.

The association between parental mental disorder and negative outcomes in the child is well documented. According to Fitzgerald and Jeffers\textsuperscript{88}, the link between maternal and child psychological health in their study resulted from the fact that maternal depression undermined parental ability and made it more likely that the child would become disturbed. However this relationship is not simple or straightforward and the impact of parental illness can be lessened when other resources are available to the child. There is widespread evidence of successful coping amongst children with parents who are mentally ill. The main risk factor when a parent suffers from psychological disorder appears to stem from the associated family discord, especially when the hostility

directly involves the child. For the child, this difficulty can however be offset by a mentally healthy parent and the maintenance of a good relationship with that parent, so this notion is often contested.

Marital disharmony has often been associated with behavioural deviancy in children. An increased marital discord in the home is associated with an increased likelihood of referral to child psychiatric services and this is apparent in very young children. Disorganization of family leading to divorce produces problems for the spouses who suffer emotional conflict, loss of parental affection and often financial privation and destitution. The differences of dispute among the members of the family cause unrest and the negative fallout of minds of the children of the family. Yet, as with other adverse circumstances, marital disharmony does not in itself necessarily result in psychological difficulties in the child. There are also links between parental separation and adverse psychological and social outcomes for children, but again these are predicated on events surrounding the separation and the availability of parent or substitute support to the child. Yet, although long-term adverse outcomes typically only apply to a minority of children experiencing parental separation, these children are more likely to experience long-term ill effects than children of two-parent families. Separation has been linked with less positive educational outcomes.

Again, overcautious parental responsibility sometimes lead to negative character habits in children. Although certain children are born with a personality dysfunction, it is mostly children from unstable families who succumb to pressures to perform and conform, turning to violence, even self-destruction, to assert themselves. This relates to projection of parental ambition to the child which is a good reason for personality dysfunction. Many parents confronted with personal failure or 'limited' success may mute their original goal emphasis to vicariously reach it
through their children. Research shows that among people of the lower occupational levels, a substantial proportion have aspirations for a professional career for their children. It is these parents who exert great pressure upon their children for high achievement. This syndrome of lofty aspirations and limited realistic opportunities is precisely the pattern which invites deviant behaviour.

**b. Affluence**

In a period of rapid social change and in a society with sharp divisions along economic and social lines, individuals and groups tend to locate differently within the social setting and may even experience conflict with certain elements of 'glittering' culture of affluent society in which they happen to live. When individuals or groups, who, because of the economic pressures, have been uprooted from the cultural background with which they were familiar and are exposed to radically different life-situation, they experience a cultural vacuum. In an atmosphere of uncertainty, the affluent cultural setting provides a needed sting to the deprived lot to attain the same social standing. The attraction for attainment of wealth, power and prestige of the affluent culture inducts tendencies which often find their reflection in socially rejected behaviour. This happens more often to young than to adult societies.

Affluence in the context of youth crime and delinquency has two aspects. Firstly, affluence in the family and its effect upon youth crime and delinquency; secondly affluence in the society as a whole and its impact upon youth crime. These are discussed below in detail:

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c. Affluence and family structure

The type of family structure most frequently found in industrialized nations is the 'nuclear' or 'conjugal' family. The nuclear family which has become normal in urban centres, is completely unable to provide the necessary support-structure for the developing young at the early age of personality formation. The child feels alone and helpless, devoid of parental care and affection. Busy in the pursuit of material pleasures, the parents do not get enough time to provide proper guidance to the child who needs it most at this stage of growth. This feeling of isolation and neglect had its impact upon the behaviour of the child. Some find solace in drugs and others find some other anti-social channels to relieve their pent up feelings of frustration and loneliness. The case of a 10 year old girl can well be cited in this regard. This girl feeling particularly ignored by her parents, both of whom work, cooked up a story of her own kidnapping to get their attention. While this was revealed in the investigations, it became clear that the girl lied about the kidnapping as her parents did not pay her much attention leading to a lot of teasing by her classmates.

Another serious impact of affluence on family ties is the ever increasing dissatisfaction among the adult members of the family. This results into weakening of the ties within the nuclear family and increase in divorces, and separations among the parents. Broken and inadequate families cause delinquency in rich societies as well as the poor, because of resultant lack of control and supervision upon their offspring.

Ever increasing economic independence of woman has provided more

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92 Reported in Mumbai Mirror Sunday 9th August 2009 Page 3, “The girl who ran away because her parents did not have time”, Vinay Dalvi.
self-respect and self-consciousness among the woman. Since the male class of the society have not yet prepared themselves to accept this reality, it results into family quarrels and family breakdown. The most vitally effected in this atmosphere of mistrust and resentment is the growing child in the family. Unable to get the necessary care and comfort within the family enclosure, he runs out of the house in search of love and care. Unguided and unprotected, he becomes an easy object of exploitation and prone to criminogenic influences. Jack Toby's conclusions in this regard can well be quoted here:

1. Parental rejection neglect damage the personality of the developing child. Lack of impulse control results from pathological socialisation. The psychopathic or neurotic boy reacts with violence to trivial provocations, sets fires and steals purposely.

2. Parental inadequacy and neglect, by reducing family control, thereby orient the boy towards his age mates in the neighbourhood. The family and the peer group are in a sense competing for the allegiance of boys in the high-delinquency neighbourhood. If the peer group is delinquent, a boy's desire for acceptance by his peers tempts him to participate in delinquent activities.

**d. Affluence and Materialism**

Affluent societies, in their efforts for economic development, have created a bulk and variety of consumer goods. Their possession is a sign of status and prosperity.

The highly developed consumer society provides a natural attraction to the members of the society, specially the young. Thus, the affluence of industrial societies creates the material basis for an adolescent market. The ever increasing liberal approach of parents to grant substantial

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93 supra note 20.
discrepant purchasing power to the young enables them to demand and obtain distinctive clothing, motion pictures, recreational facilities and eating and drinking places. This widens the group associations of the young that provides emotional encouragement to each other to do something without adult supervision. The members of the group may encourage one another to engage in a wide variety of unconventional behaviour in their attempt to gain material pleasures.

This has an important impact upon the material aspirations of young people on their desire for cars, televisions, cameras, radios, videos and fashionable clothes. The availability and exhibition of a vast variety of consumer goods through mass media naturally raises the material aspirations of the young. These young people sense rather than rationally perceive that the price of the material prosperity has been high, perhaps too high for their limited resource. Their inability to control their desire for advance towards prosperity and the environment from which these young people come, fails to satisfy the cost-price requirement of these consumer goods. This inevitably leads to protest and attack upon the actual living conditions which fail to satisfy these artificially raised needs. On the one hand, material constraints which reflect a strong tendency to think in terms of norms and to strive for affluence, increasingly restrict the scope for personal development and exercise an ominous pressure, on the other hand, outward circumstances of life in the industrial urban environment bolster this tendency, and in the long run, isolate the young from the social realities. Then, the only channel left in the mad race to acquire new consumer goods, is on the other side of the law.

With high rate of mobility and comparatively more opportunities for crime and delinquency, a natural attraction is provided to the young for short-cut methods to acquire and possess the material goods. Because of
immature perceptions of their outlook towards realities of life and highly attractive presentation of consumer goods, these children fall an easy prey to their acquisitive instincts. Realization of the unrealistic hopes seems very difficult through legitimate cultivations of their skills, hence illegitimate means are preferred.

The spread of ideas of freedom and equality and the interpretation of these ideas by the young people resulted in many of them becoming preoccupied with the desire to have more and more consumer goods and pleasures. Many of them appeal to have almost unlimited desires for such possessions. In this context, it is not property that lies behind criminality, but desire for the multiversity of economic items available and for enjoyment of life to the fullest. Unable to control their desires through rational analysis of factual realities, they find satisfaction in physical activities to realize their desires.

e. Affluence and Education

Educational development is a very healthy sign of social and economic progress. It is a substantial investment, both for society and the individual family. Both of these factors make for an increased supply of educational opportunities and facilities for the growing up generation.

The extension of mass formal education has created serious problems of life goals for the adolescents with educational disabilities. For children unwilling or unable to learn, school is a place where the battle against society is likely to begin. Orientation of the young for decent lifestyle during their school years and their ultimate failure in life to achieve, results into hatred and resentment against the established norms of the society.
Moreover the universal education process often presents the message that the education imparted ceases to be a sufficient means to reach at the job. Thus the advancement of education tends to create a vast army of unemployed educated and semi-educated youth. Unable to adjust themselves in the traditional roles of their familial background, they remain disappointed and drift towards a life of crime and delinquency. By the majority of the population, education is perceived as a means to an end and not an end in itself. When educational achievements fail to serve that end, the young persons feel deceived and in this atmosphere of helplessness, he does not want to retreat to his traditional role. The kind of distinction, which he feels he has acquired from his cultural group, prevents him to go back, and in an effort to advance, delinquency and crime becomes his most natural choice.

Education instills a sense of self-respect and pride among the youth. They become more conscious of self and reflect the same in their liking for freedom, liberty and keener sense of justice and desire to participate in social and national affairs. When in a real life situation, they find these ideals lost in the prevalent den of corruption and favoritism, they feel frustrated. The resulting dissatisfaction and disillusion easily leads to delinquency and crime. Unable to fight against the might of money power and political power by legitimate means, their inner sense of self-respect provokes them to fight back by whatever means are demonstrative, though may not be result oriented.

f. Affluence and Power

Affluence and power are co-related terms. Power comes with affluence. Children of powerful background are brought up in an atmosphere of wealth, prestige and with a certain tinge of superiority. They are made to enjoy all sorts of materialistic pleasures which are often out of reach of
the common individual. As a consequence, they develop certain habits which easily lead them to delinquent situations. Fear or anxiety are completely absent in their mental set-up as they are always under the shield of their powerful parents who are ready to bring them out of all unforeseen circumstances they might encounter. A ready instance of this situation can be brought about by this glaring incident which took place in a South Delhi restaurant in April-May 1999, where two youths shot dead a woman who refused to serve them alcohol. Among the two youths, one was the son of a Minister and the other was the son of an influential politician. By their arrogance of power these V.I.P. Offenders tried their best to give the story a different outlook of attempting to establish their innocence, tried to win over witnesses but in the end following intense media and public pressure, the trial was conducted on a speedy basis and ultimately the murderer was found guilty under the law and was duly convicted. Similar instances are there of gun-slinging youths using their 'licensed weapons' to settle minor altercations and in most of the cases, the assailants are relatives of “politically well-connected” persons.

g. Educational success or failure

Like the family which plays a dominant and primary role in socialization of the child, the school has also a very important role in moulding the personality of the child. It provides the most important opportunity to a child for the development of his social attitude. It may well act as an important risk or protective feature in the child's life. The child gets the first exposure at the school with the outside world, which was hitherto unknown to him. His initial reactions to this new atmosphere are fear,

94 Jessica Lal shooting case. Siddhartha Vashist @ Manu Sharma v. State (N.C.T. Of Delhi). The Trial Court had acquitted all the accused persons on 21.02.2006 but the High Court of Delhi had awarded life imprisonment to the prime accused Manu Sharma on 20.12.2006. The Supreme Court upheld the conviction on 19.04.2010.
curiosity and emotional instability. Gradually he is expected to overcome all these problems by dint of his early training imparted by his parents at home. As a matter of fact, the school reinforce the family's social training received by the child. It offers the possibility of academic and social success and factors that may influence outcome which include socio-economic and family background, IQ, the ability to learn and school environment. It is recognized that attitudes to learning are shaped early and that academic success rests predominantly on a child's early knowledge of how to learn, as well as what is learnt. However the school cannot be the substitute for the family. It has little opportunity in moulding the child's character which has already been formed in his family. Truancy may be the first step towards his anti-social behaviour and ultimately he goes further to snap all his connections with the school. Thus in several cases the child embarks upon a life of vagrancy and daring acts of crime in association with unscrupulous anti-social gangs. The drab and dull programme content of the school often hangs heavy on them and they move out in search of more interesting and exciting activities which are readily provided by the gang. These children on the verge of deviance generally throng at railway stations, cinema houses, taxi-stands, inter-sections of roads, sea-beaches and street-corners. Most of them have discontinued their studies and are reluctant to adopt any disciplined way of life. Anti-social tendencies start rearing their ugly heads at that stage.

In the lower-class families, parents are generally reluctant to send their children to schools. The parents' indifferent attitude towards their children at their early impressionable age encourages them to discontinue their studies even if they are initially admitted to schools. The number of school-drop-outs in rural areas is, therefore, comparatively high. In some cases parents encourage their children to take to begging or even stealing for supplementing the family income. Thus the school has ipso facto no
role to play in such cases. In several cases, school-going children are
misguided into taking a career of crime by unscrupulous anti-social
persons or gangs.

In fact, lack of discipline at home, laxity in parental control over the
growing child, remote control by unscrupulous persons over the child,
double standards of conduct practised by elderly persons, unremitting
exposure to violence, generation gap, etc. are some of the important
factors accentuating this problem.

The atmosphere in schools has now deteriorated to an unimaginable
extent. The age-old idea that the school is a moral booster and a
character-builder, does no longer hold good. Now educational
institutions are generally susceptible to political influence, indiscipline,
culture of violence and unethical practices. As a result, the mental,
emotional, cultural and intellectual development in the formative years
of the child is hampered and in some cases stunted to a considerable
extent. In such a situation, the teacher taught relationship cannot grow
satisfactorily and there is every possibility of the child going astray. An
atrocious incident which took place at Gurgaon has flabbergasted many.
A 14 year old met his end at the hands of his two school mates who shot
him furiously. Apparently the victim was reported to have been bulling
them to an extent of threatening to take their lives. The boys' complaints
to the school authorities fell on deaf years as the matter was refused to be
dealt with in the appropriate matter. This unfortunate stance instigated
the young ones to indulge in a horrifying crime causing serious
repercussions. At the same time it poses a valid question of the safety
issues in schools to anxious parents. Monitoring and resolving this matter
in an appropriate manner with the help of concerned parents would have
saved this horrifying catastrophe. Now-a-days, it often becomes

95 Swetha Amit, Juvenile Delinquency, 13 December, 2007 http://content.msn.co.in.
difficult for an invigilator to prevent the young examinees from copying. Therefore, the police intervention is at times required to check unfair practices in academic spheres. This is a perilous trend and if it is not held in check at this stage, it will spell disaster for the nation in the years to come. Thus there is need for guidance and help at every stage of a child's physical, mental, cultural and intellectual development. His parents, class-mates, friends, relatives – all constitute a strong support system for the development of his personality and character. The surrounding favourable environment also helps in providing an opportunity of self-development.

(3) Environmental Factors

By this time it is quite clear that no child is born anti-social or delinquent. Delinquency is acquired through the learning process. Sutherland's theory of Differential Association\(^96\) explains the criminal behaviour as a product of learning in interaction with other persons, principally within intimate personal groups. In other words, techniques relating to the commission of crime are learnt through association with criminals alone. The delinquent behaviour of a child is often the reflection of his surroundings as well. Thus environment has a strong influence on the impressionable mind of the child and lends a fitting support to the adverse techniques and anti-social propensities that are likely to develop within them due to their tenderness and vulnerability because of their exposure to wrongful conditions. As has been commented by Dr.W.C.Reckless, “Companionship is unquestionably the most telling force in male delinquency”\(^97\). The existence of the deviant behaviour oftenly occurs in the area of the uneducated, casual labourers and agricultural coolies. The prevailing atmosphere in such areas often gives a place to form a typical peer group formation and their activities which leads to the deviant behaviour in the society.


Criminal behaviour is also acquired through interaction with others. An individual becomes a criminal when there is excess of conditions that prevent such infringement.

The rapid urbanization and industrialization also contribute towards the criminality and delinquency. Urbanization shows typical bent for attaining property, money and objects of conspicuous and pleasurable consumption. This bent serves a strong motivational force for offenses against property or pleasure with or without violence. The industrialization which is more or less confined to urban areas attracts people from the far flung localities and brings together people with different antecedents and ideology, consequently, various subcultures emerge. The urban areas also extend opportunity of delinquency growth and display pull-factors for the maladjusted boys of rural areas, who singly or in groups migrate to cities, swell the slums and pavements and roam about without social control. They are exposed to modern movies and pornographic material and fall in the delinquent sub-cultures. Easy access to pornographic publications and trash obscene writings and paintings pollutes the impressionable minds of young persons. Films nowadays, in general, depict intolerance and violence which have lasting effects on the impressionable minds of young children. Sometimes children may develop a sense of curiosity and seek to put into practice whatever they have witnessed in cinema halls and over televisions at home. To cite an instance, a group of young offenders confessed that they had sought to experiment in reality what they had been witnessing on televisions and in cinema halls. What is worse, through their experiment they exterminated almost the entire family of one Abhyankar in Pune driven by the “kill-for-

98 The Joshi-Abhyankar serial killings in Pune committed between January 1976 and March 1977 sent shockwaves in the city. It was committed by four infamous commercial art students who had acquired a reputation for bad conduct on their college campus and they also frequently robbed and indulged in drinking. They were later on caught hold of by the police and were sentenced to death on 28.09.78. Their appeals were turned down by both Hon’ble High Court and the Hon’ble Apex Court and they were finally hanged to death at the Yerawada Central Jail on November 27th, 1983. Writ Pets. Nos.1365 of 1982 and 147 and 445 of 1983, D/- 18 -4 .1983. Munawar Harun Shah v. State of Maharashtra, Shantaram Kanhoji Jagtap v. State of Maharashtra Dilip Dhyanoba Sutar v. State of Maharashtra -1983 Cri LJ 971.
thrill” factor. The enormity of the baneful effects of displaying indecent acts and violence in film-shows can be amply ganged from this dastardly incident. The influence of Bollywood and Hollywood potboilers cannot also be ignored. With the presently great-going T.V. reality shows, youngsters are much more attracted to the bloom and fantasy of the outer world...a world far from their studies, far from the beckon and call of their parents and an extreme dream of being successful and popular. While some parents are not very convenient with this idea, others simply are excited with the showcase of their children with the lustre of fame. Many a times the depression of being unsuccessful looms large upon the children leading them to psychological disorders which may at times drive the child to delinquency. Those who are not inspired by their families, chose the other way of reaching their goal and often they land up nowhere. The instance of a 13 year old girl can well be reflected here. This girl fled away from her home with the intention of reaching Mumbai in order to become a play-back singer99. Such incidents are now on the rise and there are similar incidents where children from different places have chosen this way of becoming film-stars and playback singers. Similarly pictures depicting violent and amorous scenes of films are hung on street corners and various public places to attract attention of people and to motivate them to visit cinema halls. This trend of displaying indecent pictures pollutes the mind of the youth and gradually diverts their attention from meaningful studies and often leads them astray. They develop a tendency which is inimical to the interest of their studies and other aesthetic pursuits.

Again, children exposed to a variety of adverse experiences can suffer long term damage or negative psychological outcomes. Problems are not irreversible and negative outcomes are dependent or whether risk experiences are intensified or ameliorated by subsequent experiences. Improvements in the child's economic situation can have a significant impact across a number of intellectual indicators, including IQ. The occurrence of multiple difficulties is an

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99 Reported in Icore Ekdin 30.12.09, Wednesday, Page 5.
important factors related to the outcomes as is the meaning of events or situations for the individual. Research into data from a childhood lead study in Ohio indicates a direct link between prenatal and early childhood lead exposure and an increased risk for criminal behaviour in later life. Lower income, inner-city children remain particularly vulnerable to lead exposure. As quoted by Dietrich, the founder of the study, 'Although we have made great strides in reducing lead exposure, our findings send a clear message that further reduction of childhood lead exposure may be an important and achievable way to reduce violent crime.'

Environment play an important role in cases of children of female prisoners. Female prisoners are allowed to keep their children up to five years of age in prison if the child cannot be placed with relatives or otherwise properly provided for. As children belong to the most vulnerable category they need greatest social care. The prison atmosphere certainly has a damaging psychological impact on children growing up in these confines. There is also no legal enactment in our country to take care of the children of women prisoners. Often due to their tender age, vulnerability and simplicity coupled with innocence, there are greatest possibilities of their exploitation, ill-treatment and their direction into undesirable channels by anti-social elements in the community, leading to their inclination towards criminal offences.

Apart from these, the twin problems of drug abuse and trafficking in narcotic drugs have assumed alarming proportion, causing ruination of societies and individuals alike. A survey conducted in the late 1980s by the Department of

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101 The research evolved from a 30-year study of childhood lead exposure at the University of Cincinnati. The study is the first to demonstrate an association between early exposure to lead and adult criminal behaviour. Published – May 27th, 2008, issue of the journal *PLoS Medicine*.

Applied Psychology of Calcutta University and sponsored by the State Relief and Welfare Department put the number of addicts at 68,518 L.G. The weaker sections, especially those in the 15-35 age group, are the most vulnerable. Kolkata has arguably the highest concentration of drug addicts in the country.

According to Anwar Premi, Honorary Secretary of the Drive for United Victory over Addiction (DUVA), a voluntary organization fighting drug abuse: “The majority of the victims in Calcutta are Muslim youths. Poverty and illiteracy lures them to the wrong alleys in life”. The young flavour their taste buds and also sense organs through cannabis (charas, ganja, bhang and marijuana), hallucinogens (LSD, dhatura, magic mushrooms), sedatives (barbiturates, heroin, Methadone, opium, morphine, codeine, pethidine) and stimulants (cocaine, amphetamine). India allows Poppy Cultivation in different states and the cities have become transit points such that the young addicts are increasing in numbers. They are getting more and more entangled in this vicious chain-one addict introducing the habit to others and it goes on. Narcotic addiction coupled with boredom, unemployment, evil influence of Bollywood and Hollywood potboilers, love-revenges, poverty and the abundance of alcohol all augment delinquency among juveniles. The causes of juvenile delinquency are thus multifarious. Crime among juveniles is not only a threat to the society but also a matter of deep concern. Proper steps should be taken towards their prevention so that the youngsters of today do not become criminals of tomorrow. Although, the country have grown up to realize this fact and have been taking steps to deliver justice to them by way of their rehabilitation and reformation, that is not sufficient. Strategic measures coupled with comprehensive socio-political measures are required against the actual causes of the delinquency and not against their individual forms of manifestation. The future of the country, nay the whole world is in the hands of the youth. But if they are not empowered today, time will take them slowly and quietly and with much anguish and bewilderment, to a confused society. So the need of the hour is to love the youths, nurture, develop and give them strength before it is too late.
2.4. Trends of Juvenile Delinquency

Juvenile delinquency has been existing in all times the world over. Six thousand years ago an Egyptian priest is known to have felt sad about the latter day generation of the world, as evidenced by children no longer obeying their parents. Socrates was also critical of the young people of his age who were bad mannered, disrespected elders and contempted for authority. About one and half century ago juvenile delinquents were known as 'Naughty Boys'. They were abandoned in the dense forests for even small offences and the girls were made over to the custody of the prostitutes. During the 18th and 19th century, colonial India witnessed an escalation of crime which could be attributed to the economic displacement or the people and specially to the occurrence of widespread famines. On this score, Ranajit Guha has observed, “In all feudal types of societies, there have always been individuals and small groups who were driven by hunger and humiliation to commit acts of violence”\(^{103}\). Between 1859 and 1947, it is observed that the juvenile offenders of various age groups were punished for different offences with either imprisonment or flogging. In British India, E.C. Bayley, Secretary to the British India Government noted on April 4th, 1868, that “A Magistrate would send to the Reformatory a ragged boy caught picking pockets, and shown to have been abandoned by his parents, or to have become an inmate of a notorious thief’s resort; but on the other hand he certainly would not sentence his rector's son caught stealing a farmer's apple more out of frolic than wickedness\(^{104}\). The jail records of Awada Prison (1866-67) and also Poona Jail reveal that the Juvenile offenders were involved in all sorts of “grave crimes” including theft, dacoity, rioting, even rape\(^{105}\) and sodomy\(^{106}\) and it is perhaps pertinent to take a look at their socio-economic background which actually drove them to the den of crime. It was however observed by a British Official, G.C. Whitework that "the great majority of

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103 Guha, Ranajit, Elementary Aspects of Peasants Insurgency in Colonial India, Delhi, 1983.
105 Home Judicial : ‘A’ Proceeding, March 1874, No. 139 - 147.
106 Home Judicial : ‘A’ Proceeding, April 1867, No. 33.
juveniles, however, belong to poor classes. Famine was another main factor which led to a steep rise in the number of juvenile offenders and all were accused of stealing. The Ootacamund Jail of Madras relate to such famine infected crimes. The Orissa famine of 1870 also recorded a manifold increase in the number of juvenile destitutes and juvenile delinquents.

There was a constant decline in the incidence of juvenile delinquency ever since 1988 when the definition of juvenile delinquency was restricted in terms of the Juvenile Justice Act 1986 as that related it strictly to the behaviour of male below 16 years and female below 18 years. This lead to a decline in juvenile delinquency incidence from 2.3 per 1 lakh population in 1989 to 0.9 in 1999. Similarly the percentage of juvenile crime to total crime rate came down from 1.2 percent in 1989 to 0.5 percent in 1999. Thus, the total IPC crimes by juveniles in 1999 were 8888 (as against 18457 in 1989 and 9352 in 1998). The total Special and Local Law Crimes committed by juveniles also declined to 5569 in 1999. With the newly enforced Juvenile Justice (Care and Protection of Children) Act, 2000, the decline trend has been grossly reversed, because of the addition of the 16 – 18 age group males in the definition of 'child' or juvenile. The Crime Statistics gives the following information:

**Persons Arrested under IPC and SLL by Age Group and Sex during 1999:**

<table>
<thead>
<tr>
<th>Crime Head</th>
<th>Below 16 Years</th>
<th>16 to 18 Years</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Total Cognizable IPC Crimes</td>
<td>8894</td>
<td>720</td>
</tr>
<tr>
<td>Total Cognizable SLL Crimes</td>
<td>4194</td>
<td>542</td>
</tr>
<tr>
<td>Grand total of IPC &amp; SLL Crimes</td>
<td>13088</td>
<td>1262</td>
</tr>
</tbody>
</table>

| Table - 1 |

---

111 Ibid, Table 31.7, p. 431.
In 1999, of the total juvenile delinquency, 15.6 percent were violent crimes and 39.6 percent property crimes. The rise in violent and serious juvenile delinquencies and decline in property crimes has been a gradual phenomenon throughout the post-independence era. Of the four major categories of violent crimes, namely (a) crimes affecting body, (ii) crimes affecting property, (iii) crimes affecting public safety and (iv) crimes affecting women, the most resorted to juvenile crime relates to crimes affecting human life like Murder, Culpable Homicides, Attempt to commit murder, Dowry Death, Kidnapping and Abduction and offences affecting public safety like Riots and Arson are most common amongst the juvenile population. Juvenile crimes witnessed a sharp increase from the year 1999 to 2007 and the statistics of crime in India 2007 given below gives a clear indication in this regard.\(^{112}\)

Statistics of Juvenile Crime from 1999-2007:

<table>
<thead>
<tr>
<th>Year</th>
<th>Incidence of Juvenile Crimes</th>
<th>Estimated Mid-Year Population (In Lakh)</th>
<th>Rate of Crime by Juveniles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>8888</td>
<td>9866</td>
<td>0.9</td>
</tr>
<tr>
<td>2000</td>
<td>9267</td>
<td>10021</td>
<td>0.9</td>
</tr>
<tr>
<td>2001</td>
<td>16509</td>
<td>10270</td>
<td>1.6</td>
</tr>
<tr>
<td>2002</td>
<td>18560</td>
<td>10506</td>
<td>1.8</td>
</tr>
<tr>
<td>2003</td>
<td>17819</td>
<td>10682</td>
<td>1.7</td>
</tr>
<tr>
<td>2004</td>
<td>19229</td>
<td>10856</td>
<td>1.8</td>
</tr>
<tr>
<td>2005</td>
<td>18939</td>
<td>11028</td>
<td>1.7</td>
</tr>
<tr>
<td>2006</td>
<td>21088</td>
<td>11198</td>
<td>1.9</td>
</tr>
<tr>
<td>2007</td>
<td>22865</td>
<td>11366</td>
<td>2.0</td>
</tr>
</tbody>
</table>

reflected in violent trends, absence of a striving for excellence and concern for
the social welfare, whereas the quantitative change is reflected in the rapidly
increasing number of cases of such delinquency. This increase has no proportion
with increase in population. If numbers are a fair indication, juvenile crime in
the capital saw a disturbing increase of 8.9% in 2008 and 7.8% in 2007,
according to police reports. Kids committing crime is not only a Capital affair
but the trend has an alarming echo across the country. Offence committed by
minors was 1.7% of the total crime in the country in 2005. It increased to 1.9%
and 2% in 2006 and 2007 respectively, according to the National Crime Records
Bureau (NCRB) report. The capital was shocked when in January 2009, an
eight-year-old, in a fit of rage, slit his six-year-old neighbour's throat following a
fight over a game. The boy was arrested and sent to observation home. A 12 year
old boy stabbed an eight-year-old in Kota in Rajasthan after a quarrel113 some
days after, the arrest of four youths of the age group 12-16 years in outer Delhi
for their involvement in snatching cases again points to the violent streak among
adolescents. They were not just street children, but also from well-off families114.

Even as the cases of minors involved in crimes like molestation and sexual
harassment came down in the year 2007, more children were found to be
involved in cases of pick pocketing, burglaries, theft and rioting115. Alarming
figures of the offences of murder, rape, kidnapping, dacoity, cheating, sexual
harassment have been reported as the burning trend of juvenile crime116.

However, actual figures of juvenile in conflict with law might be higher as not
many youngsters are jailed for their crimes. One of the most disturbing and
serious fact is that most of these juvenile criminals come from families of
income groups. Some of the dreaded criminals in the Capital started as
pickpockets in their teenage and went on to become robbers and murderers. An
NGO worker had commented regarding a new trend of juveniles – in – conflict

113 Teen killers, a disturbing phenomenon-Shai Venkatraman February 18th, 2009.
09.
114 Ibid.
116 Ibid.
with law that nowadays, it is not only street children who take to crime. Even children from well-off middle class and upper middle class families are turning to crime. Peer pressure and crime thrill plays a pivotal role in leading them astray, child psychology experts attribute this to the discrepancy between crime and punishment with criminal going scot-free in high-profile criminal cases. So, the fear barrier no longer exists. The involvement of minors in crimes has gone up significantly as the police took action against 658 minors in 2006, 785 in 2007 and 995 in 2008. A study conducted by the crime branch, Pune on involvement of minors in various crimes between 2006 and 2008 revealed that minors, who are involved in various offences like murder, kidnap, robbery, house break-in and vehicle theft are in the age group from 14 and 18 years. Juveniles-in-conflict with law have shown manifestations in theft, robbery, dacoity even serious crimes like murder, rape and pornography. The prevailing trends of juvenile crime can be gathered from the following instances cited below:

- A 14 year old boy who fancied an MP4 Player allegedly pushed his friend's sister of 10 years off a bridge and then strangled her because she refused to lend him the gadget.

- A 15 year old girl stabbed a male classmate in the leg for teasing her as it had crossed the limit.

- A 14 year old boy abducted his toddler nephew during a visit to his sister's home and demanded a ransom of Rs. 1 crore.

- A 17 year old student filmed a sex clip with his girlfriend using his mobile phone camera for about 2 and½ minutes and posted it on LAN which was

118 Reported in the Telegraph Calcutta, Tuesday, 19.08.08, Page No. 9.
119 Reported in the Telegraph Calcutta, Friday, 03.04.09, Page No. 5.
120 Reported in the Telegraph Calcutta, Saturday, 01.08.09, Page No. 4.
later on downloaded by some other student and was put on sale in a website.\footnote{121}

- A 16 year old student created an account dgang4blast@yahoo.com in a cyber cafe and sent the mail at 5:28 P.M. on the same day. The email said a bomb would be planted on an unspecified train to blow it up. When arrested he said that he sent the email for the fun of having his prank flashed as “breaking news” on television.\footnote{122}

- A gang of 5 juveniles conspired to commit dacoity for 2 hours daily in the name of going for tuition classes. Certain weapons were also found in their possession. They were responsible for a series of robberies.\footnote{123}

- A 14 year old boy studying in class VIII attempted to commit murder of his grandmother, grandfather and aunt with a sharp cutting weapon as he believed that they were responsible for his father's suicide which he committed for financial debt.\footnote{124}

- A 17 year old along with others had allegedly gang raped a 12 year old girl and throttled her to death.\footnote{125}

- A boy who finished writing his Madhyamik examination days ago was arrested when he got off a train and proceeded towards the other way heading for the station's exit with a heavy looking bag consisting 15 kg of ganja worth over Rs. 2 lakh. The boy worked as a courier for a gang and did this trip twice in the past six months and got Rs. 20000/- for each.

\footnote{121}{Article : News Wire Roundup : Juvenile Pornographic incident stuns India – Jiang Yaping, Rakesh Singh 21.12.04, New Delhi.}
\footnote{122}{Times of India reporting 'A bad boy 1st Juvenile Cyber Crime Convict', 13th April, 2009.}
\footnote{123}{REPORTED in Anandabazar Patrica on 19th January, 2009Monday Page No. 10 ; The Telegraph, 18.01.09, Sunday, Page No. 7.}
\footnote{124}{Reported in Anandabazar Patrica, 20.01.09, Tuesday, Page No. 10.}
\footnote{125}{Reported in The Telegraph, 3rd February, 2009, Calcutta, Tuesday, Page No. 7.}
The absconding juvenile in the connection of murder of 22-year old Pushkar has surrendered before the police and sent to juvenile house in sector 24 on Thursday. The juvenile was absconding since after the murder of Pushkar near Government Model Senior Secondary School (GMSSS), sector 19, on September 26.\textsuperscript{127}

Two boys in their early teens have been arrested for assaulting a mason at Garpha in southern fringes of the city. Police said that both boys hit the mason on his head with a brick following an altercation. Both boys were arrested and will be produced before juvenile court.\textsuperscript{128}

As a 17 year boy, wanted for murder 8 year old neighbour boy in PAP campus, was arrested by the police after a chase of around two weeks he revealed that he wanted to kidnap boy to get ransom for having good clothes and mobile phones "like his friends".\textsuperscript{129}

Unidentified juveniles steal a bag containing Rs 2.50 lakh and documents from the car of Sandeep Kumar of sector 23 on Saturday. The incident took place near Income Tax office in sector 17. Police said juveniles had thrown some currency notes near the car of Sandeep and lured him that his money was fall on the road. As Sandeep tried to collect the currency notes, juveniles escaped after stealing his bag from his car, police sources said.\textsuperscript{130}

\textsuperscript{126} Reported in the Telegraph Calcutta, Monday, 9\textsuperscript{th} March, 2009 – 'School Kid plays cannabis 'courier'.
\textsuperscript{128} Ibid reported on 9th March 2012.
\textsuperscript{129} Ibid reported on 22\textsuperscript{nd} July, 2011.
\textsuperscript{130} Ibid.
Balangir police arrested the accused, who allegedly killed a minor boy of Kamsara village and later fled from the police station. Earlier, under pressure from villagers the police had arrested parents of the accused person. The villagers had set a police jeep on fire after the accused fled from the police custody.131

Dharavi police arrested three juveniles (all aged between 14 and 17) reportedly for stealing cash & jewellery worth Rs3.5 lakh for the house of their neighbour at Dharavi on Sunday.132

The recent abduction and murder of 16-year-old Shubham Shirke for ransom by three of his friends, two of whom are allegedly minors, shocked the city. Juvenile crimes in the city are rising and getting more serious. And they are not restricted to the economically weaker sections anymore. The official ambiguity over how to deal with minor offenders appears to be the main reason for this surge.133

The city woke up to another shameful and horrifying incident when a student was brutally gangraped by five persons, one of whom was a juvenile of 17 years and he is considered to have shared the most severe and lecherous act.134

From the above classifications, it is quite clear that juveniles committing crime are more in the age groups of 14-17 to 18 years than the others. The crimes committed by them are sheer evidences of their growth, maturity and understanding. A total of 33,887 juveniles were apprehended during 2011 out of which 31,909 were boys and 1,978 were girls. The percentage of girls to total juveniles is 5.84% in 2011 whereas the percentage share relating to 2010 was

131 Ibid reported on 16th July, 2011.
132 Ibid reported on 25th April, 2012.
134 Reported in Anandabazar Patrika, 18th December, 2012, pg.1.
5.1%. Out of total 33,887 Juveniles arrested, 30,766 (90.7%) were arrested under IPC crimes while 3,121 (9.3%) were arrested for committing SLL crimes.

The above data is depicted by the table underneath:

<table>
<thead>
<tr>
<th></th>
<th>7-12 years</th>
<th>12-16 years</th>
<th>16-18 years</th>
<th>Total for all ages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boys</td>
<td>1072</td>
<td>10329</td>
<td>20508</td>
<td>31909</td>
</tr>
<tr>
<td>Girls</td>
<td>139</td>
<td>690</td>
<td>1149</td>
<td>1978</td>
</tr>
<tr>
<td>Total</td>
<td>1211</td>
<td>11,019</td>
<td>21,657</td>
<td>33,887</td>
</tr>
</tbody>
</table>

Table - 3

Out of the total 33,887 juveniles apprehended, 1,211 juveniles are in the age-group of 7-12 years, 11,019 juveniles are in the age-group of 12-16 years during 2011 whereas bulk of juveniles (21,657) were arrested under the age-group 16-18 years. The percentage shares of Juveniles apprehended under these age groups are 3.3%, 32.5% and 63.9% respectively. An increase has been observed in number of juveniles apprehended in all these age groups and it is shocking to note that in 2011 over 2010, highest percentage increase was for 7-12 age group (30.6%) whereas the rise in crimes in 12-16 years and 16-18 years were 8.9% and 12.5% respectively.

Beneath is the graphical representation of juvenile crime by classification of age group.

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135 Crime in India 2011, NCRB, Ministry of Home Affairs.
JUVENILES APPREHENDED BY IPC AND SLL CRIMES BY AGE GROUP

Source: Children in India 2012-A Statistical Appraisal, Social Statistics Division, Ministry of Statistics and Programme Implementation, Govt. of India

Maharashtra has reported the highest number of juveniles arrested (6,417, 20.9%) under IPC crimes followed by Madhya Pradesh (5,495, 17.9%), Rajasthan (2,445, 7.9%), Andhra Pradesh (2,424, 7.9%), Chhatisgarh (2,178, 7.1%), and Gujarat (1,968, 6.4%). Maharashtra has reported the highest number of juveniles arrested for Murder (201), Attempt to Murder (180), Dacoity (67), Preparation and Assembly for Dacoity (17), Robbery (218), Burglary (838), Theft (1,673), Riots (736), Cheating (35), Hurt (1,331) and Cruelty by Husband and Relatives (128). Madhya Pradesh led in apprehending the juveniles for Rape
(281), Arson (14), Kidnapping (110) and Molestation (173). Among Uts, Delhi UT alone has apprehended 934 (77.3%) Juveniles under different crime heads during the year. State / UT-wise distribution of juveniles apprehended under Special and Local Laws (SLL) is presented in Table in appendix. The highest number of juveniles under SLL were apprehended in Tamil Nadu (683, 21.9%) followed by Gujarat (542, 17.4%), Chhatisgarh (514, 16.5%) and Maharashtra (353, 11.31%). These four states have accounted for 67% of total juveniles apprehended under SLL crimes. Juvenile crime rate was 0.9 towards the year 2000, whereas it has shown an overall increasing trend during 2000-2011, with year to year. The following table shows the incidence and rate of juvenile delinquency under I.P.C. :

INCIDENCE AND RATE OF JUVENILE DELINQUENCY UNDER IPC (2001-2011)

<table>
<thead>
<tr>
<th>Sl no.</th>
<th>Year</th>
<th>Incidence of Juvenile Crimes to Total Crimes</th>
<th>Percentage of Juvenile Crimes to Total Crimes</th>
<th>Estimated Mid-Year Population (in Lakh)</th>
<th>Rate of Crime By Juveniles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>1.6</td>
<td>0.9</td>
<td>10270</td>
<td>1.6</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>1.8</td>
<td>1</td>
<td>10506</td>
<td>1.8</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>1.7</td>
<td>1</td>
<td>10682</td>
<td>1.7</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>1.8</td>
<td>1</td>
<td>10856</td>
<td>1.8</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>1.7</td>
<td>1</td>
<td>11028</td>
<td>1.7</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>1.9</td>
<td>1.1</td>
<td>11198</td>
<td>1.9</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>2</td>
<td>1.1</td>
<td>11366</td>
<td>2</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>2.1</td>
<td>1.2</td>
<td>11531</td>
<td>2.1</td>
</tr>
<tr>
<td>9</td>
<td></td>
<td>2</td>
<td>1.1</td>
<td>11694</td>
<td>2</td>
</tr>
</tbody>
</table>

### Table-4

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Year</th>
<th>Incidence of Juvenile Crimes (in Lakh)</th>
<th>Percentage of Juvenile Crimes to Total Crimes</th>
<th>Estimated Mid-Year Population (in Lakh)</th>
<th>Rate of Crime By Juveniles</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>2010</td>
<td>22740</td>
<td>1</td>
<td>11858</td>
<td>1.9</td>
</tr>
<tr>
<td>11</td>
<td>2011</td>
<td>25125</td>
<td>1.1</td>
<td>12102</td>
<td>2.1</td>
</tr>
</tbody>
</table>

Apart from these, observations indicate that juvenile murders are often linked to gangs. In America, 95% of its biggest cities and 88% of the smaller cities suffer from gang related crime up to 90% of gang members are juveniles. Studies also suggest that most juvenile crime victims are other juveniles and most sexual assaults are against other juveniles. An analysis of the Federal Bureau of Investigation's National Incident-Based Reporting System data from 1997 and 1998 shows that 19% of the victims of nonfatal violent crimes were victimized by a juvenile offender – either a juvenile acting alone, multiple juvenile or juvenile and adult offenders acting together. In India, more and more children are taking to committing crimes with the incidence of juvenile crime recording an increase each year. Apart from crimes like theft, burglary, riots, molestation, sexual harassment, juveniles were also found involved in arson and riots. Youngsters have also been involved in bag snatching, pick-pocketing, theft of mobile phones, while waiting along the tracks for trains to slow down or on trains between stations. Railway statistics show that whereas 54 cases registered against the juvenile offenders in Central and Western Railway in the year 2006, a huge jump was experienced when the number increased to 91 in the year 2008. In a case reported at Chandigarh, 6 juveniles allegedly attacked two-security guards of a mobile tower premises and stole equipments from the tower station. They were reportedly equipped with swords and iron rods. Serious crimes such as robbery, rape and murder are no longer restricted to the domain

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of hardened criminals with charge sheets that run into reams of paper. The above mentioned trends of juvenile crime clearly elucidate that a new breed of criminals has emerged – all below 18 years of age – and police records reveal that they are equally proficient in carrying out the most macabre of killings. Most of these minors come from impoverished backgrounds and are usually into substance abuse from a young age. Influenced by their peers and what they see in films and on television, these children commit themselves to the world of crime and aspire to become wealthy dons one day. Thus, even when they are sent to observation homes to curb their criminal instincts and learn a trade to earn a honest livelihood, they use the first opportunity to escape.139

Young girls are also involved in juvenile crimes. A total of 34,527 juveniles were apprehended during 2007 out of which, 32,671 were boys and 1,856 were girls. However, the study into the need patterns of different types of female criminals has not yet received their due attention. Studies140 carried out to see the level of achievement motivation in female criminals have characterized them as having lower level of achievement motivation. Blackburn in his study conducted in 1974141 found that female criminals have higher level of hostility, tension and psychopathic deviance. The female delinquents as compared to normals are significantly more aggressive.

Summing up, it may be observed that in India, the important characteristics of juvenile delinquency are:

(i) that the delinquency rates are much higher among boys than girls;

(ii) that the delinquency rates tend to be highest in the early adolescences (12 – 16 years).

139 Supra note 73.
(iii) that the delinquency rates are more in urban than in rural phenomena.
(iv) that the most of the juvenile delinquency are happened within the family environment.
(v) that the most of the juvenile delinquents come from illiterate and less educated families.
(vi) that most of the juvenile delinquents are first offenders and only a few are last offenders.
(vii) that the most of the juvenile delinquencies are committed in groups.

By now, the picture is clear that the juveniles commit crime with no exception to adults. They lend their contribution to each and every type of crimes. However, in all cases there is a story behind every juvenile delinquent which made him put his first step into the crime world. Therefore, its very important as well as essential to delve into the background of every juvenile-in-conflict-with-law while bringing him into the books of law.

2.5 A Global overview of Juvenile Crime and Delinquency situations

The factors leading to juvenile delinquency have been already discussed above. In all countries, patterns of delinquency are influenced by national, ethnic, or religions subgroups or by other minority groups; by migration, urbanization, industrialization and other factors leading to rapid social change.

An overview of the crime and delinquency situations existing in different countries in the world is discussed below:

Australia

The immigrants of Australia accounting to 11% of its population since the Second World War were preponderantly from England, Holland, and
Scandinavia; but more recently they have come from Southern, Central, and Eastern Europe. Crime in the first generation of immigrants is lower than in the home born. The second generation, the children of immigrants, have not so far proved a problem as regards delinquency (cf. Victoria, state). They readily adopt Australian customs and have not formed local delinquent groups or gangs. The aborigines are protected as the inheritors of valuable culture, and crime among them is insignificant.

Juvenile delinquency rates in Australia have declined from 4092 per 100000 juveniles in 1995-1996 to 3023 in 2003-2004\(^{142}\). A comparison of the proportion of total offenders who were aged 10–24 in 2009–10 (48%) with the proportion of the general population who were aged 10–24 in Australia as at December 2009 (23%), shows the higher proportion of young people in the offender population\(^{143}\). While violent juvenile crime like drug offences heroin trafficking, theft and burglary rose sharply by the year 1995-98 fuelled by heroin use, poor parenting, and school truancy in poor neighbourhoods and it reached epidemic levels in some low-income suburbs across, Australia, it had shown a decreasing trend in the year 2000-2001. It has been perceived that youth gangs are an emerging problem in Australia\(^{144}\). However, in Australia there are very few youth gangs and those which do involve themselves in criminal activities generally assemble together for short periods of time in pursuit of a financial gain\(^{145}\), their involvement being mainly in petty theft, graffiti and vandalism. Juveniles also accounted for theft burglary, property and drug offences, offences against person and good order offences\(^{146}\).

\(^{143}\) Australian Bureau of Statistics, Yearbook Australia -2012.
Belgium

In Belgium incidence of juvenile delinquency (which is calculated up to the age of eighteen) rose sharply during the war, but recovered quickly afterwards and returned to pre-war levels. In the early nineteen-fifties there was a further upward trend. Increases in delinquency have occurred only in certain places; there is little in rural communities, where no doubt it is controlled by sub cultural means. As in the Netherlands, visiting youths on holiday from Germany or Britain sometimes cause a good deal of difficulty stealing cars, committing sex offences, etc. There have been very few teenage riots. Traffic offences, shoplifting, and stealing cars (which is not thought of as stealing of as stealing) have increased, as in many countries. There has also been some increase in homosexual prostitution, which is relatively new. It is not confined to big cities and cafes, but is found in mining areas and elsewhere. There has been a considerable increase in juvenile gangs, usually of boys of seventeen or eighteen but including any age from fourteen to twenty-five. The leaders and deputies are not always the oldest. They commit some properly offences, but are also involved in sexual molestation or aggressive offences, especially against people of different class or language, or the police. They are found not only in large cities but also in small towns, based upon some cafe or dance-hall. Members of gangs come from a working-class background, but not from poverty-stricken or problem families in any extreme sense.

The portion of juveniles has diminished from 24.6% in 1990 to 22.4% in 2003. In Belgium, juveniles under the age of 18 years have no criminal responsibility (with some exceptions as from the age of 16). There exists no lower age limit to the jurisdiction of juvenile law. When they reach the age of majority, the young offenders no longer fall under the legislation specific for juvenile delinquency. The phenomenon is no longer considered a priority within

the framework of the National Security Plan, but the Policy Document of 2011 from the Government makes it a community matter. The Communities will decide by themselves about the nature of the measures which can be taken regarding minors who have committed an act qualified as an offence. Some working groups have been set up and gather on a regular basis in order to make this a community issue.

Canada

Canada, observed a considerable increase in organized types of crime. Some 56 per cent of those convicted of crime are in the age group 16-25. Among these there are said to be many who have little interest except to live by crime. Although many do not fully realize it, they are part of a system of organized crime; receiving, for example, regular consignments of stolen goods for resale without knowing where they came from, but being paid regularly. This pay is large enough to give them little incentive to lead an honest life. Few juveniles commit crimes on their own over a prolonged period of time; these are usually organized and planned for them. An increasing number of middle-class boys are involved in habitual delinquency. A number of profitable rackets are often found to be connected with those who have been to high school or college. It may start as a joke or episode of excitement but turn out to be so profitable that boys continue with it. The difference between urban and rural crime is decreasing-a gang may be composed of two city boys and two who live in the country near by. Similarly, the meeting places for these groups are no longer the pool-rooms and street corners, but country clubs, or night clubs, parks, or squares in the centre of the city. When seen in institutions, many delinquents are incompetent, inadequate-although intelligent-youths who are organized and used by those better socialized than themselves. Similarly, riots are not organized; they are merely contagious. Absconding, also, is rarely organized; boys run away in groups only because they are too fearful to take any step alone.

A news release of the University of Waterloo had reported that there has been virtually no change in the level of youth crime in Canada since 1980. If anything, there has been a decrease in such crime certainly in Ontario. This data is however based on only reported crimes by the police, youth crimes committed are minor crimes like petty shoplifting and vandalism. Serious crimes had been more frequent in the 1990s, than they were a few years earlier. Recorded incidence of minor assaults had increased. Most youth crimes are against property, though some for both sexes involve assaults. Males are prone to steal cars, break into homes and vandalize property while females are more apt to shoplift. In 2010, nearly 153,000 youths were accused of committing a crime:

- 42% were charged (or recommended for charging) by police; and
- 58% were dealt with by means other than the formal laying of a charge (e.g. youth diverted from the formal criminal justice system through the use of warnings, cautions and referrals to community programs).

**Israel**

In Israel the flow of immigrants into Palestine, and the later state of Israel, has been almost continuous, though with marked fluctuations, since the beginning of the century. Reifen states that, in recent years, immigrant Jews originating from Asia, the Near and Middle East, and North Africa have increased numerically to about half of the population. Cultural conflict, has resulted from transplantation into a competitive, urbanized and industrialized, 'Western' type of society. The process of culture change is most marked in Oriental communities, where negative repercussions are particularly felt: over

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151 David Reifen was the first Juvenile Court Judge in Israel appointed in 1950. He was the author of many articles in Hebrew and English on juvenile delinquency and on the Juvenile Court, The Journal of Criminal Law, Criminology and Police Science Vol. 58, No. 1. Ref. Young Criminals : Crime and Punishment in Juvenile Delinquency, Sugata Menon p.151.
80 per cent of juvenile delinquents are of Eastern origin. The criminal behaviour of immigrants in Israel has been described by Shoham (1962)\textsuperscript{152}. Between 1953 and 1957 the 60 per cent of the population who were adult immigrants comprised 67 per cent of the offenders, a ratio of 'new' to 'old' inhabitants of 10 to 7.5. American studies, however, have tended to show that the main culture conflict with respect to crime and immigration arises with the second generation. The native-born of immigrant parents, or those who immigrated at a very young age, are the most prone to suffer. Juvenile delinquency in Israel has risen steadily from 1949 to 1959 from 0-68 per cent of the relevant age group to 1.32 per cent. The rates for immigrant delinquents were, however, 311 per 1,00,000 in 1958, compared with 188 for the total juvenile population. The highest rate of all is found in the rural area around Jerusalem, which is entirely immigrant, where the rate in 1957 was 455, compared with 189 in Jerusalem city. The Agranat Committee on Juvenile Delinquency (1956) concluded that whether 'new' or 'old', the oriental Jews produced a great preponderance of delinquency, and that 'the process of social and cultural integration of the oriental immigrant boy is seemingly accompanied by cultural and external conflicts which result \textit{inter alia} in delinquency'. Shoham and Hovav (1964)\textsuperscript{153} have also investigated the problems of delinquency among the middle – and upper-class youth (the 'B'nei-Tovim'). These were defined as either having parents in white-collar jobs, with superior incomes and living in better residential areas, or being in higher education themselves, or both. The B'nei-Tovim tended to commit offences of vandalism and pointless aggression and 'living in the moment' offences to satisfy immediate needs. They were more often first offenders only, and were more leniently on the first offence though not subsequently. Their homes had less often been broken, and their parents were less unstable or passive. A large number of the B'nei-Tovim displayed a negativistic, defiant, and rebellious attitude towards society, as reflected in their


\textsuperscript{153} Shoham S. and M.Hovav (1964) : B'nei-Tovim – Middle and upper class Delinquency in Israel sociology and Social Research 48 (n.4).
comments on their offences, but many others showed a strong sense of guilt. They had fewer previous convictions and subsequently abandoned crime more rapidly. At the age of fourteen, middle-class delinquents actually were in the majority, while the lower-class, with repeated offences, predominated at fifteen or sixteen. The B'nei-Tovim thus have many characteristics of the middle-class delinquent in all countries, but in Israel there are many cross-currents. Though they come from more stable and privileged homes, they are involved in adolescence in a conflict of values which arises perhaps from cultural factors with uncertainty about themselves and, especially, uncertainty about their parents.

Juvenile delinquency rates in Israel have risen dramatically; they appear directly related to ethnic origin and indirectly to immigration. Juveniles of Afro-Asian origin, whether immigrant or Israeli-born produce the highest rates of delinquency. Juvenile arrests for drug abuse violations involving all drug types, collectively increased to 22.9% from 1994 to 2003\textsuperscript{154}. A study had suggested that over 90 percent of juvenile delinquents in Israel are boys and the average age of minors referred to the Youth Probation Service was 15.7 years\textsuperscript{155}. The study also revealed that a significant number of youngsters had problems connecting with their parents, and 26% had suffered a traumatic event within the family.

**Italy**

In Italy, juvenile delinquency has been decreasing for some years, following an increase soon after the war. There is considerable internal migration from the rural south to the industrial centres of Turin, Milan, and Genoa, but this has not been accompanied by a very noticeable increase in delinquency in those centres. There has also been a migration to Rome and here, too, the increase in juvenile delinquency has been negligible—the population has


\textsuperscript{155} The Jerusalem Post, 28.10.10.
risen by 10 per cent and delinquency by only 4 per cent. Gangs are rare in Italy, except in certain cities such as Naples and Palermo, where they have a long tradition (cf. Eranchini and Introna, 1961). The significance of urbanization for delinquency is suggested by Juvenile Court Statistics for 1955 which reported 35.1 cases of delinquency per 1000 population, 10-17 years of age for courts serving areas of 100,000 population 10-17 years of age for courts serving areas of under 5000 population. These figures indicate both “official” and “unofficial” cases. In Rome, juvenile crime accounts for about 2 percent of the total, according to police. There is no gang delinquency problem in Rome. It is observed that Italian minors are mostly charged with crimes against people (and this is because of their involvement in organized crime), while foreign minors are often charged with offence against property, crimes related to drug trafficking, or because violation of migration laws. The number of juvenile offenders in Italy is lower than European: 2.6% of committed crimes: 23.9 in the UK, 21% in France, 12.9% in Germany and 5% in Spain (Maffei & Merzagora Betsos, 2007). Data is difficult to compare with other countries, because of the differences between law systems and the definitions of the children offenders’ age.

Japan

Japan is undergoing very rapid social change. The rate of economic growth is exceptionally high-three times that of such a rapidly growing country as the United States. Social organization, which used to be supported by complex ‘extended’ family units and low social mobility is changing rapidly, with the emergence of the Western type of ‘nuclear’ family, comprising only parents and children, and with increased social mobility. The traditional

158 Juvenile Justice System in Italy : Researches and Interventions, 2012
extended family aborted more delinquent conduct without making it public and better insulated its members from delinquency than does the modern nuclear family. Moreover, traditional Japanese houses were constructed in such a fashion that their protection necessitated one member of the family always being at home; the modern apartment, often empty for much of the day, is easily entered by thieves. The young are under great pressure to achieve high school status and a college or technological education. Even physically, there are differences between the generations; the youths being perceptibly taller than the adults, as in some European countries. Since 1956 adult crime has tended to diminish but there has been a rapid increase in juvenile delinquency from 1956-60, with some stabilization in 1962 and 1963, and a further increase in 1964. Wilson and Wilson (1964)\(^{159}\) reported recently that offences under the penal code of the age group 10-20, which were 3.2 per 1,000 of the relevant age group in 1939 to 1940, rose to 7.6 per 1,000 in 1947 to 1950, and 9.6 per cent in 1960 - an increase which seems about the same as that occurring in England. After 1961, however, the increase in Japan appears to have leveled out. According to the Japanese government's White Paper on Crime (Ministry of Justice, 1963), seven characteristics of juvenile crime have been observed. These are:

1. Commission of more serious types of offences;
2. Increase in the incidence of crime committed by groups;
3. Increase in juvenile recidivism;
4. Increase in the incidence of crime committed by the low-teenage group;
5. Increase in crime committed by students;
6. Increase in the numbers of juvenile offenders from middle-class families; and
7. A concentration of juvenile crime in the big city.

Studies by De Vos and Mizushima,(1960; 1962) reveal that Koreans in Japan are a socially and economically underprivileged minority group. There is a

stereotype in Japan that they are responsible for much delinquency and crime. The Korean minority has, in fact, a high delinquency rate and is more prone to the use of drugs; they show 'many of the signs of American minority groups in respect to delinquent patterns' (De Vos and Mizushima, 1962). Japanese authorities seem to make little distinction between the liability of boys and girls to be brought before the courts (Wilson and Wilson, 1960). Nevertheless, offences by females, consisting mainly of theft, seem to have remained constant while the boys' offences have increased. It is significant that over one-third of the juvenile delinquency in Tokyo is attributable to young people who have left their homes elsewhere in the country and come to Tokyo, either with their parents' consent (student and apprentices), or boy 'elopement'. The usual area studies show that homes of delinquents are scattered fairly equally all over the city; studies of the place of commission of delinquent acts reveal a massive concentration around the main railway stations and entertainment areas (ref. also De Vos and Mizushima, 1959; 1960; 1962).

Of all juveniles (defined in Japan as people under the age of 20) charged with violating the Penal Code, 16 year olds account for the largest single age group, followed by 15- year-olds and 14-year-olds. Together, these three groups make up two-thirds of all juvenile violators in Japan. The vast majority of the nation's juvenile violators – 85% are enrolled in schools. According to police data, the rate of arrests within the age group 14-19 increased by 50% from 1993 to 2003. The people of Japan had been shocked by a series of horrific crimes committed by teenagers. It started in 1997 in the city of Kobe, when a 14-year-old killed a younger boy and cut his head off. He left the head outside a school, along with a taunting note. Another teenager murdered an entire family of neighbours and a 17-year-old killed a woman with a knife, during a bus hijack. Pressured by public alarm on the increasing number of violence in juvenile cases the juvenile law in Japan went through considerable amendment in 2000.

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But as that was not very scientific, a need had been felt again to review the law. Another amendment was reportedly made in the year 2008. In 2003, 144,404 juveniles were involved in crimes last year, it increase 1.9 percent from the previous year. After 2003, juvenile crime by youth between 14-19 continued to decline until 2009. In an incident of 2011, a 16-year-old boy arrested in the stabbing of a 15-year-old girl in Misato, Saitama Prefecture, has said he did not know the victim and was carrying blades to kill pedestrians at random. When the youth population is examined with juvenile crime rate that show declines, it can be ordained that the percentage had still not changed at the safe level.\textsuperscript{163}

**The Netherlands**

Netherlands although being a small but densely populated Western European Country, the development of juvenile delinquency herein, is fairly documented Netherlands began to experience violent crimes in the 1980s, nearly quadrupling between 1980 and 1995. Dutch judicial statistics reveal steady growth in the share of juveniles in reported crimes since the second half of the 1950s. Some 80 – 90 per cent of delinquency in Holland is committed in groups. As in several other countries of Western Europe, there has been much discussion of the apparent loosening or weakening of roles in the community-adolescents are less differentiated, or more uncertain, in their roles in relation to adults. In addition, boys and girls seem inclined to confuse or reverse sex-role differences, the boys wearing long hair and the girls wearing trousers, high boots, and other forms of masculine apparel.

Between 1994 and 1998, the rate of violent crime per 100,000 boys ages 12 through 17 increased by nearly 50%. Violent crime per 100,000 girls ages 12 through 17 doubled. The rise in registered violent crime may indicate that

juvenile delinquency in the Netherlands is actually becoming more serious\textsuperscript{164}.

**United Kingdom**

The United Kingdom comprises a single culture, with Scottish and Welsh culture 'variants' of considerable complexity. Two world wars have not, as in some countries, led to the devaluation or discredit of the ruling class, but have produced large economic and social changes, with progress in construction of a 'welfare state' and more equal educational opportunities for all. In spite of these changes, there has been a disappointingly steady increase in juvenile crime, especially marked in the last five to ten years, during which period the almost universal post-war increase in delinquency has been subsiding in some other European countries. In England and Wales crime rose sharply (by one-half) in the Second World War. The most novel feature, however, has been the sharp rise in crime in the age group 16-21, which increased threefold since 1938 and resulted, among other changes, in an increase in the borstal population from 2,800 in 1956 to over 4,400 in 1958, an increase of 57 per cent. Between 1958 and 1962 indictable offences recorded by the police again rose by 43 per cent. One-third of all those found guilty of indictable offences each year are under seventeen, and one-half are under twenty-one. Two-thirds of those found guilty of breaking and entering offences are under twenty-one. Some part of the increase in crimes reported is probably due to the strengthening of police forces (by 9 per cent), readier reporting to the police, and better recording by the police. But, even so, the actual volume of crime has increased substantially. The principle conclusion, however, was that the groups of children born during the period 1935-36-1941-42 has a crime rate above average for all ages from eight to twenty, and were in fact a delinquent generation; and this applied to girls, as well as to the population of Scotland, where crime was recorded differently. These children were, of course, aged four or five during the period of the 1939-45 war. 'It seems that disturbances of social or family life had the most marked

effect on subsequent criminality if they occurred when the children concerned were passing through their fifth year' (Wilkins, 1960). By the mid-nineteenth century, juvenile delinquency was established as a major focus of anxiety among the propertied, and separate penal policies and trial procedures for young offenders were being introduced for the first time. Since the 1930s, when the FBI's Uniform Crime Reporting (UCR) Program was established the F.B.I. has monitored violent crime trends with its own Violent Crime Index. In 1998, the F.B.I. reported that 17% of all Violent Crime Index offence arrests, or 112,200 arrests, involved a person under age eighteen. More specifically, law enforcement made 2,100 juvenile arrests for murder, 5,300 juvenile arrests for forcible rape, 32,500 juvenile arrests for robbery. The common offences committed by girls under 16 were criminal damage, shoplifting, buying stolen goods and fighting. Over the age of 16, girls committed less criminal damage and shoplifting, although they were increasingly involved in fraud and buying stolen goods. Juveniles were found guilty of status offences like Truancy, Possession and Consumption of alcohol, curfew violations and purchase of cigarettes. Juveniles who were adjudicated for status offences were often classified as children in need of supervision.

There has been no significant movement in juvenile crime from the year 2000. A total of 6 countries indicate that overall juvenile crime rates have fallen post 2000. Only Ireland reports a rise in juvenile crime from 2000-04. The proportion of young people who committed offences that resulted in a reprimand, warning or conviction that were previously known to the Youth Justice System has reduced over time. In 2001-02, half (49%) of the young

people receiving a disposal were not previously known to the Youth Justice System. By 2011-12 this proportion had fallen to 36 per cent. In 2011-12 just over 4% of young people sentenced for an indictable offence had 15 or more previous offences. This figure has risen from just over one per cent in 2001-02, to four per cent in 2008-09 to over four per cent in 2011-2012169.

**United States of America (USA)**

In the United States, the cultural determinants which have led to an exceptionally high level of delinquency as well as material prosperity have to be sought in history. Until 1840, immigrants were mainly English speaking. Thereafter, many nations supplied immigrants whose number was quite uncontrolled before 1880 and only seriously limited in quite recent times. Later, at the turn of the century, the power of political bosses and machines decreased under the growth of welfare services which replaced the benefits they had manipulated. Codes of ethics, however, are still frequently discussed and drawn up by different organizations, suggesting that improvements are still needed. The arrival of dissident sects, such as the Menonites, some of which had socially divergent norms and came into conflict with the law on such matters as school attendance and army service, may have contributed to the expectation of a certain amount of deviance. According to Lander (1954)170, many of the foreign-born groups in Baltimore, in 1940, were well integrated culturally and economically in the general community, and were characterized by a high degree of social stability. In at least two of these ethnic groups, the Jews and the Chinese, there was 'almost a complete absence of any recorded delinquency'. Referring to the period 1939-42, he observes that '...when other factors are held constant, delinquency rates in Baltimore are highest in areas of maximum racial heterogeneity. In areas of total Negro occupancy, the delinquency rate is no higher than in similar areas of total white occupancy. Furthermore, there are

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many areas in which the Negro delinquency rate is substantially lower than the corresponding white rate. In two tracts with a population of approximately 200 Negro juveniles, there were no recorded cases of delinquency during the study period.

Juvenile Crime in U.S.A. reported a large increase in the later years. According to the office of Juvenile Justice and Delinquency Prevention, juvenile crime arrest rates between 1987 and 1994 increased sharply. Since 1994 most arrest rates have been in steady decline. Murder arrest rates, were 74% lower in 2000 than they were in 1993. Violent crimes among juveniles include assault, homicide, rape, robbery, arson, auto theft, burglary, other offences include liquor law violations, drug possession, status offences. In 2000, 2,369,400 arrests were recorded, of these, 363,500 were for theft. Violent Crime accounted for 103,900 of the 1999 arrests and 98,900 of the 2000 arrests. Juveniles account for more than one-third (36%) of those known to police to have committed sex offences against minors. Juveniles were involved in 12% of all Violent Crimes cleared in 2008 and 18% of the property crimes cleared. The 2008 arrest rates for Violent Crime Index offences were substantially lower than the rates in the 1994 peak year for every age group younger than 40. The number of young people in a correction facility on a single day dropped from a high of 107,637 in 1995 to 70,792 in 2010. The incarceration rate of the number of young people confined per 100,000 youths–dropped by 41 percent in the same period. The primary reasons for such decline can be attributed to a shift in thinking about the best ways to handle young people who break the law, a sustained period of decreasing juvenile crime and fiscal pressures on state governments that have

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many people including conservatives who, in the past, espoused tough-on-crime policies clamoring for less-expensive alternatives to mass incarceration.\textsuperscript{175}

\section*{China}

China's education system and social environment have been the root cause of growth of juvenile crime. Juvenile delinquents in China are primarily male and engage in deviant behaviours including burglary, theft, murder, rape, arson and gang activity. Delinquency was primarily an urban phenomenon, although rural violence had increased during the past decade and a half. Female delinquents are more likely to be incarcerated for sexually promiscuous behaviour, theft and activities less violent than those committed by males, contributing to a double standard that occurs internationally.\textsuperscript{176}

Throughout the 1980s and 1990s, juvenile delinquency and youth criminality increased significantly in China. In China most young offenders are involved in theft, robberies, kidnapping, blackmail and drug addiction and trafficking. Many cases involve violence and some even involve rape and murder. Nearly 70000 minors were arrested in the year 2003, up 12.7% year-on-year.\textsuperscript{177} As quoted by Liu Guiming, young offenders in China have been forming gangs and committing crimes without specific motives, often without forethought.\textsuperscript{178} The crimes included theft, assault and rape and 22 new categories of crime linked to fraud and internet. Such increase of crime can be attributed to the breakdown of families caused by immigration and also that in hundreds of thousands of rural families, children are left with elderly relatives or friends while their parents travel to cities in search of work. The number of juvenile criminals had risen from 33,000 in 1998 to an estimated 80,000 in 2007.

\textsuperscript{175} Ibid.
\textsuperscript{176} Irving Epstein A Dissertation Paper, Chapter 4 Juvenile Delinquency and Reformatory Education in China.
\textsuperscript{177} China Through A Lens : Juvenile Delinquency on the rise, Xinhua News Agency, June 3, 2004.
\textsuperscript{178} Liu Guiming, Deputy Secretary General of the Chinese Society of Juvenile Delinquency Research, News China daily.
according to experts\textsuperscript{179}. According to a recent publication\textsuperscript{180}, remarked by a Haidian District Juvenile Court Judge, the number of juvenile crimes is drastically increasing each year and the age of offenders is getting younger and younger, some being as young as 14. In Beijing, juvenile crimes made up as much as 8.6 per cent of the city’s criminal offences over the past two years.

\textbf{2.6 Conclusion}

Studies of crime and delinquency have followed many different pathways, and the resulting literature is rich and varied. The argument still continues as to whether genetic factors play any significant role, but no one can deny that many cases of delinquency are related to poverty and overcrowding, the situation within the family, to psychological mechanisms that reach deep into personality. Explanations in terms of culture can never tell the whole story, since every individual makes his own selection from what the culture offers him, accepting certain aspects, rejecting others. Even in areas of greatest frequency of delinquency, there will be many young people who choose a way of life approved by the wider society, rather than by their age-mates in the immediate environment. There are great variations in the frequency of delinquent behaviour in children of different ages, as well as changes in such frequency from time to time, which at least to some extent reflect the influence of peer cultures and cannot wholly be explained by the stage reached in biological development. Delinquency in any community will be influenced also by the patterns of behavioural characteristic of the police, the judges in the juvenile courts, and all the other official personnel with whom the young offenders, actual or potential, come into contact; both initial reactions and recidivism may vary considerably according to whether ‘they’ are regarded as friends or foes.

Juvenile delinquency can be checked at a very primary stage and


measures can be taken both at home as well as in school to help bring children out of this characterization. As it is evident from the above discussion that it’s not just the will of an individual which makes him get into the world of wrong deeds, all other factors like schools, neighbourhood, family, society situations are equally responsible for the degradation or fall of a child. Hence, instead of labeling them as one it is necessary that ways be tried and found, the errors in their life rectified which led them to behave in their manner. Children are soft clay, they can be moulded easily. We have the art, the knowledge, all that is needed is faith and patience which if we fail to practice, it will result in complete reformation of a child to anti-social elements and thereby criminals, which is wrong on our part. Criminals are not born, they are made, and if the society can play a part in making them, it also has the power to cure them.