Chapter 2

Review of Literature

“Delinquency prevention has many dimensions…it is not only about tinkering with individual delinquents and their behavior”

Pink and White, *Delinquency Prevention: The State of the Art*

Media routinely reports about offences being committed by children. There is news of children charged with stealing money, snatching, house breaking, riding on motorcycles without a license, causing accidents, getting into fights, committing sexual abuse or even murder. Juvenile offence or crime, especially since it involves children, is a challenging phenomenon. Each incident of juvenile offence, irrespective of whether it is trivial or serious creates its own impact. This impact is determined by nature and extent of harm, age(s) of those involved, profile of the victim, reaction of the general public, and the shock and shame of the family. The juvenile “case” is a complex combination of the young age of the child, the act or inappropriate offending behaviour, reaction of family and neighbourhood, the legal process of inquiry and the final outcome that has to ensure that justice has been done at all ends.

Literature in this area is varied and focuses on different aspects of the issue. A review of theoretical perspectives, research studies, reports and reviews of government, national and international organizations indicate that juvenile delinquency and offence is multi-factorial and multi-dimensional. There are numerous studies pertaining to areas such as:

- The characteristics of the individual child; age, sex, behaviour, mental health component and its implications on delinquency or crime
- The environmental factors; family, school, neighbourhood and community.
- Laws pertaining to juvenile crime and juvenile justice systems
- Rehabilitative measures and prevention of juvenile crime

Several theories and theoretical perspectives intersecting all of the above areas have been formulated and empirically tested. As there are several factors in juvenile crime, determining the critical factors and establishing correlations between variables has been the theme of many studies. Another area has been longitudinal/predictive studies which highlight the critical factors that make a child prone to delinquency. Literature available is vast and enriching. It was a challenge to select
and review appropriate material. This chapter will cover a literature review related to the following three areas identified as the most relevant for this research study:

1. Understanding Juvenile Delinquency and Juvenile Offence
2. Examining the Juvenile Justice System
3. Rehabilitation and Social Reintegration: Concept, Philosophy and Current Realities

Given below is an analysis of relevant literature pertaining to each of the above mentioned areas:
Understanding Juvenile Delinquency and Juvenile Offence

Juvenile delinquency and juvenile offence has been an area of study for several years. The word ‘juvenile’, derived from Latin term ‘Jovenis’, meaning young, refers to boys and girls who have not attained a certain age of majority (in most cases it is the age of 18 years). The word ‘delinquency’ has been derived from the term ‘de’ (away from) and ‘linquere’ (to leave) the Latin word ‘delinquere’ translated was apparently used in earlier times to refer to the failure of an individual to perform a task or duty. Delinquency would refer to behaviours that society considers as inappropriate if committed by a child.

In the early days, children were treated and viewed as “miniature” or “little adults” (Kadushin, 1980, Cunningham and Tomlinson, 2006) and had similar responsibilities and demands as that of an adult. ‘Child’ and ‘childhood’ were not recognized as independent social categories till the eighteenth century. Children were thought of as “fragile” and “innocent” and at the same time, capable of “wayward” behaviour. Children who broke the law were treated very much like adults who broke the law. They were often tried in the same courts, given the same punishment (on rare occasions, even the death penalty) and confinement in the same institutions, as adults. Legislation did not deal with childhood as a period of life that needed special measures of protection until the early 19th century (Bajpai, 2007: Kadushin, 1980; Sandhu, 1977; Empey, 1960).

In countries such as USA and UK, towards the end of the 19th century, the State began to recognize that children had distinct physical, social and psychological needs (Cunningham and Tomlinson, 2006) and the concept of “childhood” got attention. The legal status of the child changed, giving the child a more favourable position in society (Kadushin, 1980). Further, development of formal education, improvement in health care and changing ideologies had a positive impact on child-rearing practices. It also resulted in the institutionalization of child welfare systems around the world. A distinct view started emerging that children have to be “prepared” to take on distinct adult roles; school became a place for moral and intellectual training (Empey, 1976). Over the years, this changing notion of children and youth has had a direct bearing on our understanding of delinquency too. Juvenile delinquency became a distinct category of children exhibiting certain behaviours. As people came to view children differently than adults, they were more inclined to view and treat juvenile offenders differently than adult offenders (Kadushin, 1980).
Juvenile delinquency has always existed in some form or the other. Age and behaviour play a determining role to decide who is a delinquent. Encyclopaedia Britannica (2005) states that delinquent refers to any young person whose conduct is characterized by antisocial behaviour that is beyond parental control and subject to legal action. Delinquency implies conduct that does not conform to the legal or moral standards of society; it usually applies only to acts that, if performed by an adult, would be termed as criminal. This definition covers a range of behaviour that could classify as “delinquency”. However terms such as “beyond parental control”, “antisocial”, or “legal action” would not have the exact same meaning everywhere nor would these meanings remain static. Each society has its own unique laws, rules and expected norms of behaviour. They reflect the prevailing value system, accepted code of behaviour and social expectations. In a changing society, a behaviour which may have been accepted at a certain point in time may not be necessarily condoned in another period, or another place or vice-versa. For instance, an early Indian study had compared “sex delinquents” with “normal” girls and women (Shanmugam, 1956). Such terms are no longer in use. Girls and young women who are forced into prostitution would be viewed as vulnerable groups rather than ‘delinquents’.

Early definitions of delinquency referred to a variety of “undesired behaviour”, “misconduct”, “chronically truant from school”, or “sins of disobedience” (e.g. Sandhu, 1977; Sarkar, 2003). Crime was largely considered to be a disease, defective mind, heredity as well as problems of overcrowding, bad environs, and family life (e.g Mukerji, 1947). The Second United Nations World Congress on Prevention of Crime, 1960 recommended that the meaning of juvenile delinquency should be limited to only violation of criminal law. Further the Congress also emphasized that delinquency related behaviours which are not violations of criminal law should not be included under juvenile crime figures.

Why do children commit crimes?

There is no one single answer or reason. Deb (2006) has categorized causes of juvenile delinquency into three groups such as socio-economic, cultural and environmental factors, pathogenic family patterns and personal pathology. Categorizing juvenile delinquency into five areas, Knuden and Schafter, 1970 (cited in Ahuja, 1996) highlighted that juvenile delinquency could be a result of:
1. Situational factors that lead to delinquency such as a broken home, neighbourhood influences, economic insecurity
2. Personal difficulties of adjusting to the environment such as temper tantrums etc.
3. Antagonistic feelings towards authority and a feeling of defiance
4. Wayward behaviour such as truancy, running away from home, disobedience, fighting etc., and/or
5. Involvement in serious crimes such as theft, burglary, rape, assault, robbery, homicide.

Analyzing the varied nature of delinquency, Becker (1966:226-38, cited in Ahuja, 1996) has referred to four types of delinquencies: a) individual delinquency (cause of delinquency is primarily located in the individual, family relationships and social structures), b) group-supported delinquency (cause is primarily located in group support), c) organized delinquency (cause is primarily located in group culture and norms), and d) situational delinquency (cause is located in circumstances and weak controls over the child).

There have been several research studies (see Deb, 2006) which focus on different traits and behaviours of the juvenile and most of these studies have concluded that the juvenile “delinquent” is associated with aspects such as lowered intelligence, hyperactivity, low self esteem, higher rates of psychopathology, depression, anxiety etc. Some of these researches have been comparative studies between delinquent and non delinquent young persons. The findings indicate that juvenile delinquents do not seem to fare better than non delinquent children in different aspects of behaviour.

**Delinquency and anti social behaviour**

“Anti social behaviour” is a wide group of behaviour that is outside the realm of the law or illegal acts which do not result in prosecution and those that do (Rutter at al, 1998). Antisocial behaviour is understood as a pattern of behaviour that is verbally or physically harmful to other people, animals or property, including behaviour that severely violates social expectations for a particular environment. ([http://psychology.jrank.org/pages/37/Antisocial-Behavior.html](http://psychology.jrank.org/pages/37/Antisocial-Behavior.html))

Antisocial behaviour can be broken down into two components: the presence of antisocial (i.e., angry, aggressive or disobedient) behaviour and the absence of prosocial (i.e., communicative, affirming or cooperative) behaviour. Most children exhibit some antisocial behaviour during their development, and different children demonstrate varying levels of prosocial and antisocial behaviour. ([http://psychology.jrank.org/pages/37/Antisocial-Behavior.html](http://psychology.jrank.org/pages/37/Antisocial-Behavior.html)). There may be factors responsible for a child’s anti social behaviour which can be linked to social learning theory.
The legal dimension of delinquency

While delinquency can be ‘behaviour’ related, crime is a violation of law. All juveniles who get apprehended for an offence need not be “delinquent” and neither do all children viewed as “delinquents” come within the ambit of the law. An act of crime includes a wide range of behaviours (e.g. stealing, fighting, snatching, and cheating). The only thing they have in common is the “breaking of rules sanctioned by the State” (Wikstrom and Sampson, 2003).

The Indian context - In India, delinquency has always been understood in terms of violation of the law. All other behaviours come under the category of vulnerable children. Unlike other countries, there is no concept of “status offence” in India i.e. no child in India can be apprehended by the police if he/she engages in behaviours that do not constitute an “offence” under the Indian laws.

The evolving concepts pertaining to juvenile delinquency have been the result of a wide spectrum of theories that have been propounded. The next part of the review will focus on the theoretical perspectives on delinquency.

Theoretical Perspectives

There is substantial literature available on different theories that have attempted to explain the causes of crime and juvenile delinquency. Theories of delinquency are reflections of different versions of social and cultural phenomena constructed at different times and in different places. A theory of delinquency is not constructed within a social vacuum or with total objectivity. All theorists have pre-existing cognitions or constructs about how the world is or should be ordered (Bartol, 1989). Even researchers would be inclined or more receptive to some theories than others based on their own assumptions and experience. The aim of theories in regard to juvenile delinquency is to provide a better understanding of the behaviour in question by showing how it is the product of particular conditions and particular processes (Binder, 1988). As delinquency is closely related to the ‘aberrant’ behaviour of children, what may have been acceptable in society at one point in time may not be so in another period. This has implications on the ways in which juveniles who commit crimes have been treated. Moreover it is difficult to predict the causes of every individual crime as each individual reacts and responds differently to the same social values, situation and circumstances. Nonetheless theories do help us arrive at certain generalizations that can be applied to many situations concerning juvenile delinquency.
Historical context to the study of crime

Theories began with the explanation of crime in general as “free will” behaviour of humans or the psychological entities of the human being. Until the 20th century, the cause of criminality was primarily understood as a part of human nature. (Binder, 1988; http://www.crimetheory.com). The Classical School of thought explained that crime happened due to the “free will” of individuals and therefore laws and suitable punishments had to be framed such that they became a strong deterrent for such activities. The punishment had to outweigh the possible gains from crime so that members of society would realize that it was in their own interest not to get into crime. However, with increasing empirical research in this area, theories of criminality were no longer only limited to discussion on individual traits that were present or absent in human beings, but on patterns of the behaviour of particular individuals in different contexts (Binder, 1988; http://www.crimetheory.com). The Positivist School of thought introduced the scientific method of studying crime. While the Classical school approach was more philosophical in nature, within the positivist paradigm, the study of crime was largely undertaken by physicians and psychiatrists who were interested in understanding the causes of criminal behaviour by conducting scientific experiments. It was surmised that men and women were “criminal born” or that there was something defective in them. Therefore more than laws and regulations, treatment and reformation was required for such individuals. The Classical School wanted to address the issue of crime through rules and regulations whereas the Positivists were more interested in identifying the individual causes of crime. (Binder, 1988; http://www.crimetheory.com).

Genetic or inherent traits within the individual (ethological, biological theories)

This body of knowledge, akin to the positivist thought, maintains that delinquency and related behaviour is associated with biological or genetic factors—“biological determinism”. The individual may be born with defects, “moral imbecility” or abnormalities that lead to the possibility of commitment of a crime. Early study started primarily with such theories. Darwin’s

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1 During the 18th and early 19th century two Schools of thought emerged: The Positivist and the Classical School. The two approaches had differing assumptions of human nature.
2 In 1871, Italian physician-anthropologist Cesare Lombroso noticed that skull of one notorious criminal was significantly different from other human skulls. Lombroso, influenced by views of Darwin and evolution propounded that some individuals, atavists, were ‘born’ with strong, instinctive predispositions to behave antisocially. The criminal, he believed, represented this “left-behind” species that had not yet evolved sufficiently toward the more “advanced,” civilized Homo sapiens. Criminals, therefore, were genetically somewhere between modern humans and their primitive origins in both physical and psychological makeup. Lombroso believed that criminal types could be identified by certain anatomical features (Giddens, 2006).
development of individuals through the process of evolution and “natural selection” were the

dominant thought. However studies conducted on prisoners or juvenile offenders have proved that
all offenders do not have “mental defects” nor are they low in intelligence³.

Motive and personality driven factors (psychological theories)

Initially, delinquency was commonly used to mean only those behaviours of the juveniles which
were harmful to society. Thus an adolescent was said to be a juvenile delinquent when he started
stealing, assaulting, indulging in sex offences and developing symptoms like pathological lying
and truancy. Emotional instability has been considered as a cause of misconduct (Shanmugam,
1956). Further, delinquency was considered an "alloplastic infringement of social values" which
means that delinquent acts are directed against the society rather than on the offender himself.
Thus delinquency, according to psychologists, is a reaction to frustration and conflict, resulting
from an imbalance between gratification and renunciation (Mukherjee, 1956). Although similar to
biology, the focus is on the individual. Psychological theories also delve into the different
environmental factors, other than heredity, that shape an individual’s personality and thinking
which in turn influences behaviour.

Juvenile Delinquency was understood as a form of maladjustment to the complex standards of
adult social life, expressing itself in acts that happened to be prohibited by law (Glueck and
Glueck, 1950). Psychological theories explain that delinquency related behaviours could get
internalized in the thought process of the individual due to a variety of factors such as the parent-
child relationship, the communication between the child and other peers or adults, the home
environment, adverse school and community related experience, and the external world outside the
child’s home and the neighbourhood. “It is a combination of causes-personal, accidental,
hereditary, and environmental” (Mukherjee, B.1956). Although the environment does have an
impact, the individual is responsible for the behaviour. Therefore, the focus must remain on the
individual for behaviour modification and/or therapeutic treatment of delinquency. In the early
years, it was also assumed that those with low intelligence had weak self control, got swayed with
their emotions and desires and were thus more likely to engage in criminality⁴.

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¹ In a study by Burt (as cited in Mukherjee, 1956) it was found that only 8 per cent of delinquents were
mentally defective. Healy and Bronner (1926, cited in Ahuja, 1996) reported that out of the 4000 juvenile
court cases they studied, only 13.5 per cent turned out to be mentally defective (as cited in
Mukherjee, 1956)

⁴ As noted by Fink (1938), with the introduction of IQ test as the basic measure of intelligence, the
investigation between intelligence and criminality flourished during the early 20th century.
In a pioneering comparative study by Glueck and Glueck (1950), one of the largest of its kind, 500 delinquent boys and 500 non delinquent boys were researched in four aspects: age, general intelligence, ethnic and cultural origin and residence in underprivileged neighbourhoods. The study found that theft was the most predominant offence. The families of the delinquents were more dependent on aid relief agencies, the boys experienced a more unsettled home life, and home environment was far from stable as compared with the non delinquent boys. Further the delinquents came from somewhat larger families than the non delinquents. The biosocial legacy of the parents was consistently poorer than that of the non-delinquents. There was a greater incidence of emotional disturbance and retardation among the mothers of the delinquents and when body proportions were checked, muscular dominance ("mesomorph") was seen to be high among the delinquents. Delinquents were more “extroverted, vivacious, impulsive and less self controlled” than non delinquents. They were “less concerned about meeting conventional norms, and ambivalent about authority”, as a group more “socially assertive, could voice feelings of not being recognized or appreciated”, and had “less capacity to approach a problem methodically”. There were greater emotional disharmony connected with performance of intellectual tasks, more misconduct, and more leisure time outside home as compared to the non delinquents. This psychoanalytic study, considered to be a classical study of its period, was subsequently critiqued as more thoughts evolved around juvenile delinquency (see Glueck and Glueck, 1950).

According to Giddens (2006) both biological and psychological theories were positivist in nature as they explained that factors of crime were external to the individual and to an extent outside his control, either embedded in the body or the mind. An understanding that behaviour gets shaped and modified by the environment took concrete shape over the later years. It was found that many children, especially those belonging to the lower socio-economic strata of society, were unable to meet their aspirations or even basic minimum needs due to lack of opportunities and access to resources. These children experienced frustration, anger and started exploring illegitimate alternatives (Shoemaker, 2005). One of the fall outs of this situation was delinquency.

William Healy’s (1915; as cited in Bartol & Bartol, 1989) pioneering case studies of over 800 delinquents, initiated the psycho-social view of juvenile delinquency; the relationship between the individual child and the environment. It was felt that delinquency is a behaviour that goes against conventional societal norms and laws. Hence the role of the environment to produce this kind of behaviour requires close examination as well. The findings suggested that causes of juvenile

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5 William Healy started the first ever clinic to treat juveniles in Chicago in 1909. Large numbers of migrant workers to Chicago had to live in very poor living conditions with no facilities. William Healy studied the relationship between the individual child and the environment.
delinquency were a combination of individual and environmental factors which included the extent
to which the child received adult supervision and other familial relationships. Healy proposed the
concept of “circular response” wherein the environment shapes and influences the child and his
behaviour and the child too in the process modifies the environment (Bartol & Bartol, 1989). Healy elaborated that the meaning that a child gave to his experience and his unique interpretation
determined his behaviour and therefore common generalizations on delinquency would not be
valid for all children. Bartol and Bartol (1989) note that William Healy’s initial thoughts that
delinquency was an outcome of the kind of interaction an individual had with his environment,
paved the way for other theories of delinquency in the following years.

Gradually as society moved towards modernization and industrialization, urban areas started
growing. Families started migrating from their native place of residence to the urban centres for
better job prospects and the hope of a better socio economic life. However facilities in terms of
housing, education, health and sanitation for such families were inadequate vis-a-vis the number of
settlements. A poor quality of life, inadequate resources and/or lack of access to material benefits
led to frustration among the family members and gave rise to anti social behaviour and activities
(Agnew, 2005, Hoffman, 2003). The spread of urbanization across all societies has been accompanied by a marked increase in deviant behaviour and social pathologies (Shaban, 2010).
Sociologists studying this phenomenon put forth theories on the relationship between the social
structure, community problems and juvenile delinquency. Several of these theories originated in
USA particularly in Chicago, where urbanization was happening at a rapid rate and its negative
impact on the lives of the people, especially the poor were being examined. Sociological theories
proposed that criminal behaviour was often an individual’s response or reaction to the social
environment.

**Impact of societal and environmental developments on the individual (sociological theories)**
The key proposition of sociological theories is that crime cannot be approached merely as an
“individual’s” behaviour. Sociological theories went beyond individual causes and factors of crime
to locate crime within the societal context. Social structures and processes that marginalize certain
sections of society are one of the main reasons for pushing children to crime. Sociology views
criminals as a product of society. Crime also occurs when society is not able to provide enough to
meet the basic needs of every member. While this position does not absolve the individual from
his/her responsibility for the delinquent behaviour, the focus is also on relationships, socialization
process and the role of the environment. Sociological theories especially those originating in USA
were largely a response to the negative features of industrialization and the socio-economic
conditions of the working poor (poor housing and overcrowding, low level of sanitation, health
and education facilities, etc.) in large cities. Poverty, disease, death and crime started increasing as society got more disorganized.

Emile Durkheim’s concept of anomie (1933, as cited in Shoemaker, 2005) further shifted the focus from individual factors to social forces that had a bearing on crime. Durkheim noted that people are largely governed by society and are able to accept moral and social bonds. However, when society is disturbed by some “painful crisis” and “abrupt transitions”, it is momentarily incapable of exercising this influence”. When existing norms and regulations in society get undermined, and there are no new norms to replace these changes in the society, anomie exists. At this time, social bonds are weakened and the individual starts primarily depending on himself (Durkheim, 1951, as cited in Hirschi, 1969).

Merton (1938) developed Durkheim’s concept of anomie and theorized that deviance is a natural response to the situations in which individuals may find themselves, and could lead to crime. The anomie theory proposed by Merton (1938, cited in Giddens, 2001) suggested that society expects all to fulfill certain goals but does not necessarily provide equal opportunities to all. Individuals fulfilled their goals and aspirations based on their reactions to values and norms in society. Merton suggested that there were five kinds of groups of people in society. At one end of the spectrum would be the “conformists” who accepted socially accepted values and norms to achieve goals, while at the other end would be the “rebels” who wanted to create an alternate system of their own. Somewhere in between would be those who accepted norms but used legitimate or other means to fulfill goals (“innovators”), followed norms more as rituals (“ritualist”), or completely withdrew from mainstream society and lived in isolation on their own terms (“Retreatists”). Criminality is a result of the offender's inability to attain, by socially acceptable means, the goals that society expects of him; faced with this inability, the individual is likely to turn to other, not necessarily socially acceptable, objectives.

“Subculture” Theories- Based on Merton’s theory, other theories emerged around the concept of the “subculture”- “a subdivision within the dominant culture that has its own norms, values and belief systems (See, Cohen’s Theory of Subcultures 1955, Miller’s Lower-class Boy and Lower-Class Structure Theory 1958, cited in Binder, 1988; Ahuja, 1996; Giddens, 2001). These subcultures emerge when individuals in similar circumstances find themselves virtually isolated or neglected by mainstream society. It is an oppositional response and defiance to middle-class morality and problems of adjustment faced by working-class families in the social structure (Ramana, 1972). They group together for mutual support. These groups gradually form themselves

6Anomie refers to “inconsistencies between societal conditions and individual opportunities for growth, fulfillment, and productivity within a society” (Shoemaker, 2005: 97).
into “gangs” and have their own set of rules and expectations from their members. Subcultures exist within the larger society, formed by members from similar situations. The members of the subculture are different from the dominant culture.” They are usually the youth from a poor background. (http://home.comcast.net/~ddemelo/crime/cohen.html).

Criminal behaviour has thus been viewed as a consequence or outcome of social disorganization, anomie and other systemic conditions. Shoemaker (2005:82) states, “the foremost assumption of social disorganization as an explanation of delinquency is that delinquency is primarily the result of a breakdown of institutional-based community controls…often caused by rapid industrialization, urbanization and immigration processes, which occur primarily in urban areas”.

Researchers have also written about the relationship between space and crime. Socio-psychological theories render partial explanation of the role of space as an important context in the production of social pathology. Drawing upon the above mentioned theories of sub culture, Shaban (2010) asserts that socio economic changes create spatial forms, over time they reinforce each other and crime occurs in such specific urban areas affected by spatially differentiated conditions.

In Mumbai, redevelopment has led to “pushing a certain section of population into a corner” without even providing basic social and physical infrastructure like schools, hospitals and transport facilities. This has resulted in “social disorganization”, pushing youth towards crime, drug addiction and prostitution (Shaban,2010). Society bears the responsibility for breeding criminals and the perpetration of crime (Shaban, 2010). Sarkar (2008) writes in her study on Youth in Organised Crime in Mumbai Metropolis writes about the individualization and automation, domination of one group in society over others by virtue of wealth and power, frustrations of disadvantaged sections of society, staggering dimensions of social, economic, and political marginality of groups are the essential components of changing dynamics in development.

There were also other theorists and researchers within different social science disciplines who ascribed existence or motive of crime to:

**Power equations between those with resources in society and those with not and its relation with crime (conflict theories, Marxist theory, Feminist Theory)**

The conflict theories that originated with the writings of Karl Marx suggest that laws are established to keep the dominant class in power. This theory explains the over representation of racial and ethnic minorities within the criminal justice system (Hess and Drowns, 2004, cited in Desai, 2009). A capitalist system where the means of production and wealth are in private hands creates division and inherent situations of crime and conflict. Any protest is suppressed by State enforced sanctions which act in the interests of the State itself. Crime also cannot also be understood without considering gender. Crime is shaped by the different social experiences and
power is exercised by men and women. Patriarchy is a broad structure that shapes gender-related experiences and power (Cullen and Agnew, 2002).

**Theoretical Integration**

Not all theories though are compartmentalized into the above mentioned discrete groups. Understanding delinquency from purely a biological, sociological or psychological perspective is inadequate. A single-factor theory cannot encapsulate the several dimensions behind juvenile crime. An integrative approach to delinquency is better suited to understand this phenomenon. There are theories that intersect psychology, sociology, biology or criminology, and focus on both the individual and the environment and the influences of one over the other (such as social learning, behaviour theory, behaviour genetic analysis). Further, some theories do not focus on the cause of crime but rather on the decision making process and external or internal factors that either propels or prevents an individual from getting into a situation of crime (such as control, containment theory). Researchers have also engaged in *Theoretical Integration*—that is combining similar theories (either the elements or the conceptual framework) and produce a new theory that is able to build further on the existing theories for an even more comprehensive understanding of crime.

Sutherland’s theory of *Differential Association* (1939)⁷, considered as one of the most profound theories in criminology went on to describe the processes by which an individual could become a delinquent due to environment and social disorganization. Sutherland proposed that all criminal behaviour is “learned behaviour”. Sutherland emphasized that criminal behaviour is not some form of “emotional disturbance” or “mental illness” as understood by psychiatry. Criminal behaviour is learned, as is all social behaviour, in “interactions” with other persons and cultural and social influences. The more the individual is exposed to persons, whose own behaviour is unlawful, the more likely he is to learn and adopt their values as the basis for his own behaviour. The theory also notes that every person does not become a criminal merely by interacting or associating with a criminal; rather, a person becomes delinquent if violation of law is deemed as more “favourable” (See Sutherland, 1939).

**Forms of Delinquency**

Among the earlier theories that proved that delinquency was a group activity was Thrasher’s Gang

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⁷Sutherland’s theory created a strong foundation for understanding crime within the context of an individual and his interactions with others in society. “Association” signifies the importance of close contacts on our behaviour. “Differential” would mean the ratio of favourable influences over unfavourable ones. (Sutherland, 1939)
Theory\(^8\) (1927), subsequently supported by Shaw and McKay’s Cultural Transmission Theory (1931, as cited in Ahuja, 1996)\(^9\). The researchers found that though there could be other reasons too for children to get into delinquency, the important factors were the economic and social factors that existed in the community. Areas with high delinquency rates lacked adequate neighborhood organizations or any community life\(^10\). It was also noted that the rate of delinquency decreased in the residential areas with better physical environment and less social disorganization. In their research, Shaw and McKay (as cited in Ahuja, 1996) found that a major factor contributing to delinquency was lack of parental control, especially among immigrant families. A neglected and deprived child in such a situation grows up without a sense of purpose and direction in life. He starts drifting. In such a situation, peers who are experiencing similar life experiences come together. They fulfill a vacuum in each other’s life, gain collective strength to face life and have an identity of their own. In a study on the habit patterns of 136 juvenile offenders in two “remand homes” (now termed as Observation Homes) in Karnataka, Amati (1984) found a relationship between recreational activities with peers and subsequent delinquency. Habit did not form singly but in a pattern. For instance, the habit of smoking is accompanied by the habit of drinking alcohol. Majority of the “delinquent” boys had got into the habit of smoking, drinking, gambling, taking drugs, watching movies as a recreational activity with peers before it became habit forming or gave monetary gains. Gambling especially became a means for earning money.

Some theories on groups have disagreed that groups or “gangs” are completely homogenous with rigid structures and boundaries for all its members. “Control Theories” state that individuals have their own system of “controls”. Matza’s Delinquency and Drift Theory (1964) argued that though there may be delinquent groups, every member may not be equally committed to the group at all times. It will vary and involvement would be situational. A relevant point put forth is that juveniles “drift”\(^11\) between conventional and “waywardness” or criminal behaviour as delinquent behaviour.

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8 Fredrick Thrasher’s Gang Theory (1927) theory focuses on group delinquency and the role of peer influence on delinquency. When children do not have positive familial relationships, they seek comfort in other peers, form their own groups or gangs. They pursue inappropriate behaviours.

9 Shaw and McKay’s Cultural Transmission Theory (1931, as cited in Ahuja, 1996) holds that delinquency is transmitted through personal and group contacts.

10 Shaw’s findings led to the Chicago Area Project (1931), the first urban delinquency prevention programme. Among other goals, the Project wanted to emphasize that juvenile offenders needed “understanding” not punishment, environmental factors were more significant than individual causes and working with the delinquent within his own context and community is a more effective measure than mere custody in an institution.

11 “Drift” is explained as a gradual process, which results in molding the individual’s behaviour. Once the crime is committed the delinquent feels guilt and must balance their behaviour by returning to act in a law-abiding manner(Binder et al, 1988). Majority of delinquents do not become adult criminals. At other times the delinquent may even try to justify or rationalize the behaviour. This is the process of “neutralization” (Binder et al, 1988).
is not caused almost entirely by emotional and environmental factors. Matza explains that human beings are somewhere between being controlled and being free. Drift stands between freedom and control. A youngster, therefore, may drift between criminal and lawful behaviour. They rarely totally commit to delinquent behaviour.

Walter C. Reckless “Containment theory” (1961) explains both conformity as well as deviance. Reckless suggested that people can be “insulated” from crime. Adequate socialization by parents and peers helps the individual to ‘control’ the ‘self’ and move towards “containment” (containing natural impulses which may lead to law violations). Often if individuals fail to contain themselves, their families and or peers may try to contain them (talk with them, try to counsel them, etc.). If that fails, the other social institutions of informal social control may provide containment-schools, the faith institutions, and the community or neighborhood residents. Control theories assume that delinquent acts result when an individual’s bond to society is weak or broken. Reckless states that “every individual has an inner control system and an outer control system”. Both buffer, protect and insulate an individual against delinquency.

(home.comcast.net/~ddemelo/crime/containment.html).

Reckless suggested that inner containments\(^{12}\) (self related) are more important than outer containments (environment related) to counter the “pushes” and “pulls” towards delinquency. Several internal and external pressures will exist for all. If “containments” can be used to counter these pressures, delinquency can be prevented. This theory introduces the element of the individual’s decision making and role of the self. Travis Hirschi (1969), building on the concept of lack of social control, put forth the social control or bonding theory. Hirschi presented that if “social bonds”\(^{13}\) were strong, there was less likelihood of delinquency. Delinquent and criminal individuals possess weaker attachments to parents and other significant individuals and have less interest in conformity. Poor achievement in school further adds to the lack of success and may lead to delinquency.

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\(^{12}\) Inner containments are "self" are the “inner strength of one’s personality; these include a good self-concept, strong ego, well-developed conscience, high sense of responsibility, and high frustration tolerance. Outer containments refer to one’s social environment including identification with the group, effective supervision, cohesion among group members, opportunities for achievement, reasonable limits and responsibilities, alternative ways and means of satisfaction, reinforcement of goals, norms values, and discipline” (home.comcast.net/~ddemelo/crime/containment.html)

\(^{13}\) The “bonds” include attachment (to parents, school, peers), commitment (to conventional values and social activities), involvement (pre occupation in activities) and belief (in society’s value systems (home.comcast.net/~ddemelo/crime/containment.html)
There is a difference between a “delinquent” and a “delinquent act”. Delinquent is more of the label that society gives to individuals whose behaviour is against social norms or legal statutes. It is always based on a response to societal conditions and situations at a given point in time. Becker’s theory of “Labelling” (1963, cited in Cox et al., 2011) discussed the process of labeling deviants as outsiders. The focus is on society’s reaction to crime and perception of the offender and its effect. One of the consequences of labeling is that, once labeled, the individual may never be able to redeem himself or herself in the eyes of society” (Cox et al., 2011). Context is important in criminal activities. Whether someone engages in a criminal activity or comes to be regarded as a criminal it is influenced fundamentally by social learning and social surroundings (Giddens, 2006). An individual may be more or less forced to continue his or her career in deviance partly as a result of the ‘labeling’ itself (Cox et al., 2011).

**Heredity and Delinquency: The Gene-Environment Interplay**

There are different views on the influence of the genetic and the environmental factors. Some researchers subscribe that there are inseparable and highly interactive influences between genetics and the environment (Neuman, 2009). Yet other views are that there is no decisive evidence that traits of criminal personality are inherited and if they were, their connection to criminality would be a distant one (Giddens, 2006). Moffitt (2009) puts forth the argument that “a central barrier to interpreting an association between an alleged environmental risk factor (parenting, family related, peer influence, community disorganization, etc.) and antisocial outcome as a cause-effect association is the possibility that some unknown third variable may account for the association, and that third variable may be heritable” (pp 534). Schaffer (2004) states that the relationship between genes and behaviour are of an indirect and not direct nature. Nonetheless genetic factors do play a part in determining human behaviour.

Rowe and Osgood (1984) contend that while early theories may have inaccurately ascribed defective genes as the sole causes of crime, completely negating individual differences and linking causes of delinquency to only social structures needs reevaluation. Social factors do not adequately explain why individuals react differently to the same social situation. They are also not able to explain adequately the variances within the same family. The authors emphasize that biology and sociology, instead of being at two opposing ends can complement each other in understanding juvenile delinquency. The relationship between genetic and environmental correlates is useful for both biological and social sciences. Differences among individuals are a combination of genetic and environmental variation (Rowe and Osgood, 1984). Several researchers assert that the relationship between individual genetic factors and the environment has a significant bearing on juvenile delinquency (Rowe, 1996; Guang G. et al.2008; Moffitt, 2009). Researchers have also found a connection between a positive social behaviour like “niceness” to the genetic trait of the
person (Poulin, as cited in *Mumbai Mirror*, 2012). However the study also found that genes work in concert with person’s upbringing and life experiences to determine how sociable- anti-social- they become and that most connections between DNA and social behaviour are complex (*Mumbai Mirror*, 2012).

Researchers have studied identical (monozygotic) twins, fraternal (dyzygotic) twins, adopted children, their adoptive family and the extent of the genetic link with their biological family to understand the gene-environment interplay. Genetic factors may establish a child's vulnerability but adoption studies show that they have influences along with environmental risk factors. Whatever characteristics individuals may have inherited, resulting personalities and behaviour are influenced by the social environments in which they are raised. Genetic transmission does not occur without environmental influences. (http://family.jrank.org/pages/1006/Juvenile-Delinquency-Family-Structure.html)

A study of 168 monozygotic (identical with identical genes) twin pairs and 97 same sex dyzygotic (fraternal with half their genes in common) twin pairs (Rowe and Osgood, 1984) researched a variable related to anti social behaviour and association with delinquent peers. The objective was to compare the variances across each individual twin to those for related pairs. Each twin had to independently fill a questionnaire. Additionally an anti social behaviour scale was used to assess the frequency of the commission of the delinquent acts (such as theft, starting a fight, creating disturbance, trespassing, lying about age, and damaging property). Another scale was used to measure association with delinquent peers. The findings indicate that for male twins and female twins 84% and 81% respectively of the phenotypic relationship between anti social behaviour and association with delinquent peers was accounted for the genetic pathway and the environmental pathway within the genetic component. For instance, intelligence and school achievement, taken as variables for the genetic component, could be impacted by other environmental reasons such as social class of family, access to educational facilities, interaction with teachers etc. The findings attribute only 17 to 23 percent of the co variation between delinquency and ADP were due to family influences (such as “parenting” or “social ecology”) common to all family members. Experiences unique to each individual would entail opportunities that individuals get outside the home such as peer groups that the child associates with. It is quite likely that in neighbourhoods where there are more delinquent peer groups, the probability of association with such groups is much higher than a settled neighbourhood. The authors state that findings do not mean that delinquency is due to faulty genes; rather it opens up areas on how individual differences and interaction with the social world can be studied together. It is relevant for sociological theories as social processes may combine with preexisting differences in individuals to produce delinquency (Rowe and Osgood, 1984).
Rowe D.C. (1996) also proposed the adaptive strategy theory to account for the development of criminal behaviour tendencies in the individual and for the persistence of crime in society as a form of social behaviour. This theory emphasizes that crime is not merely due to individual aberrant behaviour or environmental factors. It is to be viewed along with inherent genetic transmissions that have evolved over generations. This theory has similarities with many other theories that view crime as a natural fall out of social structures and systems. However this theory proposes that when relationships and attachments are weakened, those with stronger mating strategy traits will be prone to antisocial behaviour. These traits too are not “defective genes” as was thought earlier as causes of crime. These are normal genetic alternatives that are spread across the population. Guang Guo et al (2008) found that it is not environment or genetics that determine a predisposition toward delinquent behaviour in adolescents; it's a combination of the two. After sorting through DNA and social-control information for more than 1,100 males in grades 7 through 12, findings reveal that while genetics appear to influence delinquency, social controls and influences such as family, friends and school seem to impact the expression of certain genetic variants. Positive social influences appear to reduce the delinquency-increasing effect of a genetic variant, whereas the effect of these genetic variants is amplified in the absence of social controls (Guang Guo et al, 2008). The effects of genetic and environmental risk acting together were greater than the effects of either factor acting alone. More than causal effects, it is important to find out “who is at greatest risk” (Moffitt, 2009).

Miles and Carey (1997), through a meta-analysis of 24 twin and adoption research studies, examined the gene-environment influences on aggression and antisocial behaviour. Studies which had measured aggression, hostility, antisocial behaviour or scales to predict juvenile delinquency were used. The main areas in which researchers have focused include the relationship between aggression and hormones (elevated levels of testosterone), temperament (personality traits), physiological arousal and the central nervous system (insensitive to low stimulus and hence seeks high-risk activities). The types of measurement (self report by respondents, parental report or observational) were coded into three categories. The meta-analysis yielded significant findings. Some of them are:

1. Heritability and common environment are responsible for individual differences in aggression. The researchers state that the findings do not fully support the social learning

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14 Based on Darwin’s theory of evolution, the adaptive strategy theory explains that reproductive effort has two conceptual components: “parenting effort” (nurturing role) and “mating effort” (finding and protecting mate, risk taking). Inherited genes partly determine nervous system functioning, which in turn affects learning and behavioural preferences. A major hypothesis of adaptive theory is that crime results from an ‘evolved behavioural strategy’ that maximizes mating effort and minimizes parenting effort.
theory (of Bandura and Walter, 1959, cited in Miles & Carey, 1997) which posits that aggression is a learned behaviour. While peers and media may have a role, the genetic component leading to aggression gets further reinforced and escalated in a family where others members are aggressive in their interaction with one another.

2. Though observational studies suggested a strong influence of the environment over heredity, the authors note that it needed further testing as the studies were only two in number and involving young children (5 years-11 years).

3. Another tentative finding was that influence of environment was higher than that of heritability but decreases with age. In adults, the influence of environment was almost negligible but that of heritability increased. There have been longitudinal studies that have shown both consistencies in delinquency as well developmental changes over time. However these studies do not include the scope of genetics for either of the two phenomena.

Moffitt (2009) focuses on “bad parenting” as a risk factor and aggression within children as its outcome. Through an in-depth literature review of studies on twins, adopted children and parents of adopted children studies whether: a) Genetic factors wholly account for aggression, b) Parents’ genes influence bad parenting, c) Genetic child effects (i.e. child’s own genes influencing his bad behaviour) evoke bad parenting, and d) environmentally mediated impact on child’s aggression.

Moffitt notes that environmental reasons do exist. However in his review, Moffitt notes that as there were few studies on the role of genetics in bad parenting, findings are not conclusive. Though some of the research findings do suggest that child’s genetic traits could provoke bad parenting, it is not conclusive. Physical maltreatment of children did influence children’s aggression. At the same time, other studies using statistical models have found that bad parenting had a relatively low effect on children who were at low genetic risk. Within 600 monozygotic twin pairs, the twin who received relatively more maternal negativity and less maternal warmth developed more antisocial behaviour problems (E-Risk Study, Caspi et al., 2004, cited in Moffitt, 2009).

Juvenile Delinquency and Mental Health

One of the causes of delinquency is often stated to be “conduct disorder” i.e. repeated or persistent misbehaviour which is not age appropriate. It includes aggressive conduct that threatens physical harm to people or animals, nonaggressive conduct that causes property loss or damage, deceitfulness and theft, and serious violations of rules (Kimonis and Frick, 2010). "Conduct disorder" refers to a group of behavioural and emotional problems in youngsters. Usually
“oppositional-defiant disorders” (pattern of disruptive behaviour; anger, irritability, argumentativeness, defiance towards authority) starting at a much younger age precede conduct disorder[15] Children and adolescents with this disorder have great difficulty following rules and behaving in a socially acceptable way. They are often viewed by other children, adults and social agencies as "bad" or delinquent, rather than mentally ill (American Academy of Child and Adolescent Psychiatry; www.aacap.org/cs/ConductDisorder.ResourceCenter). There could be several factors for conduct disorder such as temperament, genetic factors, physical illness, low language ability, poor social skills, poor parenting skills, mental health of parents and social disadvantage. (www.rcpsych.ac.uk/files/samplechapter/80_3.pdf).

Even in conduct disorders, the relationships and interactions between the child and the environment play a critical role. Studies have also found that prenatal and perinatal factors, substance abuse during pregnancy and delivery complications could lead to conduct disorder or anti social behaviour, hyperactivity, aggression in later life if combined with adverse family conditions like broken family, mental health of either parent, and material disadvantage (Farrington, 1996).

Through a review of several research studies on childhood conduct disorder, Frick (2004) concluded that a single risk factor cannot adequately account for the development of conduct disorder. There are multiple risk factors which have a cumulative effect on the child's behaviour. Frick collated a list of “dispositional” risk characteristics located within the child (such as “biological abnormalities” “impulsivity”, “academic underachievement”, “difficult temperament”, “low verbal intelligence”) and the child's social context (such as “lack of parental involvement and neglect”, “family conflict”, “poor quality schools”, “peer rejection”). Thus according to Frick, interventions designed to address only one risk factor may not be that effective. Further there are several pathways through which a child may develop conduct disorder. A framework is proposed by Frick to understand how these factors may predispose a child to act in an aggressive and anti social way. Conduct disorder can come through different developmental processes or distinct pathways as given below:

1. If the onset of conduct disorder is during early childhood, then there is a likelihood that these disorders will persist throughout childhood up to adolescence. The environment

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[15] There are specified diagnostic criteria by which a child or youth can be diagnosed with oppositional-defiant disorder or conduct disorder by a psychologist or psychiatrist. CD is diagnosed when a youth presents at least 3 types of antisocial behaviours in the past 12 months, with at least 1 behaviour present in the past 6 months (Kimonis and Frick, 2010).
during early childhood is largely the family and school, and it has been found that a combination of risk factors involving the child's behaviour, home situation, dysfunctional parenting and school are more prevalent in this age group. In contrast if conduct disorder starts during adolescence, then the likelihood of risk factors relating to peers and normative developmental processes (showing rebellion against authority, influence of peers) related to adolescence are much higher than family or school related risk factors. Therefore, it is equally likely that such disorders may decrease as the adolescent moves towards adulthood though some may face the consequences of anti social behaviour during adulthood too (low paying job due to lack of schooling, addiction, strained family relationships etc.)

2. A subset of children who have conduct disorders during childhood may also possess “Callous and Unemotional” (CU) traits (such as lacking empathy and guilt) are likely to demonstrate more aggression and engage in aggressive acts either in retaliation, or develop a severe reaction to real or perceived provocation. Such children may also be temperamentally inclined towards thrills, adventure, bold acts, rewards for achievement of a task, indifference to punishment. These factors may impact their “conscience development” too. Hence guiding them towards behaviours that have rewards may be more productive than punishment.

3. A third subset of children with conduct disorder may not have CU traits but may be having difficulty in regulating their emotions. Such children may exhibit impulsive and aggressive behaviours both at home and school. They may have a “coercive cycle” of relationship with parents, school or peers where both the child involved and the other person keep reacting to each other with aggression in an attempt to control the aggressive behaviour (e.g. a parent may react aggressively to the child's tantrum who in turn becomes even more hostile and further provokes the parent to engage in violence and the cycle continues) (see Frick, 2004; Kimonis and Frick, 2010 for reviews and an extended discussion on the above three pathways).

Frick asserts that research has started to differentiate the different pathways through which children can develop conduct disorder. Hence a more individualized approach to intervention especially in schools as well as juvenile justice settings is required. Interventions that focus on enhancing identity development in adolescents and increasing their contact with prosocial peers, such as mentoring programmes or programmes that provide structured after-school activities, may be particularly effective for children within the adolescent-onset group. “For children within the childhood-onset pathway, who show problems with emotional regulation, interventions that focus on anger control may be more effective. For children with CU (callous/unemotional) traits, who
may be at greatest risk for adult adjustment problems, treatments that intervene early in the parent-child relationship to teach parents ways to foster empathic concern in their young child or that help the child develop cognitive perspective-taking skills may be more effective (Kimonis and Frick, 2010, pp: 249). Studies have also shown that prenatal or perinatal factors (teenage pregnancy, health of mother, smoking, alcohol abuse during pregnancy, other complications during child birth) could lead to later development problems in children.

There have been a few studies on juvenile psychopathology\(^{16}\). A study focusing on ages 7-18 years of the Pittsburg Youth Study sample (Loeber, et al., 1998, cited in http://www.mac-adoldev-juvjustice.org/page2.html), focused on personality traits and not behavioural characteristics. Through an adapted childhood behaviour checklist, children had to complete a self report delinquency instrument which was supplemented by teacher and caretaker reports on delinquent behaviour. The study found that traits of “juvenile psychopathy” remain fairly stable across childhood and adolescence and these are distinct from normative development and other personality changes that happen. However there are mixed reports on whether juveniles should be considered as psychopaths and treated accordingly, without adequate empirical evidence that these traits cut across adolescence to adulthood. Further the study recommended that the period of discontinuity in psychopathy that was seen in the study needed to be examined and explained especially the factors in the person-environment interaction.

Farrington (1996) analysed findings of several longitudinal studies of patterns in male offending in USA and UK. Though the focus of this paper was youthful offending and not juvenile delinquency, it is nonetheless relevant as one of the findings indicate that there is an “antisocial ‘personality that surfaces in childhood and continues till adulthood. Similarly, the Cambridge study (1973) found that traits such as shy, nervous or being withdrawn actually acted as a protective barrier for some of the children from otherwise criminogenic backgrounds. Traits such as low intelligence and delinquency could be explained with the intervening factor of school achievement. Farrington’s theory of Offending and Anti social Behaviour distinguishes between the development of an antisocial tendency and the occurrence of immediate antisocial acts. The former depended on “energizing (desire for material goods, status, excitement), directing (choice of inappropriate methods to fulfill desires, inability to achieve goals through legitimate methods due to low intelligence, school failure) and inhibiting processes (extent of internalized beliefs of right and wrong, conscience, social learning both positive and negative) that can either increase or decrease antisocial tendency”. The latter depended on the person and his interaction with the environment in a decision making process that would weigh the pros, cons, cost and benefit.

\(^{16}\) Juvenile psychopathology, a personality disorder refers to callous or emotional detachment, and severe antisocial behaviours (MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, http://www.mac-adoldev-juvjustice.org/page2.html)
Children with high impulsivity and risk taking ability are more likely to engage in activities without dwelling too much on the consequences.

**The Age Factor - Delinquency and the Pre-adolescent Child**

Every country has prescribed the “age of criminal responsibility” i.e. the minimum prescribed age below which no act of a child will be considered an act of offence. In India, the age of criminal responsibility is 7 years i.e. no act done by a child below the age of 7 years will be considered as an offence in law. In other countries, the age of criminal responsibility ranges from 7 years to as high as 14 years. This reflects society’s position on considering the age when a child’s delinquent behaviour can be brought under the ambit of law.

Research by Moffitt (1993) shows that there is only a small group of children who persist in criminal activities and this trait starts in early childhood itself. Marvin Wolfgang’s study shows that children who show tendency to commit crime at a very early age may go on to become adult offenders much more that late adolescents who are veering towards adulthood. The authors have suggested that more intensive work is required for pre adolescent and early adolescent children than the traditional approach. Lerner, et al. (1985, cited in Farrington, 1996) found that aggression and hyperactivity at age 4 predicted various psychiatric disorders up to age 16. The fact that antisocial behaviour in the first few years of life predicts later antisocial behaviour and delinquency is a strong argument for implementing prevention efforts as early as possible in a child’s life (Farrington, 1996).

Children’s’ characteristics too affect parenting. Parents who are themselves aggressive and antisocial may use harsh punishments and have children who are at heightened risk for anti social and aggressive behaviour (http://family.jrank.org/pages/1006/Juvenile-Delinquency-Family-Structure.html). Studies have shown that early intervention with younger children to prevent delinquency is far more critical than working later with youth who have already got into delinquent behaviours. (http://family.jrank.org/pages/1006/Juvenile-Delinquency-Family-Structure.html)

**Childhood Risk Factors**

Risk factors are those factors that can increase the onset, frequency, persistence or duration of offending behaviour. However, some factors may be indicative while others may have a causal relationship with delinquency (Farrington, 1996). Loeber and Dishon (1983) and Loeber and Stouthamer-Lober (1987, cited in Farrington, 1996) reviewed predictors of male offending. The
most important predictors were poor parental child management techniques, childhood antisocial
behaviour, offending by parents and siblings, low intelligence and educational attainment and
separation from parents. In contrast, low socioeconomic status was a rather weak predictor.

Figure 2.1 illustrates that the “risk factors” that could lead to subsequent delinquency.

**Figure 2.1**

**Childhood Risk Factors for Child Delinquency and Later Violent Juvenile Offending**

<table>
<thead>
<tr>
<th>Individual factors</th>
<th>Peer factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>● Early antisocial behaviour</td>
<td>● Association with deviant peers</td>
</tr>
<tr>
<td>● Emotional factors such as high</td>
<td>● Peer rejection</td>
</tr>
<tr>
<td>behavioural activation and low</td>
<td></td>
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<tr>
<td>behavioural inhibition</td>
<td></td>
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<tr>
<td>● Poor cognitive development</td>
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<tr>
<td>● Low intelligence</td>
<td></td>
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<tr>
<td>● Hyperactivity</td>
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<table>
<thead>
<tr>
<th>Family factors</th>
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</thead>
<tbody>
<tr>
<td>● Parenting</td>
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<tr>
<td>● Maltreatment</td>
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<tr>
<td>● Family violence</td>
</tr>
<tr>
<td>● Divorce</td>
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<tr>
<td>● Parental psychopathology</td>
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<tr>
<td>● Familial antisocial behaviours</td>
</tr>
<tr>
<td>● Teenage parenthood</td>
</tr>
<tr>
<td>● Family structure</td>
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<tr>
<td>● Large family size</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>School and community factors</th>
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</thead>
<tbody>
<tr>
<td>● Failure to bond to school</td>
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<tr>
<td>● Poor academic performance</td>
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<tr>
<td>● Low academic aspirations</td>
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<tr>
<td>● Living in a poor family</td>
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<tr>
<td>● Neighborhood disadvantage</td>
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<tr>
<td>● Disorganized neighborhoods</td>
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<tr>
<td>● Concentration of delinquent peer groups</td>
</tr>
<tr>
<td>● Access to weapons</td>
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</tbody>
</table>


www.ncjrs.gov/pdffiles1/ojjdp/193409.pdf

**The Age Factor- Delinquency within the context of Adolescence**

Across the world, children who commit offences are usually within the age group of 15-18 years; the phase of adolescence. Nunn K.B. (2002) defines “adolescence” very simply as a period of transition between childhood to adulthood, when those yet to become adults gain greater physical and mental abilities than children, but continue to lack the wisdom and judgement possessed by mature adults. “From a biological perspective, majority of the physical and mental functions, such as speed, strength, memory, etc. are at their optimum during the teenage years. Further, newer cognitive abilities of abstraction, reasoning and self-awareness of one’s own potential too have a
profound impact on the young person. However, these years can also become a source of stress and trauma for the adolescent due to life circumstances and their inability to cope with the same” (Encyclopaedia Britannica, 2005).

Adolescence, as a distinct phase, can be considered to be a “social construct” and culture specific as well. It has emerged after child labour laws were passed in several countries restricting the entry of children in work by prescribing an age limit. As mentioned earlier, children were carrying out adult roles and functions and were considered as earning members till the realization that they needed special protection measures and avenues for growth. Even today in several cultures, this phase of childhood is not experienced equally by all children. It is dependent on whether adults perceive these children as adolescents and accord them a privileged status. Some cultures do not have words for “adolescent” or “young adult” (Santrock, 2011). Adolescence is a culture specific phenomenon that varies from one society to the other (Schaffer, 2004)

Theorists have examined this important stage in life and have highlighted some of the characteristics of this stage. Freud’s psychoanalytic theory (1917, cited in Santrock, 2011) notes that adolescence is fraught with internal struggle. The pre-adolescent "latency" period in his theory is a time when the child develops a balance between the ‘ego’ and ‘id’. However, upon entering the "genital" phase of adolescence, the child has strong drives for sexual impulses that often disrupt this balance. The “ego” is torn between the strong impulses of the “id” and the restrictions of the “superego”. This conflict makes adolescence a time of tremendous stress and turmoil (Lefrancois, 1990).

Unlike Freud, Erikson’s psychosocial theory (1950, 1968, cited in Santrock, 2011) on human development places importance on the social and cultural components of an individual's developmental experiences. During each development stage, from infancy to old age, an individual is faced with many different kinds of crises and developmental challenges and tasks (Erikson states that there are eight “stages” of human development from infancy to old age, each of which involves a basic conflict, brought about primarily by a need to adapt to the social environment. Each of these tasks needs to be resolved. The manner of resolution of these conflicts affects the development of the subsequent stages (Lefrancois, 1990). In Erikson’s theory, during the adolescent stage of “identity v/s role diffusion”, adolescents are in the process of developing a sense of “self” and the development of a strong “ego” as well. He notes that turmoil existed from a sense of “identity crisis”. Erikson also describes adolescence as a “moratorium,” a period of freedom from responsibilities. This ‘moratorium’ gives young people the opportunity to explore and experiment before settling into a steady adult life. Self-worth and fidelity are virtues that have not yet developed.
Piaget’s theory on cognitive development (1954, cited in Santrock, 2011) terms the stage of adolescence as the “formal operations” stage wherein the adolescent is able to move from concrete to abstract thinking. They can construct possibilities and assess probabilities. According to Piaget, “the predominance of egocentric thought during this period leads to some particular views and behaviours…viewing one's thoughts and feelings as unique experiences, and feelings of invulnerability, leading to risk-taking behaviour”. Kohlberg’s moral development theory (1958, 1986, cited in Santrock, 2011) enumerates six stages towards moral development. In the first stage, the individual is obedient to power to avoid “punishment”. The second stage is the ‘individualistic’ concern stage wherein the individual wants to meet self needs first and then think about others. The next four stages are higher order stages moving from interpersonal concern for others in society to social ‘conscience’ and securing individual rights and justice for all human beings. According to Kohlberg, adolescents are usually in the first three stages of moral development. During the stage of adolescence, “morality” is not seen as something absolute. Rather they are seen in relation to “good motives”. They often see things as black or white, right or wrong. In short, they have a dualistic morality. Good behaviour means having good motives and interpersonal feelings such as love, empathy, trust and concern for others. This could often mean an attachment to their peers and a strong sense of justification even for wrong doings. (faculty.ncwc.edu/toconnor/301/301lect06a.htm)

Through all of the above theories, emerge some focal points of this stage: a) exploration of “self” and ‘identity’ b) increasing ability of reasoning c) developing of the moral self d) conflict within the self between newly found desires and societal norms and expectations. When these are juxtaposed with findings of studies on adolescence and delinquency, significant findings emerge that further our knowledge of the correlation, if any, between adolescence and delinquency. In adolescence, the child experiences a sense of “freedom” from constant adult supervision. Physical changes, increasing self consciousness, sexual desires and a need for satisfaction, future aspirations, are newly formed developments. The social environment expands to include friends and peers outside the immediate family.

_Adolescence and the Peer Group_

It is generally agreed that during this phase in life, peers or friends play an important role. As all of them are undergoing the same bio-psycho-social experiences, they begin to rely upon each other for support. By sharing experiences with peers, adolescents learn that many of their thoughts and feelings are shared by almost everyone. This realization helps them to feel less unique or less abnormal and more like others and brings them closer to their peer groups. (http://www.etr.org/recapp/theories/AdolescentDevelopment/developmentalTheories.htm)
In terms of peers groups, Yablonksky (1966) contends that delinquent groups or “gangs” are on a continuum. There may be “near-groups” that are neither “mobs” nor “gangs”. Therefore one cannot presuppose that all groups have a defined structure and boundary. In his study of thirty gangs in New York City over a period of four years, Yablonksky (1966) found that in the ‘near-group’ structure, at the core of the group, were the most emotionally disturbed members who needed the gang more than anyone else. At the second level, there were youths who had affiliation to the gang but participated according to their emotional needs. At the third level, there were peripheral members who would join occasionally but would not identify themselves with the gang. Yablonksky elaborated that this understanding of near-group structure is significant as it does not start with the assumption that there is one homogenized culture and structure of all delinquent groups. Therefore understanding the emotional needs of each individual, role definition to meet momentary needs, diffused and differential definitions of membership, are crucial to arrive at a better analysis of juvenile delinquency.

A longitudinal study (Hay et al, 2009) conducted over a period of three years on a delinquency reduction intervention programme, analyzed whether self control, considered to be one of the factors in delinquency, is a constant in a child’s life or whether there are “trigger points” that increase or decrease self control especially among adolescent children. The study examined a “key component of low self-control—risk-seeking propensity” and analyzed whether self-control is impacted by participation in a specifically designed programme during adolescence. Data of 388 children from the “Children at Risk” (CAR) programme, a randomly assigned intervention that targeted early adolescents, was analyzed. Face-to-face interviews with the adolescents were undertaken at three points in time: at baseline, at the end of the programme (two years later) and at follow-up (one year after programme completion). Hypothesis 1 stating that levels of risk seeking would be in a state of fluctuation during the period ranging from 12 to 15 years was proved to be true through the findings. Though there were periods of stability for many children, it was not the norm. Risk seeking behaviour was not in the same direction for all the children. Hypothesis 2 noting that observed changes in risk seeking were expected to be consequential for changes in delinquency corroborated with the findings. Increase in risk-taking had a direct impact on increase in delinquency related behaviour as well. The third hypothesis suggesting that participation in a comprehensive policy intervention that targets risk-seeking behaviour affects risk led to an interesting finding that though risk taking behaviour changed, the CAR programme was not completely responsible for this change.

The findings of the study are significant as they highlight the fact that there will be periods of stability in terms of self control in an individual’s life due to socializing factors of family, peer and
the community. These socializing factors may reinforce existing influences on self control in a child’s life. Nonetheless, these children may still experience shifts in self control due to other extraneous factors and life events in the individual’s life. The CAR intervention programme did help in decreasing certain areas of delinquency (“buying stolen goods, damaging property, attacking someone with the intent of hurting them, carrying a weapon, drinking alcohol, using marijuana, selling drugs, assisting others in their sale of drugs, and illegally taking prescription medicine”). The study suggested that greater thought must be given to the kind of rehabilitation programmes developed for children. The nature and design of a programme has a significant bearing on the outcome. For self control especially, areas such as behavioural-cognitive therapy or social skills training need to be incorporated as they directly target impulsivity, self-centeredness, and anger management, all of which are relevant to low self-control (Hay et al, 2009).

Friends are also important and ‘it is particularly vital not to view peers as largely negative influences. Children help each other a great deal and all adults should be aware of friends and age-mates as actual or potential resources for resolving difficulties’ (Hill 1999, cited in Maclean 2003). Jackson and Martin (1998, cited in Maclean 2003) found that one of the protective factors for children in Institutions, strongly associated with later educational success, was having a friend outside the Institution who did well at school. The parents of these pupils can often provide social support and academic encouragement. For a variety of reasons, abused children find it harder to make and maintain friendships than their non-abused peers. Experiments where they are paired at school with a more socially competent peer show that they can be helped to interact more positively. Close relationships with peers can increase self-esteem and reduce some of the negative effects of abuse on children’s development (Bolger, Patterson and Kupersmidt, 1998, cited in Maclean 2003).

Adolescence and “Culpability’ of ‘Crime’

There has been contrary opinions on whether children are truly “innocent” and “blameless” and do not understand the implications of their behaviour. In an article starkly titled “Criminal Children”, Richards (1997) asserts that adolescents who are 14-18 years are not “automatically to be considered less culpable” than adults who may have committed the same crime. Not “all decisions are alike in the maturity they demand”. Thus each adolescent’s “culpability” must be determined separately based on the circumstances of that case instead of a “general rule” that “every” adolescent offender should be treated “non-punitively” merely by virtue of being a young offender. He critiqued the notion that adolescents “do not know” or are “unaware” and “ignorant” or are less culpable because they are often under peer pressure. Rather, adolescents lack “moral understanding”. They often use peer group as a medium to further their activities and not
necessarily engage in delinquency under pressure or to remain a part of the group. However the author does state that although adolescents know that what they are doing is wrong, they are not able to grasp “how wrong it is”.

A counter view presented by Scott and Grisso (1997) states that juvenile justice systems have to look at juveniles specifically adolescents, within the framework of developmental psychology as “adolescent choices about involvement in crime and their decisions as defendants in the legal process reflect cognitive and psychosocial immaturity”. This article refutes Piaget’s theory of cognitive development during adolescence. Scott and Grisso analyse that some adolescents show an inclination to join anti social behaviour at this developmental stage which they desist from as they attain maturity and adulthood. They outgrow this inclination. Though Piaget talks about abstract thinking, it has been found that with low stimulation, not all adolescents develop the ability to reason out and delay gratification. Also children from poorer families largely live in the present (Cohen, 1951). Treating them punitively and with retribution does not help much. It diminishes the prospect of productive adulthood as well as future goals of education, job and career. It is important to understand the patterns of delinquent behaviour and not just the severity of the offence. The authors conclude that a developmental model must include both retributive and rehabilitative dimensions. They note that “diverting” and “rehabilitating” also is based on the assumption that these juveniles are on a path to criminal behaviour if not worked with. They fail to ignore that criminal conduct also reflects developmental influences. Any kind of Court Order must take into account that “diminished responsibility means that young offenders should be treated more leniently than adult offenders, not because their acts are less dangerous but because they are less capable of controlling their impulses, resisting peers, on thinking in the long-range terms that characterize mature decision making”. A study by Cowden and McGee (as cited in Falis, 1998), of 136 juveniles aged 9-16 years, on their competency to stand trial, found that no general link could be correlated to show that age, race or seriousness of offence signified a higher rate of maturity.

Kumari (2011) in her paper on Construction of Criminality and Children suggests that there is an urgent need to reconstruct “crime” and “criminality” in the context of children. Based on the personality theories of Carl Rogers and Abraham Maslow, the author analyses that wrongful actions by children may be the result of the innate characteristics of all living beings to attain their full potential. Commission of a crime, especially a serious crime by a child eclipses the notions of childhood innocence and vulnerability. These children too will require the care and protection approach as against imposing standards that apply to the adult world. The author emphasizes that children, not crime, should remain the focus of response even in the case of serious offences.

There is a perception that family has a limited influence on the adolescent; studies indicate that
despite rebellious behaviour and so-called search for “freedom”, in the majority of the cases, family norms and expectations do influence the adolescent. Adolescents who have the opportunity to develop positive relationships are more successful in coping with challenges in life. If the developmental challenges during adolescence are not addressed appropriately, the adolescent can become vulnerable to other adverse influences. A small group of ‘at risk’ adolescents get influenced by peers, media and experiment with undesirable behaviours. These children usually get involved with addiction, gambling, sexual abuse, defiance of any kind of authority, aggressive behaviour and other kinds of criminal activities. This also happens due to lack of stable and supportive familial relationships, inadequate direction and care, and lack of avenues for success.

The Juvenile and the Environment: The Family Situation

All children are born into a family. The family continues to be the primary caregiver for the child especially in the early years and the child’s development of the self; values, personality and identity are influenced by the family. Thus for any aberration in the child’s behaviour or situation, the family situation will have to be thoroughly assessed. Relationships, parent-child attachment, sibling-sibling attachment, level of closeness with extended family, along with economic conditions, external community conditions all contribute towards the child’s shaping and developing of personality and self. Therefore, any study on juvenile delinquency requires examining the patterns of relationship and interaction within the family, internal and external pressures on the family and its implications on the child. Causes of delinquency have been linked to several reasons in the child’s home, school conditions and poor neighbourhood conditions (e.g. Srivastava, 1960, Shekhar, 1986). Low wages for parents who work, adult unemployment, lack of affordable housing all contribute to violence and delinquency (Emens, E.F et al, 1996). The juvenile offender is more a “socio-culturally deprived child” (Shekhar, 1986).

The family has been considered as the most influential and vital to mental health of its children. There are numerous studies on the relationship between family environment and the development of the child (Desai, 1994, cited in Anaokar, 2003). Children in difficult situations (such as abusive homes, alcoholic parent, mental illness in the house) develop coping patterns which are unhealthy (Black, 1981, cited in Anaokar, 2003).

A family can be both nurturing and exploitative. Gil (1971) had conducted a survey in 1968 across 39 cities and counties in USA. Information was collected of 1300 incidents of abuse, case studies of nearly 1400 incidents, interviews with 1520 adults and a six month review of daily
and periodical newspapers and magazines. The study found that over 70 percent of the children were abused by a biological parent. The income in these families was very low and there seemed to be a deviance from the normative structure of family especially in the non-white families. There were different contributory factors such as unemployment of fathers, large families, and poor educational levels. Over 60% of children had a history of prior abuse. The findings also concluded that one of the reasons for abuse was the cultural sanction for the use of force in child rearing and it was not perceived as deviant. Other reasons were differences in cultural practices among different ethnic groups, deviant bio-psycho-social functioning of the adults and environmental factors.

The National Study on Child Abuse (2007), the largest study of its kind and initiated by the Government of India, surveyed a large sample of 12,447 child respondents (5 years to 18years), young adults (18 years to 24years) and other stakeholders across 13 states of India. The children in the sample came from five different evidence groups: children in family environment-but not going to school, children in schools, children in institutions, children at work and children on the streets. Among the key findings were that out of those children physically abused in family situations, 88.6% were physically abused by parents. An equal percentage of both girls and boys reported facing emotional abuse, in 83% of the cases parents were the abusers (http://wcd.nic.in/).

At the Youth Advocacy Centre (Queensland, Australia), Murray (1999) writes that many of the young people seeking assistance from the Centre have been subjected to abuse and/or neglect as little children. Narratives of children in India too have similar such backgrounds of poverty, neglect, illness in the family, inadequate parenting due to economic factors, and no option of education (Snehi, 2004). Weatherburn and Lind (1997, cited in Murray, 1999) found in their study of Economic Stress, Child Neglect and Juvenile Delinquency, that young people’s participation in crime was positively correlated with rates of reported neglect and abuse. Some children who are abused or witness abuse of loved ones learn to be violent; their abusive parents are powerful, negative role models (Ewing, 1992). The Cambridge study (1973) found that parental harsh discipline, cruelty, neglect, measured at age 8 predicted later juvenile convictions.

The home environment is one of the most important factors in delinquency (Gokhale, 1973). Along with family structures, it is the family processes such as monitoring and supervision that need greater attention (Gavazzi, 2006). Families of children who come within the system require attention. Family based interventions keeping the gender and ethnicity components are required together with systematic assessment tools for assessing vulnerability of the child and the family. Schmitz (2003) suggests that “family environment serves as the foundation from which child hyperactivity arises, which later develops into more serious antisocial behaviour”. However this study also supports that ecological processes lie at the core of understanding a child’s behaviour.
Family interaction patterns are adaptive responses to the environment rather than individual developmental processes.

“Favouritism, rejection, insecurity, harshness, rigidity, irritation and many other conditions within the home affect many children”. A “problem child is a child with problems” (Sutherland, 1932). A study of the role of family related variables undertaken by Gove and Crutchfield (1982) sought to test Hirschi’s control theory which stated that attachment between the family and the child is the key to prevent anti social behaviour. The researchers critiqued that although several studies had attempted to establish a causal link between the family environment and delinquency, the majority of the studies were conducted after the delinquency had already been established. A child’s behaviour can have an impact on the family and disrupt relations as well. Thus the child’s behaviour can impact family interactions as well and not just the other way around. About 620 families were studied in Chicago city. The independent variables were race, socioeconomic status and marital status. Four sets of variables were studied: family structure (single parent home), nervous breakdown, absence of good marital relationship, inadequate space for the child to play and study, poor parent-child relationship (feel hassled by child, do not get along, not supportive, do not know child’s friends, beating). Physical punishment, lack of knowledge of friends and the parent’s feelings towards their children was found to be the strongest predictor of delinquency—much more than marital status, amount of space available for the child, socioeconomic condition, race, and parents being supportive or hassled by the child. While a mother’s emotional disturbance made the boys more responsible in the family, the father’s emotional disturbance presented a negative role model and increased the possibility of misbehaviour. In most families, males were more reactive to poor marital relationships, whereas females were somewhat more reactive to a lack of social control, physical punishment, and poor relationships with their parents (Gove and Crutchfield, 1982). The study supports the Control Theory and asserts that family characteristics play an important role in delinquency. Parents’ feelings towards their children, if negative, will lead them to react in particular ways towards their children and actually lead to misbehaviour among the children.

Another study (Maschi et al, 2008) undertaken to explore the link between childhood trauma and delinquency, revealed some pertinent findings. The study, conducted on a stratified random sample of 2,065 males in the age 12 to 17 years from the 1995 National Survey of Adolescents, USA, explored the link between trauma and delinquency and the intervening factors. Three hypotheses were tested: 1. The cumulative effects of trauma will have a positive and significant effect on juvenile delinquency 2(a): The association between trauma and delinquency will be positively mediated by negative affect 2(b): The association between trauma and delinquency will be
positively mediated by delinquent peer exposure. Adolescents were asked about their prior experiences of direct and indirect violence, stressful life events in the past year, delinquent activity, emotional and/or psychological states, and peer relations. The adolescents’ self-report information for the variables under investigation was used in the analysis, except for the information on family socio demographic variables, which were based on parents and/or guardians reporting. All three hypotheses were partially supported. These findings also suggest that traumatic experiences that place youth at risk for juvenile delinquency may range from minor to serious and occur in the home and/or the community. More important, the intrapersonal factor (anger) and the interpersonal factor (delinquent peer exposure) exerted a positive and significant influence, particularly on violent offending among adolescent males.

The study highlighted the need to explore the relationship between anger and juvenile delinquency and two factors: intrapersonal (anger) and interpersonal (relationship with peers). The way children perceive traumatic events at home and in the community, combined with interactions with peers who have probably undergone similar traumatic events in the past, have a direct impact on their mental health and behaviour. The researchers emphasize that “understanding the multiple pathways that connect trauma to delinquency can help to develop or improve prevention, assessment, and intervention efforts geared toward helping at-risk youth, their families and their communities” (Maschi et al, 2008: pp 136). Programmes aimed at helping children cope with traumatic events and providing them a space for expressing their feelings, can prevent some of the children from delinquency.

In an exploratory qualitative study of migrant tribal children's experiences of growing up in a slum setting of a small city in Orissa, Nath (2007) writes about the stark realities of such children. Alienated and uprooted from the “socio-cultural moorings of their community these children start slowly adapting to “modern urban values”. “Under nutrition, unhygienic living conditions, illiteracy and ignorance make the children in slums physically weak and prone to many diseases”. The author also found that the formal syllabus provided in schools was difficult for the children. The children neither got adequate inputs in school nor an encouraging home environment which would motivate them to continue their education. The author concluded that in the “anonymous, competitive crowds of modern Indian cities, slum children do not experience a normal childhood..... childhood in the slums are characterized by hard work, absence of leisure and lack of any opportunity... childhood is burdened by adulthood... the childhood of slum children is the worst phase of their life; quite starkly contrary to popular notions of the “joys” of childhood” (pp 267).

Way back in 1947, Mukerji wrote that more than “85 per cent of the Indian juvenile criminal come from the labour class, who have no regular place to live in. Half of them live in bustees-a cluster of
thatched dilapidated lamp mud huts where lurk the germs of morbidity and cynicism” (pp 9). Over the years, while these “bustees” have become mostly settled tenements with comparatively better facilities, economic disadvantage continues. A similar comparative Study (Ganguly and Maitra) during the same period in Calcutta (now Kolkata) between 40 “delinquent children “convicted17” of various anti-social and delinquent activities” and 40 non-delinquent” children found that families of the delinquent group were drawn from “over crowded” families with 60 percent of them having migrated to Bengal from different parts of the country, experiencing unfavourable housing conditions, lack of recreational facilities, deprivation of the “essentials of life”. The study found that socio-cultural and intra-familial factors do influence delinquency. Mukerji (1947) writes about the “defective home life”. “Want, discontent, conflict among parents, boredom, lack of adaptability, home life of the parents and emotional life of the child are inseparably linked, a discord in one will cause upheaval in the inward life of another”. While terms and terminologies have changed over time, the basic meaning essentially remains the same.

Weatherburn and Lind (1997 as cited in Murray, 1999) state that the antecedents of child neglect and abuse differ somewhat; however they are more likely to be prevalent in the history of an offending child. The authors argue that policies designed to reduce the level of economic stress and early intervention programmes designed to reduce the risk of child neglect, have an important role to play in long-term crime prevention.

The Child and the Environment-Neighbourhood and Community Context

Neighbourhood deprivation, resulting from the collective experience of psychological and economic disadvantage, influences children’s mental health (Pagani, 2007). A community may be defined as the social (social activities and social relationships) and built environment (arrangement of buildings and spaces) of a common locality. (Wikstrom and Sampson, 2003). The community's structural characteristics (“resources, rules, and routines”) affect the conditions for social life and control in the community and this, in turn, has some bearing on (1) how people who grow up in the community will develop their individual characteristics relevant to their future propensity to offend and their lifestyles that shape pathways in criminality (ecological context of development), and (2) how people who live in the community will behave in daily life, including involvement in acts of crime (ecological context of action) (Wikstrom and Sampson, 2003). Thus in particular behaviour settings, a person, based on his individual characteristics, will “perceive options, make choices and take action”. Wikstrom and Sampson (2003) critique that while studies have established the causal relationship between the individual and community in shaping pathways in

17 The word “convicted” is not part of the terminology in the juvenile justice system but they continue to remain in popular usage
crime, the interaction between “individual characteristics” and “community contexts” have not been as well documented.

In their *Community Level* theory, Wikstrom and Sampson posit that “social actions, including criminal offending, ultimately are a result of individual choice and perception of alternatives, and that the key challenge for social science research is to understand the mechanisms by which individual characteristics and contextual factors, independently or in interaction, influence individual perceptions of alternatives and processes of choice” (pp: 121). Thus an individual’s motivation to commit crime depends on “individual characteristics (temperament, conscience), perception of “options”, the immediate “social situation” (social bonds, resources) and the “behaviour settings” (situations creating temptation, provocation embedded within the social and cultural context) in which they operate. This also has an added dimension of individual sense of “morality” and “self control”. Thus in a given situation, an individual who is law abiding or has self control will be less motivated to commit a crime than an individual for whom the reverse is true. The theory analyses the reasons for individual differences in their “propensity to engage in crime” and whether “community contexts play a role in generating individual differences is morality and self control”. Drawing upon Bronfenbrenner’s ecological perspective (1979), the theory contends that it is the day-to-day routine activities that an individual engages in within his environment that has a lasting impact on development.

Different kinds of settings give rise to distinctive patterns of role, activity and relation for persons who become participants in these settings (Bronfenbrenner, 1979; pp109). Neighbourhood, which is the immediate surrounding at the place of residence for the child, may have greater impact during early childhood but as the child grows older, other dimensions of the external world (college, place of work, other places that a person frequents) too influences the person’s development. Therefore community influences need to be understood differently at different life stages. An individual’s development is shaped by the environment. Morality and self-control is determined by the socialization process which includes the community structure, the support available to the family for parenting, overall community values and supervision of children. All of these will create behaviour settings accordingly. A nurturing family and community, respect for each other and property, reaction to rules not being followed will create behaviour settings that are conducive for morality and self-control and impacts individual development of morality and self-control as well. Community capital (individual and collective resources of the community) and “community efficacy” (extent of cohesiveness and collective cooperation) will determine characteristics of behaviour settings. The community-context influence on individual motivation to offend (through its supply of criminogenic behaviour settings) is dependent on the extent to which the individual participates in settings with criminogenic features(Wikstrom and Sampson, 2003).
There have been several theories that have attempted to understand the macro-micro linkages between community conditions and individual level processes (Hoffmann 2003). A key theoretical proposition is that socially disorganized communities are less able to control the general behaviour of residents, thus affecting delinquent and criminal behaviour via attenuated social control processes (Kornhauser, 1978; Shaw and McKay, 1931 as cited in Hoffman, 2003). Community opportunities, resources and services define the basic life conditions of children and generate the main motives for deviant behaviour (Sarri and Vinter, 1976).

Hoffman’s study (2003) quantitatively analyzed key variables of three theories- social control, strain, and differential association/social learning to elaborate the community context of adolescent involvement in delinquency. Data of 10,860 school going adolescents (in tenth grade) were obtained from a larger sample of the National Educational Longitudinal study in USA that had been designed to explore the impact of families and schools on a variety of educational, vocational and behavioural outcomes. The sample was nested in 1,612 communities within geographical bounded communities in urban areas. Variables such as peer expectations, stressful life events (“differential association” theory), monetary strain, parental attachment (“strain” theory), parental supervision and school involvement (“social control” theory) were examined. A set of questions and scales were used. Additional variables like sex, ethnic background, family structure, and income were included as control variables. Community-level variables (segregation, female headed, joblessness, and poverty) were tested.

The findings significantly indicated that community disorganization by itself does not lead to delinquency though as generally expected, there is slightly more delinquency in areas with a higher proportion of jobless males or residents living below the poverty threshold. The study found that peer expectations vary little across communities except in high poverty areas. There is slightly less parental supervision in high poverty areas, and there is less school involvement in areas high in poverty or in female headed households. Adolescents who report more stressful life events, lower peer expectations, poor parental attachment, less parental supervision, or involvement in fewer school activities are more likely than other adolescents to be involved in delinquent activities regardless of their place of stay. Impact of monetary strain too decreases if there is parental attachment and supervision. Adolescents living in communities with more male joblessness, a higher percentage of female headed households and more poverty are more likely than adolescents living elsewhere to be involved in delinquent behaviour. Though the study does not fully support the key variables of the three theories, Hoffman concludes that nonetheless these theories do explain delinquent behaviours that “transcend broader structural conditions”. Hoffman also notes that the majority of the criminological theories related to community disorganization emerged in urban areas which had witnessed fall outs of migration. Stressful life events
significantly affect delinquency in the general population, while monetary strain significantly affects delinquency in urban communities. In addition, the rates of male joblessness and poverty have similar positive relationships with delinquency. Stressful life events are more consequential in communities suffering from high rates of male joblessness. In these communities, adolescents who are exposed to more stressful life events are highly likely to report involvement in delinquent behaviour. It seems that parental supervision has a more important effect on delinquency in areas where male joblessness is high. Unemployment and poverty are also linked to social disorganization. Any additional crisis would greatly strain family resources, often resulting in mistrust, jealousy and hostility among members (Dalal, 1995). However families that closely supervise their children are able to prevent them from getting into delinquent activities.

Disadvantaged adolescents are those whose basic needs and internal necessities remain unfulfilled. The rights of these adolescents have been denied or violated, and they suffer from a prolonged deprivation and/or continuing inadequacy of the minimum necessary provisions of life and developmentally detrimental to external stresses of any kind, natural or man-made (Dash, 2000 as cited in Chowdhury, 2007). However experience also reveals that several children despite being from disadvantaged backgrounds can do well in later life and are able to overcome the hardships they may have faced. Chowdhury (2007) did an innovative study on the invulnerability of disadvantaged adolescents from heterogeneous families (Scheduled Caste, Scheduled tribe, rural poor and urban slum) and examined “family effectiveness” in “developing competencies” among such children. From an initial sample of 800 children in the age group 12 to 14 (from class 7 to 9) years (studying in four different schools in Berhampur town of Orissa), 60 adolescents were systematically identified; 30 as “vulnerable” or “incompetent” and another 30 adolescents as “invulnerable” or competent A “need satisfaction / family effectiveness scale” was developed. Through a combination of quantitative and qualitative analysis, conclusions were drawn. The findings indicated that invulnerable children expressed greater satisfaction of needs met and parents (especially the mother) ranked highest as contributing agents in need satisfaction. On the other hand, the vulnerable children scored higher in need satisfaction with outside members such as teachers, friends or relations.

However the results also indicate that family played an important part in the satisfaction of children's needs, irrespective of whether they were competent or incompetent. Further both groups of adolescents had similar levels of needs satisfaction. The study also interestingly highlights that despite disadvantage and deprivations, children can do well in their behavioural and educational competence with family support as a natural support network. Studies have shown that a good mother-child relationship is very effective in developing resilience among children. Even siblings and peers play a significant role. This study too shows that peers have a better insight into the
strengths, weaknesses, joys and sufferings of adolescents as compared to anyone else. It also validates Maslow’s hierarchy of needs. In families wherein the basis requirements are met, adults have realistically high expectations from children. Children too are able to meet this as there is space in the home for democratic thought building, self confidence and an ability to address challenges in life. A “healthy psychological climate” in the family is the key. Personality traits like “persistence, self-confidence and autonomy need to be taught, especially to the incompetent adolescents (‘vulnerables’) to enable them to become successful adults. An optimistic view regulates one's outlook leading to a better quality life” (Chowdhury, 2007: 317).

Mishra’s (2007) study on Everyday life in a Slum in Delhi: Views of the Children, is in sharp contrast to studies on slums and slum children that largely depict children as “victims” or in need of “welfare” and “NGO” intervention. The study was located in slums around Azadpur Subzimandi in Delhi, Asia's largest fruits and vegetables market. The objective of the study was to capture children's own lived in experiences of growing up in a slum and their “voices”. The author interestingly observes that although the slums had problems of sanitation, pollution, fifth, health problems and addiction, and children did share about them, “they did not individualize or pathologize their social and economic problems, and that is why they denied their existence in the first instance. These problems constituted the normal, with which they lived” (Mishra 2007: 254). The author also states pertinently that “biological age” and universal fixed phases like childhood, adolescence and adulthood are demarcated by biological age; in reality, children construct/create their own categories based on other non-biological criteria, “group”, “junior”, “senior”. To these, slum children age as in numbers such as “eleven”, or “thirteen” were irrelevant to describe their “social age”. The author argues that the study contests the universal assumption that slum is a “social disease”. Even within slums, children negotiate their spaces and all of them may not always be engaged in work that is inherently exploitative. These children too led an “active” life, “carefree” with their own "sets of vision and ambition". The author reiterates that “policy measures will be more effective if these are sensitive to the specific social and cultural contexts of the target groups.”

In a study on Youth in the Pacific, Noble et al (2011) found that youth face both risk and resilience factors in the immediate family, community and wider national and regional environments and these have a strong influence on whether they become involved in crime and violence or contribute to society as responsible and law abiding citizens. Youth, by definition, have less knowledge and life experience than adults. In order to become successful adults, they must have the opportunity to learn the necessary skills in an environment in which their wellbeing is protected by their parents, their communities, and the state. It is widely accepted that young
people require this special care and protection up to a certain age, and international human rights instruments reflect this understanding.

The School Environment

While school may not be the cause for delinquency, the school environment plays a critical role in preventing or provoking delinquency (Shekhar, 1986). The disadvantaged child’s problems get exacerbated in school where he/she is unable to fulfill academic expectations, does not have any support system at home, coming from a working family who may be putting a low premium on education due to economic compulsions. Research has proved that low academic achievement and school dropouts are at a much elevated risk for unemployment, teen pregnancy, juvenile delinquency, social dependency and poor parenting practices (Ramey and Ramey, 1999). Research indicates a correlation between low grades and recidivism (Weaver, 1989). Poor quality and lack of relevant education is also linked to youth crime and violence (Noble et al, 2011). In a Chicago longitudinal study (cited in Deb, 2006), using data from 1,539 children, it was found that preschool participation was associated with higher levels of school readiness, educational attainment, and lower rates of child maltreatment and juvenile delinquency. Findings prove that large scale public, early interventions can enhance children's well being (Deb, 2006).

Table 2.2 illustrates the interconnections between a child’s antisocial behaviour, the school and the home environment
Figure 2.2

The Home, School and Anti-social Behaviour

**Social Context**
- Poverty - Unemployment
- Poor neighbourhood support
- Large family size

**Parental Factors**
- Own upbringing inadequate
- Psychiatric Disorder

**Child-Parent interaction**
- Inconsistent discipline
- High parental criticism
- Low parental warmth

**Child Constitution**
- Difficult temperament
- Attention-deficit hyperactive
- Language or reading

**Antisocial Behaviour at home**
- Refuses to obey requests
- Temper tantrums
- Behaves in a way to annoy or anger adults

**Antisocial Behaviour at School**
- Disruptive in class
- Fights or bullies
- Hostile attitude
- Difficulty making friends

Ref: Spender and Scott (1997): Influence on Antisocial Behaviour seen at home and at school, and how the consequences may perpetuate it, cited in *Conduct Disorder: An overview* (nd)
Delinquency and Desistance

Pathways in criminality would mean a pattern of behaviour by a set of individuals which is different from other groups of individuals (Wikstrom and Sampson, 2003). Prior development outcomes influence future outcomes and thus a group of individuals may continue to persist in crime as subsequently an individual may seek out behaviour settings that offer opportunities for offending behaviour. There have been research findings that state that offending behaviour peaks in the teenage years and then decreases in the 20s (Farrington, 1996, Stouthamer-Loeber, et al., 2004). Desistance is defined here as an individual’s stopping the commission of crime. A significant portion of desistance from criminal behaviour appears to take place in late adolescence and early adulthood, although there is later desistance as well (Stouthamer-Loeber, et al., 2004). There have been several explanations. Offending has been linked to testosterone levels in males which increase during adolescence and early adulthood and decreases thereafter. Other changes are physical abilities, moving away from peer groups, other social influences in adulthood as compared to adolescence (Stouthamer-Loeber, et al., 2004).

A study related to the Pittsburg Youth Study (Stouthamer-Loeber, Wei, Loeber, and Masten, 2004) followed young urban males 16 times between the ages of 13-25 years. A total of 506 boys were assessed every six months. Information was collected from the boys, their parents/caretakers and teachers. The aim was to document the various factors that “differentiate patterns of desistance and persistence of criminal behaviour across the transition to adulthood”. To counter methodological issues of determining what “period” of abstaining from crime would constitute desistance, the study examined “predictors and correlates of desistance versus persistence in serious offending during the transition to adulthood from ages 20 to 25”. Information on delinquent behaviour was based on a self-reported delinquency scale. Participants were considered as “serious delinquents” if during adolescence, they engaged in auto theft, breaking and entering, violent assault, forced sex or rape. Persistent delinquency was defined as serious reported delinquency up to the age of 19 years. Assessment of either persistence or desistance was done during the adult years of 20-25. Success in the areas of education, employment and romantic relationships during this period was studied too.

Potential promotive and risk factors were organized to capture three age periods: 13–16 and 17–19 (predictors) and 20–25 (concurrent correlates). These factors covered individual, family, peers, and neighbourhood factors. Of the total of 506 boys, 190 (37.5%) were classified as adolescent persistent serious delinquents. Out of that group, 101 (60.5%) persisted in committing serious delinquency in early adulthood. One reason the researchers explain could be the period of study when crime and violence was at its peak in Pittsburg, Pennsylvania. A considerable proportion of the persisters committed serious delinquency in 3 or more of the 6 years (40%). The 66 who
desisted in early adulthood (39.5%) were almost equally divided between those who desisted completely and those who still committed offences but at lower seriousness. More desisters, compared to persisters, were classified as having higher professional level jobs (46.9 vs. 29.5%). Desisters were more likely than persisters to have been employed 95% or more of the time (19.7 vs. 7.7%) and were more likely to be either employed or in school (43.9 vs. 21.3%). Thus, twice as many of the desisters as the persisters had these positive outcomes, but no differences were found with regard to romantic relationships. At ages 13–16, promotive factors associated with desistance were observed in the individual, family and peer domains: being accountable, “believing one is likely to be caught”, low physical punishment from caretaker, good relationship with peers, low peer substance abuse were all associated with a greater likelihood of desistance. These factors were found statistically significant too to predict desistance. Several risk factors were associated with a lower probability of desistance: being manipulative, high peer delinquency and having a positive attitude to delinquency. Non significant factors included relationship with caretaker, siblings, number of friends or perception of neighbourhood disadvantage. At ages 17–19, there were similar promotive factors along with factors such as having skills for job, positive interactions with interviewers. High peer delinquency was a significant risk factor in both periods. Most of the predictors of desistance from ages 17 to 19 were also correlates of desistance in early adulthood. The findings emphasize the importance of early interventions with younger juveniles and adolescents. Low level of non physical aggression and low peer substance abuse played a significant role in both the periods. Cruelty, hard drug use, gang membership, serious delinquency status, were the risk factors. A significant finding was that both desisters and persisters did not differ much in terms of their getting higher education. The delinquency related incidents in their life at an age when youth pursue higher education impacted their academic prospects. This has implications on future occupational avenues and status. Thus the disadvantage continued (Stouthamer-Loeber, Wei, Loeber, and Masten, 2004).

In another longitudinal study in London on delinquent development, 400 males were surveyed from age 8 to 32. The study found that a typical offender, who committed crimes related to property, grew up in a low income, large sized family with parents who were either indifferent, harsh or erratic in their parenting. Such children were likely to fare poorly at school, interact with other antisocial peers, grow up engaging in a range of offending behaviours, get married, were unable to hold a job consistently, could get into addiction and have similar problems in their own house. Thus the same social problems gets perpetuated to the next generation of which “offending is only one element”. The Cambridge study (1973) found continuity in offending behaviour from childhood to the teenage years. Though there are studies on “predicting juvenile behaviour” and “future outcomes”, other researchers have commented that there are so many variables between an individual and his environment that it is almost impossible to predict juvenile delinquency. Clarke
and Clarke (1999) state that while early social experiences may lead to a range of outcomes, they do not necessarily predestine the future. “Development is a series of linkages in which characteristics in each period have a probability of linking those in another period. But probabilities are not certainties and deflections of the life path, for good or ill, are possible, although always within the powerful limits imposed by genetic, constitutional and social trajectories” (Clark and Clark, 1999).

Mulvey et al (2010) in a trajectory study, studied a sample of 1119 serious court offenders over a period of three years following court adjudication (i.e. found guilty by the Court). Since it was a trajectory study, the focus was on the development of the juvenile over time (three years after court adjudication and not the chronological age). This study was different from prior researches on the general population or high risk juveniles. Two sets of variables (individual characteristics and “social context characteristics”) were reviewed to understand the simultaneous influence of both. Within individual characteristics, criminal history, substance use and mood disorders, attitudes toward the law, and psychosocial maturity were identified as previous research had confirmed the impact of these variables on offending behaviour. Within the social context, the family, peer and community were included. Adolescents between the ages of 14-18 years were studied. All respondents had more than one court appearance. They were found guilty on serious offences related to person or property and drug offence. Girls too were included in the sample though in the current analyses, the numbers were found too small by the researches to obtain a stable trajectory model. Retention in the study was high (94%). Through interviews, a modified version of the self-report of the offending scale was used along with other inventories to assess each of the variables. The five-group trajectory solutions were- Group 1, which comprised about 24.8% of the sample, was a low offending group, with a low level of offending at baseline that approached zero in the follow-up periods. Group 2, which made up about 34.4% of the sample, was also a low offending group but with a slightly more marked decline than Group 1 in the first two follow-up periods. Group 3, which constituted 17.6% of the sample, had moderate levels of offending across the 36-month period. Group 4, which represented about 14.65% of the sample, was a high declining group whose level of offending was relatively high at the start and steadily decreased across the 36-month period (i.e., “desisters”). Group 5, which formed about 8.7% of the sample, was a high offending group whose level of offending was high at the start and remained relatively higher compared to other groups across the 36-month period (i.e., “persisters”). Two years after court adjudication and thereafter, almost three-quarters of this sample (73.8%; Groups

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18 “Trajectory solutions are groupings of individuals in a sample based on relative patterns of observations over time; any trajectory groups obtained can only be interpreted for their applicability against the backdrop of the sample used for the particular analyses. The trajectories derived here reflect possible subgroups of serious adolescent offenders, not all adolescent offenders or adolescents in general” (Mulvey, et.al., 2010: 456).
1, 2, and 4 together) reported very low, almost near zero, levels of involvement in criminal activity. In addition, well over half (Groups 1 and 2, accounting for 59.2% of the sample) of this sample of very serious offenders reported very low levels of involvement in antisocial activities during the entire 3-year follow-up period (Mulvey, et al., 2010). The findings do not support that institutionalization can predict lessening the chances of future reoffending as there was no significant difference among the “persisters” or “desisters” (Groups 4 and 5) although they went to similar institutions, “though their subsequent pattern of offending differed substantially”. The authors acknowledged that the study was unable to predict which high frequency offenders desist from crime and which do not. Further, a three year period may have been too short a period as individuals may have gone through a period of desistance to recidivism.

**Juvenile Delinquency and Gender**

Tankersley (2006) comments that the juvenile justice system, academic research community, and juvenile rehabilitation practitioners generally have neglected female juvenile offenders. Research and theories have typically focused on the male juvenile offender. Feminists have critiqued that early researchers have largely studied males and formulated general theories which may not equally apply to female offenders. Offending, understood to be a male phenomenon, led researchers to initially develop theories around male offending (Zimmerman and Messner, 2010). Crime among boys is traditionally higher than that of girls. This is primarily due to the socialization process of girls in society, more protection, and different opportunities for risk taking.

Using the Social Development Model 19 as a framework, Kosterman, et al. (2004) found that mothers and fathers uniquely influence their child’s antisocial behaviour based on the gender. About 325 two-parent stable families were identified in an economically stressed rural area in USA. Through home visits, self filled individual questionnaires by parents and their school going children, and videotaped family interaction tasks, information was gathered on parent-child bonding, family management, perceived reward from parent, parent involvement, pro social skills, beliefs about “right” and “wrong” on anti social behaviour, and increase in anti social behaviour. The study found that that in terms of pro social skills, family management, and socialization, the influences of both parents were similar for sons and daughters. However, while beliefs had a significant impact on the boy’s anti social behaviour, for girls it was the pro social behaviour of fathers that could dissuade girls from anti social activities. For boys, it was an indirect influence. While influences of the mother were largely similar for boys as well as girls, for fathers, their child’s gender mattered more. The Model could not explain the girl’s anti social behaviour.

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19 Family management, socialization, and bonding processes involving prosocial parents were incorporated from the Model.
Further in a patriarchic society, girls are also conditioned to internalize socially accepted values of “good” and “bad” behaviour very differently than boys. Moreover there is greater fostering of bonds between the female and the family and more participation in conventional activities in the home, school and the community (Farrington, 1996, Gager, Cooney, and Call, 1991, as cited in Zimmermann and Messner, 2010). Parental feeling towards the girls was a powerful predictor of delinquency as compared to boys (Gove and Crutchfield, 1982). The *Adaptive Strategy Theory* by Rowe D.C. (1996) emphasizes that crime is not merely due to individual aberrant behaviour or environmental factors. It is to be viewed along with inherent genetic transmissions that have evolved over generations. Among other things, the theory explains that the reasons for low rate of female offenders vis-à-vis male offenders are a result of evolutionary processes and not solely due to socialization.

Wisconsin Women’s Law Journal presented a “Special Issue” on girls in the juvenile justice system to highlight the gender-specific needs and specific challenges of girls within the juvenile justice system. Realities of girls are different from that of boys and hence the juvenile justice system has to take cognizance of this while working with girl child offenders (Humphrey, A. 2003). Emeka, T.Q. and Sorensen, J.R. (2009) attempted to explore whether risk assessment instruments to predict and prevent juvenile recidivism are valid and accurate for both male and female juvenile offenders. “Typically, female risk factors are embedded within male risk factors. Thus, the true differences between male and female juveniles may not be explored” (pp 314). One of the findings was that the risk factors associated with female offending were different and hence having generalized predictor factors for offence would not apply equally to male and female juvenile offenders. To understand female juvenile reoffending, the nature of female offending needs to be explored in a more detailed manner, without including male offender characteristics/demographics (Emeka, T.Q. and Sorensen, J.R., 2009: 327). The study further recommends that community and environmental and gender specific risks and needs variables need to be taken into consideration to arrive at predictive risk factors for juvenile re offending. Other studies have found that 70% of girls in the juvenile justice system have histories of physical abuse as opposed to 20% of the general teenage population (Chesney-Lind, M., 1997 as cited in Humphrey, 2003). Some have experienced sexual abuse, leave home to escape the abuse and get into offending behaviour in order to survive with little or no support (Murray, 1999, Sarkar, 2003). Gender differences were found in the type of offences committed by boys and girls that had brought them within the juvenile justice system. Gender and ethnicity need to be studied together within the family context and the risk factors for females. Family factors continue to play a particularly important role for female adolescents who come in contact with the juvenile justice system (Hoyt and Schererer 1998, as cited in Gavazzi, 2006).
Zimmerman and Messner (2010) examined the gender gap in self-reported violent crime across neighbourhoods. The study proposed that in disadvantaged communities, vulnerability to peer influence and delinquent behaviour increases for both sexes. However if the informal social controls break down, females are at greater risk of associating with violent peers due to greater peer intimacy. Two hypotheses were tested: (1) the effect of gender on violent offending would be reduced as neighborhood disadvantage increases and (2) the effect of neighborhood disadvantage on exposure to delinquent peers would be stronger for females than for males. A three-level multivariate nested model-violent crimes within persons within neighbourhoods was used. Variables related to self reported episodes of violent behaviour (such as attacking someone with a weapon, throwing objects at people, setting house on fire etc.), association with violent peers (getting into a physical {fist} fight with schoolmates, co-workers, or friends, hitting someone with the idea of hurting them, attacking someone with a weapon with the idea of hurting them, and using a weapon or force to get money or things from people) neighbourhood disadvantages (living below poverty line, neighbourhood instability, receiving public assistance, immigrant concentration etc.) and demographic variables (such as age, ethnic background) were included.

Data of 1,502 respondents were obtained from a multidisciplinary longitudinal study related to the home, school and anti social behaviour, (Zimmerman and Messner, 2010) and the link between youth development and individual, family and contextual factors. Findings through multi-level regression analysis indicated that gender gap does decrease with increase in community disadvantages (Hypothesis 1). However this decrease in gap cannot be attributed only to a greater exposure to violent peers for females or peer intimacy. Males and females may differ in their susceptibility to the influence of violent peers. The findings reaffirm the feminist perspective for the need to understand the “gendered” nature of offending (Zimmerman and Messner, 2010). Working with adolescent girls requires an understanding of sensitive and complex socio cultural areas. Dealing with adolescent girls requires attending to emotions, attitudes, sexuality, gender roles and parental dominance (Prasad, 2009).
Examining the Juvenile Justice System

The term “juvenile” simply refers to boys and girls. Conceptualising “justice” is more challenging and complex. It is well summed up by Drake D. et al (2010:4) “The concept of justice can conjure up a multitude of competing images of fairness, equality, human rights, just deserts, deserved punishment, moral worth, personal liberty, social obligation and public protection. It has been the subject of continual philosophical debate: is justice universal, derived from fundamental natural or divine principles, or is it invariably tied to specific (and changing) social and political conditions or to particular legal systems?”

“Justice” can be best understood in relation to the criminal system which is being operated and on how it is being delivered within that criminal system. As mentioned in Introduction (Chapter 1), over the years there have been significant international documents and guidelines to firmly integrate juvenile justice within the legislation of each country with a strong focus on child rights.

Social and Legal Dimension in Delinquency

As mentioned earlier, there is no common definition of delinquency; writings indicate that juvenile delinquency has both a social as well as a legal dimension. Delinquency usually refers to any act or behaviour that goes against social norms and regulations and can be harmful to the juvenile and society. Such behaviour can invoke informal reprimand or disapproval or more formal “punishment” through legal action. The two dimensions of delinquency: going against societal norms and when it evokes responses within the criminal justice system, was put forth by Cloward and Ohlin (1960, cited in Ahuja, 1996).

How did the System evolve?

Around the beginning of the 20th century, several countries across the world enacted legislations to separate children from the adult criminal justice system (See Junger-Tas and Decker, 2006, Bradt and Bouverne-De Bie, 2009). Before the juvenile courts and the establishment of the juvenile justice system, laws regarding children were primitive and punitive. The first Juvenile Court was established in the United States (Illinois) in 1898, through the efforts of feminist reformers who wanted to remove children from the adult criminal process. The underlying concept of juvenile court and process is parens patriae, the State acting in the capacity of a substitute parent (Abidinsky, 197: pp 76). The juvenile process differs from that of adults both in substance and philosophy (Singh, 1983).
Researchers comment that the objective of starting a separate juvenile court too had a certain historical and political context. It has also been critiqued that in pre-industrialized societies, feudalism existed and the worker’s allegiance was totally to the owner, the extended family was necessary. Thus the nature of work and relations with the employer impacted the structure of family (Chatterjee and Gutierrez, 1978). Even at that time, wealth was not equitably distributed but primary social controls were stronger on the individual. In post-industrialized societies, as families started moving to other areas, the extended family reduced, workers relation with the employer was different, wealth was still not equitably distributed, primary social controls were weakened, hence the need for institutionalized secondary social controls in the form of institutions such as Juvenile Court and Observation Homes etc.

In USA, changes began in the early twentieth century. Critics argue that the purpose of creating the juvenile justice system was to both introduce special laws for children focusing on humane reform and correction as well as to socialize large numbers of immigrant children in the rapidly industrialising society into appropriate moral values and behaviour (Singh, 1983). Thus the role of the State increased and it was considered necessary for the State to intervene if it was found that the family was not in a position to provide the “right kind of environment” for the child and the juvenile behaviour was “problematic” for the child, family and society (Singh, 1983). The philosophy of *parens patriae* was adopted. This was especially relevant for ‘status offences’. Singh (1983) critiques that social systems are generally decided by those who are settled and established themselves. They propagate and frame rules based on their own experience and what they think is right.

Initially crime was considered to be a “sin”. The concept of ‘crime’ arose to replace the concept of ‘sin’ when legal apparatus designed to protect property and the interests of the State evolved (McLaughlin, Muncie and Hughes, 2003, cited in Shaban, 2010). By the 19th century, deviancy was traced back to family corruption, “parental neglect” and absence of discipline (Sandhu, 1977). The “House of Refuge”, institutions earlier meant only for abandoned orphans, now became a substitute place for “treating” and “reforming” the criminals, runaway and disobedient children and “vagrants” and became a “substitute” for family and community. The first house of refuge and asylums emerged in 1824 in USA in some of the most crowded and populous cities. However these institutions could not counter and mitigate large problems of industrialization, effects of immigration, ideological change and urban growth. These became the prototype of other institutions around the world (Empey, 1976; Rothman 1971, cited in Sarri and Vinter, 1976). Thus the Juvenile Court was created to vest the problem with an even higher authority and give children a “dramatic place in the whole of society” (Empey, 1976).
Munice (1984, cited in Cunningham and Tomlinson, 2006) too comments that the trend towards separating adult and juvenile offenders was not purely altruistic in UK. The jails were getting overcrowded and there was a realization that incarceration neither deterred nor rehabilitated. Reforms began in institutions as it became apparent that under harsh treatment and low skills, children came out of these institutions with a greater disadvantage than any correction or job capability. Cunningham and Tomlinson (2006) critique that child offenders in UK after apprehension were transported to other countries as they needed “reformation” and to be “extracted from their immoral surroundings”. Under the guise of apprenticeship work, children were treated like convict slave labour. They were subjected to savage disciplinary regimes like flogging and even sexual abuse. From 1850 onwards, when new laws were framed separately for juveniles, children less than 16 years of age were sent to reformatory schools. However in these training centres too, the focus was more on hard child labour and profit making for the authorities. It did not benefit the children much as the focus was more on “control” and “deterrence” rather than on the “welfare” of children (Cunningham and Tomlinson, 2006).

The contemporary view is that there is a critical need to understand the deep linkages between poverty and subsequent entry into the social service and justice systems (Busansky, nd). Poverty impacts every aspect of life, and poses continuous challenges for those who experience it (Busansky, nd). In a study on *Inequality and Violent Crime* (Fajnzylber et al. 2002), five-year averages were studied for 39 countries during 1965–95 for homicides and 37 countries during 1970–94 for robberies. It was found that crime rates and inequality are positively correlated within countries and between countries. The study also proved that rate of “poverty alleviation” had a “crime reducing effect”. Thus there was a significant relationship between income inequality, economic growth and crime rates.

*The Age Factor*

Judicial norms for juvenile justice are determined by the way a particular society regards “children” and “juveniles”. The juvenile justice system of any nation is reflected in the legal definitions of “child” or “juvenile.” Further, this is not only reflected in the actual legal definition but also in the practice of the law (especially in the “exceptions” to the law). A highly punitive system might prosecute children at a young age and hold them accountable as adults at an early age as well. On the other hand, a more permissive system might not prosecute children until they are adolescents and maintain more protected status for young people until they are much older (Ozawa, nd).

Corby (2000) puts it aptly: “everyone knows a child when they see one”. Nonetheless, Corby goes on to add that most people consider childhood to be an age-related phenomenon. Laws prescribe
protective measures for children (legal rights against different forms of abuse and exploitation) on the basis of age, duties of parents/family/State (such as education) and activities that persons cannot engage in, below a certain age (smoking, drinking, marriage etc.). However despite these age related demarcations, it is true that children develop and mature physically and psychologically at different rates. The period of “childhood” too differs. In poorer societies, if a child has to drop out of school and start earning, then he is likely to mature much faster and the period of childhood can be much shorter than another child who may be growing up in a sheltered way as a school student. The period of childhood extends then. Every society appears to use age as an important variable, and many social institutions in advanced industrial societies are organized, in part, around age—the age for starting school, the age of majority, retirement age and so on (Settersten, 2003b; Settersten and Mayer, 1997, cited in Hutchison, 2011). Age is also a prominent attribute in efforts by social scientists to bring order and predictability to our understanding of human behaviour (Hutchison, 2011).

In India there have been several significant Judgements of the Supreme Court and the High Court in cases regarding the determination of age of the child at the time of offence. Within the criminal justice system, there is no ambiguity about the demarcation between adult and juvenile offenders and this is specifically based on the age factor. Children often do not know the options or the consequences of the options (Singh, 1983). For juveniles, what will work may be compulsion (for example conditional bail), and deterrence (custody). Critics have argued that any form of coercion does not help the child (Singh, 1983).

Nunn (2002) notes that children cannot define themselves on what qualities will make them a “child”. It is decided by adults purportedly for the good of the child. The author states that when the child is viewed as the “other”, it has both positive and negative connotations. Positively it means that special facilities will be created for the child. The child will be represented as innocent, to be loved and nurtured, valued in society. However there is a negative aspect too. Children are often represented as a burden on scarce resources, deserving of adult “control”, immature, and this perception of a child is often more pervasive in society than the positive. Children are “despised” and there is devaluation. Many times children are neglected within the system because they are “other” by dint of being children or they are “other” because of their background.

A Critique of the Juvenile Justice System

Juvenile justice systems across the world have been critiqued for a variety of reasons. Some observe that juvenile justice seems to be a “marginal area of government activity” everywhere (Sarri and Vinter, 1976). A cogent paper by Nunn (2002) starkly highlights the racial
discrimination and differential treatment of African American youth within the juvenile justice System in USA. The author states that this is historically and culturally rooted. Even after the abolition of slavery, the social distinctions between “white” and “black” children have remained. The paper uses basic premises of theories and perspectives such as critical theory and feminism to explain why the African American children are viewed as the “other” within the system and at every stage, from the arrest to the final Order, there is marked bias towards these children. When children in the juvenile justice system are viewed as children of the “other”, the juvenile justice system is employed as an instrument of repression and control. The author reports that although African American children constitute only 15% of the country’s children below 18 years, in 1998 the total number of black youth shunted into the system was more than twice the percentage of African American youth in the population. They are overrepresented. Even in offences of a similar nature, black youth are likely to be detained pretrial far more than white youth. In 1997, almost half of the waived cases (transferred to adult court) were that of black youth. At the final disposition stage also, a larger proportion of them are placed in residential facilities.

Bridges and Steen (1991) in their study (as cited in Dunn, 2002) analyzed reports of Probation Officers in 233 cases and found that there were widely divergent pictures of African American youth and white youth. Controlling for the juvenile’s age, gender, prior criminal history and seriousness of offence, the researchers found that the attitudes held by the Probation Officer were significantly influenced by the race of the offender. While they tended to attribute crimes committed by white youth to negative “environmental factors” (related to school, peers, family, use of drugs), for the black youth, they tended to attribute individual causes such as “personality” or “bad traits” (no remorse, lack of cooperation, refusal to plead guilty). The study concluded that these reports indirectly influenced juvenile court outcomes in predictions of dangerousness and the need for court intervention.

The treatment of children who are regarded as being antisocial or criminal is likely to be more physically and psychologically punitive than that of other groups or in other environments. All the prejudices and discriminations attached to unwanted or familyless children are reinforced where the child is seen as a social nuisance or worse (Willow, 2010). The Thematic Consultation Report (2005) analyses the serious lacunae within the juvenile justice system itself resulting in “facilitating violence” against children and ascribes it to:

- Impunity and lack of accountability by law enforcement agents, institutions and staff that are responsible for violence against children
- The over-use of detention, particularly pre-trial detention, including the detention of non-offenders
- Lack of community based alternatives to the formal justice system (including appropriate
diversion mechanisms) and alternatives to detention, including care and protection systems

- The lack of appropriate juvenile justice systems, including appropriate facilities and separation from adults
- The lack of external controls on institutions including effective independent complaints and investigation procedures, independent monitoring and NGO access
- The “acceptability” of violence in society leading to tolerance of violence at all levels—family, school and community
- Lack of training and sensitization of law enforcement and juvenile justice personnel
- “Tough on crime” policies and negative media and public images of street children and other socio-economically disadvantaged children based on discrimination.

The Report recommends diversionary measures and greater State role and accountability in juvenile justice and prevention of victimization of children. UNICEF advocates a) diversion (directing children away from judicial proceedings and towards community solutions) b) restorative justice (promoting reconciliation, restitution and responsibility through the involvement of the child, family members, victims and communities) and c) alternatives to custodial sentencing (counselling, probation and community service)” (UNICEF Information Sheet, 2006:1).

An international study (2003) undertaken by Defense for Children International based on 22 country reports analyzed the conditions and circumstances under which children are being deprived of their liberty. The areas examined were national laws and legislation of each country, juvenile justice system, living condition of the children, housing, medical and nutritional care, legal safeguards, education and recreational facilities, staff training, family, and violation of CRC as stipulated in Reports. Though the analysis did not include India, some of the findings were similar to the situation in India. The findings highlighted that a majority of the children were living in inhuman and degrading circumstances. Across the world, more than one million children and youth are behind bars on an average day. Though several Conventions have been passed, the provisions are being grossly violated in many countries. Majority of the children had committed minor offences such as theft. Only 5-10% of children come under the category of serious offenders. In several countries, children were housed in adult prisons. There was a wide variation in the age of criminal responsibility from 7-14 years. Legal aid was inconsistent. Children were not even aware of their rights. Disciplinary measures were harsh and included torture and solitary confinement. Some countries even had capital punishment.

20 The 22 reports covered the situation of children in prison in Albania, Argentina, Bulgaria, Burundi, Canada, Costa Rica, Ghana, Germany, Indonesia, Kenya, Kyrgyz Republic, Mauritius, The Netherlands, Palestine (Occupied Territories), Pakistan, Philippines, Romania, Spain (Catalonia), Tanzania, Ukraine, United Kingdom (England) and the United States of America
Ozawa, (nd) in a study of select comparisons between the juvenile justice systems of Singapore, California and Australia, notes that the subject is not about just examining the mechanisms of juvenile justice but fundamental underlying values in each nation regarding crime and young people. The author emphasizes that the “yardstick of success is not merely less recidivism but the redemption of individuals” (pp: 3). The system of Singapore is based on the UK legal system. Separate juvenile courts have been established. However all children need not be produced before the Juvenile Court. Several diversionary options are available to the police. Balance of deterrence with restoration, community based programmes, compensation to victims, high level of familial involvement, are all part of the juvenile justice system. The system applies to children between 7-16 years. Very rarely are children below 10 years prosecuted as they are not considered as fully mature and responsible for their actions. Further there are Community Courts in which offenders 16-21 years are given special consideration in terms of treatment, rehabilitation and sentencing (Ozawa, J. nd).

Detention Studies have found that youth are not treated with dignity and respect, a basic requirement in child rights. Their skill development is low; they are often bullied and harassed by their peers, separated from their family members, not treated well by staff members. Detention is neither temporary nor does it help the child much (Cunningham and Tomlinson, 2006).

**The Justice-Welfare Debate**

There has been an ongoing debate on whether “justice” and “welfare” can get truly integrated within the juvenile justice system. There have been questions whether it is possible to fulfill the “dual role between delivering “judgement” on an offence case and “rehabilitation” (Sikka, nd). Tracing developments in Belgium, Bradt and Bouverne-De Bie (2009) state that in Belgium from 1912 onwards, a separate system for juveniles was created. It was grounded on the philosophy of “welfare”, protective measures and prevention of delinquency. Subsequently changes were introduced as it was criticized that “care” and “justice” did not go together as the former was a subjective need and the latter referred to a societal norm. A welfare mode with the notion that children could not be held fully responsible for their actions becomes a tool of social control. Youth are taken away from their families under the reason of ‘protection’. A “protectionist” approach also clashed with the movement on child rights as such an approach denied the child’s right to self-determination and participation. These movements however took away attention from the preventive aspect of juvenile crime, although they reinforced involving the social worker to achieve judicial aims. Bradt and Bouverne-De Bie (2009) critiqued the debate on adopting the justice model: the critical role of the social worker to work on prevention and reeducating youth outside the system has now been changed to social worker becoming a part of
the system and a “methodological answer to developing a preventive and rehabilitative approach to juvenile delinquency”. While child rights have given greater freedom and “responsibility”, they have also inadvertently led to labeling all behaviours falling short of expectations as deviant. A similar view was endorsed by Murray (1999) who remarked that when welfare and justice “collide”, criminal processes are used to essentially deal with social problems of children as many children commit offences because of family situation, homelessness, drug addiction, poverty, problems at school etc. From rehabilitation, the focus has now shifted to “responsibilization and repenalization” of the youth offender.

Changes have happened in the juvenile justice system as it was found that rehabilitative measures for children were not effective enough. Children are no longer being looked as victims of society but rather as a risk to society (Nagels, 2004 as cited in Bradt and Bouverne-De Bie, 2009). Some countries have made separate legislations for children in need and those who commit offences. Social work is no longer in the debate on “constructing” delinquency, but rather has become an instrument to make the youth more responsible and make them behave in a socially acceptable manner. The authors state that social work has to link the micro factors and traditional micro level work with the macro and critically engage in the debate on constructing juvenile delinquency. A community based approach addressing social exclusion and inequality is required. This will redefine juvenile delinquency as a “problem”. In India, welfare and justice have been integrated together within the overarching framework of child rights.

A contrary view is that in a welfare system, there may be very little justice. The recommendations may be value judgement; it could become subjective whereas justice demands that the offence is proved beyond reasonable doubt. It is important for children to have legal representation. In a welfare system, there is substantial discretion. This can lead to bias, discrimination and subjective attitudes. In the guise of welfare, the rights of children actually get undermined (Freeman, 1981).

Goldson (1997) states that in the United Kingdom, initially “justice” and “welfare” were not conceptually separated till the early 90s. Diversion, decriminalization and decarceration were the three key premises on which the system was based. However, welfare based work with children “at risk” did not provide adequate evidence of being able to prevent children from getting into crime. There was a strong need for looking at “offence-based” interventions based on what the children “did” rather than “who” they were. Political discourses and public perceptions were convinced that due to liberal penal laws, juvenile crime was flourishing. Therefore it was decided to increase “tougher” measures with increasing custody. In Institutions adolescence related challenges get further compounded for children growing up in challenging environments. Children in delinquency usually have emotional and behavioural problems. Working with them requires patience and skill. However the staff in institutions may not have the necessary skills and the focus
may be only on custodial requirements (Goldson, 1997).

When “welfare” and “justice” get separated, the difficult lives of these children and their family situation get neglected; there is “decontextualisation” of crime. Removing children from their homes, schools and community also does damage to the growth of the child. Incarcerating children neither serves as a deterrent nor is it rehabilitative and cannot be sustained in any “justice” context. Policy and Practice get impacted with how such children are viewed. The situation seems stark for these children because the approach is to “lock them up” (Goldson, 1997). When children are locked away, it relieves the responsibility of society to take a compassionate position on them. Welfare needs have to be looked at along with justice. Goldson (1997, as cited in Cunningham and Tomlinson, 2006) states that there are dangers in premising interventions on what children might do rather than what they have done. The ‘welfare’ needs of vulnerable children get marginalized and the overarching focus of policy becomes their potential misdeeds.

During the 20th century, the concept of children’s rights emerged. This shift in focus from the ‘welfare’ to the ‘rights’ approach is significant (Bajpai, 2007). Rights are entitlements. They also imply obligations and goals. The rights approach is primarily concerned with issues of social justice, non-discrimination, equity and empowerment. The rights perspective is embodied in the United Nations Convention on the Rights of the Child (CRC), 1989, which is a landmark in international human rights legislation. India ratified the Convention on the Rights of the Child in December 1992 (Bajpai, 2007). Mere enactment of rights for children is not a guarantee for realization of rights. Still it has enormous potential to create an enabling environment for the realization of child rights.

**Transferring Children to the Adult Criminal Justice System**

In some countries, notably the United States, juveniles can be transferred to the adult criminal justice system under certain conditions. Falis (1998) in her paper “Statutory Exclusion-When the Protector becomes the Abuser” cites several research studies that provide evidence that juveniles are not competent to understand the implications of the adult system or that transferring them to the adult court reduces either recidivism, increases public safety or the interests of the juvenile. Bakken (2007) traces the considerable changes in the American judicial system and the treatment of juvenile offenders in the past 30 years. Rising levels of juvenile crime, media discourse, an increase in public fear and a ‘get tough’ government approach to crime has brought significant changes in the juvenile justice system and its philosophy for dealing with adolescents, ultimately resulting in an increasing number of juveniles being transferred and sentenced in the adult criminal
justice system. While transfers have always been a part of the system, it has now assumed a primary position in the juvenile justice system. The Juvenile Court was originally conceptualized as being unique and individualized for juveniles, different from the adult criminal justice system. The system was intended to be informal and rehabilitative. Exposing young people to the criminal justice system has the potential to label them as offenders and alienate them from their communities (Murray, 1999).

Bakken notes that apparently “the rehabilitative ideal on which the original juvenile court was founded has been undermined by the use of excessive transfer laws” (pp 10). The author concludes that “The philosophy of *parens patriae* has been replaced by a system that views juveniles as more responsible, mature and culpable for their actions. The increasing trend to treat children as adults is directly related to the broader discourse concerning how juveniles are perceived by the public and through the media. Thus, despite over a century of recognizing that a separate justice system was needed to handle the unique needs of juveniles, states have shifted to treating an increasing number of adolescents as fully culpable adults. Rather than receiving many of the services that was intended for the juvenile court, many of these youth are now placed in the criminal system which is unqualified to effectively treat and rehabilitate juvenile offenders” (pp 12).

**The Child and the Juvenile Justice system**

Though one finds several articles on child’s right to participation, juveniles in custody often do not have enough information about the legal system (Rajack-Talley et al, 2005; Nigudkar and Dabir, 2011). This impacts their ability to take informed decisions about the legal processes that concern their case. Apart from awareness of legal rights, it is important to know the perceptions of the juvenile about the juvenile justice system and the roles various officials play in the system. In an exploratory study (Rajack-Talley et al, 2005), 11 male juveniles (aged 14-17 years), seven white, four black, all belonging to single parent families and detained in custody were asked, about their knowledge and perception of the system and the roles of each functionary through the method of group interviews. This was part of a larger study on overrepresentation of minority groups in the system. Majority knew about the roles of judge, police and Probation Officer though not about the other officials. They had a negative opinion of the police but also stated that it depended on the individual officer. Significantly they also stated that the behaviour of the police was also dependent on social status, race and neighbourhood. They had mixed opinions about the role of the Probation Officer and a vague idea about the role of the public prosecutor. All felt that the judge was the most powerful person in the system as he was the decision making authority. The youth also felt that the decision could be subjectively dependent on factors such as the presentation and demeanour of the juvenile, family and ethnic background, and the presence of parents in court. The
juveniles were not very clear about the different processes in the juvenile justice system but did agree that the system benefitted some of the children. As one juvenile commented, “the system can help kids be successful in life if they want to change”. As the sample size was very small, the findings could not be generalized but nonetheless gave valuable insights about what the juveniles themselves think about the system and their overall level of awareness and provides pointers to areas for improvement.

**Juvenile Justice in India**

The system of juvenile justice introduced in pre-independence India continues to evolve merging within it current social realities, international and national developments and taking into account the overall socio-political fabric of India. Bajpai (2007) notes that the law, policy and practice of child welfare have undergone significant changes from a historical perspective. Before 1839, authority and control was important. It was an established common law doctrine that the father had absolute rights over his children. After this, the welfare principle was reflected in the dominant ideology of the family. Victorian judges, who developed the welfare principle, favoured one dominant family form. The traditional Indian view of welfare is based on *daya, dana, dakshina, bhiksha, ahimsa, samya-bhava, swadharma and tyaga*, the essence of which are self-discipline, self-sacrifice and consideration for others. It was believed that the wellbeing of children depended on these values. Children were recipients of welfare measures (Bajpai, 2007).

The origin of juvenile justice may be traced to the twin approaches of *mens rea* and the doctrine of *parens patriae* (Kumari, 2011). Jurisdictions, like that of the United Kingdom, established a differential system of justice for children on the ground that children were mentally immature and, hence entitled to a different approach. Countries following this *mens rea* approach had similar processes of justice like the criminal justice system but imposed lesser punishment on children compared to those imposed on adults (Kumari, 2011). Other countries like the United States that adopted the *parens patriae* approach, focused on the general immaturity and dependence of children on adults for their all round development and growth. Thus, as a result of this approach, the juvenile court magistrate was appointed with the specific task of dealing with children committing offences as their ‘father’, securing the best interests and welfare of the child. There was no need to follow the principles of fair trial and judicial process of inquiry in this welfare approach (Kumari, 2011).
Juvenile Justice Legislation in India

Despite the amendments, critiques of the Juvenile Justice Act 2000 state that the Act does not seem to be well integrated with criminological and other relevant theories of delinquency. Critiquing the Juvenile Justice Act, 2000 in India, Narrain, (nd) analyses that the Act does not have a strong philosophical or ideological base and states that the Act does not reflect any theoretical underpinnings such as “labeling”, “social control”, or “strain” theory. The argument put forth is that if social control theories were even considered then juvenile justice would have focused more strongly on ensuring that one concentrated on building the social bonding between the juvenile and society, rather than subjecting the juvenile to a prison regime of limited contact with the outside world. Similarly the Juvenile Justice Act has not engaged with the deep structural questions thrown up by strain theories and Marxist theories, which defines crime and why certain crimes are the basis of policing as opposed to others. The answers to these questions might seriously destabilize the very ideas of juvenile justice itself. Narrain (nd) further critiques that the Juvenile Justice Act does not include diversion, one of the basic guidelines in the Beijing Rules or CRC’s fundamental principle of participation. There is no space created for children to express their opinion. The Act still has an overarching framework of institutionalization. The philosophy seems to be that by detaining children till they reach the age of 18 and by subjecting them to the daily routine described above, one would produce individuals who can then be reintegrated back into society.

Over the years several articles and academic papers have consistently highlighted that implementation of the Juvenile Justice Act in its true sense continues to remain a challenge (Mukundan; 2010; Sharma, 2009; Dabir and Nigudkar; 2006; Shanmugavelayutham, 2002; Shukla, 1980; Panakal, 1961) in several areas such as quality of care in the institutions, lack of infrastructure and other resources, lack of adequate educational and vocational facilities, abuse within the homes, abuse at the hands of the police, insensitive officials within the system, lack of trained staff, procedures within the juvenile justice system, inadequate rehabilitation etc. Thus children get further victimized within the system. Minimum social security, child rights, needs of health and education have to be addressed through family welfare programmes to address issues of deprivation (Snehi, 2004). Children who have been victims of violence continue to be violent as they become older and move into relationships. Violence is perpetuated within the juvenile justice system (Murray, 1999).

Further the State does not seem to have engaged in an in-depth understanding of different juvenile justice systems around the world to learn and incorporate positive international developments.
Mere compliance with UN provisions is not enough if the underlying principles are not internalized by the system. “Social evils do not disappear by merely passing laws against them. There should be political will to implement them. The gap between legislation for children and their actual condition of life is vast. Since children form more than one-third of the population, the future of the nation depends on how we meet the challenge of narrowing this gap” (Anthony, 2006: 7).

A comparative study was undertaken between the juvenile justice system in Goa and Singapore (Desai, 2009). Some of the findings are that Singapore with its philosophy of restorative justice provided a much larger continuum of multi-agency programmes ranging from preventive work, counseling, work with family, victim-offender dialogues and reformation of chronic offenders. Goa did not have many of these measures. However another finding was that the juvenile justice system in Goa was less stigmatizing as cases were being dealt through a Juvenile Justice Board and not a formal ‘Juvenile Court’. The Indian system also does not apprehend children for ‘status offences’. In Singapore the juvenile court also deals with “children without parental control” for ‘status offences’ such as smoking, truancy, and alcoholic consumption. Desai notes that such offences could be dealt informally as a formal juvenile court can ‘stigmatize’ the young person further. Desai also recommends that both India and Singapore could reflect on ways to prevent children from dropping out of school at the preventive level to address juvenile crime and provide relevant educational alternatives to juveniles after apprehension at the remedial level.

\**Significant Components of the Juvenile Justice System**

As mentioned in *Introduction* (Chapter 1) the juvenile justice system is not one homogenous entity. There are several parts to it: the police, residential care institutions, the Juvenile Court (in India they are termed as the Juvenile Justice Boards), the concerned Government machinery and the different functionaries working within the system. Each of these sub parts play a critical role in contributing to the quality of the system or lack of it. There have been studies and articles related to each of these sub parts of the juvenile justice system.

\**Residential Care-The Overarching framework of Institutionalisation**

The treatment of juvenile offenders is vastly different from that of adult offenders. As per the Juvenile Justice Act in India, no child up to the age of eighteen years can be kept in a lock up or jail or sentenced to imprisonment. The juvenile justice system has two kinds of residential
institutions for juveniles in conflict with law. After apprehension, children stay in the Observation Home till they are released on bail or by other suitable Orders. Though the Observation Home is supposed to be a “temporary” arrangement and some children do stay for only a few days, there are several children who stay in the Home for many months. Based on the circumstances of the case, sometimes a need is also felt to admit children in a correctional institution or a Special Home for a certain period of time. The Special Home is supposed to rehabilitate and reintegrate the child into mainstream society. The important question is whether the facilities juveniles are sent to for rehabilitation offer the “promise of rehabilitation” (Emens, et al 1996).

Impact of Institutional Care

The negative impact of institutionalization has been documented in several research studies (e.g. Youth Justice Board, 2006). Usha S Naidu and Vrinda S. Nakhale in their book on Child Development Studies (1985) have enumerated several comparative studies between institutionalised and non institutionalised children (Auluck and Tewari 1980; Singh and Akhtial 1970; Sinha and Shukla 1974; cited in Naidu and Nakhale, 1985) in areas such as creativity, self esteem, personality development and aggression. In all these areas, it was found that children who were in institutional care were adversely impacted vis-à-vis children living with their family. Negative features of institutional life included “block treatment, rigidity of routine, depersonalized care and social distance between staff and residents” (Ainsworth and Fulchea, 1981). Children’s institutions exercise total control over the children. The child’s sense of self-worth and identity gradually disintegrates. As observed by Stevens (1991), no meaningful rehabilitation can ever take place in a negative environment. Often long-term residential care may leave young people with feelings of worthlessness, distrustful attitudes towards the world, difficulty with intimate relationships and feelings of belonging nowhere and to no one (Schaefer and Swanson, 1988). In such a situation, the caregivers within the institution play a key role in helping the vulnerable child.

However some researchers have noted that confinement may also sometimes develop within the child “inner behavioural controls” (e.g. Hahn, 1978).

Relationship with Caretaking Adults

Children in residential care, like children anywhere, require secure dependence upon reliable caring adults in order to develop into dependable adults themselves. For children in group care,

Some of the reasons for prolonged stay could be bail related procedures, family not being traced, parental inability or unwillingness to take the child home and in very few cases, due to denial of bail.
dependency, support and nurturance are fundamental ingredients of care (Ainsworth and Fulchea, 1981). In a study by Naidu (1978), it was found that at different ages, different people contribute to personal happiness of the children. The six key “social agents” identified in the study were Housemothers, class teachers, peers in the residential institute, peers at school, Government and visitors. As the child-staff ratio is often high, it becomes almost impossible to treat each child as an “individual person” rather than herded as an insignificant part of a group. The relationship between the caregiver and the child is one of the most critical components in determining the quality of care. Children lack close togetherness in an institution. This affects their sense of self and personality development. Berry (1975) attempted to find out the experiences of children and staff living or working in an institute. The findings represented a fairly widespread “incidence of personal isolation, tension distress, lack of self-confidence among grown ups as well as children”. The study highlighted that children separated from their families felt insecure about their future. They were in constant need of forming relationships with other adults. “Benign daily care” demonstrated by the caregivers would help these children. Kochuthresia (1990) too had similar findings in her research study on Residential Child Care Institutions in Kerala. The sample size was 150 children who had completed 2 years of stay at the institute, and 75 staff members (supervisory (22) and field level (53) categories). Findings revealed that the attitude of the staff was more “charity oriented” and rigid in approach. Though emphasis was given to education by the authorities, ironically, scholastic backwardness was seen in most of the children. In most instances, there was a lack of a warm and growth promoting relationship between house parents. Children went to them only for physical and material needs. Others emotional problems such as fears and tensions were usually suppressed or discussed with friends. A good relationship is based on emotional communication (Giddens, 2006).

Fortunately research studies have also shown that the effect of adverse childhood experiences can be reversed to some extent if the child is thereafter given a nurturing and loving environment to grow happily (Triseliotis and Russels, 1984). A comparative study was conducted between children who grew up adopted and another group who grew up in residential care. The aim was to find out whether children carry with them difficulties of their original family from whom they have been estranged from birth. A significant finding was that in both groups of children, they said that their growing up experiences were “positive”, whether with caring caretakers or with adoptive parents. Another significant finding was that several children prior to adoption, had been identified as having emotional or behavioural problems. In contrast, more residential children developed emotional problems as compared to adopted children. Findings led them to conclude that the identity of children growing up in residential establishments were negatively affected by three factors: a) absence of significant closeness with carers b) ignorance about their personal history.
and circumstances of their families, and c) the feeling that they are perceived by the outside world as “bad” or “worthless” (Triseliotis and Russels, 1984).

A study was undertaken (Joshna, 2001) to assess the extent to which intensive care supervision and enhanced treatment services facilitate the reintegration experiences of juvenile parolees. The findings suggested that participation in the experimental group was strongly associated with youth perceiving positive relationships with their client managers. The Florida Environmental programme too demonstrated that “humane and effective treatment” of “tough juveniles” is effective both short term and long term for the public. This can be done without “harsh discipline”.

The programme, in three phases, emphasised work, education, discipline and preparation to return home. The programme affirmed that a good team of staff members are required to whom the youth can identify and connect to, as many of these children are seeking some sort of affiliation in their life. “People create environments which encourage change. Good programme design, effective administration, adequate funding and appropriate facilities all fall short without the right people” (Weaver, 1992: 229). The care taking staff however well meaning, are bound to an organization and its rules and control; they are enforcers of super imposed rules... they are first and foremost bureaucratically accountable to the organization (Singh, 1983).

In a study by Robillard (2004) in Canada specifically related to juvenile crime, it was found that youth were dealt with based upon the perspectives of the adult authority that could either have a “get tough “or a “supportive” approach. The study found that the approach of adults depended on which side the adult was placed in the dualistic stand of “get tough” versus “supportive”. Both sides were convinced of their position and were not accepting of each other. This determined the entire path of the implementation of the legislation.

**The Police- A Crucial component of the Juvenile Justice System**

Among the various components of the juvenile justice system, it is the police who play a critical role in determining the kind of children who are apprehended and brought before the system. They are the first point of contact with the children. Comparing the juvenile justice system in India and America, Richard and Szanyi (2010) noted that in both India and America, the police maintained a substantial amount of discretion in handling juveniles in conflict with law. The authors noted that while this discretion was useful in diverting some children away from the formal system in reality it also provides immense scope for police discrimination and even abuse. False arrests, illegal detention, harsh physical beatings by the police are often overlooked and very rarely has action been taken against the police. No meaningful change in the quality of the juvenile justice system can take place without reforms in the police. Another crucial analysis is that “law enforcement officials are not subject to the formal control of the Juvenile Justice Boards, outside of informal
reprimands. Thus the juvenile justice system has little intrinsic leverage with which to shape the practices of police officer’s interactions with juveniles (Richard and Szanyi, 2010).

The Juvenile Justice Act has made provisions for the SJPU (Special Juvenile Police Units). However these SJPUs have yet to become operational in many States in India. Further in most places, lack of adequate training of the concerned police and transfers of the police officers continues to affect the functioning of the SJPU. The authors suggest “problem-oriented policing” wherein the approach is to analyse the underlying conditions in the community that lead to situations of crime, thereafter working with the community to address those conditions and finally work towards crime reduction or prevention.

The authors add that in USA, groups have advocated for limited police discretion to prevent arbitrary arrests, or targeting of particular racial or socio-economic groups. Police too face the difficult challenge of navigating “philosophical and procedural differences between the adult and juvenile justice systems” (Flynn and McDonough, 2004 as cited in Richard and Szanyi, 2010). Police require mandatory training to enforce protocols specifically meant for juveniles, strategies to informally handle some of the children and not put them through formal processing of the system. Both India and the United States have a mix of formal and informal practices for children and options to decide the type of cases that need not come under full formal processing by the juvenile justice system. The authors make a strong case for the need to introduce diversion practices in India. USA has structured police diversion programmes. A valuable suggestion is that “integrating the Indian police is one way of forging a stronger, more meaningful relationship between the Indian police and the Juvenile Justice Boards.

A Human Rights Watch Report (1996) presents a horrific account of police abuse of Indian street children and deaths of children in police custody. The Report was based on interviews with over 100 street children (only boys as access to girls were limited), interviews with representatives of nongovernmental organizations, social workers, human rights activists, human rights lawyers and other individuals who worked with street children in Bangalore, Bombay, Delhi, and Madras. Relevant human rights related documents (written statements and reports on abuse by lawyers, police, press, Human Rights Organisations, etc.) too were incorporated to corroborate the findings. The Report presented narrative accounts of over 41 street children. Of the one hundred children interviewed, sixty complained of police abuse in the form of detentions, beatings, extortion or verbal abuse.

All the children interviewed reported a fear of the police. Of the sixty street children who reported police abuse, some were forced to confess to crimes that they did not commit. Human Rights Watch recorded twenty-two detailed testimonies of those children who could provide a
comprehensive description of their treatment by police. The testimony of two social workers, who had been abused by police for attempting to stop the police from beating children, was also recorded. This report also detailed the deaths in custody of fifteen children from 1990 to 1994 and the death of one child in a remand home in 1996 (Human Rights Watch Report, 1996). “Even the Homes under the Juvenile Justice Act rather than providing custodial care like parents provide, juvenile homes have degenerated into jail-like custodial Centres. The Juvenile Justice Board, despite its authority, has remained a mute spectator to the pitiable conditions of the homes” (Human Rights Watch Report, 1996).

**The Functionaries within the System**

Any system’s effectiveness is primarily dependent on the extent of understanding and sensitivity of the functionaries administering the system. An interesting National US study (including two studies) on Juveniles in Prostitution (Mitchell, K.J., Finkelhor, D., and Wolak, J., 2009) were conducted to identify the incidence (Study 1) and characteristics (Study 2) of juvenile prostitution cases known to law enforcement agencies in the United States over a one-year period. The objective of the study was to examine the situation of juveniles in prostitution, their profile and characteristics and the response of the law enforcement authorities towards them. Findings indicated that law enforcement responses to juvenile prostitution were influential in determining whether such youth were viewed as victims of commercial sexual exploitation or as delinquents. One of the significant findings was that children were likely to be viewed as victims when the police received an external report about a juvenile rather than cases where the police themselves initiated an action/enquiry. Further the status of the juvenile as either a victim or a delinquent was related to a number of juvenile and case characteristics. Juveniles considered to be victims rather than delinquents were more likely to be female, around 15 years or younger, with a history of running away from home and often appeared frightened, dirty with body odour, ill, during their initial encounter with the police, and if the case came to police attention through an external report to the police. The study raised the complex issue of intervention when there were multiple layers of vulnerability at one end and the juvenile's own anti social behaviour at the other end. The researcher noted that it was especially challenging when juveniles in prostitution were also engaged in criminal activities.

**The Probation Officer**

The word 'probation' derives from the Latin "probatio" and its root meaning is a period of proving or trial. It was an alternative to institutionalization wherein the offender was released under conditions determined by the court, to a Probation Officer for supervision and case work treatment. The objective was to reeducate and rehabilitate without disrupting the child’s normal routine and
his natural home and surroundings (Srivastava, 1960). It was envisaged that the social worker would work with each individual, look at his current needs such as education, training and job, renew his confidence and help him avail of community resources and finally to get a status in society, take the assistance of counsellors for mental health related issues. In India there are Probation Officers within the Juvenile Justice system.
Rehabilitation and Social Reintegration: Concept, Philosophy and Current Realities

Vyapari (1999) very interestingly explains law as "the effort of reaching the truth in a truthful manner." Thus "justice" is "not the process, but a culminating result of the fair and truthful enquiry" (Vyapari, 1999:26-29). He further adds that "Law is required to have movement and flexibility. For doing justice, it is not sufficient to consider the independent circumstances, but it has to keep in view the surrounding factors; the psychological compulsions, the sociological necessities, the economic situations and thus a life in its entirety of a human being needs to be investigated...a just action that is to be laid upon should help the person, upon whom it is so laid to introspect".

Rehabilitation “at first sight appears to be a relatively straightforward concept...but in fact rather more complex. Just what is meant by it, what we think it entails and how we justify doing it or attempting it depends to a great extent on the theoretical stances we adopt” (Robinson and Crow, 2009: 14). One premise of rehabilitation has been based on the psychological thought that juveniles are not capable of understanding the implications of their behaviour and hence “treatment” or “behaviour modification” is required. Sometime in the nineteenth century, the idea of “reform” came about that harsh conditions in prisons needed to be ameliorated along with prisoners being required to contemplate the “error of their ways”. Thus the need for “appropriate moral guidance” could be the earliest movement towards rehabilitation as noted by Robinson and Crow (2009) while tracing the historical development of “rehabilitation” within the criminal justice system. They also stated that gradually there was a move from “classical” to “Positivist”; “corporal” to “carceral”, and “carceral” to “community” though not necessarily in a sequential manner. The word “treatment” has come from the medical model which looked at the individual “pathology” in crime.

The Juvenile Justice system has a treatment/rehabilitation orientation: when an adult commits a crime, he is punished; when a juvenile commits a crime, he is cared for (Abadinsky, 1979). As the emphasis is on treatment and rehabilitation, the social worker is one of the central figures within the system. The victim child and the offending child are often the same child at different stages of their life cycle (Geldarad, 2009; Murray, 1999). This has to be the basic premise to develop any programme or approach. Conrad (U.S. Department of Justice: 1973:22, as cited in Stevens J, 1991) suggests that rehabilitation is the process which makes it possible for an institutionalised and ostracised individual to function as a responsible citizen by enabling him to exercise his rights to
meet his obligations. The Report of *Defense for Children International*, 2003 highlights that initiatives in UK and USA clearly indicate that well planned preventive and rehabilitative programmes are more humane as well as cost effective in reducing crime. Merely incarcerating youth only increases their vulnerability and victimization. “Abandoning children in an institutional system prejudices their emotional, mental and physical development. It puts them at serious risk of being denied appropriate health care and education, and of physical and mental abuse inflicted or tolerated by state employees in the name of discipline” (pg 7). However Barr (1992) pertinently notes that the juvenile justice system has to be more effective at intervening early enough to divert troubled youths away from a career of crime. Second, it has to be more effective at identifying and dealing decisively with the chronic offender who has embarked on a career of crime. Another thought is that moral indignation is also to be accepted and understood. Society too has a right to protect itself. When we disregard that and at the same time do no work with the child either, we are failing both the child and the community (Hahn, 1978).

“The term 'corrections' refers to all manner of strategies and programmes designed to treat, reform or rehabilitate offenders in either penal or community settings. In accordance with the deterrence theory, it is designed to prevent future offending....the argument is that if the aberrant condition can be identified, it can be treated and the problem resolved...instead of the punishment fitting the crime, the treatment needs to match the individual offender” (Drake D, 2010:21).

Rehabilitation has economic, social, emotional and personal implications. There would be children who would need primarily economic rehabilitation. Yet others would need material and social rehabilitation. Rehabilitation is a complex process involving time, appropriate planning and close interaction with the child. Currently, children are either sent to their family or to an institution. Especially for those children in institutional care, rehabilitation is closely linked to the quality of childcare within the institution. In a study by Goel, (1989), the majority of the thirty institutionalised boys under study were unhappy with the facilities provided-clothing, food, education, vocational training, entertainment and medical facilities. Even today, Children’s Homes are shelter homes rather than growth and rehabilitation oriented centres. (Haranath and Prasad, 1995). If confinement is not combined with adequate correctional and guidance measures, it leads to more damage than good. In a closed institution, the main interest will be to survive and he/she will turn (or be turned) against society and will certainly not think of reconciliation (Winter, 2002). Mere detention of children till they reach the age of 18 years and a daily routine may not automatically produce individuals who can then be reintegrated back into society as productive and happy adults. Weaver (1992) notes: “The single greatest weakness in the juvenile and adult
systems is the lack of meaningful work for those incarcerated. By failing to provide offenders with a role, we clearly indicate their value to us and their own community” (pp 230).

Despite international instruments and national legislation, the situation for the majority of children within the juvenile justice system is quite bleak although the law acknowledges that along with public safety and retribution, a distinction is required between children and adults. Currently the rehabilitative model as proposed by the juvenile justice system is ineffective. It neither gives adequate legal protection to the children (limited concept of “free legal aid” especially for the poor children) nor does it really look into in-depth rehabilitation.

Rehabilitation calls for a systematic planned effort on the part of the institution to consciously focus on the child's self-development and growth as well as his/her future prospects. In a study of 46 Observation Homes in Maharashtra, the findings of Dabir and Nigudkar (2005) highlight that negligible facilities are available for vocational training and only 1-2 teachers to teach children of varied age and educational backgrounds. Only seven Homes had the facility of a child guidance clinic in their premises. Majority of the magistrates and the superintendents suggested employment-oriented education for juveniles in conflict with law. After Care was found to be one the weakest components in rehabilitation. Over the years, there has been a concerted demand for deinstitutionalisation. Deinstitutionalisation is the process of a) unnecessary admission and retention of children in institutions b) finding and developing appropriate community based alternatives for children who need not be in institutions and c) improving conditions, care and treatment for those who need institutional care (Segal, 1987).

Shekhar (1986) analyzes that we need to view these children as growing young persons with serious difficulties rather than as criminals or offenders only, and our work has to begin with this conviction. Delinquency has its stigma which impacts the child and the family. When the child returns home, much has changed in terms of relationships and it is difficult for all children to pick up the threads once again. Very few children move away from their home and community. Hence it is important to work with the family and community. Children have been used to a certain value system in their own family. Exposure to another value system without condemning the family gives children an opportunity to make more informed future choices (Weaver, 1992). In 1996, the Child Guidance Clinic of the Observation Home in Mumbai initiated a curative and preventive non institutional programme with those children who were released on bail. The objective was to prevent children from committing further offences. Family members too were involved in this unique programme, as family support was considered crucial to the child's correctional process.
The programme was conducted for three years. A small survey undertaken to assess the programme found that the children as well as their family members valued the programme. The success of this programme was also gauged from the decreasing number of "repeat offenders" from among those children who were participating in this endeavour. Involving the family and community has also proven to be cost effective. The findings of a study (Ropers, 2001) on Short-Run Cost Benefit Analysis of Community Based Interventions proved that “local intensive intervention programmes based on a cognitive behavioural treatment approach can more effectively reduce justice system expenditure relative to traditional probation and people proceedings and programmes that provide only strict monitoring and supervision”.

Another important aspect of rehabilitation is community-based programmes. If a child has to be reintegrated effectively, then an opportunity must be given to educate them to become better members of society for their good as well as for the good of society. This can be made through making the young offender take responsibility for his/her behaviour and be prepared for community service or compensation. Community service “facilitates the re-integration of the offender into the community, by the expenditure of a purposeful effort on the part of the offender and the acquisition of professional and social skills” (Winter, 2002). Currently community based programmes have to be further developed. Unless the image of the person changes in the area of residence, merely becoming financially stable does not seem to be a sufficient indicator of being able to address issues arising out of social stigma and exclusion. “True rehabilitation occurs when the image of the person changes from being a person who brought harm to the family or the community to someone who brings value and/resources to them (Hahn, 1978). Further, relationships (could be a family member or other) with whom the youth feels a strong sense of attachment and accountability can be a turning point in a young person getting out of crime (Raghavan, 2010).

Lipsey’s 1992 (as cited in Murphy, et al, 2010) meta-analysis suggested that community-based programmes are more effective in reducing recidivism amongst juvenile offenders than imprisonment. While in some circumstances, secure incarceration of young people may be necessary to ensure the safety of the community, policies that incarcerate more youth do not necessarily improve public safety. According to the Justice Policy Institute, data collected over a ten year period on incarceration and crime trends in the USA indicates that states that increased the number of incarcerated youth did not necessarily achieve a decrease in crime during the same time period.
The Socio-legal Dimension

Zaslaw et al. (1996) emphasised that the socio-legal response is based on the basic premise or belief that children are responsible to themselves, their families and the community. The juvenile justice system recognizing the relationship between the social needs arena and the legal domain integrates both. The jurisdiction of the juvenile court to prescribe services or consequences depends on children acknowledging their responsibility for their particular crimes. Therefore, society's response to the children is a socio-legal response (Zaslaw et al., 1990).

Restorative Justice

Restorative justice means repairing the harm caused by the offender. Victim-offender mediation plays an important role in this (See Weeber, 2012). The basic premise is that the crime has been committed against a real person and not the State. Thus restorative justice encourages offenders to offer direct restitution to the victim rather than calling for retribution by the State. The juvenile justice system in India does not have the system of restorative justice.

Summary of key Emerging Areas in the Literature Review

The literature review highlights the fact that there are several interconnected factors in juvenile offence; the child, family, community and society. There are individual child related factors, family and community level processes and the overarching societal processes that impinge upon human behaviour. Studies inform that even in studies related to the genetic component or conduct disorder, the role of the environment is an important factor. There is literature about the juvenile justice system, its philosophy and practice. Majority of the literature seem to converge on an understanding that juvenile offence is multi dimensional and multi factorial.

Figure 2.3 on the next page provides an overview of the range of literature available in the area of juvenile crime.
There is a substantive body of western literature (especially from the United States and United Kingdom). Early sociological and criminological research and juvenile justice developments have primarily originated from these two countries and there is a historical context as discussed earlier. There have been many quantitative studies to empirically measure different aspects of juvenile crime. Further longitudinal studies provided valuable insights into the life processes of the juveniles. Scales have been developed to measures certain characteristics. Compared to the substantive western body of knowledge in this area, there seem to be fewer theory based researches and critical thoughts on juvenile crime in India. There are more research studies on the impact of institutionalization, and analytical/academic papers on the overall juvenile justice system in India. There have been a few recent research projects on the implementation of juvenile justice system in India with specific focus on juveniles in conflict with law.

Theories attempt to explain concepts that are considered important in explaining juvenile delinquency. They also attempt to look at causal relations between concepts. There could be
conflicting theories as well. Majority of the sociological theories though developed in an earlier period, are relevant within the context of contemporary challenges of society and rising inequalities. Previous studies have used either single theories or a combination of theories. Further no theory can fully explain all the components of delinquency and crime. This further underscores the complexity of crime as a social phenomenon (Shaban, 2010). Comparatively there are fewer qualitative or mixed methods studies in the area of juvenile offence or rehabilitation. There seems to be fewer studies that have analyzed juvenile offence from the perspective of the juvenile offender, the experience of the functionaries and explored rehabilitation within the same research framework. This research study proposes to study all of these three components within an integrated theoretical framework.

Based on the literature review and the key emerging focus areas, the gaps identified in contemporary Indian literature and the researcher’s own prior experience of the field, this study has been designed. Previous research found most relevant to this study has been quoted in different chapters of the thesis.

The next chapter will focus on the research methodology.