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## Juvenile Delinquency

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Juveniles are the life-vein of the society; they are the pillars of the progressive Nation; they are the 'crystallised energy stored reservoirs' of the country; they have the potential and dynamic energies intertwined in them; they are the builders of future Nation; they are the symbolic representatives of the nation's behavioural system, prevailing infrastructural economy, social values, defective and corrective social structure, political upheaval, societal cohesiveness, so on and so forth.

With the advent of modernization, urbanization, industrialization etc. one of the various problems of social disorganization is 'juvenile delinquency' which needs greatest concern in the maintenance of social and cultural systems of any country.

The transition period from childhood to pre-adolescence and adolescence is very crucial as during this period different characteristics, behaviour and problems, are exhibited. There is a tremendous change in the physiological functioning; and abrupt reclaiming in the dependency and freedom; an activated thinking and viewing of things in different dimensions; stress and strain and overwhelming tensions and anxieties; there is drive and propulsive egoistic feeling; urge for importance and recognition; there ebbs up a tendency for new experimentations, emotional rekindling conflict confusion with normatives of the society and individual characteristics and so forth. Depending upon the environment, societal background under which the juvenile hailed and belonged to; the up-bringing, socialization process, interpersonal relationship, economic structure and educational background, the deviance is either imbibed and exhibited or refrained. The main factors that are attributable for growing delinquency are (i) family background in which the juvenile is adequately internalised with higher norms of life; (ii) direct and indirect exposure to respect the moral values that are preached and practised in the family; and (iii) sociocultural value based changes because of the nuclearisation of the family.

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The economic exploitation has a strong bearing for the inducement of delinquency propensities. In as much as the companionship factor plays a vital role in adopting the 'disvalues' of the society. Depending upon the social condition in

Truancy - run away from home

which the juvenile is exposed either sharpens or blunts the social and moral sensibilities of them and transform them to be anomic, cynical, maladaptive etc.

In the formative period of life of the juveniles, it is easier to bring about a radical change by teaching, correcting and modifying the behavioural patterns and attitudinal changes. According to Margret Mead "adolescence is not necessarily a period of stress and strain, that these symptoms are produced by cultural anxieties."<sup>1</sup>

**Definition**

An exact definition of juvenile delinquency has been a debatable issue since long. Any unaccepted behaviour of the society by the juveniles is covered under 'delinquency'.

'Delinquency signifies deviant behaviour'<sup>2</sup> Deviance refers to divergence from the mean or standard position. According to Albert Cohen deviant behaviour is that 'behaviour which violates institutional expectations, i.e. expectations which are shared and recognized as legitimate within a social system.'<sup>3</sup>

Turning back to a legal definition for juvenile delinquency, it is "any act prohibited by law for children up to a prescribed age limit." As envisaged in Secs. 82 and 83 of Indian Penal Code a child below the age of seven is doli incapax i.e. incapable of committing a crime and cannot be convicted; while a child between the age of seven and thirteen can only be convicted if he has attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion". Various statutes defined juvenile delinquency in different terms. To quote but a few are:

"The Illinois law defines a "delinquent who is incorrigible or who is growing up in idleness, one who wanders about the streets in night time without being on any lawful business or one who is guilty of indecent or lascivious conduct."

According to New Mexico definition, 'a delinquent child is one who, by habitually refusing to obey the reasonable and lawful commands of his parents or other persons of lawful authority, is deemed to be habitually uncontrolled, habitually disobedient or habitually wayward, or who habitually is a truant from home or school or who habitually so departs himself as to injure or endanger the morals, health or welfare of himself or others'.

See 82/IPC child under 7 yrs of age

1. Margret Mead 'Adolescence in Primitive and In Modern Society. Readings in Social Psychology'.
2. S.C. Verma. The young delinquents--Preface.
3. Albert Cohen 'The study of social disorganization and deviant behaviour in Sociology Today p. 462.

See 83/IPC above 7 under 12 - immature understanding

It is worthwhile to note that a great deal of behaviour which are brought under the purview of the term 'juvenile delinquency' are otherwise non-criminal in nature or socially acceptable if committed by adults. Smoking or drinking may be permissible or tolerable conducts for adults but not for juveniles. "Behaviourally, the delinquent child is expressing himself by aggressive overt action which does not coincide with the demands and expectations of society. To those who observe him, his offensive behaviour is troublesome to a greater or lesser degree, depending on the tolerance and irritability level of the community. For the delinquent himself, however, his behaviour is generally purposeful and adjustive; hence his act can be considered to be more symptomatic than significant in and of itself".<sup>4</sup>

Sheldon and Eleanor state, "Any child who commits a single minor act in violation of law is technically a delinquent; but it is not a valid definition to use in making comparisons between delinquents and non-delinquents". They say further, "The real definition of juvenile delinquents requires three criteria to be employed. They are: (i) the seriousness of the behaviour, (ii) the frequency of such a behaviour, and (iii) the attitude of the child toward a lawfully constituted society".<sup>5</sup>

According to the Juvenile Justice Act 1986\* 'Delinquent juvenile, means a juvenile who has been found to have committed an offence.'<sup>6</sup> It further defines that 'juvenile' means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years.<sup>7</sup> There are various approaches like the legal approach, the personalistic approach and behavioural approach to define the term 'delinquency'. The Juvenile Justice Act 1986 crusades for the (i) uniform legal frame work for juvenile justice in the country (ii) by providing a specialized approach towards the prevention and treatment of juvenile delinquency, (iii) it spells out machinery and infrastructure required for the care, protection, treatment, development and rehabilitation, (iv) provides to develop appropriate linkage and coordination between the formal system of juvenile justice and voluntary agencies

4. William C.Kvaraceus, 'Dynamic of Delinquency,' Charles E.Merrill Publishing Co., Columbus, 1966; Also see R.A.Mulligan, 'Theory and Juvenile Delinquency,' Journal of Educational Sociology, XXXIII, May, 1960; William C.Kvaraceus, Juvenile Delinquency and Social Class,' Journal of Educational Sociology, 18 September, 1944.
5. See Sheldon Glueck and Eleanor Glueck, 'Physique and Delinquency Harper & Row, Publishers, New York, 1956; William H.Sheldon, "Varieties of Delinquent Youth: An Introduction to Constitutional Psychiatry", Hapers, New York, 1949.; Sheldon and Eleanor T.Glueck, "Unravelling Juvenile Delinquency", The Common Wealth Fund, New York, 1950.
- \* The Juvenile Justice Act 1986 is henceforth abbreviated as JJ Act in this chapter.
6. Sec. 2, sub-section(e) of the Juvenile Justice Act 1986.
7. Sec. 2(h) of JJ Act 1986.

JJ Act Sec 2h / Juvenile means below 16 yrs in the case of boy below 18 u e e girl

engaged in the welfare of the juveniles. However the Act does not categorically define what is juvenile delinquency even though the definition of 'delinquent' juvenile exists (Sec. 29(e) of JJ Act). Nevertheless the JJ Act defines 'neglected juvenile' as one who:

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- (i) is found begging; or
  - (ii) is found without having any home or settled place of abode and without any ostensible means of subsistence and is destitute;
  - (iii) has a parent or guardian who is unfit or incapacitated to exercise control over the juvenile; or
  - (iv) lives in brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution, or is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved life;
  - (v) is being or is likely to be abused or exploited for immoral or illegal purposes or unconscionable gain; (Sec. 2(1) of JJ Act).

Let us focus our attention to the statutes which define juvenile delinquency. The flow-sheet given below describes various acts and behaviour as juvenile delinquency.

- (a) A felony, high misdemeanour, misdemeanour, or other offence, or
- (b) The violation of any penal law or municipal ordinance, or
- (c) Any act or offence for which he could be prosecuted in the method partaking of the nature of criminal action or proceeding, or
- (d) Being a disorderly person, or
- (e) Habitual vagrancy, or
- (f) Incurability, or
- (g) Immorality, or
- (h) Knowingly visiting gambling places, or patronizing other places or establishments, his (or her) admission to which constitutes a violation of law, or
- (k) Idly roaming in the streets at night, or
- (l) Habitual truancy from school.<sup>8</sup>

### Causes of juvenile delinquency

The causation of juvenile delinquency extends its arms in manifold factors that exist in the society. The delinquent behaviour and antisocial activities do not surface abruptly; it gradually grows and develops in the socioeconomic and

8. Helping youth in trouble. Report and recommendation of the State of New Jersey Youth Study Commission 1957. pp. 131-132

cultural conglomerative milieu and extends its tentacles with infectious malady in the society. Some of the causes attributable are given below:

- Broken Home
1. 'The home is the cradle of human personality'. 'Every person from the moment of birth is deeply influenced by the people around him. From a warm, loving, stable family, the child learns that people are friendly, worth knowing, and can be depended upon. When a family is cold, despairing, rejecting, or neglectful, the child learns distrust, hostility or down right hatred of people."<sup>9</sup> That is to say whatever is learnt in the family has a strong influence in the mind of the child and the juvenile interprets the human relationship accordingly. Family is the threshold for the group living and the social norms are observed and experienced. Family is a compact unit wherein humanization and culturization take place with love and affection, and with inter-personal relationship. The broken home, has serious impact in the mind of the juvenile on the emotional and socio-economic relationship. The alcoholic or drug addict father, or immoral mother facilitate the propensities of juvenile delinquency. Divorced family also has tremendous influence in the mind of the juvenile for delinquency.

2. Poverty is one of the reasons for the causation of crime and delinquency. Their direct relationship has been a quest since long. It is elaborated by Verma in the following words:

"It seems that poverty operates as a cause of crime through its 'social accompaniments'. These accompaniments are: (i) segregation in slum areas where people are isolated from anti-delinquency patterns and are compelled into association with criminal behaviour patterns (ii) low social status, with little or no stakes (iii) inadequate housing conditions and poor health; (iv) child's premature withdrawal from school with compulsion to take up unrewarding, unskilled, street-trade occupations; and (v) worry, anxiety and insecurity and a sense of inadequacy and insignificance in parents, which deprives children of their love and affection."<sup>10</sup>

3. The companionship also plays a vital role in the juvenile delinquency. A child's companionship and associations are patterned by his emotional, social and economic needs of security, recognition and material gain.<sup>11</sup> They play an important role in delinquency.

9. From report on Home Responsibility Washington D.C. National Conference on Prevention and Control of Juvenile Delinquency 1946.

10. S.C. Verma The Young Delinquents p. 36.

11. Ibid. p.36.

4. The development process itself will generate more crime and delinquency. This is because of the aspirational index of the people raise to a higher value and there is bound to be a higher degree of alienation. There is phenomenal growth of industry and consumerism and rapid change in ultra modern living which is also responsible for juvenile delinquency.
5. Early physical maturity, inducement by oversexed films, T.V., pornography, violence blended cinema and the imbibed feelings about criminals through media are vital reasons for juvenile delinquency. Juveniles learn and imitate such characters of the cine-story. The delinquent propensities form a sediment in the subconscious mind and ebbs up and put into action according to circumstances and environment. On mass media and delinquency, enough studies have been carried out to find out as to the influence in the learning process and in the shaping of the correct state leading to juvenile delinquency. Blumer's and Honser's study show: (i) girls having weak mental balance become prey to illicit sex relations thinking that love is thrilling, men seek girls of easy virtue, (ii) many children are found to learn the method of committing crimes, befooling the police and the manner of escaping the law enforcement officers; (iii) some children study the methods of committing various types of thefts, robbery and dacoity. They get the idea of making easy money by smuggling, looting, pocket picking and robbery; (iv) some children are found to involve in some form of sex activity also as an impact of viewing sex-stimulating pictures. Elaborate and exhaustive causative factors for delinquency is discussed at length elsewhere in this book.<sup>12</sup>
6. Lack of moral education in the schools and colleges. Lack of practisers of the true preaching, lack of parental control at home and lack of teachers' control in the schools and colleges are also attributable factors for delinquency.
7. Unemployment, mis-employment and the delinquency: Unemployment and poverty are inter-twined, delinquency is fueled and flamed by means of poverty from the very poor and moderately poor families. Sheldon and Glueck had brought about certain undaunted factualities by means of their studies on the poverty-stricken homes with special reference to the divorced family where children are pressurised to take up the blue-collar crimes or traditional or conventional crimes. Their observations are that "a significantly greater proportion of the mothers of the non-delinquents who worked (whether regularly or occasionally) than those who were housewives neglected to give

12. Ref. Chapter 3. "Crime Causation".

- or provide suitable supervision to their children. Thus entirely apart from the problem of delinquency there is a strong hint that working mothers, at least of low income groups, are not as conscientious about arranging for the supervision of their children as are those who remain at home. Supervision of those children who actually become delinquent was far less suitable on the part of working mothers (whether they were employed regularly or occasionally) than on the part of the mothers who were housewives. It is learnt that a boy who is carelessly supervised and who has a mother who is of the kind who works occasionally is far more likely to become a delinquent than is the poorly supervised son of a mother who does not go to work.<sup>13</sup> rolling
8. Psychological factors: As adolescent period is a resonating state between the childhood and the manhood, juveniles face much more difficulty in adjusting this to the situation that arise during this period which leads to frustration. The other reasons are the inhibition and the obstruction of juvenile's desire in reaching the goals. There remains always mental conflict with the stress and strain characterised by desires, needs, ambitions on the one hand and the environmental demands on the other hand. The juvenile always feels that he is to undergo all the experiences in a water-tight compartment as more regimentation is imposed upon him both in the environment viz. home, society and in the teaching institutions. It is worth bringing home the point which elaborates in the report of the congress on Juvenile Delinquency. "The occurrence of delinquent behaviour by one or a few youths in generally non-delinquent areas frequently reflects personality disorders rather than the existence of a widespread delinquent sub-culture. In less delinquent area, however, psychological disturbance upon the part of a few children may still be expressed through delinquent behaviour and they may even be able to recruit other youth who might otherwise not show this behaviour".<sup>14</sup>
  9. Pre-Delinquency stages:- Psychological factors that are attributed to pre-delinquency stages are truancy and vagrancy. According to surveys conducted by the U.N. on the 'Prevention of Juvenile Delinquency' the following report will elaborate the pre-delinquency stages; "a pre-delinquent juvenile is a person below a specified age, generally corresponding to the upper age limits set for juvenile delinquents, who has not committed any act regarded as a criminal offence by the laws of the country but who may, for good reasons be regard as antisocial or as showing definite antisocial trends of behaviour in

13. Sheldon and Eleanor Glueck, 'Working Mothers and Delinquency'. Mental Hygiene, July, 1957.

14. 'Report to The Congress on Juvenile Delinquency' op. cit.

Truancy - failure to attend school  
 Vagrancy - homelessness (or) homelessness

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such degree or form as is likely to result his becoming overtly delinquent if not subjected to some kind of preventive treatment. Pre-delinquency cannot be considered as a legal phenomenon in as much as the juveniles concerned have not overtly committed an offence in terms of criminal law. It is more of psychological state or condition which expresses itself in socially deviant behaviour”.

10. **Social factors:-** Various other social factors which have the influence and serious effects on the increase of delinquency are enumerated below as per the report of the Congress on Juvenile Delinquency: - (i) migration, (ii) bad-neighbourhoods, (iii) slumlife, (iv) heterogeneity of background and moral standards of people, (v) physical deterioration of areas, (vi) urban slums, (vii) low-income, (viii) delinquent sub-culture, (ix) generation of new set of values, (x) street corner groups, (xi) delinquent gangs, (xii) underprivileged environment, (xiii) social and occupational success etc. )