

## A CRIMINOLOGICAL LEGAL STUDY ON JUVENILE DELINQUENCY

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### ABSTRACT

The occurrence of crime is a part and parcel of the society. With the advent of the greater societal needs there has been an increase of economic demand. The industrial era that the world is witnessing since the industrial revolution has changed the dynamics of the world, with not only evolution in the industrial part of the world but also in the societal nature. What the world has witnessed during that era is not mere development of machines but the growth of a new social class popularly known as the working middle class. The gap that existed between upper section of the society and the lower section of the society kept on increasing, which led to economic upheavals within the groups of people. New ideologies emerged, the thinking pattern changed, the child of different ages has now been subjected to various types of studies. What emerged during this era was the existence of the delinquency of offences that were being conducted by the juvenile and young adults. This paper analyses the scope of juvenile delinquency and understand factors that leads to offences among young adults. It is not necessary that a child will only conduct delinquency because of peer and societal pressure but also factors which may be biological or genetic in nature and some other factors. It moves to the fact about the general trends of crime that are conducted by young adults and the link of substance abuse with that of juvenile delinquency. Most importantly the most vital factor of juvenile delinquency rather to rephrase the most important provision of juvenile delinquency lies in juvenile justice and juvenile justice theories. This paper to certain extent have analysed how the Justice system of the juvenile system is and is ought to be.

**Keywords:** Juvenile, Juvenile Delinquency, Justice, Youth Crimes, Offenders

## INTRODUCTION

*“In the little world in which children have their existence there is nothing so finely perceived and finely felt, as injustice”<sup>i</sup>.*

The occurrence of crime is an unavoidable element of life. The emergence of larger societal requirements has resulted in an increase in economic demand. Since the industrial revolution, the globe has been in an industrial era that has changed the dynamics of the world, with evolution not only in the industrial sector but also in societal nature. During that time period, the world witnessed not just the development of machines, but also the rise of a new social class known as the working middle class. The gap that existed between upper section of the society and the lower section of the society kept on increasing, which led to economic upheavals within the groups of people. New ideologies emerged, the thinking pattern changed, the child of different ages has now been subjected to various types of studies. What emerged during this era was the existence of the delinquency of offences that were being conducted by the juvenile and young adults. This paper analyses the scope of juvenile delinquency and understand factors that leads to offences among young adults. It is not necessary that a child will only conduct delinquency because of peer and societal pressure but also factors which may be biological or genetic in nature and some other factors. It moves to the fact about the general trends of crime that are conducted by young adults and the link of substance abuse with that of juvenile delinquency. The most fundamental provision of juvenile delinquency, or rather, the most vital aspect of juvenile delinquent, is juvenile justice and juvenile justice philosophies. This study has looked at how the juvenile justice system is and should have been in particular ways. It is not always true that sending a criminal to prison would make the world a better place. Sentencing a 16-year-old juvenile to jail will put society in even more risk, since a youngster who goes to prison at the age of 16 and returns at the age of 26 or 30 will not have been rehabilitated. Children's immunity or culpability is determined by their mental development, which is a critical factor in the criminal justice system. Most countries throughout the world treat children under the age of seven as *Doli incapax* (lack of mental maturity). India has a dismal track record when it comes to identifying the age of children who have broken the law.<sup>ii</sup> The Children Act, 1960 was the first central legislation after independence that aimed at conceptualising a system, separate from the criminal justice system under the Code of Criminal Procedure, 1973, for the treatment of juvenile delinquents.

A juvenile is defined as a person who has not reached the age of eighteen in the text of the Juvenile Justice Act of 2000, Section 2. Two key concepts have been coined: "juvenile in need of care and protection" and "juvenile in confrontation with the law." A juvenile in dispute with the law is a person who has committed a criminal offence that is punished under the law. A person who is a street kid, without a guardian, is neglected, is in risk of being mistreated by a guardian, is terminally sick or abandoned, and so on is a juvenile in need of care and protection.

### **OBJECTIVE OF THE PAPER**

This paper is designed and formulated with the sole objective of understanding how crime has emerged in the very crux of the society.

1. To analyse and find the importance of most prospective understanding as to the relation between youth offenders and crime that exists.
2. To analyse the theories of criminology which studies about the reason of juvenile delinquency in global scenario
3. To analyse the trend of juvenile crimes that exists in India and the cause behind the same.
4. To analyse what role the judiciary plays in the reformation of the juveniles who are in conflict with the law or legal safeguard and right to a juvenile in conflict with law

### **RESEARCH METHODOLOGY**

This paper moves through the ambit of descriptive and analytical way of studying and interpretation. It has collected data those are already available. Descriptive research is a research which has an inclusion of surveys of different kinds. This paper, has analysed the major purpose of descriptive research which is to describe the state of affairs that has already been presented to us through the statute. The authors of this paper, like all other Ex-post facto studies has done or has intended to conduct it. Moreover the authors have tried to explain the cause of such happenings despite the fact that the authors are unable to change the variables of the statistics that are presented in the paper.

This paper has also used the method of analytical research as well. The authors of this paper has already used all those materials that were already available before us or has used to the

same in the ambit of wherever necessary. The authors have tried to critically evaluate all the information and data and make further better evaluation with the help of the same.

The authors of this paper being students of university and following the covid protocol have restricted themselves to Secondary data which includes various ample number of observations made by criminologists and thinkers in various books, newspaper and National Crime Record Bureau reports and reputed articles published on various databases. The Authors have also referred to plethora of judgements passed by the Hon'ble Supreme Court of India during the analysis of their paper.

## **HISTORY AND EMERGENCE OF JUVENILE ELINQUENCY**

### **INTRODUCTION**

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## **HISTORICAL EVOLUTION**

The history of juvenile law in 1704, Pope Clement XI established an institutional treatment for juvenile criminals because he was worried about distinct institutional care for juvenile offenders. Elizabeth Fry and her colleagues built a separate facility for such convicts after him. As a result of these early initiatives, the British Reformatory School Act and the Industrial School Act were passed. The United States took the lead in establishing special courts for juveniles in 1847. The Juvenile Court was established in Chicago for the first time in 1899 as a result of their efforts.

England established the Juvenile Court in 1905. Probation statutes were passed in the United States and England in 1878 and 1887, respectively. The term "juvenile justice" was first used in the United States in 1899 by the state of Illinois. The Juvenile Court 29 Act was enacted to do this. The purpose of passing such legislation was to safeguard juvenile criminals from facing the same consequences as adults. "Juvenile" is derived from the Latin word "juvenis," which meaning "young." Delinquency is described by two words: de (away from) and liquor (to leave). The term "juvenile delinquency," according to Reckless (1956), refers to a break of the social norm induced by a shift in a societally inappropriate behavioural pattern. When used as a technical term rather than a descriptive term, the word "juvenile delinquency" conveys a legal perspective on dealings with minors. However, the general perception is that children's anti-social behaviour is disapproved by society, and that penalties should be in the form of corrective measures. The JJS is based on the British trend in India.

## **CHILDREN IN PRE-MODERN AND MODERN SOCIETIES**

Charles Dickens in his book *Great Expectation* says, "*In the little world in which children have their existence there is nothing so finely perceived and finely felt, as injustice*"<sup>iv</sup>. Families in the past and present will definitely and most importantly will be of different types. As pointed out by Rene Konig an eminent German Sociologist "*die familie geht mit der gesellschaft*"<sup>v</sup> that with every change in the form of family there will be different types of family whereby the children there will play a vital role in all and in every types of societies. In the pre-modern

societies where children were an asset, it is to be significantly noted that a child of the family have to contribute in the livelihood that a family requires to continue, which often at times included manual labour. It shall be argued that during the era of pre-modern times, the status of young people or the youth was ‘ambiguous in nature’. The reason being said, that societies which existed in pre modern state were found to be predominantly rural. It was famously argued by Malthaus, an eminent political thinker, that ‘if unchecked, the population would grow geometrically while, at the same time, agricultural product would increase only arithmetically.’<sup>vi</sup> During the pre-modern period which witnessed mere disasters in form of famine, plague or some of the greatest wars children in such era were considered more of economic liability. Just the reverse of that id the modern societies which were completely different unlike what the pre-modern societies witnessed with the youth offenders. In the modern society, the political scenario and also the law concerned supremely in favour of the children. Children in the modern world were now considered as assets of the societies. The ways of nurturing, pampering and disciplined with respect of societies that made interest in them. Although in this society as well, a child is also an economic liability or burden in the society but at the same it shall be understood that despite being an economic sacrifice for a family while raising a child but the same is now calculated through emotional cost benefit<sup>vii</sup> which is replaced financial cost benefit, i.e., unlike primitive or pre-modern societies, a child is not expected to contribute in the daily livelihood of a family. The modern conception of childhood as studied was identified from the Western Europe where the middle class emerged during the era of industrial revolution or during the period when society globally was undergoing massive changes, and the middle class group of people during that time demanded for what one can phrase as ‘formalised education for their son’<sup>viii</sup>. The amount of reasonable care that is being provided to a child shows that the tenderness in the nurture and development of child in this modern age is completely different from the previous period. The amount of tantrums of a child in the present day modern society has now increased and demands are now getting fulfilled to a greater extent. This is more of a psychological satisfaction that a parent enjoys while nurturing a child. So a child in modern day society is yet considered as a child till the age of 15-18 unlike in pre-modern societies where they are considered equivalent to youth just at the age when they attain 6-8 years.<sup>ix</sup> The commonly used term ‘adolescence’ period was an outcome of what one calls ‘child study movement’ and by Stanley Halls.<sup>x</sup>

The difference that existed between the two scenarios of society lies in the tutelage and development of the psychology of a child who would be categorised as youth soon or later by the society. In the pre-modern societies where a child of a family contributed economically in the livelihood of their family just from the age of 4 or 5, the child by default was subjected to much more rational and mature thinking, and thereby was subjected to better tutelage and discipline by the elderly people of the society. Further with the development of the society, and with the industrial revolution providing new dimensions not only in the era of science and commerce but also in the field of philosophy, the ways of child-parenting and tutelage took a turn. Childhood was now considered as a period which is innocent in nature and a child if contributes to the economic livelihood of the family will not get prepared for the adult age. Now in this modern era of society, the way of tutelage becomes more technical and it is believed that a child needs greater time for training for being a future person and thus they spend a greater time with people apart from their own guardians. As a result of fact in modern anthropology, in the development of child, peer-group plays a vital role, as children in the present modern society spends greater and more time making friends of their own age or age nearer to them or with same mindsets, mentality, or residing in the same area coming from various background. This mixing up of mind-sets of different culture from various backgrounds. This leads to the decline of tutelage of elders on the youth. The deviant activities that are committed by a child are also often a cause of peer pressure that takes place and hence the criminal activity by a youth in this modern era is to a greater extent.

### **THEORETICAL APPROACH TOWARDS JUVENILE IN CONFLICT WITH LAW**

The latin maxim of *Malitia Supplet Aetatem* means malice supplies the age. What shall primarily be understood that no one will commit an offence out of nothing, but there has to be reasons behind the commission of a crime or the psychology that plays a pivotal role behind it. Similarly, as one may analyse that there is no juvenile offense that happens just out of the blue, without any warning or omission of cause. Childhood behaviour and aggression are often rather a cause of youth offense.

One of the prominent reasons that were taken into consideration by the sociologists and the criminologists is that the Industrial revolution that gave the world a new outlook was not only

a mere positive outlook but also negative outlook to a certain extent whereby the bridge between the rich and poor increased which increased the levels of poverty. It was argued by Cunningham that it was not merely the children but rephrasing it as ‘children of the poor’ who poses greatest threat to the public peace and tranquillity. This continuous change in the economy and rapid urbanisation, catered with the fact of tremendous lack of education increased the delinquency rate among children.<sup>xi</sup>

An eminent writer Loeber in his study identified the fact that there exists 3 different and rather some of the main pathway to delinquency in the youth- Namely the overt pathway, the covert pathway and the authority conflict pathway. The overt pathway states that when a child is young, the child might be imbibed with aggression not suited of his age. If that aggression is not tutored or mentored properly by the mentors or the guardian of the child, the same aggression will now convert to physical fighting which after a small span of time turns into juvenile justice. Youths through the covert pathway of analysis mostly turn into non-violent youth offenders whereby the child inculcates the habit of compulsive lying and frequently lies even to cover-up minor to minor issues which don’t require lying. The child often as per the study now inculcates the habit of minor shoplifting which turns into crimes like that of property damage and then to non-violent criminal activities like that of burglary. Often at times the society may witness stubborn behaviour of child which then turns into what criminologists terms as authority avoiding deviance which includes that of truancy or runaway.<sup>xii</sup>

Sociological researchers have even classified between early onset offenders and later onset offenders. It have been stated by an eminent social thinker Moffitt that those offenders who have entered into criminal career at an early age of young tender age, they have greater or to an extent higher life-long persistency in offense or long criminal career whereby later-adolescence engagement into crime led to short time career.<sup>xiii</sup>

Among the several studies that have yet been concluded which includes that Cambridge Studies, Pittsburgh Youth Studies, Orebro Longitudinal studies, it was juvenile violence under the ambit of Individual risk factors which includes that of motor restlessness, difficulty in concentration, attention issues with low iq and poor performance in the field of education and during the school life tenure impacted the psychology to such an extent that the youth were more inclined towards criminal activity which has even been a factor for longer period of crime



commission<sup>xiv</sup>. Further, capability of greater risk taking, hyperactivity as cause of violence committed by that of youth.<sup>xv</sup>

Beside all these several studies, what shall majorly be highlighted that in the last few decades there have existed many theories which have studied why a child commits a crime or is more inclined in committing a crime. This following portions will discuss on the theories which includes the theories of rational actor model, predestined actor model and victimised actor model that was identified by Hopkins Burke.

### **THE RATIONAL ACTOR MODEL**

The theory of rational actor model gets his origin from the Classical School and its aftermath. Cesare Beccaria and J. Bentham are the two key thinkers of the Classical School of Thought in Criminology. The rational actor model propounded the fact that the CRIME that is being committed in the society is an outcome that occurs due to the rational decisions and free will of the individuals. Considering this statement Cesare Beccaria through his Classical School of thought got to the thinking that a person who is termed as a criminal in the society or has disturbed the balance of the society by committing a wrong now owes a debt in the society. Criminality is and under all means said to be a moral wrong that is being committed in the society by the means of the society, the same is an affront, i.e., it offends the personal values and integrity of the society. Further Becarria stated that a person, even though a child when he commits a wrong in the society he is 'indebted' to the society at large. He thereby suggested the pleasure-pain principle, suggesting the fact that the crime acts as a medium of pleasure for the offender, and when such pleasure is taken in the form of a wrong, the offender shall undergo 'pain' which shall be swift and equal to the proportionality of the crime. (Let the punishment befit the gravity of crime).<sup>xvi</sup> It was only with the passage of times it was witnessed that not every time can an accused be said to have been 'equally responsible' for their own cause of action.<sup>xvii</sup> Due to this course of action, the judges passed decision and often it differed even in the same crime. As a result of fact, there emerged a new theory termed as 'neo-classical' theory. This theory states about the model through which juvenile justice shall be taken care of.

### **BIOLOGICAL EXPLANATION OF YOUTH CRIMES**

Rational Actor model argued that it is the individual itself who at it's own free will is responsible for their own wrongs and crimes are committed as a pleasure which they wish they aim to feel. But with the passage of time the theory of rational actor model got replaced with the predestined actor model which stated that individuals don't commit deviance at their own free will but rather they fall within the umbrella of doctrine of determinism which states that the criminal activities that are being committed by the individuals are due to factors which are said to be internal or external over which they have little or no control. It should be understood that individuals often act under the pressure of certain situations over which one individual has little or no control. It shall be considered that individual often is also a victim of situation and commits an act with regard to it. In 1895, Italian criminologist Enrico Ferri argued through his various demonstrations that the freedom of will of an individual or a criminal actually plays no role in the criminal law.<sup>xviii</sup> This criminal behaviour of an individual is analysed through the connection and interactions between the individual and the social conditions which includes that of physical, individual and social factors, in which the individual is placed. There included certain factors that were studied, even which this paper would also look into to a very limited extent. The purest tenet of Biological explanation theory persists within the understanding that criminal have a complete different way of thinking and pattern of lifestyle and even sequencing of genome which criminologists believed different from that of non-criminals. Another Italian criminologist Rafael Garofalo in the year of 1914 argued that, this difference in the characteristics of humanity is due to an underlying factor known as morality and sense of uplifted and sophisticated nature. Thus a person from this category would have more control over their free will. The development of this category of humans is much more to a greater extent whereas on the other hand, a person with a criminal mind-set comparatively has lack of altruistic sentiments with inherited moral anomalies.<sup>xix</sup>

Fox Butterfield A study was conducted between families of criminal which was originated through the work of family studying stated that child and kids of a family have a habit of taking up or imitating what they see, which under the words of sociology stated that 10% of the family will have 2/3<sup>rd</sup> of the criminals.<sup>xx</sup> As stated in a report was a narrative suggested by Boggle pertaining to Boggle what happens in a criminal family stating that, "what you are raised with, you grow to become"<sup>xxi</sup> and there is no escape from a criminal contamination that has taken place. Although many criminologists have criticised the 'Biological Explanation of Youth Crimes' that criminal activities of a child is not equivalent to racism but at the same time,

reports and analysis have found out that there happens to be several families where criminal line could be found for more than 200 years and children of those families rather than developing a like towards toys developed likings towards activities that stealing and breaking into houses<sup>xxii</sup>. In fact, there is a lot of dependency pertaining to genetic factors. A first study which was conducted in order to understand transmission of criminal behaviour took place Iowa which was conducted on 52 adoptees who were born to incarcerated offenders who were female conducted between the period of 1925- 1956 whereby it was found that there were couple of people who were convicted criminal, i.e., 7 in number among 52 adoptees and is said that they implicated 'heritable component' of antisocial behaviour.<sup>xxiii</sup>

### **ROLE OF SINGLE PARENTHOOD ON JUVENILE DELINQUENCY**

As seen in all parts of this paper and what this paper has witnessed most significantly is how the family structure has evolved time and again and from centuries and year ahead. A traditional family generally comprises of father, mother and their children, but as statistics and reports presented and reviewed while working on this paper, it was found that more over the couple of years there has been a greater breakdown of families and now the concept of traditional families have now been changed into something which I personally would like to term as "one parent nuclear families".

The importance of mother and father in the life of a child is undoubtedly priceless. Both the individuals plays a different set of roles in the life of child which the child intends to imitate and takes up role while the child grows up. This process of taking up roles by the child in the language of sociology is termed as "Role Taking". Now one has to understand that not every family, especially in the fast modern world is unable to maintain the balance of the family especially. So if we look at the general trend of families, comparing families in primitive and modern world, it has changed from mixed and joint family to only 3 member family.<sup>xxiv</sup> Even the number of children in a family has decreased and is now set under the term of "family planning", especially in countries of India and China. These Nuclear families in the most developed sophisticated cities have further broken down. There is a greater breakdown of marital institutions and emerging trend of single parenthood. This has a huge impact on the adulthood of children. It is found in statistics for those children who are nurtured by single parent get more inclined to delinquent activities and have poor performance in school. Children

from such family gets more perceived to peer pressure and have an inclination towards wrong. These children have a very biased opinion about world scenarios and have more inclinations towards substance abuse and sexual wrongs.

### **DIFFERENTIAL ASSOCIATION THEORY**

One of the most important theory while one analyses Juvenile delinquency is differential association theory which comprises of the principles as discussed time and again in several papers –

The behaviour that is termed as delinquent is learned and this learning happens through a product of interaction.<sup>xxv</sup> Delinquency as stated by criminologists cannot emerge solely out of dry but rather emerges when there is someone backing the delinquency or is supporting the delinquent behaviour. A child often mixes up with peers of their own age. The delinquent behaviour that happens through a learning process occurs within intimate groups whereby criminal techniques are learned and given a proper shape. Legal rules differs and people have different opinion pertaining to legal rules, and a person comes in contact with people who hold various different opinion and consciousness about following rules and regulations. There arises often as what Sutherland terms as ‘cultural-conflict’<sup>xxvi</sup> faced by kids when they come in contact amidst the two opposite attitudes which includes that of what is said to be right and what is wrong and what is moral and what is immoral, which is the most important basis and is the supreme of differential association. The age of child often plays a vital role, i.e., at what age they have come within the range of criminal activity as younger the age, the higher is the chance of taking that behaviour within itself. This differential association may under various circumstances vary in duration- for how long, intensity- at what intent, frequency- at what rate and priority- how much prioritized a child gives and comes under delinquent behaviour plays a vital role in the theory of differential association.<sup>xxvii</sup>

## **PART II- TRENDS OF CRIME COMMITTED BY JUVENILES AND YOUNG ADULTS**

### **CRIMES THAT ARE MOSTLY COMMITTED BY CHILDREN**

In India, juvenile crime is a bleak reality. A juvenile is a child who has not arrived at the age at which they might be considered responsible for their crimes similarly that a grown-up can. While alluding to a youthful criminal guilty party, the term juvenile is utilized. Accordingly, a juvenile is a child who is blamed for doing specific demonstrations or oversights that are illicit and have been delegated by punitive regulations. Juveniles have as of late been shown to be associated with the most ridiculously awful crimes, for example, murder and assault.

### **ANALYSIS AND FACTORS OF JUVENILE CRIMES COMMITTED BY YOUNG ADULTS IN INDIA**

In India, child crime is named a juvenile crime. That is, delinquent demonstrations carried out by children under a predefined age are delegated child crimes. Nonetheless, the topic of who ought to be alluded to as a child arises. Is there a base or greatest age prerequisite for this? Children of different ages have been named as child hoodlums in India. In India, for instance, a child should be 14 years of age to be announced a crook, with the greatest age of the equivalent being 18 years. Thus, no broad suppositions about the base and greatest periods of juvenile guilty parties exist. Child crime is characterized as a crime carried out by minors under a specific age. "Child in conflict with law" has been characterized under Section 2 (13) of the Juvenile Justice (Care and Protection of Children) Act, 2015 as an asserted or tracked down child to have submitted an offense and has not finished eighteen years old on the date of commission of such offense.<sup>xxviii</sup>

A few minor and genuine crimes, including robbery, thievery, grabbing, burglary, dacoity, murder, and assault, are executed consistently throughout India. The terrible truth is that these crimes are executed by young people younger than eighteen. There is likewise a pattern among minors that those between the ages of 16 and 18 are bound to be associated with horrible criminal crimes.

### **SIDE EFFECTS OF A CHILD WRONGDOER**

In India, specialists charged 27,936 minors in 2012 for their association insignificant crimes like banditry, murder, rape, and revolting. As per NCRB information, 66% (66.6 percent) of people who showed up before JJB (Juvenile Justice Boards) in 2012 were between the ages of 16 and 18. Further, 30.9 percent of those studied were between the ages of 12 and 16, while the rest (2.5 percent) were between the ages of 7 and 12. There was a 143 percent ascend in the

number of minor assaults from 2002 to 2012. It additionally showed that the quantity of murders has expanded by 87%, while the quantity of ladies and young ladies grabbed by juveniles has expanded by 500%.

Nonetheless, somewhere in the range of 2007 and 2012, the number of genuine crimes like assault and murder executed by juveniles represented only 8% of all crimes perpetrated by minors. Insignificant crimes like taking, thievery, and causing hurt represent 72% of all crimes carried out by juveniles. Taking into note the rising chart of juvenile crimes in India, it is important to be well acquainted with the side effects being obvious to show which child has a tendency towards turning into a guilty party or is now one. The side effects that can be summed up from different explores and studies, dependably characterizing a child guilty party, have been set down hereunder:

1. In many cases, a juvenile's substantial construction is sound, and a solid body is strong and gallant.
2. They are normally anxious, independent, and troublesome.
3. They have an untrustworthy, profoundly enthusiastic, boastful, and conceited nature.
4. They are nearsighted and unmindful of the repercussions of their activities.
5. Child guilty parties are more probable than different young people to have an insane condition.
6. In child hoodlums, there is an absence of solid id, self-image, and superego harmony.
7. They are often aggravated, frustrated, and melancholic.
8. They defy standards, conflict with the power, violate the law, and tend to be dishonest.
9. They have no pre-arranged answer for any trouble that their way of life has tossed at them.
10. In most cases, they don't converse with their family members and families about their concerns.

### **TYPES OF JUVENILE CRIMES IN INDIA**

Juvenile crimes manifest themselves in the scope of lead or ways of behaving. Each example has an unmistakable group environment. As indicated by Yamini Abde, a child rights

campaigner, one of the driving inspirations driving children being engaged in horrendous crimes like assault and murder is the craving to venture out, valiant, extraordinary, and exciting. Peer pressure, a requirement for fast money, and simple admittance to crime and obscene pictures on the web expanded aggression and sexual action among youngsters, as well as the mindfulness that they won't come up against criminal indictments since they are minors, are likewise impetuses during the time spent building a child wrongdoer. The absence of dread of discipline has brought about an expansion in the pace of guiltiness among minors. Howard Becker, in 1966, recognized four classes of juvenile wrongdoing, to be specific, individual, bunch upheld, coordinated, and situational misconduct.

### **INDIVIDUAL JUVENILE CRIMES**

1. Individual misconduct alludes to all delinquent exercises embraced by a juvenile on their own. The source of the issue is found inside the criminal themselves. Therapists guarantee that they are the aftereffect of mental issues. The essential driver of these mental issues is useless and undesirable familial contact designs. The specialists contrasted the delinquent kin with their non-delinquent kin and found that the most common justification behind carrying out such crimes was that they were despondent and disappointed with their everyday environments.
2. They take part in the delinquent way of behaving, in any case, to stand out from family or friends.
3. Others lead delinquent exercises to reduce their responsibility. Specialists likewise found that reprobates changed from non-delinquent in their relationship with their fathers, instead of with their moms. Moreover, their discipline was stricter and more extreme.

### **CIRCUMSTANTIAL CHILD CRIMES**

1. The center explanations behind situational misconduct are not surely known. Thus, directing such delinquent ways of behaving is more straightforward than controlling different types of wrongdoings.
2. Circumstantial wrongdoing presents an extraordinary perspective. The thought is that wrongdoing isn't profoundly settled and that the inspirations for misconduct and its techniques are now and again direct to diminish it. Due to less created drive control or potentially lower support of familial constraints, a youthful individual

participates in delinquent direct without a significant obligation to wrongdoing, and because they stand to lose moderately minimal regardless of whether recognized.

3. One specialist who refers to this type of misconduct is David Matza. The possibility of conditional wrongdoing is immature and isn't given a lot of weight in the discussion over delinquent causation. It is intended to supplement as opposed to supplant different sorts.

### **ORGANIZED CHILD CRIMES**

1. Organized child crimes are officially organized associations that perpetrate coordinated wrongdoings. This alludes to an arrangement of standards and shows that drives youngsters' way of behaving when they display delinquent ways of behaving.
2. In the 1950s, these misdoings were contemplated in the United States, and the expression "delinquent sub-culture" was instituted. This thought alludes to an arrangement of standards and standards that drive bunch individuals to invigorate the exhibition of delinquent exercises, award status in light of such demonstrations, and characterize common associations for the people who fall outside of the gatherings characterized by bunch standards.

### **GROUP SUPPORTED CHILD CRIMES**

1. Delinquencies are submitted in this sort in the organization of others, and the reason is tracked down not in the singular's character or the delinquent's family, yet in the way of life of the singular's home and neighborhood.
2. This kind of wrongdoing is examined in Thrasher, Shaw, and McKay's exploration. As per research, most small kids who turned delinquent did as such because of their connection and friendship with different reprobates.
3. Unlike psychogenic hypotheses, this gathering of ideas centers around what is discovered and from whom it is learned, instead of the troubles that might prompt misconduct inspiration.

### **EXPLANATIONS FOR JUVENILE CRIMES IN INDIA**

Nobody is brought into the world with the possibility to be a crook. Conditions have molded them into what their identity is. The socio-social climate, both inside and outside of one's



family, affects one's life and general character. The reasons for juvenile crimes, as per Healy and Bronner, are a terrible organization, young adult flimsiness and motivations, early sex insight, mental contentions, outrageous social suggestibility, love of experience, film, school disappointment, unfortunate amusement, road life, professional disappointment, abrupt drive, and states of being of different sorts. Nonetheless, in India, it is destitution and the effect of the media, especially virtual entertainment, which urges young people to participate in criminal behavior. Destitution is one of the main variables of a child's contribution to crime. Likewise, the present capacity of web-based entertainment damagingly affects youthful cerebrums.

### **FINANCIAL REASONS**

1. Broken homes: As per one of Uday Shankar's research in India, 13.3 percent of the 140 juveniles came from broken families. The passing of one of the two guardians, constant disorder or madness, abandonment, or separation can all separate a family. Connection at home is a basic part of a child's socialization.
2. Poverty: A significant level of delinquent young people starts from low-pay families. They propagate their crimes as gangsters. As indicated by Uday Shankar's research, 83% of adolescents start from low-pay homes. Neediness powers the two guardians to work outside the home for extensive timeframes to acquire their day-to-day bread. There will be nobody to care for the children. Such young people might get together with hoodlums, either intentionally or unwittingly, and become lawbreakers.
3. Friends and buddies: As the child becomes older, he/she branches out into the area and joins a playgroup or peer bunch. He/she will positively turn into a delinquent if he/she joins a gathering or group that upholds delinquent inclinations. Youths likewise carry out crimes because of unfortunate fellowships. As per studies, delinquent ways of behaving are submitted in gatherings. Shaw analyzed 6000 adolescents associated with culpability in his Illinois Crime Survey of 1928. In 90% of the examples, he found that at least two adolescents were associated with the crime.
4. Beggary: Juvenile bad conduct is oftentimes brought about by bums. Most of the child's bums begin from either extremely devastated foundations or broken homes. These young people are denied their folks' genuinely necessary love and consideration. They understand that the best way to fulfill their needs and meet their prerequisites is to take part in freak conduct. Therefore, they become reprobates.

## **MENTAL REASONS**

1. **Mental disease:** As specific crime analysts indicate, there is a solid connection between psychological sickness and crime. A few examinations have taken a gander at adolescent patients and found that they had an assortment of mental illnesses. Treatment, not discipline, is expected of an adolescent. Psychopathic character, as per a few mental specialists, is the foundation of juvenile crime in India. A psychopathic child is naturally introduced to a home where love control and love are missing.
2. **Personality attributes:** Character characteristics and a criminal proclivity have likewise been demonstrated to have a solid connection. Character is a method for an individual to adjust to their conditions. In this variation, criminal adolescents take part in criminal activities.
3. **Individualized emotional subject matters:** Psychological well-being issues and passionate maladjustment are critical supporters of juvenile crimes. Delinquent young people might experience the ill effects of insecurities and envy. "Wrongdoing is a revolt and a declaration of forcefulness pointed toward harming, breaking down, or adjusting the climate," as per a mental viewpoint. This revolt is generally spurred by cultural circumstances that limit a singular's fundamental privileges and the satisfaction of their necessities. Therefore, reprobates are not conceived reprobates, rather, they become reprobates because of cultural circumstances and individual imperfections.

## **CASES OF JUVENILE CRIME IN INDIA**

While there are a few unmistakable cases that have been recorded hereunder and have gotten media consideration, there stay plenty of juvenile crime cases in India that stay unseen.

1. **December 16, 2012:** A young lady was kidnapped, raped, and killed on a moving transport in south Delhi by a juvenile and his colleagues.
2. **November 29, 2013:** In Mayur Vihar, a gathering of five children who got away from a city juvenile home amid mobs and consuming, killed a diamond setter's better half and absconded with 50 kg of silver gems and Rs. 10 lakh cash.
3. **October 17, 2015:** Two adolescents were blamed for assault after capturing a baby in Nangloi.

4. December 24, 2015: Three marginal juvenile shooters started shooting in a chamber at the Karkardooma court mind-boggling, killing a cop.
5. February 24, 2016: A 17-year-old kid, let out of a juvenile home for 'good conduct' choked an older lady in south Delhi's BK Dutt Colony.
6. March 24, 2016: Four minors were viewed as associated with a case wherein a specialist was pounded into the ground in Vikaspuri.
7. April 6, 2016: Two juveniles purportedly shot a Uber driver in the Mundka region and escaped with the vehicle in the wake of unloading the body.
8. August 29, 2017: Two Bollywood big names' children have been blamed for violently mishandling a schoolmate, and they are currently being researched by specialists. One of these adolescents is an entertainer's child, while the other is a cinematographer's child.
9. December 22, 2017: A 22-year-elderly person has claimed that she was assaulted by five individuals, including four juveniles, in northwest Delhi's Jahangirpuri region.

#### **PUNISHMENTS EXISTING FOR JUVENILE WRONGDOERS IN INDIA**

The Juvenile Justice (Care and Protection of Children) Act of 2000, which aligned the country with the Child Rights Convention of 1989, was the main post-freedom regulation overseeing juvenile crime. Anybody younger than 18 was considered a minor under this standard, and they were never permitted to stand preliminary as a grown-up. This was the provision that ignited shock in India following the "Nirbhaya Delhi Gang Rape Case," an event that stunned the entire country on December 16, 2012. The Supreme Court had seen on account of *Gaurav Kumar v. Province of Haryana* (2015) that the Juvenile Justice Act of 2000 should have been rethought since it had neglected to discourage minors in the country from perpetrating little as well as grave crimes. The interest of an individual younger than 18 in such a terrible crime as assault and the Apex Court's viewpoint, drove the Indian council to pass new regulations, thus the Parliament passed the "Juvenile Justice (Care and Protection) Act, 2015." This Act canceled the past juvenile rules and made a couple of critical corrections. Perhaps the most outstanding adjustment was that assuming a child between the ages of 16 and 18 was associated with perpetrating a horrendous crime, they would be attempted as grown-ups.

A "child" is characterized as a not arrived at the individual age of eighteen, as per Section 2, sub-segment 12 of The Juvenile (Care and Protection) Act, 2015. The expression "child" is isolated into two gatherings under the Act:

1. "a child who is in a showdown with the law," and
2. "a child needing insurance and care"

A "child in conflict with the law" is a child who has submitted an offense and is younger than 18 at the hour of the offense. A "child needing care and security," as depicted by Section 14 of the Act, is the subsequent class. As indicated by the Act, the greatest sentence for juvenile wrongdoers is three years, and this sentence is material for both genuine and minor offenses. In the occurrence of a grown-up culprit, the most elevated punishment that might be forced is 7 years in prison, life in jail, or capital punishment.

The Supreme Court governed in *Roper v. Simmons* (2005) that all young people ought not to be put into a solitary class, yet rather ought to be analyzed independently founded on their development level, IQ, valuable experience, opinions of moral obligation, and earlier history. Subsequently, the idea of separated care for juveniles is given impressive thought.

### **JUDICIARY TAKES ON EXISTING PENALTIES FOR JUVENILE OFFENDERS**

It was battled on account of *Mukesh and Anr versus Territory of NCT of Delhi and Ors* (2017), otherwise called the Nirbhaya assault case, that the blamed's age ought not to be utilized as a safeguard for the degree of mercilessness he executed on the person in question. He was found to have genuinely tormented the lady with an iron bar, heaved indecencies at her, and caused interior cracks in her body. In an official choice, the juvenile was left free in the wake of finishing his relegated term of detainment by the Court.

Advocate Shweta Kapoor recorded a PIL in the Delhi High Court, requesting alterations to the Juvenile Justice (Care and Protection) Act, 2000, to manage children who have arrived at the age of 16 and are associated with genuine crime, attributable to the obliviousness of regulations towards such grievous crimes perpetrated by purported "children". That's what the PIL expressed "juveniles who have arrived at the age of 16 and perpetrate huge crimes have all around created minds and don't need society's consideration and insurance. Rather, society requires care and insurance against them".<sup>xxix</sup>

The case of State of Maharashtra versus Vijay Mohan Jadhav and Ors<sup>xxx</sup> (2021), frequently known as the Shakti Mills assault case, incorporated a child blamed for being engaged in an awful demonstration of assault. A youth was one of the supposed attackers in the situation. In this episode, one of the essential charges was a juvenile who got only three years of detainment in a confinement office, while the grown-up hoodlums were condemned to death. The inquiry that strikes a chord is if the current discipline is adequate to correct a youngster.

One more direct necessity toward being considered is the significance of the word 'egregious.' An individual of 16-18 years of age should be accused of a horrendous crime to be attempted as a grown-up. Segment 2(33) of the 2015 Act gives that "those offenses for which the base discipline under the IPC, 1860 or some other regulation for the time being in force is detainment for quite a long time or more," will be considered as terrible offenses. Permitting a 16-18-year-old to be attempted as a grown-up in certain circumstances is a victory for the Indian legal framework, in any case, the meaning of horrifying seems, by all accounts, to be flawed. On account of Saurabh Jalinder Nangre versus Maharashtra<sup>xxxii</sup> (2018), this was illustrated. The Bombay High Court was hearing a writ appeal for this situation, which brought up the issue of whether the juvenile ought to be shipped off to children's court attributable to the crime being endeavored murder, which is culpable under Section 307 of the Indian Penal Code, 1860. That's what the Court verified "in the current occurrence, the candidates as a whole, notwithstanding being between the ages of 16 and 18, have not perpetrated intolerable crimes and, along these lines, their case isn't covered under Section 15 of the 2015 Act and in this way the case can't be moved to Children's Court. Accordingly, the Sangli Juvenile Justice Board will deal with the examination." The Court for this situation decided to treat the 17-year-olds as minors and extra them from the punishment they merited, regardless of the way that they endeavored to end somebody's life and cause unsalvageable injury.<sup>xxxiii</sup>

It is critical to feature that utilizing such a definition causes crime to give off an impression of being the result of an age cycle, though in actuality, crime is what a sort makes you do, and 16 years old is adequate for an individual to be upright and think about what is good and bad.

### **SEVERE GUIDELINES ARE GIVEN BY THE JUDICIARY CONCERNING JUVENILE WRONGDOERS**

The offense of assault was managed to comprise a break of the Right to Life allowed under Article 21 of the Indian Constitution in Bodhisattwa Gautam v. Subhra Chakraborty<sup>xxxiii</sup> (1995).

The Supreme Court of India had seen that central freedoms have priority over some other rights safeguarded by some other regulations. Thus, the sweeping insusceptibility given to the juveniles was viewed as ultra vires to the Constitution.

The Supreme Court managed in *Ram Prasad Sahu v. Territory of Bihar*<sup>xxxiv</sup> (1979), that a minor lawbreaker can be indicted for the two assaults. If the youth isn't qualified for discipline but is fit for submitting assault or murder, giving him cover insusceptibility abuses the standards of decency and proportionality of discipline.

Juveniles have been engaged in venus late crimes carried out against ladies, including inappropriate behavior, assault, corrosive assaults, and brutal killings. To battle this danger, Section 18(3) of the Juvenile Justice Act, 2015 gives that assuming the juvenile is found to have carried out a shocking crime and is beyond 16 years old, the Juvenile Board might move the case to a Children's Court where they might send him to a position of wellbeing and after a primer evaluation concerning their psychological and actual ability to carry out such offense, capacity to get the results of the offense, and the conditions wherein they purportedly perpetrated the offense, the Juvenile Board might move the case to a Children's Court, which might condemn them to imprison.<sup>xxxv</sup>

### **INTER-RELATION BETWEEN SUBSTANCE ABUSE AND DELINQUENCY**

We often forget the closely knit relationship between tender youth and their dependence on substance which tends to change their future drastically. The drugs might result in both overt and covert actions which are discreetly violent and criminal in nature. This is further complicated by severity effects or withdrawal symptoms of specific drugs. Consumption of solvent or inhalants like typewriter thinners and whiteners are common among the juveniles convicted of rape when compared to other crimes. Further, consumption of opioids and heroin was found in mugging and snatching-convicted juveniles.<sup>xxxvi</sup> In New Delhi, which is housing around 16 million population, it has been reported that around 100,000 street children are dependent on substance which is posing a major threat to their health.<sup>xxxvii</sup>

According to a recent survey, the sociodemographic correlation with substance abuse which had a direct link with the criminal behavior of the young minds. Out of criminal profiling of 487 juveniles, it was found that age, religion, occupation, income levels, lack of opportunities,

hierarchy of classes, family background, especially family history of crime and substance use has major influence on the juveniles for resorting to such means.<sup>xxxviii</sup>

It is alarming to note that incidence of burglary, kidnapping and murder with rape are committed by the teens who consume tobacco, alcohol, drugs, cannabis, inhalants on a regular basis. Pertinent to note that cannabis consumption was high in the juveniles who committed murder related crimes.

### **FACTORS WHICH LINK SUBSTANCE ABUSE WITH CRIMINAL BEHAVIOR.**

1. Parental substance abuse: It's imperative that children receive stability and safety right from the childhood. However, this is lost when the parents themselves are victim of substance abuse. When the children see them consuming alcohol or illicit drugs, they learn it. Furthermore, the parents become more neglectful and ignorant towards their children as their cognitive ability to raise their children is impaired.<sup>xxxix</sup>
2. Physical and sexual abuse: There is a substantial link between physical and sexual abuse with substance abuse thereby connecting it to criminal behaviors. Being a victim of such abuse elevates the vulnerability to consume illicit drugs such as cocaine, barbiturates, heroin, etc. according to recent survey, childhood maltreatment is a major trigger for earlier attachment to these substances because of coping mechanisms of the adolescents.
3. Social Risk Factors: Deviant peer relationships, bullying, association with gangs and popularity tends to affect the adolescents' minds to indulge into illicit drugs and get intoxicated and commit petty crimes thereafter, on many cases. It is understood that adolescents who self-identify that they are popular, tend to consume more drugs and other substances than the adolescents who do not consume.<sup>xl</sup>
4. Individual factors: psychological ailments such as Post Traumatic Stress Disorder(PTSD), Attention Deficit Hyperactivity Disorder (ADHD), depression make the individuals prone to substance abuse. Furthermore, individual sexual orientation, ethnicity also come under the purview of risk factors, even though they aren't conclusive.<sup>xli</sup>

When, at an early age, an adolescent starts to consume these drugs, it impacts gravely on their education, interpersonal, cognitive development unlike the adults who start later in life. This has a biological reasoning that the brain isn't completely developed before the age of 25 and the drug consumption results in irreparable damage to the prefrontal cortex, which is majorly responsible for emotional control, decision-making and judgment.<sup>xliii</sup> This explains the increase in the rate of juvenile delinquency from 1.6% (10270) in 2001 to 2.1% (12102) in 2011.<sup>xliii</sup>

Mere substance use, however, doesn't imply underlying criminal behavior. It may initiate or increase the threat of offending either independently or consonance with other risk factors. When on substance consumption, the juvenile lowers his inhibition as he is high on the drug. This reduces the controlling capacity and makes him prone to involvement in criminal acts for the purpose of money or petty aims. Both of them are linked together through major factors such as conflicting family, parental substance use disorders, shared dispositions. Substance abuse in adolescents produce false sense of reality and autonomy which hinders their growth of emerging social competencies and coping skills.<sup>xliv</sup>

## **PART III - JUVENILE JUSTICE SYSTEM**

### **JUVENILE LAW AROUND THE WORLD**

The J.J. (C & P of C) Act 2000 was later passed in response to changes in the idea and vision of the contemporary juvenile justice system brought about by the Beijing guidelines and the CRC. The Act of 2006 was later revised. The age at which a juvenile's capacity to be punished is determined in a developed country like the United States of America is not uniform. It differs from one state to the next. In most states, the age to become an adult is set at 18, however in a few states, the age to become an adult is set at 17, and in a few states, the age of majority is set at 16. In many states, if a juvenile is guilty of murder, he is even executed at the age of 16 years.

The juvenile can also be tried and punished like adults for the offence committed by them. In U.S.A, many juveniles were executed for their crimes. This execution by capital punishment was held to be unconstitutional by the Supreme Court of U.S.A, for the people, who are below



18 yrs. of age. This decision came in *Roper Vs. Simmons*<sup>xlv</sup> in the year 2005. 31 In U.K, the Youth Courts are established for trying the children between the ages of 10 to 18 yrs. The youth could also be tried in a court meant for adults, if the offence is more grievous in nature.

In Country like France, the treatment system for punishing child is divided as per the age group of child. In this country a child till 10 yrs. of age, cannot be termed as criminal and even not be charged for the same. Those Children who are between 10 to 13 yrs. of age, if found committing any crime, then they were to be punished only by keeping them in a specialized home or centre. However, if a child is between the age of 16 to 18 yrs., commits a crime, then he cannot take the defence of his juvenility and the person will be sent to a criminal court.

### **JUVENILE JUSTICE IN INDIA**

The English pattern is used to construct a different treatment pattern for juveniles in India. The Apprentices Act of 1850 was India's first piece of law aimed at providing trade and industrial training to youngsters in need. Due to protective safeguards, juveniles are protected from criminal laws such as the IPC. In 1876, the Reformatory School Act was passed, and in 1897, it was updated. This law has shown to be beneficial to minors. Under this Act, the local government created reformatory schools.

Boys might be detained for a minimum of two and a maximum of seven years under this Act, although they would not be required to attend school until they were eighteen years old. A section in this Act allowed boys beyond the age of fourteen to work in acceptable jobs. In Bombay Presidency, the Act applied to males under the age of sixteen, and it also applied to boys under the age of 15 in other areas. The 1898 Criminal Procedure Code includes a provision for particular treatment of minor convicts.

The Code stipulated that juvenile criminals be transferred to one of thirty Reformatory schools until they reached the age of fifteen, and that youngsters be placed on good-behavior probation until they reached the age of twenty-one. Under the 1898 Cr.P.C., rapists who were minors were accorded special treatment. The Code also provided for juvenile criminals to be held in Reformatory Schools until they became fifteen, as well as probation for good behaviour until they turned twenty-one. Presidents and provinces passed Indian Children Acts as a result of this. These laws contained provisions for establishing a unique system for dealing with minors.

The Indian Jail Committee recommended a strong legislative in 1919-20 to guarantee that children's rights and protection were realised. The Children Act of 1960 was passed by the Indian government after independence. All Union Territories were subject to the law, although states were not obligated to observe it. As a result, the juvenile justice system in India is not uniform. This was repealed when the JJ Act of 1986 was passed. The law was broadened to include the entire country.

The definition of a kid in India is fairly clear, and it includes everybody under the age of 18. When it comes to using it for a crime committed by a minor, however, the situation is different. The Doli Incapax concept totally exempts children under the age of seven from criminal culpability. Children are shielded from criminal prosecution on the grounds that they are too young to comprehend the implications of his actions. Reforms in juvenile legislation are urgently needed in a country like India. The number of juveniles committing crimes has risen dramatically. Because India's laws protect children, they are readily able to avoid punishment.

### **JUVENILE JUSTICE AMENDMENT ACT, 2015**

In 2012, in Delhi the brutal gang rape of a paramedic student named Jyoti Pande "Nirbhaya"<sup>xlvi</sup> in a moving bus where a Juvenile was also a member of the ghastly assembly. and open investigation it was found out that he was the cruellest perpetrator and because of his age treated leniently under the scheme of Juvenile justice act, 2000. Hence, The Juvenile Justice Act, 2015 contains the objective to make no departures from the protective approach of juvenile justice towards the children below the age of 18 in conflict with law and also those who need case and protection. According to act 2015 children between the age of sixteen and eighteen can be tried as an adult depending upon the heinousness of the crime committed. Now the very question is what is heinous and what is not. Thus this imparts a power on the Board which is completely arbitrary in Nature as the board may choose to take assistance at its own will. A common man or lay person is not qualified to assess the mental capacity of a juvenile and therefore the assistance of experienced psychologists or psycho-social workers or other experts is extremely crucial in assessing the mental capacity of a juvenile.

## **CONCLUSION**

Indian state-run administrations are attempting to better the circumstance in India regarding juvenile crime. Although juvenile crime has diminished as of late, there are as yet specific issues that should be tended to. The public authority is taking more time to give a great diversion to children, for example, games and contests, sexual entertainment, and terrible films are prohibited, and each area has a child direction focus and gives appropriate preparation to the individuals who will be impacted. Discipline is compelled to safeguard itself by its genuine effect on society, in keeping everything under control without sanctioning brutality, and on the guilty party, in deterring or working with their change. The ethical reasoning for discipline is found in its ramifications, its commitment to crime counteraction, and criminal reintegration into society. Established on speculation looks forward. It assesses the future great we can achieve for society as it connects with juveniles. Juvenile crime avoidance requires a coordinated effort between government offices, instructive organizations, policing, courts, social laborers, and non-benefit gatherings.

Throughout the century, states have firmly believed that the juvenile justice system can be used to safeguard the public by creating a system that reacts to criminal acts committed by children as they mature into adults. States understand the differences between children and adults who commit crimes: as a group, they are less culpable and have a higher capacity for change. To address the disparities, states have established a separate judicial system for juveniles, as well as a separate youth-based service delivery system for adults. It has been observed that countries in transition have seen a huge increase in delinquency rates.

In light of the failure of child protection, the Juvenile Justice (Care and Protection) Act 2015 was passed. However, due to a lack of duty and commitment, coordination between different partners in Child Protection, and the absence of skilled and logical social work professionals in the use of ICPS at the state to grass-root level, a similar situation occurs. Child protection should be coordinated by a single entity with a positive, appropriate, and capable hierarchical structure that reaches all the way down to the village level.

**ENDNOTES**

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<sup>iii</sup> *Id.*

<sup>iv</sup> 3 DICKENS, *supra* note 2.

<sup>v</sup> C. D. Saal, *A historical and present-day view of the position of the child in family and society*, 13 *J. COMP. FAM. STUD.* 119–132 (1982), <https://about.jstor.org/terms> (last visited Apr 3, 2022).

<sup>vi</sup> ROGER HOPKINS BURKE, *YOUNG PEOPLE, CRIME AND JUSTICE* (Second Ed. ed. 2016).

<sup>vii</sup> Saal, *supra* note 6.

<sup>viii</sup> BURKE, *supra* note 7.

<sup>ix</sup> Saal, *supra* note 6.

<sup>x</sup> BURKE, *supra* note 7.

<sup>xi</sup> Barry Goldson & John Muncie, *Youth Crime and Justice: Critical Issues*, *YOUTH, CRIME, AND JUSTICE* 254 (2006).

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<sup>xv</sup> *Id.*

<sup>xvi</sup> 11 CURT R. BARTOL & ANNE M. BARTOL, *CRIMINAL BEHAVIOR - A PSYCHOLOGICAL APPROACH* 11TH EDITION (2017).

<sup>xvii</sup> BURKE, *supra* note 7.

<sup>xviii</sup> Thorsten Sellin, *Pioneers in Criminology. XV. Enrico Ferri (1856-1929)*, 48 *J. CRIM. LAW. CRIMINOL. POLICE SCI.* 481 (1958), <https://about.jstor.org/terms> (last visited Apr 9, 2022).

<sup>xix</sup> BURKE, *supra* note 7.

<sup>xx</sup> Why Crime Runs in the Family - The Atlantic, <https://www.theatlantic.com/family/archive/2018/10/crime-runs-family/573394/> (last visited Apr 9, 2022).

<sup>xxi</sup> *Id.*

<sup>xxii</sup> *Id.*

<sup>xxiii</sup> *Id.*

<sup>xxiv</sup> Heather Antecol & Kelly Bedard, *Does single parenthood increase the probability of teenage promiscuity, substance use, and crime?*, 20 *J. POPUL. ECON.* 55–71 (2007).

<sup>xxv</sup> Munirah Abdullah Alduraywish, *Juvenile Delinquency and Differential Association Theory*, 11 *ADV. APPL. SOCIOLOG.* 341–349 (2021).

<sup>xxvi</sup> *Id.*

<sup>xxvii</sup> *Id.*

<sup>xxviii</sup> PAVITHRA K M, *More than 99% of the Juveniles apprehended for crimes in 2018 are Boys*, <https://factly.in/more-than-99-of-the-juveniles-apprehended-for-crimes-are-boys/#:~:text=India NCRB Stories-,More than 99%25 of the Juveniles apprehended,crimes in 2018 are Boys&text=As per the 2018 'Crime,for these crimes are boys.>

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<sup>xxxi</sup> 2018 SCC OnLine Bom 6295 : (2019) 2 RCR (Cri) 469 approved in the case of Shilpa Mittal V State , (2020)2 SCC 787.

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<sup>xxxiii</sup> 1996 SCC (1) 490

<sup>xxxiv</sup> 1980 AIR 83, 1980 SCR (1) 927

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<sup>xliii</sup> Table 10.1 Incidence and Rate of Delinquency under IPC (2001-2011)

[https://ncrb.gov.in/sites/default/files/crime\\_in\\_india\\_table\\_additional\\_table\\_chapter\\_reports/Table%2010.1\\_0.pdf](https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%2010.1_0.pdf)

<sup>xliv</sup> Edward P. Mulvey, Carol A. Schubert and Laurie Chassin, 'Substance Use and Delinquent Behaviour Among Serious Adolescent Offenders' JUVENILE JUSTICE BULLETIN, P.4

<https://www.ojp.gov/pdffiles1/ojdp/232790.pdf>

<sup>xlv</sup> 543 U.S. 551 (2005)

<sup>xlvi</sup> Mukesh v. State (NCT of Delhi) [(2017) 6 SCC 1]