

## Juvenile Delinquency

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### Abstract

**Delinquent children belong to that category of exceptional children who exhibit considerable deviation in terms of their social adjustment and are consequently also labelled as socially deviant or socially handicapped. They are found to possess criminal tendencies and usually indulge in antisocial behaviour. In this sense, they are very much like criminals and antisocial elements. In legal terminology, however they are referred to as delinquents and not as criminals.**

**Key Words:** Environment; Law; Child.

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### Introduction

'Crime' and 'delinquency' are legal terms and their meaning varies from country to country [1] and even from one state to another in the same country. In India, persons ageing 21 years or more are convicted by a court for violating the provisions of Indian Penal Code (IPC) and the Criminal Procedure Code (CrPC) are termed as a criminal. Similarly, a minor individual in the age group of 7 to 18 if convicted by a court for violating the provisions of the Children's Act, the IPC and the CrPC<sup>2</sup>, is termed a delinquent.

Individuals in the age group of 18 and 21 who violate the provisions of I.P.C and Cr.P.C are midway between criminals and delinquents and are labelled 'young' or 'youthful' offenders. After the trial by the court, they are sentenced to be sent either to an institution or to prisons depending on the seriousness or the nature and circumstances of their crimes.

The individuals below the age of seven, even if they commit such offences as are covered legally by the term delinquency, are not labelled as delinquents and are termed problem children, because it is felt that they are not mature enough to distinguish between the legal and the illegal and between right and wrong.

#### *Causes of delinquency*

##### *1. Hereditary factors [3]*

The early researches held heredity to be the main cause of  
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delinquency. The claim of hereditarians like Henry [4], Maudsley [5], Tredgold and Dugdale [6] that delinquency is inherited was tested by William Healey, Cyril Burt, Conrad and Jones [7], Wingfield and Sandiford [8]. They concluded that delinquency is not inherited and therefore, it is wrong to blame heredity for delinquent behaviour.

##### *2. Constitutional or physiological factors [9]*

A defective constitution or glandular system is also thought to be the causes of delinquent behaviour. Uday Shanker [10] observes that poor health or too short or too big stature of some deformity which gives rise to feelings of inferiority, disposes one to more aggression, as a compensatory reaction for his inadequacies. These observations seem to be well-founded but it is not so, for not much scientific evidence has been reported in its support so far. It may, however be taken to be one of the causes of delinquent behaviour.

##### *3. Intelligence factor [11]*

While earlier writers like Lombroso and Goddard<sup>12</sup> emphasize that the most important cause of delinquency and crime is low grade mentality. Burt, Healey [13] and Bronner Merrill [14] denied that delinquents are mentally retarded. In fact, a direct causal relationship between lack of intelligence and delinquency is doubtful. High intelligence is no guarantee of good behaviour. Often, persons with superior intelligence have been found to be the leaders of notorious gangs and antisocial organizations. On the basis of statistics, it is sometimes argued that since the

majority among the delinquents has low intelligence, defective intelligence causes delinquency. This conclusion, however is not well-founded. The statistics, collected in such cases may present an unreal picture. An intelligent individual may not be caught red-handed, while a delinquent with low intelligence is more likely to be apprehended. Moreover, defective intelligence may lead to delinquency in one situation and may be a barrier to it in another situation. Hence, low intelligence alone cannot be said to be responsible for delinquent behaviour.

#### **4. Environmental and social factors [15]**

It has been proved that delinquent behaviour is a learned reaction. Delinquents do not inherit delinquent characters from their parents or ancestors but are made so by the uncongenial environment and social conditions. Shanker [10] observes that delinquency is not inherited; it is the product of social and economic conditions and is essentially a Coefficient of the friction between the individual and the community. The most important causes of antisocial behaviour are environmental and sociological in character. It is, therefore, the uncongenial family, school, neighbourhood and society, social environment which should be blamed for the delinquent behaviour of the child, since he picks up delinquent traits in such situations. We shall now consider how environment influences delinquent character formation among minors.

A defective and deficient family environment is a fertile ground for the germination of delinquency. As a matter of fact, family life and delinquency are closely related. The findings of various studies indicate that the family environment, in which the following relationships or conditions prevail, is most susceptible to delinquency:

- A broken home where the family is incomplete due to death, desertion, separation or divorce,
- Improper parental control,
- Unusual jealousy and rivalry among siblings or children within the family and reactions,
- The delinquent and criminal behaviour of the parents or other family members,
- Domestic conflicts,
- Economic difficulties and poverty of the family,
- Dull, monotonous and uninteresting home environment,
- Denial of reasonable freedom and independence to the youngsters,
- Maltreatment and injustice to the youngsters,
- Lack of proper physical and emotional security.
- In these situations and environment the child does not get the opportunity for the satisfaction of his basic needs. He becomes the victim of

emotional problems like inferiority, insecurity, jealousy or suppression which lead to maladjustment and consequently turn him into a hostile, rebellious and antisocial personality. Thus, uncongenial home conditions are entirely to blame for juvenile delinquency and in all circumstances the root cause of delinquent behaviour must be looked for in the family background and home environment.

#### **5. Uncongenial environment outside the home [16]**

The home environment provides the base for delinquent behaviour, the social environment outside the home nourishes it by supplying substitutes for the satisfaction of unsatisfied basic needs and urges.

#### **6. Maladjustment in school [17]**

In many cases of delinquency, uncongenial school environment may be a significant stimulating factor. It brings about serious maladjustment and consequently increases the probability of delinquent character-formation. Such environment may involve the elements like defective curriculum, improper teaching methods, lack of extracurricular activities, lack of proper discipline and control, slackness in administration and organization, antisocial or undesirable behaviour of the teachers, maltreatment and injustice done to the child and failure or backwardness.

### **Conclusion**

Delinquency is an environmental and social disease. Delinquent acts are learned and acquired. No child is born delinquent nor is delinquent behaviour the product of the genes. Thus, delinquents are not a specific type of human beings born with any such innate, physical, mental or emotional characteristics. They are normal individuals with normal needs and desires. Like other normal children, they also want to love, to be loved, and to satisfy the need for security and recognition. The denial of these basic needs leads to maladjustment and results in their becoming hostile and rebellious. Thus, delinquent behaviour is a reaction to, or resentment against the prevailing social and environmental conditions. It is a revolt against parents, teachers or social organizations which do not provide them with an environment congenial to the satisfaction of their basic needs and urges.

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