

Theories Relating To Juvenile Delinquency: Indian Criminal Justice System

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Researchers in the fields of psychology, law, psychiatry, sociology, and philosophy, among others, have carried out a variety of research and developed a wide range of hypotheses in an effort to comprehend the nature of a child's propensity towards criminal action. All of these philosophers, from the very beginning, made an effort, from their individual points of view, to explain the idea of criminality and the delinquency that is associated to it.ⁱ However, in the present, intellectuals are placing their minds on juvenile behaviour and the legislations there of, due to the reason of reaching a point that both the 'delinquency' and the 'crime' are linked and not to be talked alone without knowing the other. This is because of the reason of reaching a point that both the 'delinquency' and the 'crime' are associated and not to be discussed alone without knowing the other. The most essential thing to take away from this is that neither of these two thinkers can be comprehended by looking at a single informal component.ⁱⁱ The following is an explanation of many different ideas on juvenile delinquency.

1. The common bodily architecture of criminals is relied on in this hypothesis, which is based on the fact that criminals are generally and for the most part uniquely different from regular people.ⁱⁱⁱ The fact that a person is guilty is thus a natural phenomenon, and the individual's propensity for criminal activity stems from his own nature. It was believed that "Cesare Lombroso" was the first person to propose this hypothesis. His declaration states that a criminal is born by an atavistic wonder, which is an organic heritage that explains that a criminal's human geographical qualities take alongside those of primitive men. The physical characteristics of normal people and abnormal people are quite distinct from one another. Phrenology, which refers to the study of size and construction of the skull, is the primary viewpoint that has to be taken into account while looking at the many physical theories of delinquency. While working as a doctor in Vienna throughout the course of his medical studies, "Gall (1758-1828)" discovered that "some of his fellows with distinct characteristics had certain head configurations." In his mind, a question began to form: "Why do people on this planet have such different faces and different natures; why is one person dishonest, another person honest, and a third person virtuous?" As soon as you begin looking for the right response to the question, you make it a priority in your life to pay close attention to and centre your attention on any and all minds that you come across. After spending time in a variety of prisons and mental hospitals, as well as researching the blows and inequalities of the skull, he came to the conclusion that there is a relationship between the 'knob' of the head and the manner in which the character behaves, and he formed an opinion about this connection. There was a wide range of names suggested. In addition, following that, phrenology was disseminated to the rest of the globe,

which had been anxiously awaiting its arrival. According to "Cesare Lombroso," "there exists a group of criminals who are born for an evil cause, against whom all social remedies break as against a rock." He believed that the propensity towards criminal behaviour is in-built inside a human being. In addition, Lombroso was of the opinion that "a typical criminal has certain physical characteristics, such as a low forehead, hairy body, red eyes, ear deformation, receding chin, big and protruding jaws, and an extreme sensitivity or non-sensitivity to pain." ^{iv}

2. The psychogenic hypothesis focuses on the mental state of the perpetrator as it relates to their emotional makeup. "Hirschi" claims that these hypotheses are mostly based on the following components: ^v

i) Motivational theory: This theory indicated about the anticipated conduct in regard to the rules of the country, and if such behaviour is not done, it may be a cause to bring about deviant behaviour in a person.

ii) Control perspectives: According to this, a person is free to do deviant conducts because the cultural deviations are reason of his connections to the traditions. This is because the cultural deviations are reason of the individual's links to the traditions. This lends credence to the notion that delinquency necessitates a certain collection of beliefs that cannot be tolerated by a robust group or civilization.

"Physically, a delinquent is hostile in nature; they are defiant, resentful, suspicious; they are stubborn; they are adventurous; they are unconventional; and they do not submit to the individuals or the authority."

The very nature of civilization contributes to the production of juvenile delinquents and adult criminals. There is responsibility on the part of sociological factors for the actions of individuals, who may choose to quit or get engaged in illegal activities depending on the general and societal situations in which they find themselves. "Professor Sutherland" started an extensive examination on offenders and presented two clarifications with regard to criminal behaviours in particular:

i) The act itself, which is often referred to as the "dynamic explanation of crime."

ii) The occurrences that took place in the criminal's life in the past might be referred to as the "historical or generic explanation of crime."

In addition to this, he said that "criminal behaviour is not inherited through their ancestors, and a person who is not trained in crime cannot be persuaded to engage in criminal behaviour." Instead, illegal activity is picked up via contact with other people, particularly within close personal groupings. According to him, the reason a person commits a crime is because it is easy for them to fall within the category of "violation of law," and they are unaware of the aggressive categories that fall under "violation of law." This leads them to act in a way that is against the law. Again, "Differential association" might mean many things depending on the context, concern, prevalence, and intensity of the situation. ^{vi}

On the other hand, "Merton" ^{vii} focused its attention on the significance of "Anomic." He said that "anomic development occurs due to a breakdown in the relationship or the absence of social norms." The aims have been broken down into these components. These aims have endowed the concept of progress with an amazing amount of significance. There is no comparable focus placed

on these aims within the administrative channels or institutions that recognise these goals, despite the fact that all groups in society have embraced them.^{viii}

3. Psychiatric view: According to this view, delinquents are abnormal people, which is why they conduct in a manner that is in accordance with what they desire to do. "There must be something in the child himself which environment changes his behaviour towards delinquency," says Airhorn.^{ix}

4. Medico-Biological Theory: This theory takes into account both the genetic aspects of behaviour as well as the substance balances that occur inside the biological organism as well as the influence that physical disease has on behaviour. Biological conclusions that are largely connected to genetic characteristics show well-known patterns of physical attributes that are significant to "Lombroso,"^x and similar guesses are still popular today in samples such as the new 'Y' chromosome experiment.

5. The Classical Theory: The proponents of this theory depended on the concept that the freedom of thinking communicated that the criminal is morally accountable, and as a result, he deserves to be punished as a direct result of the moral guilt that he has caused. As a result, there were penalties that were commensurate with the moral turpitude that was linked with the offence and the crime.^{xi}

6. Abrahamsen made the observation that "a criminal act is the sum of a person's criminalistic tendencies plus his total situation divided by the amount of his resistance." This observation forms the basis of the multi-causal theory.^{xii}

ENDNOTES

- i. Stephen Schafer Richard D. Kinden Juvenile Delinquency An Introduction Random House (1970) New York p. 55
- ii. *ibid*
- iii. Lombroso Cesare (1911) L. Uomo Delinquency. 1876, Translated with modification of Horbton, H.P. (1911) as crime, its causes and remedies Modern Criminal Science Series No. 3 Boston, Little Brown.
- iv. T. Hirschi Causes of Delinquency (1968) California University of California Press p.p. 16-34.
- v. Gluck, Sheldon and Gluck, Eleanor (1950). Unraveling Juvenile delinquency, Cambridge; Harvard University Pr'ess.
- vi. E. H Sutherland and R.D. Cressey Principles of Criminology (6th Edition) The Times of India Press. Bombay pp. 74-81.
- vii. Merton, R., Social Theory and Social Structure. Gelencoe III: Free Press 1957.
- viii. R.K. Merton Social Structure and anomie American Sociological Review (1938) pp. 672-682.
- ix. *ibid*

- ^x Lombroso, c., Poineers in Criminology; Crssare Lombroso (1835-1909), M.E. Wolfgang. Journal of Criminal Law, Criminology and Police Science, 52, 1961.
- ^{xi} ibid
- ^{xii} The Psychology of Crime p. 37 (1960)

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