

JUVENILE DELINQUENT: CAUSES AND PREVENTIONS

Abstract

This chapter explores the critical phase of adolescence, characterized by transitions and vulnerabilities that may predispose individuals to juvenile delinquency. Delving into the various crimes adolescents engage in, including drug abuse, violence, and even murder, the abstract underscores the multifaceted nature of their activities. A key focus is on psychological profiling, revealing the presence of underlying mental health issues that contribute to delinquent behaviors. The chapter provides an in-depth examination of factors associated with juvenile delinquency, the process of profiling delinquents, and the pivotal role played by agencies in combating this societal challenge. Additionally, it sheds light on the significance of psychoeducation and intervention strategies tailored for juveniles, offering insights into potential avenues for addressing and mitigating the root causes of juvenile delinquency.

Keywords: psychoeducation, potential avenues, juvenile delinquency.

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The juvenile delinquent does not feel his disturbed personality. The intelligent man does not feel his intelligence or the introvert his introversion.”

- B F Skinner.

I. INTRODUCTION TO JUVENILE DELINQUENTS

A person who is above the minimum age of criminal responsibility, which varies by country and who is criminally younger than the age of majority which commits criminal offence. According to the Juvenile Justice Act 2015, under the age of 18 anyone in India is considered a minor. The age of criminal responsibility in India is 7 year old. The delinquent is a term derived from Latin word for “Bypass”, thus, it is a term that describes person who is convicted of a crime. Children are adolescents convicted of crimes or antisocial behaviour or whose behaviour is beyond the control of their parents. There are personal risk and opportunities which has its benefits and harm for youth, as they indulge in variety of criminal activities, drug abuse, violence and murder and take advantages of these illicit opportunities (Cook and Gordon, 2012). The young offenders personality traits can be seen in their conduct and behaviour. This could be due to various reason like poor quality of life in terms of discipline, stress and communication. Other than this the social, cultural and physical factors can contribute to juvenile delinquency. Moreover, the severity and intensity also plays the major influence in the youth turning into a criminal, their socioeconomic factors have a negative effect on them and it could also be a factor contributing them to indulge in the delinquent activities.

In addition to this, the other factors such as distorted family structure, poverty, gang influence, and drug trafficking predisposes young people to delinquent behaviour (Agarwal, 2018). The data presented by National Crime Records Bureau on juveniles crime is to be considered of utmost importance and is of worry as it shows a record of total of 31,170 crimes against minors in 2021, a 4.7% increase from 2020. . In 2020, when there were 29,768 cases recorded and it is worrying that this rate mainly consists of 16-18-year-olds, the crime rate also increased from 6.7% to 7.0% (Chauhan, 2022).

In developing countries like India, urbanization is growing at fast pace with more population and more diversity which has altered the basic social relationships, control and cohesion that exist in society. The social media and the other media also have an impact in promoting the justice by weeding out enemies who justify criminal behaviour. Seeing movies in form of entertainment youth models the behaviour of actors thinking they are doing right and it lead them to cross the boundaries and forget about laws and ethics and indulge in criminal behaviour.

Labelling is also one of the factors that can cause an individual to transmit criminal images, leading to violations of the law. Further to this, there is another essential element of peer pressure:

Adolescents is a period of vulnerability, state of confusion and they are very vulnerable to peer pressure, as they believe whatever their friends are saying that is right and they do not listen to their parents mostly during this time, especially if the child is from low socioeconomic background they don't have parents mostly to look after them or to guide, they often get into the gangs and out of the gangs they have their peers, having such peers

have a negative impact and influence and they usually build the wrong and hateful attitudes towards society and family relationships.

II. FACTORS ASSOCIATED WITH JUVENILE DELINQUENT ACT

- 1. Individual Factors:** The uniqueness in each minor needs to be considered and this is where we consider the individual factors. The minors having low Intelligent quotient and have not received proper education has been found to be indulged in the delinquent behaviour. The other factors like impulsivity and uncontrolled aggressive behaviour. The mental state of the individual is also one of the factors that needs attention and they can be harmful to the youth, it could be destructive and lead them to illegal activities (Mathur, n.d.). In a study by Farrington (2002), the behavioural risk factors that make youth to be an offenders are likely to be impulsiveness or the inability to delay gratification, aggression, empathy and restlessness. As per the report, it has been found that the Children who perform poorly at school are also more likely to be truant, which is also linked to offending and impulsivity personality trait is also linked with their offense. However, the results are not clear whether the aspects of personality are the result of a “deficit in the executive function of the brain (Farrington, 2002, p.667) or the result of parental influence or other social factors (Graham & Bowling, 1995 p.32).
- 2. Family Factors:** Having family troubles, neglect, abuse or not having proper parental supervision. As per the modelling behaviour explained if the parents who do not show respect for laws and societal norms then children also imitate the same. Also the children have attachment issues with their family leading the child in involving into delinquent activities. The supervision of parents towards children help them to socialise and help child to be disciplined. However, the neglect in house, parents being inattentive towards child, having criminal parents siblings, abuse in the family leads them in imitating the similar behaviour and enacting them (Graham & Bowling, 1995, p.33). Also, the Children brought up by single parents are more likely to start offending with those children having both parents. Most studies have reported a strong correlation between a lack of supervision and offending and it is the most important family influence on offending (Farrington: 2002 p.610). lack of supervision is also connected to poor relationships between a child and a parent, as children who are often in conflict with the parents are less willing to discuss their activities with them (Graham and Bowling, 1995 p 37).
- 3. Substance Abuse Factors:** Substance abuse is found in most juvenile delinquents. These days they are using drugs more powerfully and start using them at a very young age, one reason is that they have grown up in such an environment. The use of illicit drugs leads children to commit heinous crimes under the influence of the drugs (Mathur, n.d.).

III. PROFILING OF JUVENILE DELINQUENTS

When the minors are arrested for a crime and prosecuted, profiles of them are created. The profile is done in two ways i.e. qualitative and quantitative. The technique which use questionnaire or checklist to identify the characteristics of juvenile offenders is a quantitative, the qualitative techniques includes projective techniques to assess the deep underlying process of individuals unconscious, the reservoir of our deep thoughts. Such techniques are useful in the medical community's selection process. The juvenile crime is a complex and serious problem that cannot be solved by legal means alone. It includes various factors like

socioeconomic, cultural, environmental, and political factors, which needs to be taken into account. A review study by Khushid (2008) reported that a child with anterior cortical injury before the age 7 may develop abnormal behaviour, leading to frustration, anger and aggression. The prefrontal cortex which is responsible for decision making and impulse control it matures fully by the mid to age 20's and this is he foundational factors more important for child development and these factors may cause child to become a serious offender in the future. To overcome such offenses and help the offenders, the United Nations Convention on the Rights of the Child and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, emphasised on the importance of respecting the human rights of minors and promoting their best interests and providing treatment or treatment in the community (Sugano, 2008). The underlying cause of juvenile delinquency are complex and it cannot be solved by the law alone, because as mentioned, there are many different factors that lead the adolescent to become a delinquent, unfortunately these factors are not considered for example, socioeconomic status, socialization, if the brain injury is involved, all such factors does have a role in delinquent behaviours and if not managed, monitored or they don't receive the help then they become criminal as adults. Talking about international laws, as per the Canadian law they hold delinquent children and treat them humanely because they recognise that they are not subject to similar criminal penalties as adults and the judicial system they prioritise the best interest of Children. The Canadian law reflects a genuine desire to balance the constitutional imperative that is to create "the best possible conditions for development" with the of children from neglect and exploitation.

The Indian Constitution recognizes the vulnerability of children and their right to protection. It also provides for the protection of children who are not yet mature enough to understand the nature and meaning of their actions, as crime is an intentional act which is considered harmful or dangerous to society and severely punished. The punishments under the criminal acts and youth to which they are struggling today, has been part of the system for a long time. The child delinquency creates a dichotomy between their status as children and the crimes they have committed, they get confused with the labels they receive. The Indian juvenile justice policy is in line with the provision of Article 15 of the Indian constitution that ensures that there are specific programs, policies and laws that aim to protect children's rights with special care. The Juvenile Justice Act 1986 was passed by the parliament nationwide except for the state of Jammu and introduces a unified juvenile justice system in India. The Juvenile Justice Act retails the same outline and key features of the Children Act 1960, with the exception of replacing the word minor with Child. The law establishes two separate agencies for working with delinquent and abandoned children. The law has introduces three new provisions i.e. an advisory board, a children's fund and a designated guest at each facility. In 2000, the Juvenile Justice Act was passed by the National Assembly that recognized the need to amend existing laws on minors while taking into the account the standards of the 1985 Convention on the Rights of the Child (United Nations Standard Minimum Rules for Juvenile Justice Administration). A child's age is a testament to the complexity, every child has four basic rights:

Protect, survive, develop and participate. The goal is not to punish juvenile delinquents or abandoned children, but to integrate them into society while protecting their rights. The law is a reversal of the social approach, as the age varies from state to state as the child matures. The shocking case of Nirbhaya, December 2012 highlighted the need to remove leniency given to the young offenders if the crime is serious and it involves extreme

thoughts and actions. There are number of crimes committed by minors like this that have outraged society.

In order to determine the level of the crime the juvenile commission assesses the mental and physical capacity of the juvenile to commit a heinous crime under Section 15 of the Judiciary Act and, based on the initial assessment, decides whether the case is referred to court. The adjudication under article S. 2(20) of the Juvenile Justice Act 2015 for trial as an adult under section 18(3) of that Act. The Juvenile Justice Act is a step in the right direction in preventing and protecting against juvenile delinquency. Despite the steps there are loopholes and the law enforcement is not effective and it leads to low efficiency. There are questions which still remain unanswered when the age of criminal responsibility and sentencing policy comes in question. There is a tension between protecting young offenders and preventing crimes committed by them, so its important to lay emphasis on a more child-centred approach to ensure that justice is provided to keep best interest of children and recover them through various institutions and the agencies which are involved in administering the children should be held accountable (Chaudhary, 2003).

IV. AGENCIES ROLE IN COMBATING JUVENILE DELINQUENCY JUDICIAL TRENDS

The judiciary throughout the history, has played an active and supportive role in punishing juvenile offenders. The case of Andhra Pradesh i.e. Kakoo v. The state of Andhra Pradesh (1976), is the best illustration in history of the case of a 13-year-old boy named Kakoo guilty of raping a 2-year-old child. The boy was initially convicted and sentenced to four years in prison. Further to the appealing in the Supreme Court, Judge Sarkaria considered the case in a more humane approach, pointing out that too-long prison sentences can turn young offenders into hardened criminals and the sentence was reduced to just one year of severe imprisonment after having reasonable consideration. The court with this case also emphasized the need to keep minors separate from the adult prisoners, preferably in a correctional school. This historic led the Supreme Court to be increasingly sensitive to young inmates and issued a series of reduced sentences and introduced the sentencing laws, which were previously indifferent to the needs of adolescents in prison. This approach is still applied by judicial authorities when dealing with cases involving juveniles who have committed violations of the law.

The other case of Satto v. In the state of Uttar Pradesh, to which Judge Krishna Iyer stated that the major aim to provide the criminal justice should be compassionate correction, rather than giving them harsh punishment that leads to degeneration. He argued that the justice system of India should consider a more humanistic approach towards child offenders and not impose harsh punishments on them. The judge even criticized the state for its lack of juvenile housing and guidance. It is completely up to the judge to decide whether to take away the liberty of a minor, and Judge Iyer strongly believed that safe detention is not in the child's interest. He stated that certain absolute legal provisions must be established, such as prohibiting the imprisoning of minors, not arresting registered offenders, and setting specific time limits. detention of a child before or after trial. The use of such reports will facilitate the appropriate sentencing of juveniles in violation of the law and give a proper information about the adolescent. It is the magistrate's responsibility to ensure that the relevant information provided in the report and it is reviewed and appropriate action is taken against minors who violate the law.

In a case of 2013 of *Salil Bali v. Union of India*, the court argued that it was better to try to reintegrate the children into society than to let them become hardened criminals. In the case a panel of three judges headed by Chief Justice Altamas Kabir analysed some of the fundamental issues related to minors breaking the law. The Court dealt with the status of minors and found that although there are exceptions regarding the offences of minors between the ages of 16 and 18, the examples This is not important enough to warrant a change. Further in a case of 2014, *Dr. Subramanian Swamy et al. v. Raju Thr. A member of the Juvenile & Other Justice Board*, Dr Swamy filed an appeal, arguing that the real test of 'adolescents' is not age but maturity. on the mind of the offender. He argued that the law should be read down to understand its purpose and avoid unconstitutionality. The court held that studies of the brain composition of adolescents showed that by the age of 18, regions of the brain that regulate distance vision, impulse control and the ability to resist peer pressure were in the development process. . These are regular events over which the adolescent cannot control, not a serious illness or impairment.

Therefore, the court held that the age limit for minors should be maintained at 18 and that mental maturity should not be the sole criterion for determining whether a person should be tried when is a minor or an adult.

V. ROLE OF OBSERVATION HOME

The Observation home is designed for minors who break the law by committing various crimes such as theft, murder, rape, and illegal drug use. Many of these children are believed to come from dysfunctional families and engage in criminal activity. The monitoring centre is used for minors requiring short-term detention during an investigation or trial, as well as children on trial and juvenile offenders awaiting trial or relocating to fit. India is home to nearly 19% of the world's children and about 440 million, more than a third of the country's population, are under the age of 18. The future of the country depends on a community of healthy, protected, educated and well-developed children who will become productive citizens. Mark Soler et al. (2009) have shown that this is a time of both great interest and great opportunity in the field of juvenile justice. State and local leaders, facing severe budget shortfalls in a slowing economy, have begun cutting juvenile justice programs and sending more criminals young people go to juvenile prisons to make up the budget shortfall. The first juvenile court was established in Calcutta in 1914, and child laws were enacted in Madras, Bengal and Bombay around 1920, based on the School Reform Act. Residential care and rehabilitation services are provided to abandoned, abandoned, destitute and delinquent children pursuant to this law. In 1927, the Save the Children Association, Maharashtra's first voluntary body, established the first detention prison in Umar Khadi. According to Rane's (1986) study of disadvantaged children, the traditional joint family in India that persisted for generations used to provide an integrated social security system. It is recognized that the proper care and development of disadvantaged children into productive members of society is an important responsibility. However, with the rapid changes of society, the traditional family system that once provided social security for these children is gradually disappearing, especially in urban areas, due to lifestyle and needs. changing social needs. Industrialization has also led to the development of slums, exposing young people to an unfavourable environment, leading to problems such as orphanages, poverty, exploitation, victimization and crime. France. In a study by Singh (2003), the primary forms of juvenile justice focused on children breaking the law. Juvenile justice interventions have broader potential for care and protection but also result in significant discrimination. Interestingly,

unlike the US and some European countries, India has introduced a judicial intervention for minors that does not exclude child labour, prohibit child abuse, or carry out other acts of child abuse. child education preventive measures. Thus, juvenile justice or juvenile delinquency is more dominant and legally and administratively stronger than child labour or child-rearing regimes. Singh, 2003). By 1986, all states except Nagaland had enacted child laws, but the regulations were inconsistent and did not maintain minimum standards of basic needs, working conditions, and medical services. This study is based on secondary data collected from Crime Report India, Ministry of Women and Child Development, Government of India, and other published articles. As per the data from the 10 states of total households observers in India as of March 31, 2016, the states are Maharashtra has the highest number of observed outbreaks, accounting for 18.15% of the total number of outbreaks observed in India. Rajasthan is second with 12.33%, followed by Uttar Pradesh with 10.27%, Madhya Pradesh with 6.16%, Karnataka with 5.48%, Kerala with 4.79%, Chhattisgarh with 4.45%, Bihar with 4.11%, Jharkhand with 3.42% and Nagaland with 3.42%. %. The total data account for 72.58%, the observers is and where abandoned and delinquent minors are temporary residence pending a decision on their case. These children may be voluntarily placed in care by the police, probation officer or their parents. During their stay, all necessary services including food, clothing and accommodation are provided. Children may be placed in juvenile detention for long-term treatment or returned to their parents depending on the nature of the case. The Juvenile Justice Division, established under section 4 of the Juvenile Justice (Children Care and Protection) Act 2000 and the 2015 Amendment Act, hears cases of minors and minors. may assign the case to the child's parents on condition that the child attend the juvenile sessions. Judicial Council. Only children who break the law under the Indian Penal Code and other laws are brought before the Juvenile Justice Board.

The legal provisions regarding custodial homes are set forth in section 8 of the Juvenile Justice (Child Care and Protection) Act 2015. Under this law, any state government has the authority to establish and maintain observers in each county or group of counties. These homes act as temporary refuges for minors breaking the law pending any investigation into them by law.

If the state government considers that a non-residential establishment established or maintained under subsection (1) is suitable as a temporary residence for minors, the government may certify the facility and as a monitoring facility for the purposes of this law. State governments have the power to enact regulations under this law, which regulate the management of observers. The management includes the setting of standards and the different types of services that are provided in correctional homes for the rehabilitation and social inclusion of minors. Further to this, the state government may certify viewings of homes, the centres and they may also revoke the certification under certain circumstances. Any delinquent who are not warded by a caregiver and is brought to the primary supervision home will be placed in the observer's intake for preliminary investigation, classification and care of the child. In India, the integrated Child protection Program finds a number of observers. The Integrated Child Protection Program (ICPS) is a government program implemented by the Government of India to ensure child safety with a focus on children in need of care and protection, minors and minors. conflict or exposure to the law and other vulnerable children. . Its main objective is to provide oversight and standardization of child protection programs that already exist and are developing in India. ICPS, proposed in 2006 and implemented in 2009, is administered at the state level by the State Child Welfare Commission and

Association, and at the county level by the Children's Office of the Child Welfare Associations, along with other organisations.

The Integrated Child Protection Program is a government program aimed at ensuring the well-being of children, especially those in need of care and protection, those who break the law and those who are vulnerable. other injury. This scheme is administered by various organizations at different levels of government in India. At the national level, the Department of Women and Child Development oversees program implementation, while the Central Adoption Authority manages domestic and international adoptions. The Central Project Support Unit in Delhi, led by the Delegation Director, ensures the effective implementation of ICPS in the Union States and Territories. The National Institute for Public Cooperation and Child Development is responsible for training child protection workers across the country, while Childline, a 24/7 weekday emergency access service, provides care. urgent and long-term care as well as rehabilitation for children in crisis.

VI. FORENSIC PSYCHOLOGICAL ASSESSMENT AND EVALUATION

Psychology has grown with its subfields and one of the field that has emerged is Forensic psychology, the field is a combination of law and psychology. Since, 1962, when the Court of Appeals for the District of Columbia, United States determined the suitably qualified psychologist who can testify in courts on matter related to affective problems, the psychologist have become increasingly involved in legal matters. Their work covers a lot of legal areas such as corrections, police psychology, custody and jurisdiction, civil engagement where with their expertise they provide insight into the questions and understanding of the problems related to what motivates them to do such crimes.

A forensic psychology report is a legal document with scientific and objectives mentioning specific responsibilities and those responsible for the preparation of that report may be required to defined its findings and the forensic psychologist in court as well as per the case requirements. During the investigation, prosecution and sentencing process, the standardized psychological tests are also used, as the testing process assess the mental abilities of the accused before going to court. According to the United States of America law, the defendant needs to understand the allegations and the defendant criminal behaviour. The individuals with severe mental illness or intellectual disability may not meet this criterion which is determined by psychological evaluation. . Psychological tests are commonly used in the justice system to assess the risks posed by convicts. These tests are used to assess the risk of recidivism, parole eligibility, and how dangerous sex offenders are. However, their value is limited and they cannot be predicted with complete accuracy. Another application of the psychological tests is to determine the issues related to mental health of defendants who pleads not guilty during the trial. The forensic psychologists are responsible for reporting on the mental state of accused, whether to the defense or the government. The number of defendants who are not able to appear in court due to intellectual disability is more common than those who advocate for insanity. The testing process and forensic psychological analysis gives more clear direction and understanding of the crime conducted by the delinquents because we need to understand the psychological and sociocultural factors to come to conclusion whether they need to be punished or not. Thus, the forensic evaluation should be implemented in the criminal system.

VII. PSYCHOEDUCATION AND INTERVENTION FOR JUVENILE

As discussed that there should be forensic evaluation to understand the psychological health of the delinquent. After the evaluation the best approach considered is to prevent juvenile delinquency through therapies and psychoeducation. The government should introduce more reforms and put more emphasis on positive approaches and long term beneficial programs with psycho-educational approaches and interventions that would help adolescents see the power and positivity with hope and optimism, built their self-esteem and understanding of right and wrong. Due to the insensitive attitudes of society towards the minors and they having the understanding that society is not treating them right, their socialization process and environment and the socioeconomic status, their welfare is hindered and they do not understand the difference between what is right or wrong from them. Thus, considering the law on Juveniles, it states that Children should be treated humanely and with compassion, but adding psychological evaluation will value and help them to view their future in a more optimistic look. Along the line of having psychological method, the approach agencies involved for example police in the system needs to be reformist view towards the adolescent instead of looking them as criminals, the goal should be to rehabilitate offenders rather than punish them.

The prevention process includes the involvement of individuals as well as group and organizational efforts to prevent youth from breaking the law.

Juvenile delinquency is a social illness, and a child or young person must be treated so that they can integrate into society with reformed view. The Government recognizes its importance of reform and prevention efforts such as drug education and treatment, family counselling, youth counselling, parenting education, educational support and a place to accommodate teenagers. In a study conducted by Baetz et al., 2021, reported that the trauma-informed care use reduced violence in detention centres. In addition to this, the structured psychotherapy for adolescents who are dealing with chronic stress has been documented to have helped treat more than 1,900 young people in youth justice settings, resulting in reduced rates of self-harm and aggression among young people of all genders, ages and ethnicities.

Further to this a study of adolescents conducted by Cauffman and colleagues (2021) in Orange County, was part of the first randomized controlled trial of a diversion program for young adults whose brains are very similar to that of a teenager's brain. The Young Adult Court (YAC) instructs men between the ages of 18 and 25 to commit misdemeanours in a 2-year probation program. If completed, their charges will be reduced to misdemeanours or dismissed. The program includes cognitive behavioural therapy, addiction treatment, mentoring, basic skills training (how to apply for a job, how to open a bank account), as well as relationship and parenting workshops. teach children. YAC programs include cognitive behavioural therapy, addiction treatment, mentoring, life skills training (how to apply for a job, how to open a bank account) as well as parenting and relationship workshops for children. Cauffman also received funding to create a development-focused program for the Orange County Jail and will test its effectiveness through a separate randomized controlled trial. So as psychological testing has become part of the juvenile system and the system has improved over the years with more humane treatment, if psychological interventions are applied, we can have a significant impact on the health of children and themselves, which will help them. Become a responsible citizen and a better person.

VIII. CONCLUSION AND RECOMMENDATION

It should be emphasized that more appropriate modifications and implementation are needed to reduce juvenile delinquency. Raising awareness in civil society about juvenile delinquency in our society is very important and it can be controlled and prevented from an early age with care and attention. appropriate for children at home and at school. In the process of growing up, the child is influenced by his parents and teachers, because they play an important role in his upbringing and training. Children need appropriate psychological care and avoid labelling, necessary measures should be taken to allow children to have room for repair. Strict laws are needed, but psychological help with appropriate treatment and social support is also important because they need empathy and understanding of our society, not just the heaviness of the flow.

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