

The Criminal Bent of Minds in Juveniles: A Critical Study with Reference to India

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ABSTRACT

This paper has attempted to understand the mind of a juvenile delinquent. It has traced and analysed the extensive research conducted by psychologists and psychiatrists in this regard. It has also targeted the reasons that lead a child to have a criminal bent of mind in great depth. Prevention, as well as rehabilitation, are important course corrections that should be attempted on such children. Bringing them into the social fabric is the aim of every stakeholder, be it the state (government), judiciary, psychologists, psychiatrists and even parents. Even though parents may be the main cause of children turning towards crime, a serious attempt has to be made in counselling them such that one can help the juvenile delinquent. The paper concludes on an optimistic note that, these children can be reformed and would be included in the mainstream society.

Keywords: *Criminal Bent, Juveniles*

Criminal Juvenile activity has become more and more apparent in the Indian society and the world over. Today it is a grim reality, that a child who has not even reached adulthood is indulging and accountable for crimes, that have been termed illegal and are classified under penal laws. Juveniles in India recently have been involved in the most heinous crimes like murder and gang rape. The causes of criminal conduct in children are extremely complicated. Some psychologists and psychiatrists have indicated in their studies tell-tale signs of such activities at an early age. This indicates that if adequate help is given in a timely manner such that criminal activities could be prevented.

Definition

In trying to attempt to understand this now very common psychological behaviour, it is important to define certain key words in the correct manner, such that it would help in formulating a doable remedial course correction.

Criminal Activity

Legal definition states that, criminal activity is any conduct that is prohibited by an criminal law which could be under the state or the centre government. There are three types of criminal offenses that are classified on the basis of their severity. The mildest are known as

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infractions, more serious crimes are known as *misdemeanours* and the most serious ones are known as *felonies*. Any crime is an unlawful or illegal activity. This activity is further distinguished between criminal and civil. The Indian Penal Code of 1860 (IPC) states the punishment for criminal offenses but has not clearly defined criminal activities.

Thus, a crime could be then defined as:

- One that is harmful to society and is a public wrong.
- When a criminal activity is committed action is taken against the accused by the concerned state or government.
- The activities which are punishable by law.
- Special legal procedures are followed after the criminal activity is discovered.

Crime refers to an act and criminality refers to the propensity or inclination to engage in criminal or anti-social acts. Criminal behaviour in psychology is an act which is punishable by public law, behaviour that is considered immoral, violates social norms or traditions, or that causes severe psychological harm.

The two main components are: Actus Reus and Mens Rea:

Figure 1: Simple difference between Actus Reus and Mens Rea



Source: Google image

Mens Rea is the guilty mind with the intention of causing intentional hurt. Actus Reus is the guilty act of committing that action.

Juvenile

Juvenile is derived from the Latin word “*Juvenīlis*” which means youthful. The definition of a juvenile, “is a child who has not reached the age at which they may be held accountable for their criminal activities in the same ways that an adult can.” (blog.ipleaders.in)

He or she is a person who has not attained their eighteenth birthday. A juvenile delinquent is an individual who is indulging in anti-social or criminal activity and is below 18 years of age.

Indian Laws pertaining to Juvenile criminals

In India under the act of 1960, definition of a juvenile for a boy is 16 years and for a girl is 18 years. The maximum sentence for juveniles ages 16 to 17 is two years and for juveniles aged 12-15 the maximum is one year. The current juvenile justice system believes that young delinquents can be reformed, which is why the number of years that they spend in

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rehabilitation is limited to a maximum of two years. There is great belief that the delinquent will reform himself/herself with the help of psychologist and psychiatrist, and they would be released in society as changed individuals, who live within the realms of the laws laid down by society.

Theories influencing Juvenile criminal behaviour

The theories that explain the deviant behaviour of youths as a result of unresolved instincts and drives within the human Psyche. Amongst the basic explanation for this deviation are:

Freud's Psychoanalytical theory

Freud delved into behavioural patterns and personality, and believed that there was a constant and a unique interaction of conflicting psychological forces that operated at three different levels of awareness, these were:

- Pre-conscious
- Conscious
- Unconscious

The preconscious consists of anything that can be brought into a conscious mind. The conscious are all thoughts, memories, feeling of which we are aware of at the present moment. These are spoken in a rational manner, and even if, they are not always a part of consciousness, it is possible for them to be retrieved easily and brought into awareness. The unconscious mind are those feeling, thoughts, urges and memories which are outside conscious awareness. These may include thoughts that are unacceptable and are unpleasant.

Freud believed that the unconscious mind is largely inaccessible but at times they can come up to the surface and form a part of dreams or even in the form of a slip of a tongue. A common place example is when you call your current partner accidentally by your ex-partners name. This is a clear example of the unconscious coming into the conscious realm.

Criminal juvenile behaviour could be understood with respect to the preconscious, conscious and unconscious. It would be important to understand and cover an individual's past experiences which may have been based on certain unconscious conflict. He then established a relationship between delinquent behaviour and its impact on personality formation. The origin might have been an unconscious sense of guilt which could have reared its head during childhood.

Figure 2: Diagrammatic representation of Id, Ego and Superego



Source: Google image

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The id is the primitive and instinctual part of the mind that contains sexual, hidden memories and aggressive drives. The superego operates as the moral conscious and the ego is the realistic part that mediates between the desire of the id and the superego. Freud's theory states that crime is due to the conflict between the three that have been stated above. This conflict could have manifested itself as behavioural problems, which could be in the form of aggression or social passivity.

A juvenile shows criminal behaviour due to a personality defect indicated by conflict, impulsivity and aggression. This conflict could have developed during a juvenile's childhood, when the feeling of empathy, remorse, regret or guilt failed to develop, and would further have led to a non-recognition of what is right and what is wrong.

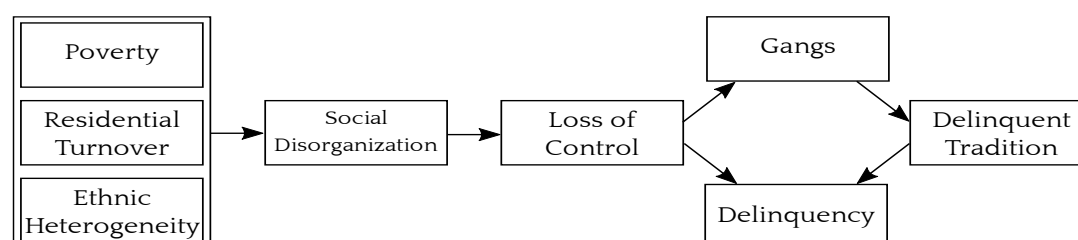
This concept of consciousness has been one of Freuds most important contribution which has sustained the test of time in understanding the behaviour of juvenile criminals.

The Anomie Theory

This theory was first written in the 1940's by Robert Merton. This theory explains that *juvenile delinquency occurs because the juveniles do not have the means to make themselves happy*. Their goals are unattainable by legal means and thus they resort to illegal ways to attain them. The theory indicates that certain disruptive features of an industrialised environment can create strife in a young adults mind, which could lead to undesirable and unacceptable behaviour according to the norms laid out by society. General social rules are not observed leading to the dissolving of collective order and the resultant being a *state of anomie*.

An example of this is that if the society does not provide enough jobs that pay a wage so that people can survive then there may be a large number of people who would resort to criminal methods of earning a living. Yet another example is the high rate of divorce. Divorce creates an anomic state in which people question "societal norms". Citizens form, their own values which could lead to deviant behaviours.

Figure 3: Lucid examples of "anomie" in explaining delinquent tradition



Source: Google image

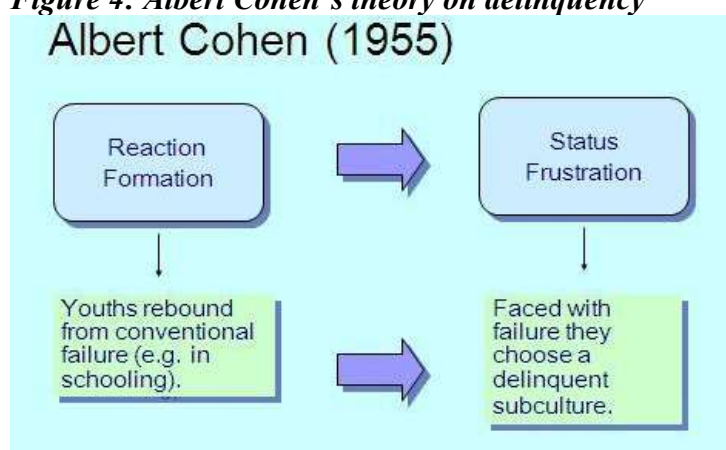
The term anomie essentially means absence of social relations and the faulty relationship between the goal of the individual or the group of individuals and the legal means by which to achieve these goals.

Subculture theory

This theory emerged from studying the reason behind the gang culture and it was ascertained that certain groups and subcultures in the society are conducive to crime and violence. Cohen's subculture theory assumes that crime is the getting together of young people in whom deviant behaviour from the norm dominate. Basic assumption of Cohen is that most

juvenile criminals are members of delinquent subcultures. These subcultures are defined as antisystem of society. They have their own attitude and norm which are different from the moral concepts of the society at large. An example of such delinquency would be the different social strata where a child from the lower strata finds it impossible to achieve what a higher strata child is easily able to obtain. The child does not adapt to the social way of achieving this but rather, recognises its low status as well as the little chance of success in society leading to low self-respect and to the adoption of deviant values and morals culminating in juvenile crimes. This could be due to the child's nurturing environment consisting of jealousy and revenge or it could be due to the frustrations and problems arising from their low strata.

Figure 4: Albert Cohen's theory on delinquency



Source: Google Image

Differential Opportunity Theory

The differential opportunity theory encompasses different aspects of social, psychological, and economic factors in attempting to explain the reasons behind juvenile delinquency. This theory was propounded by Cloward and Ohlin it explains the emergence of three different delinquent subcultures namely:

- The criminal
- The conflict
- The retreatist subcultures

It iterates that delinquent gangs can only commit crimes if they have the means do to so. The founders talk more about crime opportunity and less about the motivation for the crime. Crime is only possible in certain societies, neighbourhoods and delinquent subcultures.

Other theories have emphasised on the conflict of social attitude and cultural norms as the bases of differential association. Whether an individual obeys the law or disregards it, would depend upon is or her social interaction. More important is the prestige attributed to the individual or groups from whom these different social definition and interaction are learnt. Parents and trusted friends are more likely to influence anti-social behaviour. This theory is important because it emphasises criminal behaviour on social interaction rather than biological or mental issues.

Some theories focus on peer groups, low parent monitoring, poverty, parental negative behaviour, extent of self-control and broken homes. All these emphasise on the social aspect

rather than mental, genetic association in explaining delinquency. Thus, one can conclude that there is not one-factor-fit which can explain juvenile delinquency. It is a combination of a number of factors which results in child's behaviour which does not conform to societal norms.

Common Disorders dealing with Juvenile criminal behaviour

Group of behavioural and emotional problems specially when they disregard the impact, that it would have on others, led to studies in researching the cause and/or the remedy of such behaviour. These problems can cause serious damage to the personality and behaviour of the child. Some of these common disorders are as follows:

Oppositional defiant disorder (ODD)

This is characterised by defiant and disobedient behaviour to authority figures. The symptoms normally begin by the time the child is about 8 years old, this includes irritable mood, being argumentative, defiant, aggressive and vindictive. These cause significant problems both at home and school. The symptoms could include:

- Frequent temper tantrums
- Argumentative
- Refusal to do what an adult asks
- Questioning rules and refusing to follow them
- Doing things to annoy and upset others particularly adults.
- Being easily annoyed by others

This is not a brain disorder but rather a behavioural one, it could also be considered as a part of a child's mental makeup. This is mostly diagnosed during childhood. ODD is more common in boys than in girls.

Most children do argue with adults but those suffering from this disorder do so excessively. Children who are diagnosed with ODD have a greater tendency to move towards criminal behaviour than any other child. Treatment for ODD covers various types of therapies:

- Family therapy
- Counselling psychology
- Cognitive Behavioural therapy
- Group psychotherapy

Disruptive behaviour disorder (DBD)

These children show patterns of uncooperativeness and defiance. Earlier this disorder was attributed to the lack of will power or general "badness" in children. But, recent studies have indicated neuro malfunctioning in such children. The remedies for this would be neuro-physiologic treatment and parent management training programs. If left untreated it leads to criminality in juveniles.

Anti-social Personality disorder (ASPD)

This again is a mental health issues, which is characterised by the disregard for the feelings of other people. This disorder could show up in childhood but it eventually manifests itself in adolescents. These children tend to lie, break laws and have no regard for their own safety or for others. The treatment is again in corrective therapy.

Figure 5: Isolated



Source: Google image

Emotional Disorder

This relates to depressive and anxiety disorders resulting in significant impairment in quality of life, productivity and interpersonal functioning. The most common amongst them are depression, anxiety, eating disorders, substance abuse and attention deficit disorder. Studies have shown that emotional disorders do lead to delinquent behaviour, most youths who have been arrested had a very high conduct disorder. Early depressive symptoms is a high risk factor especially in girls for delinquent behaviour. Parent and family therapy are the recommended treatment for this disorder.

Other common reasons for Juvenile criminal behaviours

Statistics that have been released by the National Crime Records Bureau (NCRB), Ministry of Home Affairs, Government of India, have indicated an alarming increase in the number of crime rates committed by juveniles. The factors listed below maybe common for most of the disorders. Important for our analysis is an in-depth study of each of them and the impact that they have on criminal tendencies in a child. Some of the reasons are stated below:

Figure 6: Factors involved in Juvenile delinquency



Source: Google Image

Criminality at home

Children coming from broken homes are more prone to Juvenile crimes. Scholars from the “Heritage foundation”, have analysed that a 10% increase in the percentage of children living in single parent home, leads to 17% increase in juvenile crime. These are those homes which have been abandoned by their fathers. Parental employment and social support results in stress and conflict for parents leading to negative influences on the child and his/her development.

Child abuse and violence against children

Living with domestic violence could cause physical and emotional harm to a child, and could manifest itself in the form of anxiety, depression, sleeping disturbances, headaches, stomach aches and low self-esteem. Exposure to violence leads to difficulties in controlling negative feelings of a child results in in-deficit understanding and empathy for others. Parents habits with respect to alcohol and drugs tend to lead towards criminal tendencies in the child.

Economic conditions

Studies have indicated that high rate of crimes are normally found in young people from socio-economically disadvantaged families. This along with any one of the conditions mentioned above or below would enhance the percentage of children entering into committing crime.

Influence of media

Media through its various platform have a great influence in instilling violent thoughts in young minds along with enhancing the emotion of desensitization leading to juvenile delinquent behaviour. This influence can be seen even in mundane things like body image health etc. It could lead to teenagers adopting the path of crime, nudity, cyber bullying etc.

Peer factor

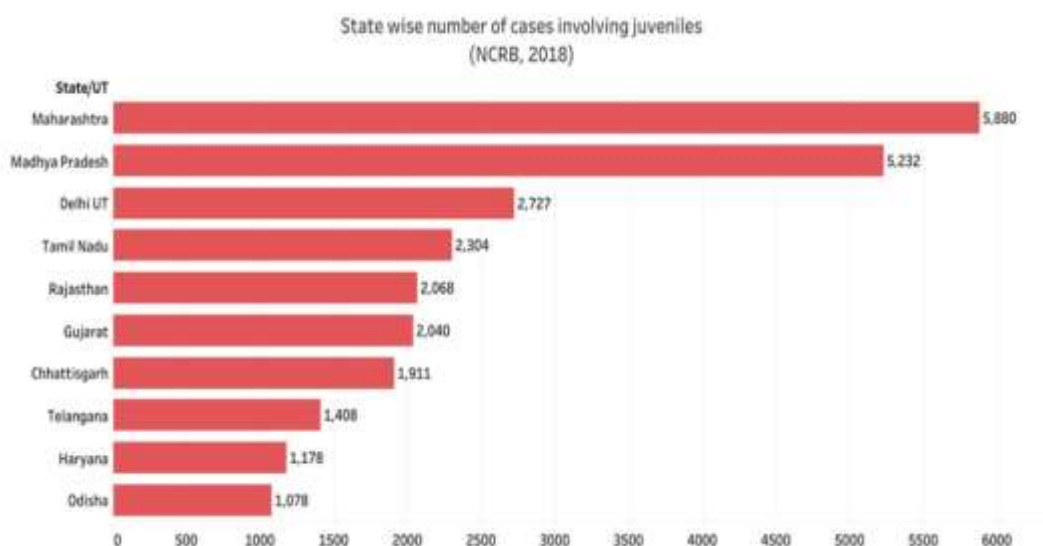
Peer Influence is an important aspect impacting the growth of problem behaviour in youth. The influence is so large that at times the desired positive effects like education and community programs may in fact be offset by negative peer influence. Deviant youth can become more deviant if there is unrestricted interaction with deviant peers. It is a known fact that like-minded children tend to be friends. That is why delinquent juveniles tend to congregate with like-minded peers, resulting in the formation of gangs.

Biological Conditions

Under these factors such as low intelligence, poor diet, impulsiveness and hyperactivity, excess of hormones like testosterone and cortisol are important indicators that effect a child's incline towards criminal and anti-social behaviour. An extensive research has also indicated the influence of genetic abnormalities which have an important influence on delinquency. Criminal fathers that have an extra Y-chromosome already indicate aggressiveness and if this is then passed on to the child it manifests itself in a similar manner. There is also a positive correlation between plasma testosterone and aggression as well as violent criminality amongst females during the premenstrual week. Abnormalities in the central nervous system and low IQ scores indicate a tendency towards violence amongst teenagers. Trying to overcome the feeling of rejection more often than not leads to an inclination towards criminality.

The graph below indicates the state wise crime situation that exists in India in 2018. These are figures which are continuously on the rise.

Figure 7: Statistics of crime committed by juveniles in different states in India in 2018



Source: *Factly.in*

Remedial Measures

The most effective remedial measures for prevention of juvenile delinquency consists of the following components:

- Education
- Recreation
- Community involvement
- Prenatal and infancy home visitation by nurses
- Parent-child interaction training program
- Bullying prevention program
- Prevention programs within the juvenile justice system

The above can be further divided according to the experts and the use of their expertise in prevention as well as rehabilitation of juvenile delinquents.

Forensic Psychologists

The need to integrate Forensic Psychology in the justice system is extremely important as these experts understand the language of the court as well as the child. They are in a superior position to recommend the best treatment of the child. The police system involved with juvenile delinquents have to be trained in the manner in which they are treated within the system. They have an integral role to play in reforming the juvenile. The underlying principle is that the interest of the juvenile has to be protected, in spite of the fact that a serious crime has been committed. Till the reformation process is complete the child should not be sent back to his original surroundings.

Role of Parents

Parents have a major role in a child turning towards crime. Statistics have shown that children who are more exposed to abuse are more likely to be prosecuted for juvenile delinquency. Most of these children were not given quality parental involvement. Absence of affection and inadequate quality supervision leads more often than not to juvenile delinquency. Attachment to family members leads to adherence to social norms and thus staying within the law. Absence of such attachment leads to the child adopting a “I do not care approach”, with respect to family and society causing an individual to move towards

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crime. At times when the child does not get recognition at home, he/she tries to achieve it through daredevil methods in society, leading further and further towards different levels of criminal activities. Counselling the parents would go great lengths in prevention of juvenile delinquency and crime.

School Education

This plays an important role in the reduction of crime rates of juveniles. They use extra-curricular activities like: dancing, drama, karate, climbing, sports in positively directing a child's excessive energy into constructive use. It has been researched that mobile, internet and television has enhanced stress levels, jealousy and depression amongst teenagers. The engagement of co-curricular activities will develop freedom of expression, self-confidence and belief in one's achievement, which will go a long way in decreasing the criminal activities of juveniles.

CONCLUSION

Juvenile delinquency is not necessarily an inherited phenomenon. It is largely due to a combination of various factors which are present during the formative years of the child. These factors leave an important impact on his/hers thought process, reasoning capabilities and actions. The thought process of a juvenile delinquent are completely out of synchronization with what is accepted by society. The main aim of these children is to revolt against the "norms" that are laid down by society. Reforming such children requires immense effort on the part of the government, judiciary, psychologists, psychiatrists and parents such that they overcome their violent nature and thoughts to move towards the norms setup by society. There is a whole body of research on understanding the issues involved in leading to such juvenile crimes as well as finding concrete rehabilitation measures for the betterment of the juvenile. There has been a number of successful cases whereby, these children have been able to overcome all odds and achieve success in life. This is not to say that there are certain children who have followed the path of crime into their adulthood. The effort and the aim have always been to have a larger number of success stories. It is in this endeavour that all stake holders continue to strive hard.

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Conflict of Interest

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