

**INTRODUCTION**

*Children need love, especially when do not deserve it--Harold S. Hulbert,  
Child Psychiatrist*

In modern civilized countries, a criminal is not looked upon as a sinner or a bad person, but rather as a mentally diseased individual or one who has been victimized by circumstances. There was a time when children were treated and punished like an adult person. But when psychologists proceeded to draw the attention of the civilized world towards the causes of juvenile delinquency, the tradition of punishing children lost favour, to be replaced by efforts at improving and rehabilitating the juveniles. Now, it is considered that juvenile delinquency is a sign of sick society and day by day it is increasing in modern society.<sup>1</sup> Now-a-days in every nation, effort is made to correct the juvenile delinquent rather than punishing them. Now, children being locked up in prison cells are a clear violation of all procedural and human right laws.

A child is born innocent and if nurtured with tender care and attention, will blossom with faculties, physical, mental, moral and spiritual; into a person of excellent stature. On the contrary, unhealthy surroundings, negligence of basic needs, wrong company and other abuses may turn a child to a delinquent juvenile. The neglect of children by their parents, family, teachers, society and the nation create detrimental effect on their physical, mental growth and over all development. The noted Nobel laureate Gabriel Mistral<sup>2</sup> has observed and commented in this regard as, “we are guilty of many errors and many faults, but our worst crime is abandoning the children, neglecting the foundation of life. Many of things we need can wait, the child cannot, right now is the time his bones are being formed, his blood is being made and his senses are being developed. To him, we cannot answer ‘tomorrow’. His name is ‘today’”.

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<sup>1</sup> Kaldate, S.V. (1982), *Society, Delinquent and Juvenile Court*, Ajanta Publications, New Delhi, at P.92.

<sup>2</sup> Verma, Shivani (2019), *Criminology, Penology and Victimology*, University Book House Pvt. Ltd., Jaipur, at P.525.

The children are the principal assets of this planet and every possible effort should be made to provide equal opportunities for their development so that they become robust citizens of tomorrow. Children's development is as important as the development of material resources of the country. Like development of the material resources, the development of the human resources is also important and future of the one country depends upon the development of children. Children has always been the future leaders of every country, our properties and prosperous of any nation.<sup>3</sup> According to Justice, I.A. Ansari, "Children are the backbone of the next generation and leaders of the future".

The Constitution of India recognizes that children are valuable for the nation. The fact that the welfare of the children was an important object in the minds of the framers of the Constitution is reflected in its various provisions. Special Constitutional provisions for children include the following:

1. Article 15 (3) enables the State to make special provisions for children.
2. Article 21A provides for right to free and compulsory elementary education for all children in the 6 to 14 years of age group.
3. Article 24 provides for right to be protected from any hazardous employment till the age of 14 years.
4. The Directive Principles of State Policy further prescribe as follows:
  - (a) Article 39(e) of the Constitution of India provides that the State shall direct its policy towards securing that the tender age of children are not abused and forced by economic necessity to enter avocations unsuited to their age or strength.
  - (b) Article 39(f) provides that the children are to be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation

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<sup>3</sup> Cann, Vincent & Kattah, Julius K. "Article on Juvenile Delinquency", at P.2.

and against moral and material abandonment. As per Article 45 the State is under a duty to ensure early childhood care and education for all children until they complete the age of 6 years.

(c) Article 47 provides that State is to raise the level of nutrition and the standard of living of its people. The State shall endeavour to bring about prohibition of the consumption of intoxicating drinks and of drugs which are injurious to health.<sup>4</sup>

In **Satto v. State of U.P.**,<sup>5</sup> V. R. Krishna Iyer, Justice, speaking for the bench observed, “Juvenile justice has constitutional roots in Articles 15(3) and 39(e) and the pervasive humanism which speaks the super parental concern of the State for its child, citizens including juvenile delinquents.”

Addiction involves a totally drug controlled life style. Compulsive getting and using of narcotics completely pervades the addict’s life. Addiction to a drug has always been enormously harmful to the users, to the society and finally to the nation. And if the child has the habit of taking drugs and alcohol then it becomes more dangerous to the society as well as nation. The problem of drug abuse has emerged as one of the vital concerns of the human race with far-reaching socio-medical and economic consequences .The process of industrialization and consequential urban drift, stresses and strains of modern life have rendered individuals more vulnerable to substance abuse than ever before. Drug abuse does not merely affect the physical and mental health of the individuals involved; it also disrupts family and social relationships. An addict is not only a loss to himself but also to society as a productive individual and to the nation as an asset for development. This trend is most ominous for a developing country like India which is still struggling to overcome its basic problems of poverty, hunger and disease.

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<sup>4</sup> Sait, Nizam Azeez (2014), *Juvenile Justice Care and Protection of Children Act, 2000*, LexisNexis, Haryana, at PP.2-3.

<sup>5</sup> *Satto v. State of U.P.*, AIR1979 SC1519.

When children use drug and alcohol and commit crime, the main asset of the country is destroyed. The drug abuse is spreading like an epidemic causing some serious threats on the whole young generation and future social structures.<sup>6</sup> The responsibilities and strain of bringing up of a child are considerably far greater than people care to admit. Our children are growing up in a drug oriented society. The adults around him take pills for the relief of stresses because the advertisements say they should and most doctors think the same.<sup>7</sup>

In India too, the use of alcohol, opium and cannabis has been known for long, but the consumption of drugs like heroin, hashish, LSD, etc., is altogether a new trend. Today, India is no more merely a transit country for illicit trafficking in drugs from 'golden triangle' (Myanmar, Thailand and Laos) but it is also becoming a significant consumer in the global scenario.

In urban areas, drug use seems to be not only an indulgence of children from the middle, upper middle class and high economic status families but also lower class families. Drug use can be accounted for as a trend towards modernization, as a part of risk-taking and normal exploratory behaviour. The crucial contributory factor leading to it seems to be the loosening of parental control; partly due to break up of the joint family and partly due to the situation of both parents working. There is also a high correlation between smoking and drinking by parents and child's drug use or alcohol.

It is noted that drugs are trafficked regularly across the common border of Myanmar and Mizoram, Manipur and Nagaland because the border is porous and unmanned at some sectors. The Principal Secretary of Social Welfare Department of Assam, Hemanta Kr. Narzary delivering an address on the International Day against

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<sup>6</sup> According to the United Nation' World Drug Report 2017, there are 255 million users or addicts who use drugs trafficked across the world with a prevalence of 5.3 percent and 29.5 million out of this total number is highly addicted people who engage in the high-risk consumption of drugs, for example, injection of drugs daily or those who are diagnosed with drug use disorders based on various clinical criteria.

<sup>7</sup> Shah, Giriraj (1999), *Drug use, Abuse and Preventive Measures*, Anmol Publications Pvt. Ltd., New Delhi, at P.55.

Drug Abuse and Illicit Trafficking at Guwahati in 2016 divulged that in 2015, the highest amount of illicit stimulants in the country was seized in Mizoram .Over 80,000 tons of drugs were seized from the State. These developments, he rightly said, are a vivid pointer to the gravity of the situation in the region. He also was of the view that the Northeast was one of the worst affected regions because of its affinity to the Golden Triangle, which accounts for over 60% of narcotics traded across the world.<sup>8</sup>

In spite of remedial measures initiated by the Government of Assam, the use of illicit drugs, especially among school and college students, is abnormally on the rise in Assam. A recent study by UNICEF reveals that the State is the country's second highest trafficking zone and it identified six districts of Assam namely Udalguri, Kokrajhar, Baksa, Sonitpur, Dhemaji, Lakhimpur and Kamrup as the most vulnerable districts. Many Young males, and in small number young females, in their teens, started getting addicted to drugs.<sup>9</sup> Gradually, they switched over from non-injecting to injecting drug use (IDU). The young drug addicts involve in a lot of petty crimes within the family and beyond. Common crimes like thefts are done to finance their drug habits. In research, it is found that addicts are unable or unwilling to do any constructive work. Most young drug users are educated and relatively smarter in the community they belong to.<sup>10</sup>

The children signify eternal optimism in the human being and always provide the potential for human development. If the children are better equipped with broader human output, the society will feel very happy with them. Neglecting the children means loss to the human resources of the society as a whole. If children are not developed during their childhood socially, economically, physically and mentally, the nation gets deprived of the potential human resources for social progress, economic empowerment and peace and order, the social stability and good citizenry. The founding

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<sup>8</sup> Dwaipayan, "Article on Drug abuse on the rise in Northeast", The Assam Tribune, 4<sup>th</sup> January, 2020.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

fathers of the Constitution, therefore, have bestowed the importance of the role of the child in its best for development.

The nation's children are supremely important asset. Their nurturing and solicitude are our responsibility. According to William Wordsworth, the child is the father of the nation. We say, the child is a reflection of the God and assure him for care and protection. Children are the most vulnerable section of the society. The future of the country depends in the hands of the child but if the children commit crime due to influence of drug and alcohol, before attaining their age of majority then our country's future will become dark.

The term "Juvenile Delinquency" is very frequently used in common man's vocabulary. The dictionary meaning of 'juvenile' is a young person, or 'a child' and 'delinquency' is 'failure in or omission of duty' or 'fault' or 'crime'. Thus juvenile delinquency indicates any failure in or omission of the duty or fault or crime on the part of the child. Juvenile delinquency encompasses not only violation of criminal law committed by a person below a certain age, which varies from State to State, but also such acts or course of conduct that are forbidden for minors such as truancy, incorrigibility, association with immoral person, running away from home, promiscuity, drinking and drug addiction.

While defining juvenile delinquency, some have emphasized on the age of the delinquent whereas some others have emphasized on the behaviour of the delinquent as prohibited by law. According Robinson, "Delinquency includes peddling and begging, disorderly conduct, malicious mischief, and ungovernable behavior itself a poly-glot".

Walter Reckless states that the term of juvenile delinquency applies to the violation of criminal code and /or pursuit of certain patterns of behavior disapproved of for children and young adolescents. Currently, juvenile delinquency has become an important feature of criminology that is the study of crime .juveniles have gotten serious

forms of delinquent conduct which may hinder the stability and social command of the society.<sup>11</sup>

### Theories of juvenile delinquency

Many theories have been propounded by sociologists, psychologists, psychiatrists, philosophers and criminologists to explain delinquent behavior in terms of one single factor. Although each theory has been presented as a new explanation in itself, it often depends to some extent upon previous theoretical formulations.

**Table No.1.1 Theories of Deviance<sup>12</sup>**

Theory	Major questions	Major Assumption	Cause of Deviance	Most useful for explaining
1. Structural Functional Theory Strain Theory	Why do people break rules?	Deviance is an abnormal characteristic of the social structure.	A dislocation between the goals of society and the means to achieve them	The working and lower classes who cannot achieve desired goals
2. Symbolic Interaction Theories, Differential Association Theory	Why is deviance more characteristic of some groups than others?	Deviance is learned like other social behavior.	Sub-cultural values differ in complex societies; some sub-cultures hold values that favour deviance. These are learned through socialization	Delinquent gangs and those integrated into deviant subcultures and neighborhoods.
3. Deterrence Theories	When is conformity not the best choice?	Deviance is a choice based on cost/benefit assessments.	Failure of sanctioning system (benefits of deviance exceed the costs).	All groups but especially those lacking as "stake in conformity."
4. Labelling Theory	How do acts and people become labelled deviant?	Deviance is relative and depends on how others label acts and actors.	People whose acts are labelled deviant and who accept that label become career deviants.	The powerless who are labelled deviant by more powerful individual.
5. Conflict Theory	How does unequal access to scarce resources lead to deviance?	Deviance is a normal response to competition and conflict over scarce resources.	Inequality and competition.	All classes, lower class is driven to deviance to meet basic needs and to act out frustration. Upper class uses deviant means to maintain their privilege.

Source: The name of the book, "Childhood Adolescence"

<sup>11</sup> Supra note 3 at P.2.

<sup>12</sup> Rathus, Spencer (2016), *Childhood Adolescence*, Thomson, Wadsworth, Australia, at P.201.

According to Lombroso termed the criminals are the born criminals. In his opinion born criminals were of a distinct type who could not refrain from indulging in criminality and environment had no relevance. Lombroso considered that born criminals as incorrigibles i.e. beyond reformation<sup>13</sup>. Prof. Sutherland criticized Lombrosian views and shifting attention from crime as a social phenomenon to crime as an individual phenomenon.<sup>14</sup>

Psychological researchers on teen-age violence have shown that violent carriers develop along two main paths. Sometimes children start violence early before puberty. They are more likely to become chronic violent offenders. More commonly children who turn to violence in adolescence mind themselves sooner or later. The reason for violence may be birth complications, poverty, anti-social parents, poor parenting, aggression, academic failure, psychological problems alienation from home, school etc.

The theory of Learning which Sutherland prefers to call as differential association asserts that crime is learnt in association with others. According to modern Labelling theory however, recognize that “Societies create crime by enacting laws and therefore the substantive nature of law should be the object of study”.<sup>15</sup>

Becker recognizes four types of citizens according to their behaviours in society labelling them differently. The numbers of society that are rule abiding and free of labels are described as conforming citizens while those who are labelled without breaking a law are termed as falsely accused. Those citizens who exhibit law-breaking behavior are labelled as pure deviants, while those that break law yet avoid labelling are called secret deviants.<sup>16</sup>

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<sup>13</sup> Paranjape, N.V.(2018), *Criminology, Penology and Victimology*, Central Law Publications, Allahabad, at P.48.

<sup>14</sup> Ibid at P. 50.

<sup>15</sup> Ibid at P. 56.

<sup>16</sup> Ibid at P.58.



As Calhoun rightly pointed out Labelling theory especially crucial to understanding juvenile delinquency because it is during the time of adolescence that juvenile's self identities are formed. Labelling theory also helps to explain the long term consequences of a deviant label on a person's social status. Thus , if juvenile is labelled as deviant or delinquent then his self identity may developed as such and he will be more prone to become hardened criminal. Because of his/ her negative self concept he or she is likely to choose a crime carrier and associate with other professional or organized groups of criminals.

Sutherland holds that the family background has the greatest influence on criminal behaviour of the offender. Delinquent are encouraged to follow criminality in their homes in their homes in the following ways-

- i. The parents may not be associated with the criminal act but they might deliberately avoid prevention of their children from indulging into criminal acts.
- ii. Children learn criminal behaviour through the process of imitation.
- iii. The parents also embraced criminality as a way of life like those of professional thieves, pickpockets, prostitute etc.

The problems of juvenile delinquency in contemporary society are staggering. Juveniles often experience stress, confusion, and depression because of trouble and conflict occurring in their families, schools, and communities. Such feelings lead the habit of taking drug and alcohol and sometimes they are involved in crime.<sup>17</sup> Many crimes which are more common in urban areas are unknown to rural settings. The incidence of juvenile delinquency, shop lifting, petty thefts and sexual offences are more common in slum areas and poverty affected homes.

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<sup>17</sup> Siegel, Larry J. & Welsh, Brandon C. (2013), *Juvenile Delinquency Theory, Practice and Law*, Wadsworth Cengage Learning, Australia, at P.3.

In the Juvenile Justice(Care and Protection of Children) Act, 2000, the term 'delinquent juvenile' used in the Juvenile Justice Act, 1986 has been substituted by the words 'juvenile conflict with law'[Sec. 2(l) of the JJ Act, 2000]. It is obvious that every conduct prohibited by statute is not be taken as an act of delinquency but instead the conduct which tends to constitute an offence not only in legal point but also from the angle of social norms and values shall be included within the meaning of the term delinquency. For example, smoking, begging, drug and alcohol abuse, vagrancy etc. being harmful for the growing children are intended to be controlled by the Act. Under the JJAct, 2000, "Child means a person who has not completed 18 years of age."

### **1. 1. The Study**

The problem of juvenile delinquency has become rampant in our society day by day. Juvenile delinquency is a gateway to adult crime. Despite tremendous importance being attached to children welfare, much remains to be done in practice to realize the goals. In practice, the rate of child morality is still high, the majority of children in our country suffer from many types of maladjustment-psychological, social and economic resulting from poverty, destitution, undernourishment, hunger, absence of health care, disease, lack of education and recreational facilities etc. Delinquency is nothing but symptoms of manifestation of the underlying maladjustments which a child suffers from.<sup>18</sup>

Ordinarily, the great woes of childhood are held to be poverty, disease and destitution , but delinquency is a vicious problem, perhaps a wider and profounder social evil than the former three, because it proves to be too stubborn and persistent a problem to be tackled . Secondly, juvenile delinquency is at the root of all crimes. It is the childhood and young age. Majority of criminals commence their lawless behavior.

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<sup>18</sup> Mishra, B.N. (1991), *Juvenile Delinquency and Justice System*, Ashish Publishing House, New Delhi, at P.7.

So in order to control and reduce crime, one has to tackle the problem of delinquency. Thirdly, to treat delinquency in the young age as a separate subject, and as a problem apart from criminality in adult, may seem, at first sight, a fault in procedure.<sup>19</sup>

The large percentage of criminal careers has their roots in the childhood. Early childhood risks, such as aggressive behavior, academic failure, and school dropout can lead to use of drugs or alcohol. It is not only a problem of Kamrup (M) district but also a serious problem all over the world. Even in the developed countries, the number of the cases of juvenile delinquency is increasing every year and problem in developed countries is more complex and deep rooted than in the developing countries.

Juvenile delinquency is a magnitude problem in Assam. Juvenile delinquents constitute a small portion of the total population of the criminal children. Many of them are not apprehended by the police or even if they are apprehended they are not produced in the court. So it is very difficult to find out the actual number of delinquents. Shankar points out that “number of delinquents made out from the official records is extremely small in comparison with the actual number of delinquents existing in life”.<sup>20</sup>

The problem of juvenile delinquency like many other social evils is linked up with the imperfections and maladjustments of society. Juveniles are involved in different types of crime, cognizable and non-cognizable offences such as chain snatching, theft, stalking, pick-pocketing, eve teasing, drug-addiction, drug peddling rape, murder etc. Such type of juvenile delinquency has become a menace to the society. As per law, juvenile cannot be treated as an adult criminal. After commission of the crime if they are apprehended and convicted for commission of crime they are not punished as adult criminals. Either they are handed over to their parents after counselling or they are sent to the institution like Observation Home or Special Home

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<sup>19</sup> Supra note 18, at P.7.

<sup>20</sup> Shankar, B. Kuppaswamy (1991), *Maladjusted Child in Advanced Educational Psychology*, Sterling publishers, New Delhi, at P.419.

etc. After spending some time there, they are released after counselling. But, most of the time after releasing from these institutions, they again involve themselves in crime and they become recidivist. Such kind of phenomenon creates tension not only in the family of the juveniles but also in the society. It is seen by the researcher that the incidents of juvenile delinquency are reported daily in the newspaper. Growing incidences of juvenile crime have created a feeling of anxiety in the mind of social psychologists as juvenile delinquency often paves the way for crime in adult life.

Through this research work the researcher tries to find the causes of juvenile delinquency in the district of Kamrup (M) district which is increasing day by day and is one of the most challenging problems today. Researcher also finds a relation between drug or alcohol addiction and juvenile delinquency.

## **1.2. Statement of the Problem**

In the present study, the researcher has selected the problem –“Delinquency of Addicted Juvenile with Special Reference to Kamrup (Metro) District of Assam”. The problem like delinquency is not only a threat to the physical and material well being of members of the advanced society but also to the developing nations like India. The magnitude and significance of this problem is felt by all in every society. Now, the parents, teachers, police, medical officer, psychiatric and social workers express their serious concern over the alarming rise in deviant behaviour or misconduct of the children. In present society, juveniles are acquiring the habit of taking drug and alcohol rapidly in large scale. The devastating effects of drug abuse on the family are perhaps those which pose the greatest threat to the society. When one member of a family abuses drugs-be it a parent, children or other relatives it causes disruption and disharmony within the family and every family members. Because in such situation not only the addicted juvenile suffers but also the whole family suffers by taking care of the

addicted juvenile 24x7. Drug abusers often become so obsessed with the habit of taking drugs and alcohol that they become indifferent to everything going around them, including the needs and situations of other family members which lead to a breakdown of the family as an entity.

Besides bringing criminal behaviour into home by the drug user, he or she suffers from varying degrees of personal anguish both physically and psychologically. A family member of drug user suffers greatly as they watch the systematic and willful destruction of an individual who is close to them. No one enjoys seeing a family member hurt, and when drugs are involved, the insidious nature of the problem intensifies the pain.

There are other serious consequences that when younger children, unaware of the dangers of the drug abuse, see older siblings or parent using drugs. They may erroneously believe that drug taking is normal or accepted behavior.

Parents often cannot accept initially the fact that their children take drugs. They attribute their deviant behavior to something else. Shame and embarrassment too often prevent them from acknowledging their child's drug problem. In failing to confront the problem, they cannot help the child find the courage and the appropriate means to stop taking drugs. Drug use is a school problem because it undermines a student's academic ability and performance. Drugs can also disrupt an entire school when many students in a class are under the influence of drugs or absent because of drug abuse. Such kind of environment impedes the progress of all students. Drug users are also involved in illegal activities connected to drug use, theft, prostitution and the selling of drugs etc.

The most dreadful part of the problem is that if the juveniles use drugs and involved in crime then their entire future becomes dark. Growing drug abuse is a very serious problem of the society than other social problem. In earlier stage the abuse of

drug is very difficult to find out. When it comes to the knowledge of the parents it is too difficult to rehabilitate. In short, delinquency of addicted juveniles poses a serious threat in the Kamrup (M) district. Therefore, it requires the scientific and systematic study to find out the root cause of the problem and give the important measures to prevent and control this growing menace.

### **1.3. Review of Literature**

The review of literature is an essential part of the planning of a research study. The literature review is an overview of what has been published on a topic by accredited scholars and researchers. Through a review of the related studies, the researcher can modify the research question based on the experiences other. This chapter presents a review of related literature on the topic taken up for investigation. A review is a very important step to get a clear view of what has been done in the related areas and get idea of the suggestions recommended with regard to understanding the problem. The study of the previous research findings can hint to the investigator regarding generation of new ideas related to his study. The researcher has highlighted the findings of some of the studies related to this topic which helps to undertake the present study in a systematic manner.

The researcher has gone through various books relating to the research topic. Such works are:

#### **Juvenile Delinquency and Indian Justice System, N.L. Mitra<sup>21</sup>**

This book contains various chapters relating to juvenile delinquency and Indian juvenile justice system. The author mainly focuses the point of juvenile delinquency in which there are two factors, namely, an 'offence factor' and an 'age factor'.

This work also discusses about the slum and rural children and majority of the slum and rural children do not and cannot go to the primary schools at their early age,

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<sup>21</sup> Mitra, N.L. (1988), *Juvenile Delinquency and Indian Justice System*, Deep & Deep Publications, New Delhi.

the mechanism of the teachers and school control cannot be operative in a vast majority cases. The author also mentioned that in most of the cases children commit offences in other villages, border areas railway stations, bus stoppage and cities and towns, far away from their own village. Often the children commit acts of crime on being motivated by adult offenders. In most of such cases, it is found that children are prosecuted and punished on charges of gang offences like smuggling and carrying illicit liquors but the real culprits move freely keeping head high. This book also discusses about the Police and Juvenile delinquency. Here also mentioned that police as a protector after the decision of the court.

**The Law of Crime and Correction, Dr. Nalini Kanta Dutta<sup>22</sup>**

Here the author explains about the important causes of juvenile delinquency and their remedies in detail and also discusses about Alcoholism and Drug Abuse and their consequences. He also provides legal provisions to control of Drug Abuse.

**Administration of Juvenile Justice in India (Juvenile in conflict with law), Dr. Krishna Pal Malik<sup>23</sup>**

This book discusses about the historical developments of Juvenile Justice, meaning of Juvenile in conflict with law and states about the role of various stakeholders like police, Juvenile Justice Board, Probation Officer, State Govt. and Institutional Authority and Non-Governmental Organisation/ Voluntary Organizations. This book also provides the preventive strategies and some valuable suggestions for correction of delinquent juveniles.

**Child Rights and the Law, Dr. Nuzhat Parveen Khan<sup>24</sup>**

This book discusses about the child right and their position in India, status of the child and depicts magnitude of the problem. In India, the problem of child abuse and

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<sup>22</sup> Dutta ,Nalini Kanta ( 2009),*The Law of Crime And Correction*, Purbanchal Prakash,Guwahati.

<sup>23</sup> Malik, Krishna Pal (2012), *Administration of Juvenile Justice in India (Juvenile in Conflict with Law)*, Allahabad Law Agency, Haryana.

<sup>24</sup> Khan, Nuzhat Praveen (2016), *Child Rights and the Law*, Universal Law Publishing, Haryana.

child right violation is prevailing on a large scale. Everyday large number of children is abused in the sphere of their own family. The author also provides the legislative measures for the child right protection under the Juvenile Justice Rules. It provides that the State Governments or the Voluntary Organizations recognized by the State Govt. shall set up separate Observation Homes or Special Homes for boys and girls.

**Criminal Law for Police Officers, Neil C. Chamelin & Kenneth R. Evans<sup>25</sup>**

The author defines who is Juvenile? The term juvenile is not used synonymously with the word minor. A minor is a person under 21 years of age. Here also discuss about the Juvenile Court Jurisdiction and also provides the key distinction between a crime and other form of prohibited conduct. It is the state of mind with which a person acts, commonly referred to as intent which matters.

This book also discusses about the crime involving narcotic drugs and alcoholic beverages and also provides the narcotics legislation, acquisition, possession and use of narcotic drugs, crimes involving the use, sale and manufacture of alcoholic beverages. All States and the Federal Government make it a crime to produce alcoholic beverages in excess of a limited amount. These laws are aimed at preventing the sale of adulterated alcohol that could cause death or serious injury.

**Rural, Urban and Tribal Sociology in India, Dr. S.R. Myneni<sup>26</sup>**

The author worked about the meaning of alcoholism, characteristics of alcoholism, extent of alcoholism and the evil effects of alcoholism, why people become alcoholic and measures to control alcoholism. In India, 15 % Indians' are in the habit of drinking. Majority of these are poor labourers, slum dwellers, industrial workers and military persons.

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<sup>25</sup> Chamelin ,Neil C. & Evans, Kenneth R.( 1991), *Criminal Law for Police Officers*, Prentice-Hall Inc, New Jersey.

<sup>26</sup> Myneni, S. R. (2017), *Rural, Urban and Tribal Sociology in India*, Allahabad Law Agency, Haryana.



**Criminology and Penology, B.K.Goswami<sup>27</sup>**

This book defines juvenile delinquency and also provides sociological factors in juvenile delinquency. The family is the main institution to control the juvenile delinquency. The book discuss that social differences are the main cause of juvenile delinquency. The frustration is closely allied to delinquent behavior and if middle class rearing involves sustaining of many tensions. The delinquency of lower class child arise from the condition of his greater deprivation of material means to preserve and greater clash of temperament in family life owing to the inconsistencies and lack of discipline in rearing. The middle class child who in later life resorts to crime does so in the light of earlier experience which has thought him that the social order has few loop holes and many restrictions, whereas the poor child resorts to type of crimes which suggests that earlier experience has taught him that social order has many loopholes and few restrictions.

**Youth and Crime- John Muncie<sup>28</sup>**

This book contains various chapters relating to youth crime. The introductory chapter is designed to promote a critical understanding of the relationship between youth and crime. The work mentions that the adolescence as second birth and viewed it principally as a period of emotional turmoil, which led to various forms of moral degeneration and most particularly sexual precocity and general delinquency, appeared all the more threatening because in this period attribute of natural, social and psychological growth and indirectly related to social and economic conditions.

**Juvenile Justice System- Vijay Hansaria and P.I. Jose<sup>29</sup>**

This book also contains various chapters relating to Juvenile Justice System. The author provides the overview of Juvenile Justice System in India and the various

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<sup>27</sup> Goswami, B.K. (2017), *Criminology and Penology*, Allahabad Law Agency, Allahabad.

<sup>28</sup> Muncie, John (2015), *Youth and Crime*, John Muncie, SAGE Publications, London.

<sup>29</sup> Hansaria, Vijay and Jose, P.I. (2012), *Juvenile Justice System*, Universal Law Publishing Corporation, New Delhi.

fundamental principles relating to juvenile delinquency. This book also provides the role of Probation Officer, Juvenile Justice Board and Institutions like Observation Home, Special Home and the Non-Governmental Organization.

**Law Relating to Juvenile Justice in India, R.N. Choudhury<sup>30</sup>**

This book also contains various chapters relating to juveniles. The author has discussed about the procedure and powers of the Juvenile Justice Board and Probation Officer and also discuss the rehabilitation and social re-integration of the delinquent juvenile.

**Juvenile Delinquency, Theory Practice and Law- Larry J. Siegel & Brandon C.**

**Welsh<sup>31</sup>**

This book contains chapters relating to Juvenile Delinquency. This book consists of 17 (seventeen) chapters. The Part-I describe about the childhood and delinquency and nature and extent of delinquency. The Part-II of the book mentions the different theories of delinquency relating to juvenile delinquency. And Part-III of the book describes the role of family in juvenile delinquency. It is mentioned that family is the primary unit in which children learn the values and attitudes that guide their actions throughout their lives. Family disruption or change can have a long lasting impact on children. In contrast effective parenting can help neutralize the effect of both individual (e.g. emotional problem) and social (e.g. delinquent peers forces), which promote delinquent behaviour. Home in which one or both parents are absent due to divorce or separation, children in such an environment may be prone to anti social behaviour. Another important point is referred in this book that in urban society, drug is also main causes of juvenile delinquency. Narcotic drugs have the ability to produce insensibility to pain

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<sup>30</sup> Choudhury, R.N. (2008), *Law Relating to Juvenile Justice in India*, Orient Publishing Company, New Delhi.

<sup>31</sup> Siegel, Larry J. & Welsh, Brandon C. (2009), *Juvenile Delinquency, Theory Practice and Law*, Wadsworth Cengage Learning, Australia.

and free the mind of anxiety and emotion. The association between delinquency and drug use has been established in a variety of cultures. Drug use causes delinquency.

**Narcotics: Crime, Terrorism and Control- S. P. Kar<sup>32</sup>**

This book contains 8 chapters relating to abuse of drugs, and role of International bodies. The author defines the meaning of drug, classification of drugs and also drug trafficking and also discuss about the role of International bodies which help to prevent the drug abuse and drug trafficking.

**Drug use, abuse and Preventive Measures- Giriraj Shah<sup>33</sup>**

This book contains 22 chapters which are relating to history of drugs, drug use and abuse, addiction, youth and drug addiction and United Nations position of drug crimes. It mentioned that drug habit is defined as a condition which results from the continued use of a drug, which does not cause much harm to the individual or society. This work also discuss that there is a growing awareness that modern approach to crime prevention and control should rely on comprehensive means and ways systematically applied by criminal justice administrators to offender and his/her case.

**Delinquency in Society: A Child-Centered Approach - Robert M. Regoli & John D. Hewitt<sup>34</sup>**

This book contains various chapters dealing with delinquency in society. This work defines the meaning of delinquency and how to prohibit delinquent behaviour in early age of juvenile. It also discusses in detail causes of drug use by adolescent and use of drug as the main cause of juvenile delinquency. Chapter 7 also discusses in detail about the role of working mother and delinquency of children. One note worthy thing provided in this work that difference of working and non working mothers in the time

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<sup>32</sup> Kar, S. P. (2009), *Narcotics: Crime, Terrorism and Control*, K.W. Publishers Pvt. Ltd., New Delhi.

<sup>33</sup> Shah, Giriraj (1999), *Drug Use, Abuse and Preventive Measures*, Anmol Publications Pvt. Ltd., New Delhi.

<sup>34</sup> Regoli, Robert M. & Hewitt, John D. (1991), *Delinquency in Society: A child-centered Approach*, McGraw-Hill, Inc, New York.

they give to their children. Having less time to spend with one child does not necessarily means the mother is failing to perform her role adequately.

**Juvenile Justice in India (Policy, Programme and Perspective) – S.P. Srivastva<sup>35</sup>**

This book contains thirteen chapters regarding various aspects of juvenile justice. First three chapters deal with Ideology, Policy and Mechanism of Juvenile Justice. Fourth chapter deals with detention of Juveniles. Fifth and Sixth chapters deal with institutional and non-institutional facilities to juvenile offenders. Regarding after care facilities to juvenile offenders is dealt in chapter seven. The author discusses the important role of the police in juvenile justice in preventing juvenile delinquency in society.

**Juvenile Crime in Guwahati City –Nilima Deka, Abha Mishra Chakraborty and Ranjana Sen<sup>36</sup>**

This work contains six chapters. In this work the authors have confined their study within the Guwahati city. Authors have discussed about crime causation in case of delinquent juveniles. Through this work researcher has tried to establish that juvenile delinquency has direct bearings with unhealthy family background and peer pressure. In this work authors have shown year wise how many juveniles are involved in committing crimes under Indian Penal Code in Assam. In this work the authors have also discussed regarding various preventive and remedial measures of juvenile delinquency.

**An Outline of Juvenile Delinquency, S. P. Singh<sup>37</sup>**

This work starts with juvenile school dropout. The author has shown that there is a relationship between school dropout and juvenile delinquency. Through his study researcher has shown that parent's education has inverse relationship with children

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<sup>35</sup> Srivastva ,S.P. (1989),*Juvenile Justice in India (Policy, Programme and Perspective)*,Ajanta Publication, New Delhi.

<sup>36</sup> Deka ,Nilima; Chakraborty,Abha Mishra and Sen, Ranjana ( 2000), *Juvenile Crime in Guwahati City, Colour Asom, Guwahati.*

<sup>37</sup> Singh, S. P. (2010), *An Outline of Juvenile Delinquency*, Sublime Publications, Jaipur.

being school dropout. Children of parents with higher education have lesser chance of becoming school dropout than those children of parents with lesser education. In chapter-4 has discussed about drug addiction and alcoholism by juveniles. Here the author has discussed about various kinds of drugs and narcotics and their effect on human body. Here the author has discussed about how peer pressure and family background facilitates in one juvenile becoming drug addict and alcoholic and eventually becoming a delinquent juvenile. In chapter six the author discusses about causes of delinquency. In this work the author has pointed that religion can help in preventing juvenile delinquency along with other agencies. The book also discusses about Juvenile Courts.

**Offences against Child and Juvenile Delinquency (Law Relating to Child), S.R. Myneni<sup>38</sup>**

The work discusses about International and National steps for child care and protection like U.N. Convention on the Rights of Child, 1989, The Beijing Rules, Indian National Policy for Children, 2013 etc. Author also discusses about Constitutional provisions of child care and protection and its relevancy. Here also discusses about child in conflict with law in India, theories like labeling theory, conflict theory etc and factors of juvenile delinquency. This work discusses about United Nations Guidelines for the prevention of juvenile delinquency and the preventive programmes of juvenile delinquency in India. Legislative measures like Juvenile Justice (Care and Protection of Children) Act, 2015 are discussed in detail in this book.

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<sup>38</sup> Myneni, S.R. (2018), *Offences against Child and Juvenile Delinquency (Law Relating to Child)*, New Era Law Publication, Faridabad.

**Offences against Children and Juvenile Offence, S.K. Chatterjee<sup>39</sup>**

This book contains two parts and the second part deals with juvenile offences and juvenile justice. This part contains three chapters. Chapter one defines juvenile and juvenile delinquency and different theories of juvenile delinquency. Chapter two provides for legislative protection of the juvenile under different Acts including Juvenile Justice (Care and Protection of Children) Act, 2000 and 2015 in details. Chapter -3 deals with juvenile and international concern. In this chapter the author has discussed the three International Conventions for juvenile justice.

**Juvenile Delinquency and Justice System, B.N. Mishra<sup>40</sup>**

The work is mainly concerned with juvenile delinquency in the State of Orissa. The author has conducted extensive case study on juvenile delinquency in the State of Orissa and reported those matters in this work. Legislative frame works for Juvenile Justice in India has also been discussed in this work.

**1.4. Objective of the Study**

The following are the objectives of the research study-

1. To know the types of delinquent behaviours by the juveniles due to use of Drugs and Alcohol.
2. To examine the inter-relationship between juvenile delinquency, alcoholism and drug addiction.
3. To find out the causes behind drug addiction and alcoholism among juveniles in the Kamrup (M) district.
4. To study the role of parents, society, community and school to combat juvenile delinquency due to drug and alcohol.
5. To find out the main causes of juvenile delinquency in the Kamrup (M) district.

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<sup>39</sup> Chatterjee, S.K.(2016), *Offences against Children and Juvenile Offence*, Central Law Publication, Allahabad.

<sup>40</sup> Mishra, B.N. (1991), *Juvenile Delinquency and Justice System*, Ashish Publishing House, New Delhi.

6. To study the sources from where the juveniles develop the habit of using drug and alcohol in the district of Kamrup (M).
7. To find out the important role of police to prevent juvenile delinquency.

### **1.5. Hypothesis**

1. Alcoholism and drug addiction among juveniles are the major factors of juvenile delinquency in the Kamrup (M) district.
2. Juveniles in the age group of 9 to 17 years, involved in crime are prone to alcoholism and drug addiction.
3. Peers and Home environment contributes towards the use of drugs and alcohol by juvenile.

### **1.6. Research Methodology**

Method is the way of doing something and methodology is a science or philosophy of that method. For research various methods or ways are used to collect data. In a research, process of justification and explanation of method is called methodology. Dr. S.R. Myneni explains that “Method is the way of doing something. Methodology is the science or study of particular subject.”<sup>41</sup>

Thus research methodology may be a standard, process or way of doing research. In its wider sense methodology includes philosophy, investigation, description or scientific approach. Subject matter of law is different from other disciplines and requires its own research methodology. Even different laws require different methodologies. Research methodology is a way to systematically solve the research problem. It is a science of studying how research is done scientifically.<sup>42</sup>

Thus, research methodology not only deals with the research methods but also considers the logic behind the methods we use in the context of the research study and explain why we are using a particular method or technique and why we are not using the

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<sup>41</sup> Purohit, Mona (2016), *Legal Education & Research Methodology*, Central Law Publication, Allahabad, at P.140.

<sup>42</sup> Supra note 41, at P.140.

others so that research results are capable of being evaluated either by researcher himself or by the others.<sup>43</sup>

The proposed research work consists of both Doctrinal and Non-doctrinal research method. Doctrinal Research consists of study of various books, law journals, articles, newspapers, and internet materials, Doctrines, Principles, relating to the subject matter. The researcher has visited number of libraries for collection of data such as Administrative Staff College Library, Khanapara; Omeo Kumar Das Institute of Social Change and Development Library, VIP Road, Uper Hengrabari; K.K. Handique Library, Gauhati University; National Institute of Public Co-operation and Child Development Library, Khanapra, Guwahati; National Law University Library, Amingaon; NERIM Group of Institutions Library, Joyanagar, Khanapara; University Law College Library, Gauhati University; Law Department Library, Gauhati University; K.K. Handique Open University Library, Patgaon, Rani ; Assam Police Headquarters' Library, Ulubari, Guwahati; Women Study Centre Library, Gauhati University and Lower Court Library, Guwahati.

Again for collection of primary data the researcher has visited the Observation Home situated at Boko; Juvenile Justice Board, Uzanbazar; Ashadeep rehabilitation centre for addicted juveniles at Silpukhuri; Hope foundation de-addiction centre, Guwahati; Kripa foundation de-addiction centre ,Guwahati; Female Observation Home, Julukbari, Guwahati; Police Station; Department of Excise, Guwahati and CID Headquarter, Assam, Guwahati. By visiting the said places the researcher has observed and collected various datas relating to addicted juveniles involved in various crimes.

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<sup>43</sup> Gupta, Mukul & Gupta, Deepa (2011), *Research Methodology*, PHI Learning Private Limited, New Delhi, at P.11.



## 1.7. Limitation of the Study

Considering the power and resources the researcher has confined the research area within the district of Kamrup (M). Researcher has collected the primary data regarding juvenile delinquency under the influence of drugs and alcohol took place within the district of Kamrup (M), Assam. It covers an area of 1527.84 square kilometer. Guwahati is the capital city of Assam and Guwahati comes under the Kamrup (M) district. Unplanned expansion of the city causes growth of the slum areas, vagrant people etc. Guwahati is the gateway of the North-eastern states in India. All important roads, air and railway communication have passed through this city to the other states of the North-eastern region. As a result drugs, alcohol are easily available in Kamrup (M) district. However, more frustrating is the fact that over the years there is a rise in drug and alcohol addicts in the Kamrup (M) district, Assam as well as in the whole North-East India. Researcher placed a map of Kamrup (M) district here under.



Source: [www.mapsofindia.com](http://www.mapsofindia.com)

The limitation of the study arises from the inherent difficulties in respect of time, money and manpower and practical feasibility of gathering information about delinquents. Certain difficulties were experienced by the researcher while conducting this study. Every research study has its own limitation and this study too is not an

exception to it. In fact, the present study has certain limitations which may be summed up in the following-

- a. The sample for the study is the inmates of the Observation Home, Boko and only studies the cases of Kamrup (M) district.
- b. The study covers the male delinquents only. The girl delinquents were not interviewed because of their non-availability in the Observation Home, Jalukbari. Only a few numbers of cases were recorded in female Observation Home, Jalukbari.
- c. The study is covered during the period of year 2014 to 2018. The study further suffers the limitation that in the record of the Observation Home, a number of case diaries of juvenile delinquents were not available.
- d. Another limitation of the study is that the researcher could not meet the Superintendent of the Observation Home. For this reason some information could not be collected.
- e. The study covered the various police stations of Kamrup (M) district relating to juvenile delinquency and they have given lot of information about delinquent juvenile. As per the Juvenile Justice Act in every police station there must be a Special Juvenile Police Unit and there must be a Child Welfare Officer heading the Special Juvenile Police Unit to deal with the cases of delinquent juveniles. But practically it has been observed by the researcher that no separate police officers were appointed to deal with the delinquent juvenile cases exclusively. As of now the 2<sup>nd</sup> Officer- in-charge of the police stations are entrusted the duty of Child Welfare Officer besides their usual duty of maintaining law and order situation. It has been observed by the researcher that they are heavily overloaded because of which record keeping regarding delinquent juveniles is not up-to-date.
- f. The Study also covered the Excise Department and CID Police Headquarters, Guwahati. Though these departments also provided data relating to the research

work but they were also not in a position to provide up-to-date data relating to juvenile delinquency. The CID, Assam, Guwahati office provided data regarding juvenile delinquency from the period 2014 to 2016 and 2017, 2018 data is not up to date and Excise department from the period April, 2018 to May, 2019.

## **1.8. Chapter Plan**

The researcher has divided the research work in the following chapters

### **Chapter -1**

#### **Introduction**

The first chapter deals with the juvenile delinquency as a social problem. It also highlights the importance of the Study, Statement of the Problem, Objective of the Study, Limitation of the Study, Methodology and Hypothesis of the research study.

### **Chapter- 2**

#### **Alcoholism and Drug Addiction as Causation of Juvenile Delinquency**

In the second chapter the researcher has discussed the meaning of delinquency, juvenile delinquency, alcoholism and drug addiction. Researcher also explains the vagrancy and delinquency in an urban setting, effects of alcoholism and drug addiction of crime causation and consequences of drug crime cycle.

### **Chapter- 3**

#### **Law, Procedure and Treatment of Juvenile Delinquents**

Here the researcher has discussed the various Acts relating to drug and alcohol and also explain the different Act which were enacted by Central and the State Government for the protection and treatment of the juveniles- such as

1. The Opium Act, 1878;
2. The Dangerous Drugs Act, 1930;
3. The Narcotic Drug and Psychotropic Substances Act, 1985;

4. The Assam Students and Juvenile Smoking Act, 1923;
5. The Assam Opium Smoking Act, 1927;
6. The Assam Excise Act, 2000;
7. The Assam Ganja and Bhang Prohibition Act, 1958;
8. The Assam Liquor Prohibition Act, 1952,
9. The Apprentices Act, 1850;
10. The Reformatory Schools Act, 1897;
11. The Probation of Offenders Act, 1988,
12. The Children Act, 1960;
13. The Juvenile Justice Act, 1986,
14. The Juvenile Justice (Care and Protection of Children) Act, 2000 and amended Act, 2015.

#### **Chapter- 4**

##### **Police Administration dealing with Juvenile Delinquency**

Fourth chapter gives exhaustive information about the role of police in juvenile delinquency. Various functions of the police such as supervisory field work, co-ordination, counseling, training and rehabilitation are discussed here.

#### **Chapter - 5**

##### **International Efforts Relating To Prevention of Juvenile Delinquency and**

##### **Substance Abuse**

In the 5th Chapter, the researcher has discussed International guidelines for the prevention and treatment of juvenile delinquents. The following international documents are discussed in this chapter:

1. United Nations Standard Minimum Rules for the Administration of Juvenile Justice-  
“The Beijing Rules 1985”;

2. United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), 1990;
3. United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990;
4. The UN Resolution on Administration of Juvenile of Justice (The Vienna Guidelines);
5. United Nations Ten-Point plan for juvenile justice;
6. International Centre for the Prevention of Crime;
7. The United Nation Convention on the Rights of the Child, 1989;
8. World Drug Report, 2017;
9. International Opium Convention 1912, The Hague;
10. Agreement Concerning the Suppression of the Manufacture Internal Trade and Use, Prepared Opium, 1925;
11. Protocol annexed to the International Opium Convention, 1925;
12. Convention on Manufacture and Distribution of Narcotic Drugs, 1931, Bangkok;
13. Agreement Concerning the Suppression of Opium Smoking in the Far East, 1931, Bangkok;
14. Convention on Psychotropic Substances, 1971, Vienna;
15. SAARC Convention of Narcotic Drugs and Psychotropic Substances Act, 1990;
16. International Drug Control Programme;
17. The Commission on Narcotic Drugs;
18. International Narcotic Control Board;
19. United Nation Office on Drugs and Crime.

## **Chapter- 6**

### **Role of NGO and Govt. Organization to Combat Juvenile Delinquency in the Study Area**

In this chapter, the researcher has discussed the role of NGO and Government Organization for the treatment and rehabilitation of the addicted juveniles/Juvenile delinquency. The researcher explains the following points in the chapter:

#### **1. Important Role of different NGOs**

- a. Kripa Foundaton;
- b. Hope Foundation;
- c. Asha Bhawan, Assam Guwahati

#### **2. Role of Government Organization**

- a. Probation Officer;
- b. Law enforcement Officers;
- c. Observation Home;
- d. Special Home;
- e. Children Home;
- f. Child Welfare Committee;
- g. House Father or House Mother.
- h. Role of Judiciary.
- i. Role of Guwahati Medical College and Hospital (GMCH), a Govt. institution.

## **Chapter -7**

### **Case Study of Juvenile Delinquency**

The 7<sup>th</sup> Chapter explains about the major case studies of addicted juveniles which were collected from the Observation Home, Boko. It also deals with different

aspects of the case studies like his family background, offence, education, bad-habits, personal and social adjustment.

## **Chapter- 8**

### **Discussion**

In this chapter the researcher has mentioned the summary of the whole chapters of the research work.

## **Chapter- 9**

### **Summary and Conclusion**

This chapter deals with the major findings, hypothesis testing, important suggestion and also explains the conclusion.