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Comparative Study of Juvenile Delinquency with Special References to India , UK, USA

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ABSTRACT

The Juvenile Delinquency problem involves millions of youth. It has been estimated that maximum number of all our youths have engaged in Juvenile Delinquency behavior at one time or another. Of course, many youths are never processed through the Juvenile Justice system, but this does not diminish the importance or impact of the problem. Many approaches have been developed to study the Delinquency problem, but it still remains a complex and difficult area. Our approach is threefold. History, theory, and research are emphasized as essential ingredients for an adequate assessment of the delinquency problem. We develop a classification scheme for theory and critically assess current theory in the light of delinquency research. The emphasis on theory and research does not mean, that institutional efforts for control, treatment, rehabilitation, and prevention are ignored.

1 INTRODUCTION

A Latin objective that suits best for the Juvenile Justice structure in India is 'Nil Novi Spectrum' which prompts that nothing is new on this planet. There has existed an idea in the whole world since the past period that the Juveniles should be controlled liberal considering the way that there exists a framework for felt that says—Young individuals usually will as a rule respond in a genuine and yielded disappointment which is went with strong plans. Over the with everything pondered a drawn-out time span, it is additionally seen that the horrible practices done by kids more fiery than 15-16 have taken out up by a long shot. The general penchant or the cerebrum research behind the responsibility of the disturbing lead or the explanations for loathsome direct are early-significant experiences, striking masculinity, youth, cash related tear-downs, nonappearance of getting ready, etc It joins disgrace that the young people more ample than 6-10 are these days used as instruments for doing unlawful or encroachment. Since the characters of the kids have an ideal and manipulative character, they can be cheated at sensibly cost.

Before the Juvenile Justice Act of 2015, 2000 and 1986, there existed the Children Act of 1960 that commonplace to offer repercussions for the general responses towards the issue of Juvenile Justice by which they gave a uniform strategy that got the interests and advantages of a Juvenile and that looked at care, treatment, re-trying and improvement of a fiery experienced adolescence with an especially essential level¹.

Regardless, with the new updates in the overall region following ascending of the obligation of Juveniles in frightful lead, the Indian experts are obliged to approach with new, reformist, and stricter laws for the concerned Juvenile development in the country. Reasonably, the Juvenile Justice show of 1986 then Juvenile Justice showing up of 2000 and actually the Juvenile Justice show of 2015 was passed by the Parliament. Right when past Chief Justice of India, Justice V.K. Krishna Iyer offered that we need obliging code because the adolescent is the father of a man and driving forward through that we're clearing the underdevelopment in young people, we would be problematic of various issues and bungles related to vindicating our children.

More two or three explicit years, the repulsive direct rate by the young people more vigorous than 16 years has expanded. The clarification of growing dreadful direct rate is may be a short aftereffect of the enthusiastic environment of the youth, cash related conditions, nonattendance of preparing and the parental thought. These are the a piece of the focal reasons. Basically, the most astonishing part is that, kids (especially under the age get-together of 5 to 7 years) as time goes on a days are used as instrument for completing the horrifying lead as at that this stage their mind is particularly certifiable and can be

¹ Adenwall, M. (2006), Child Protection and Juvenile Justice System for Juvenile in Conflict with Law, Childline India Foundation, Mumbai.

controlled.

Which methods for Child and Juvenile under the Juvenile Justice Act, 2015 and other various laws By and large, a "vigorous" implies a person who has not refined the age of 18 years and can't see the worth in that what is acceptable and appalling. In current time, the reformatory laws of most countries have seen the standard of 'doli incapax', which strategies for understanding that act there are doing is a terrible lead. The reformatory laws furthermore passes on that Only child between the age of seven to twelve age can be rebuffed, given that, the show they have executed is a disgusting loathsome lead and they have data and has accomplished the excellent data to see the worth in the surrendered results of their appearance².

As shown by sub-district 12 of Section 2 of The Juvenile (Care and Protection) Act, 2015 a "kid" gathers a person who has not completed eighteen years of age. The Act orders the verbalization "adolescent" into two frameworks: –

- "child drawing in with law", and
- "child requiring care and request".

The youthful grown-up who has presented an offense and the individual is more energetic than 18 years on the date of commission of the offense is from a general viewpoint called as " kid drawing in with law". The resulting sub – class is " youth requiring care and attestation" recommends a young person notice depicted under Section 14 of the Act.

Young people Act, 1960: Section 2(e) of the Act states " kid" shows a child who has not refined the age of sixteen years or an adolescent who has not fostered the age of eighteen years.

Joined Nations Convention: The UN Convention on the Rights of Child, 1989 portrays that "mind boggling" gathers an individual more enthusiastic than eighteen years with the exception of if the law confirmation suitable to kid, lion's offer is made as of now.

2 DIFFERENCE BETWEEN JUVENILE AND CHILD

A person under the hour of full credible commitment and obligation is a minor or a person who is under the genuine age of eighteen years is minor. A vigorous being impugned for a vindictive lead isn't attempted as an adult and is passed on off the Child Care Center while juvenile is a person between the age get-together of sixteen and eighteen years. An abundant who is been chided for amazing lead is an energetic adult submitted amassing and is dissected as experienced youth in court systems.

All around sense both the term has same significance yet at any rate contrast lies in setting of examinations as shown by law. Minor unwinds excited and adolescent individuals while lively adult either shows youthful grown-up individual or scorching submitted parties³.

3 INTERNATIONAL CONCERNS FOR JUVENILE

The General Assembly of the United Nations got the Convention on the Rights of the Child on 20th November, 1989 which prescribe a monstrous stack of standard to be clung to by the extent of the States parties in getting the thriving of the young adult. The International instruments and shows have contributed astoundingly to the issue of youth rights and revulsion of adolescent abuse.[8]The International bodies like United Nations and UNICEF have ceaselessly paid more fundamental upgrade on the improvement of Child.

Following are the International Instruments and Conventions that are kept up by the complete of the States of UN to guarantee the potential gains of Children:

- UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)
- UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)
- UN Rules for the Protection of Juvenile Deprived of their Liberty (Havana Conventions)
- Guidelines for the Action on Children in Criminal Juvenile System (Vienna Guidelines)

4 JUVENILE JUSTICE SYSTEM IN U.K.

Striking for 1908 Juvenile Courts were set up in England under the Children Act, 1908. The focal duty of these courts was to give fitting thought and requesting to youth and invigorated disappointments and track down the extent of the monster approaches to manage administer direct take out all shocking standard segments around the submitted parties and to ensure re-empowering of the messed up get-togethers by giving instructing and figuring out.

The Children and Young Offenders Act, 1933 presents the standard powers on the Juvenile Courts in certain enormous cases to audit matter. The Act

² Siddique Ahmed (1977), Criminology: Problem & Perspectives, Eastern Book Company, Law Publishers and Booksellers 34, Lalbagh, Lucknow.

³ Sims, B. and Preston, P. ed. (2006), Handbook of Juvenile Justice - Theory and Practice, CRC Press, Taylor and Francis Group, New York

likewise gives that any child[9] and lively person[10] who have executed the unsavory direct should be endeavored in Juvenile Courts so to speak. The Act other than gives the establishment of Remand Homes.

UK Legislation other than went with the new Act that nearly coordinates Rights of Juvenile Offenders. The Act came to know as The Criminal Justice Act, 1948, the superstar gives certain class of prospering to shooting delinquents by sending them to remand homes.⁴

5 JUVENILE JUSTICE SYSTEM IN U.S.A.

The working of Juvenile Courts in U.S.A. is everything considered less confusing and less amazing when isolated from various nations. The courts of U.S.A. follows the great way during the time spent status of submitted assembling. At the standard stage, the cop in the charge of the case has the full watchfulness power either to keep the anxious adult blasphemer in the juvenile guardianship or to quickly give him or to establish the insecure party or to do the both. In the going with stage cop need to contact the Juvenile Courts to make them careful about the case and to bring the issue into their hands.

Enthusiastic adult Offenders after the head in court is being moved off Certified Schools or to the Children Homes if the suggesting is passed by the court. As exhibited by the Juvenile Justice System in U.S.A. a juvenile is endeavored as an adult by and large in those conditions where the age of the vivacious adult is close to adulthood as demonstrated by the genuine techniques or any young adult agitators who is found to be related with reiterated offenses and is shown hazard to the overall people.

6 HISTORY OF JUVENILE JUSTICE SYSTEM IN INDIA

In present time, an improvement for the extraordinary treatment of energetic adult violators has started all through the world including many made countries like U.K., U.S.A. This improvement has been started around the eighteenth century. Going before this, young adult chargeable get-togethers were treated as same as other criminal free thinkers. Furthermore, for a general that really matters, questionable clarification, General Assembly of United Nations has gotten a Convention on the Rights of Child on 20th November 1989. This show endeavors to get the thriving of young adult reliable social events. The Convention offers that to guarantee the social – reintegration of rich adult, there will be no real proceeding and court essentials against them. The Convention drives the Indian Legislation to deny the Juvenile Justice Act, 1986 and to make another law. Fittingly, Indian Legislation made another show which was called as "The Juvenile Justice (Care and Protection of Children) Act, 2000.

The Juvenile Justice, 1986 which dropped the earlier Children Act, 1960, included commitment influence on the guidelines contained in the Standard Minimum Rules for the Administration of Juvenile Justice embraced by the U.N. countries in November 1985. The truly proposed Act contained 63 Sections, 7 Chapters and is appeared at whole India need to the State of Jammu and Kashmir. The fundamental piece of the Act was to give care and endorsement, treatment, development and copying of the vindicated red hot adult delinquent. The key central spots of the Act were:

- The circle back to an amazingly essential level put down uniform improvement for the red hot adult worth in country so it guarantees the advantage and interest of consuming developed.
- It diagrams the stuff and infra – structure for the thought, check treatment, improvement and changing of the fiery adult feeble social gatherings.
- It set out the central systems for the ensured and sensible relationship of criminal worth if there ought to emerge an event of amazing terrible direct done by young adult frail social affairs.

JUVENILE JUSTICE ACT, 2000

The Act was set up in year 2000 with point and objective to offer security to kids. The suggested was changed twice – first in the hour of 2006 and later in year of 2011 .The change was made to address the opening and flight explanations in the execution.

Further, the enlarging number of occasions of energetic adult infringement in the last late years and stunning scene of "Delhi Gang Rape Case" has obliged the managers to devise the law. The monster weight of the Act was that it contains prohibited genuine techniques and isolating young adult advancement was other than the critical clarification in bewildering the excited adult lamentable practices in India. The show was executed soon by The Juvenile Justice(Care and Protection) Act, 2015.

JUVENILE JUSTICE ACT, 2015

The Juvenile Justice show of 2015 cleared the Juvenile Justice show of 2000 considering the course that there existed a crucial for a without a doubt more

⁴ Rawls, J. (2000), A Theory of Justice, Universal Law Publishing Co. Pvt. Ltd.,Delhi

groundbreaking and huge worth improvement that focused in on check for the most part as reformative techniques. The way of thinking towards Juveniles should entrance identifying with that of adults, there were questions made in the Parliament that the Juveniles should be given more space for change or duplicating or improvement and that is on an essential level possible when there's a befuddling worth system. Hence, the new appearance for instance the Juvenile Justice (care and validation of adolescents) Act, 2015 focused in on a Juvenile mind blowing procedure for settling and way of issue.

SOME OF THE SALIENT FEATURES ARE AS FOLLOWS:

Area 2 (12) of the Juvenile Justice (care and security of young people) Act, 2015 gives the importance of the Child, which assembles in this way that a child is a person who hasn't completed the age of 18 for instance he/she is under 18. The Act has given a graph concerning the term 'Lively grown-up' unequivocally "Youth requiring care and deals" and Section 2 (13) of the Juvenile Justice (care and security of adolescents) Act, 2015 that conversations about "Young person doing engaging with law".

There was a sensible limit made concerning the highlights of offenses, which proposes appropriately that plans were made naming the offenses as stunning, ensured and unessential. There have been closes made concerning the Juveniles who are between the age of 16-18, if any kind of loathsome lead is executed by them, after due appraisal of their brilliant cutoff, they can be attempted as an adult.⁵

Show of Juvenile courts, which induces from here on out that perplexing courts were to be set up that will try the Juvenile offenses only, like that of the NDPS courts, courts controlling POCSO, etc

With the occasion to the 2015 Act, the level of the significance of 'Youth requiring care and security' was improved to another level by thinking about the going with centers from the many comprehended in Section 2 (14) of the Juvenile Justice (care and assertion of adolescents) Act, 2015:

Those whose gatekeepers or screens are/were excused or uninterested in managing the child.

- Those who are/were found performing works that are in inconsistency to the work laws.
- Ones who have the particular threat of marriage under the watchful look of achieving the predefined sound age.
- The meaning of choice has other than been gotten comfortable the Act through which the rights a got kid stands undeniable.

The designs to cement the laws relating to teens guaranteed and found to battle with law and youngsters requiring care and security by giving food and considering their significant necessities through affirmed care& validation, improvement, treatment, social-coordination, by bearing an adolescent fulfilling structure in the settling and dispatch of issue to the best benefit of children.

JUVENILE JUSTICE BOARD

There will be a constitution of Board with a conclusive objective of suggesting and hearing in the issues of overwhelming adult battling with law.

The Board will joins Principal Magistrate and two social organized point prepared experts, among whom one should be a women. The Act gives that in no way, shape or form, the Board can direct and work from standard court premises. The decision taken by the Principal Magistrate will be evident,⁶

Striking Procedure of Juvenile Justice Board: The Act has given the improvement against the lively adult pointless activity. Keeping are the standard stimulating arrangement –

- The systems can't be begun an expected inconsistency picked by the police or occupant
- The hearing ought to be enchanting and should be truly amassed.
- The violators should be held under Observation Home after limit.
- The starter of fiery adult doing battling with law will be worked with by lady Magistrate.
- A lively grown-up drawing in with law may be passed on before a person from the Board , when Board isn't sitting.

7 CAUSES OF JUVENILE DELINQUENCY

Investigates and Studies shows that they are various purposes behind energetic adult awful lead in India. Every individual has clear individual lead principles so like with youths too. The individual direct guidelines make in youth and at early phase it is difficult to perceive any kind of lead. Thinking about everything, when, kid grows up comes out to authentic world, guidelines of direct changes from

⁵ Haralambos, M. and Heald, R., (2000), *Sociology Themes and Perspectives*, Oxford University Press, New Delhi.

⁶ Dr. Ravulapati (T) Madhavi , M.A. LL.M, PhD. Asst. Professor of Law, K.V. Ranga Reddy Law College Hyderabad. 500029, Stated in her research paper —Feminine honour and Masculine Dishonourl Published in Vol 2, issue 10, October 2011, in Law profile a monthly Legal Journal.

time to time and many circumstances or situation may arise the delinquent behavior in them. Following are some of the causes of Juvenile Delinquency:-

- **Adolescence Instability-** The biological, psychological and sociological are one of the important factors in the behavior pattern of adolescent. At this stage, teenagers become more conscious about their appearances and fashions, enjoyment, food, play and etc. And at this age, they want freedom and they wanted to be independent but sometimes they are given any chances and opportunities by their parents, teachers and elders this leads to development of anti – social behavior in them. Thus, this anti – social behavior, biological changes, psychological causes are some of the reasons which are responsible for juvenile delinquency.
- **Disintegration of Family System-** Disintegration of family system and laxity in parental control is also the main cause of increasing rates of juvenile delinquency. In normal cases divorce of parents, lack of parental control, lack of love and affections are the major factors of juvenile delinquency.⁷
- **Economic condition and Poverty-** Poverty and poor economic condition is also considered has major contributing factor of increasing juvenile crimes as result of poverty, parents or guardian fails to fulfill the needs of the child and at the same time children wants that their desires should be fulfilled by parents by hook or by crook and when their desires are met they start themselves indulging in stealing money from homes or any other parents. And this develop habitual tendency of stealing which results into theft at large scale.
- **Migration-** Migration of deserted and destitute juveniles' boys to slums areas brings them in contact with some anti – social elements of society that carries some illegal activities like prostitution, smuggling of drugs or narcotics etc. These sorts of activities attract the juvenile a lot and they may involve themselves in such activities.

Sex Indulgence- The children those who have experienced sex assault or any other kind of unwanted physical assault in their early childhood may develop any kind of repulsiveness in their behavior and mind. In this age they may become more vagrants or may want to have sex experience. Too much of sex variance may lead the boys towards the crime of kidnapping and rapes etc.

Modern Life Style- The rapidly changing society patterns and modern living style, makes it very difficult for children and adolescents to adjust themselves to the new ways of lifestyle. They are confronted with problems of culture conflicts and are unable to differentiate between right and wrong.

8 JUVENILE JUSTICE AND CONSTITUTION OF INDIA

The Constitution of India is considered as the fundamental law of India. Constitution provides rights and duties of citizens. It also provides provision for the working of the government machineries. Constitution in Part III has provided Fundamental Rights for its citizens in the same manner in its Part IV it has provided *Directive Principles of State Policies (DPSP)* which acts as general guidelines in framing government policies⁸. Constitution has provided some basic rights and provisions especially for the welfare of children. Like: –

- Right to free and compulsory elementary education for all the children under the age of 6 to 14 years. (Article 21A)
- Right to be protected from any hazardous employment under the age of fourteen age. (Article 24)
- Right to be protected from being abused in any form by an adult. (Article 39(e)).
- Right to be protected from human trafficking and forced bonded labour system. (Article 39)
- Right to be provided with good nutrition and proper standard of living. (Article 47)
- Article 15(3) of the Constitution of India provides special powers to State to make any special laws for the upliftment and the betterment of children and women.
- Therefore, the law makers while drafting the Juvenile Act, 2015 has considered all the necessary provisions laid down by the Constitution so that child's rights are protected in all the possible ways.

9 CRIMINAL JUSTICE (REFORMATIVE OR PUNITIVE) AND JUVENILE

Explores and Studies shows that there are various purposes behind energetic adult disturbing lead in India. Every individual has clear individual lead manages so like with youngsters as well. The individual direct guidelines make in youth and at early phase it is difficult to perceive any kind of lead. Considering everything, when, kid grows up comes out to sensible world, norms of direct changes from Along these lines, the current law for Age approval or Age Consent, isn't affecting the counter – social direct of youth. Youthful grown-up heels are in see that executing evil loathsome direct is no issue as they will move away near no or no control in name of reconnecting.

⁷ Archard, David, Macleod, Colin (Eds.) (2005), A Brief History in the Moral and Political Status of Children,

⁸ Archard, David, Macleod, Colin (Eds.) (2005), A Brief History in the Moral and Political Status of Children,

Embracing of reformatory theory of strategies by law, is giving a purposeless benefit to lively grown-up to spread their capacity to execute disturbing lead without going toward any picked results. Change is enchanting yet not in light of everything. In the event that law is looking at improving the vivacious grown-up submitted parties so they can have an extraordinary life in future then law should what's more inspects the possible increases of the individual being shown. Worth should be given to the individual being proposed. The hypothesis of re-endeavoring is assisting enthusiastic grown-up with changing yet it isn't helping the scene utilizing all systems.

The current bursting grown-up game-plan in India is made on see that adolescent wary gatherings can be changed and restored, sending them to bars or control workplaces will going to reaffirm their status and way of life as "fomenters". Before long the insinuating emerges is that there is no demand that youthful experienced adolescence in danger get-togethers will get changed and won't show their enemy of – social direct once more.

The appearance is adding up to zeroing in on the change rather than interest. Control will impact the vivacious grown-up and making speed of detestable lead by adolescent will dial down.

What is the doctrine of 'Doli Incapax'

One among the fundamental standards of Criminal Jurisprudence is the exhibit of 'Doli Incapax', which passes on the criminal duty of the Juvenile. Accurately when this standard is applied and slackened up concerning the Indian Laws, the outcome it gives is that no Juvenile under or of the age of 7 years ought to be charged for the commission of the loathsome brief.

The standard of 'Doli Incapax' suggests the lack of cutoff of executing an astonishing lead. It discovers its explanation on article 40 (3) (a) of the United Nations Convention on Rights of Child, that passes on that each nation should make reference to the base age for the youths who ought to be stayed away from any sort of criminal obligation thinking about their inadequacy to loosen up the nature and expected unavoidable aftereffects of the appearance.

For Juveniles falling more unstable than 8 to 14 years, the arraignment has the obligation to show the offense of the concerned youth. The essential spots of this show can be clarified in the going with focuses:

An energetic ought to be shielded from the gravity of alluding to caused upon him to his show. A reformatory method ought to be found the opportunity to cause the blazing adult to vanquish his deficiency.

A young that has a spot with the age get-together of under 7 years, doesn't have the insightful ability to take a gander at the outcomes of his shows, he/she may come up short on the information additionally as the blueprint to finish an appalling lead and key 'actus reus' can't be a ground for arraignment close at whatever point went with 'mens rea'.

Penal provisions and related judgements:

District 82 and 83 of the Indian Penal Code, 1860 discussions unequivocally about the repulsiveness from arraignment of the Juveniles.⁹

The Supreme Court thinking about *Kakoo V. Space of Himachal Pradesh* decreased the strategies for a 13-year-old youngster who had assaulted a 2-year-old youth. The court pondered sec. 83 and 84 of the IPC that Juveniles can't be treated as that of the grown-ups. Thus, it is a particularly settled law that while managing the Juveniles the court ought to think about reformatory and obliging frameworks.

Out of the blue, mulling over *Heeralal V. Space of Bihar*, a juvenile sensation a grown-up that he'll hack him into pieces and as such the young hurt an individual till his annihilation. He was censured by the explanation court with a thinking that the youthful grown-up was pleasingly imperative to comprehend the conceded delayed consequences of his appearance. The Supreme Court in like manner vindicated the charm.

What role does the Police play

The Police in the Juvenile Justice System are known to be the guardians, starting that they are the ones who can settle on beginning choices concerning how the case would be made. The guards like a beast level of, several cases come up from the an enormous heap of acts submitted and this is again an unfathomable matter of lowness.

Expecting a snippet of data is gotten by the Police official, it is a framework that they ought to be kept in mind blowing homes and not lockups or prison, the matter is to be worked with by an eager grown-up government help official, who'll report things to the Juvenile Justice board. In a piece of the cases, it is in like way seen that the Police official may on by all appearances guaranteed factors and conditions award bail to the Juvenile.

10 CONCLUSION

The making paces of youthful grown-up shocking lead in India in very concerning issue and should be gotten upon. Regardless of the way that association has set up express development and rules to stop the spaces of adolescent ghastly practices yet the current laws on youths isn't influencing the teenagers and in like way the outcomes are not massive and authentic target isn't achieving.

Going before the establishment of the Juvenile Justice Act 1986, the courts have taken the view that the energetic age of the pursued might be destitute to

⁹ K. Kusum, 'Juvenile Delinquency- A Socio-legal Study'(1979) Published by KLM Book House, New Delhi, p.28-29

permit a careful sentence. As of now Section 22 of the Juvenile Justice Act, gives that no delinquent fiery grown-up will be condemned to death or constraint or focused in on a jail in default of part or fine. Where a staggering grown-up has achieved the age of 14, and has introduced a referred to offense, the direct and lead of the energetic is with a convincing target that it would not be isolating a genuine concern for the charged or different youngsters kept in the homes, the adolescent court may plan the delinquent enabled grown-up to be kept in safe guardianship in such a spot and way it thinks about fit. For a condition where a 15 year old on the date of offense assaulted a young person of 7 years old, was summoned and the Andhra Pradesh court held that he was unable to be condemned to concentrated constraint for clearly until the end of time. They are not attempted and criticized in like manner at any rate there is no assumption and in the event that they are 12-18 in India they are viewed as vigorous grown-up delinquent. The youngsters as shown by this show are improved and restored

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