



**JUVENILE DELINQUENCY IN INDIA: THE STATUS QUO AND THE WAY FORWARD**

**Edited By:**

**1) Saumya Tripathi**

(Editor)

[Saumya.judicateme@gmail.com](mailto:Saumya.judicateme@gmail.com)

+91 9044382618

**2) Prakriti Dadsena**

[Prakriti.judicateme@gmail.com](mailto:Prakriti.judicateme@gmail.com)

(Student Editor)

Judicat

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*By, Debalina Roy*

*From, Xavier Law School, Xavier  
University Bhubaneswar*

**ABSTRACT**

Juvenile Delinquency is a pressing issue in India which has exponentially increased over the past few years and juvenile offenders have committed offences of grievous nature. This research paper has elucidated the meaning of 'juvenile delinquency' and 'juvenile' in the context of law, sociology and psychology. It depicts the types and nature of offences committed by juveniles in India in the recent years with the help of statistical data from the National Crime Records Bureau report.

The author has attempted to stratify juvenile delinquency into different groups on the basis of offences committed, the nature and intensity of the offences. This

study aims to establish the relation between parental background and commission of juvenile crimes, the nexus between the peer group of a juvenile and his/her misdeeds and the impact of social networking on juvenile misdemeanours.

The author delves into the causes of delinquent behaviour of juveniles, the role of the society and the socialization process a juvenile undergoes in the development of delinquent conduct. The various contributors and different sociological, psychological, behavioral, physiological and economic factors of delinquent conduct in juveniles have been described in this research paper.

Instances of different types of offences involving juveniles have been enumerated for the better understanding of the nature and causes of juvenile delinquency. The prevalent laws and legislations that deal with juvenile crimes and the provisions of the juvenile justice system has been elucidated.

Furthermore, the author suggests and elaborates on what measures must be taken and how they are to be executed by the parents, teachers, guardians of the juvenile

and the government to prevent and curb juvenile delinquency in India.

The author has referred to various literary and online sources such as books, newspapers, articles, government resources, websites, Amazon Kindle, etc. in the process of preparing this research paper.

## INTRODUCTION

Swami Vivekananda was of the view that, 'The sole foundation on which the future nation can be built is a gallant, sincere, pure-hearted, resolute, valiant and pioneering youth.' It is indeed true that the future of any nation is inevitably and radically dependent on its youth. Unfortunately, in the present times, the future of the youngsters in India is endangered which in turn is likely to have a lasting detrimental impact on the progress of our country. The recent upsurge in instances of Juvenile Delinquency is a pressing concern for the adolescents, their parents and a colossal challenge to the society.

Juvenile delinquency refers to the commission of unlawful activities by minors that is characterized by anti-social behaviour and culturally or morally unacceptable conduct. A juvenile delinquent is an individual who

is below the age of 18 and has violated the law. In India, petty offences such as theft, shoplifting, trespassing, drug possession as well as grievous crimes like rape, murder, dacoity committed by minors are prevalent. It is unsettling that a child at that tender an age is involved in such grisly acts and in order to forestall our youth from indulging in deviant behaviour and committing such misdeeds, it is imperative to decipher the circumstances that induce them to resort to these means.

Adolescence is a pivotal phase in an individual's life, which marks their transition from preadolescence to adulthood. It is during this time that they undergo multiple bodily changes, tend to compare themselves with others, develop inferiority complex, seek certain liberties from parents, shape their socio-political views and develop an increased interest towards the other gender and towards romance/sex.

In addition to these changes, adolescents are confronted with various challenges such as living up to the expectations of their parents and teachers, societal pressure, peer pressure, dealing with hormonal changes, academic anxiety among

others. It has been observed that in a bid to overcome anxiety or to elude from anguish, distressed teenagers often espouse deviant behaviour and the path of misdeeds.

The age of Internet has had some adverse implications on the youth. Social media stands to be one of the most instrumental avenues to have propelled the juveniles into the dark world of crimes.

The juvenile misdemeanours in India are governed under the purview of **The Juvenile Justice (Care and Protection of Children) Act, 2015**, which strives to scale down the occurrences of delinquencies by resolving cases with a prime focus on the best interests of the children and their rehabilitation. The essence of this Act is not to punish, but to deter. Nonetheless, restorative justice or rehabilitative sentencing has done little to subdue the predicament of Juvenile Delinquency in India.

### **ORIGIN AND DEFINITION OF THE TERM “JUVENILE DELINQUENCY”**

The term Juvenile Delinquency was coined in 1899 with the inception of the first Juvenile Court in Illinois, USA. The purpose of establishing this court was to have jurisdiction over individuals under the age of 16 who had committed an offence and could not be tried in the same manner as an adult would have been. The Juvenile Court Act, 1899 was a pioneering move for the Juvenile Justice System all over the globe.

The dictionary defines ‘juvenile’ as an ‘immature’ or ‘puerile’ person whereas ‘delinquency’ refers to the commission of a trivial offence. In India, until the enforcement of The Juvenile Justice (Care and Protection of Children) Act, 2000, the term ‘Juvenile’ referred to a male who has not attained the age of 16 or a female who has not attained the age of 18. With a view to ensure a uniformity of age, this Act defined a Juvenile as any individual who is under the age of 18, which is extant.

Different scholars have defined delinquency from diverse perspectives such as social, psychological, economic and legal.

From the Sociological outlook, Delinquency is behaviour that is unsocial or anti-social. In this view,

individuals are a component of the society who avail the privileges of society, the society in turn expects them to abide by its norms. If an individual fails to comply with the standards of the society, his behaviour is deemed as anti-social and his/her conducts are regarded as delinquency, a vice or a crime. Delinquency is fundamentally a social phenomenon that is characterized by an individual's failure to adapt to his social milieu.

In the context of Law, Delinquency solely refers to the transgression of some law. In this respect, all those young children whose anti-social conducts are so severe that they are actionable by the law can be said to be delinquents.

### **NATURE AND INSTANCES OF JUVENILE OFFENCES IN INDIA**

- In India, the sphere of juvenile delinquency is constricted to the violation of the ordinary Penal Laws of the nation by a person who has not completed the age of 18. State Laws forbid two types of offences for juveniles:

A . Conduct that is criminal for adults. E.g., Murder, Rape, Robbery, Fraud, Drug Possession and Drug Abuse.

B . Status Offences that are only applicable to minors i.e., Truancy, Underage Drinking, Eloping, Underage Driving, etc.

- Of the total delinquencies committed by the minors, barely 10% are brought to the notice of the authorities and the courts.

- Statistics suggest that a vast majority of juveniles apprehended under the Indian Penal Code (IPC) and Special and Local Crimes (SLL) are between the age of 16 and 18. As per the reports of the National Crime Records Bureau (NCRB), Delhi, over 40 thousand crimes were committed by juveniles in 2019, among which 72% was committed by juveniles aged 16 to 18.

- It has been deduced that adolescents who went to school (literate) committed crimes at a greater rate than those who were deprived of education (illiterate) which is a cause of concern.

- The majority of offences by juveniles under the IPC is against property i.e. theft, burglary, robbery, dacoity and trespassing. These crimes account for about 45% of the total cognizable offences committed by juveniles under the IPC.

- The recent NCRB report reveals that as many as 1600 rapes and 1500 other sexual assault cases involving juveniles have been committed in the year 2019.
- The highest juvenile crime rate has been recorded in Madhya Pradesh which accounted for almost 20% of the total cases in India. Madhya Pradesh was closely followed by Maharashtra at about 18% and Delhi with 8.8% of India's total juvenile cases.

## **HORRENDOUS JUVENILE MISDEEDS THAT UNNERVED INDIA**

- ⊗ In September 2013, a gang of five juvenile boys in the age group of 12 to 16 years abducted and raped their 12-year-old female neighbour in the outskirts of Hatigaon village in Guwahati, Assam.
- ⊗ Pawan Gupta who was one of the convicts of the Nirbhaya Rape Case, that appalled not only India but the entire humankind, was a minor. It was divulged that he was the most brutish and the one who violated the victim's body with an iron rod. This case marks a turning point in the Juvenile Justice System of India and paved way for the Juvenile Justice Bill (Amendment) Bill, 2014 which took the form of the Juvenile Justice (Care and Protection of Children) Act, 2015. Thereon, it was determined that if any individual above the age of 16 is involved in a crime of atrocious nature, then he or she shall be tried as an adult and not as a juvenile.
- ⊗ In July 2016, a teenage boy from Delhi who was a few days short of turning 18 ran over Siddhartha Sharma, a marketing executive with his father's Mercedes. The teenager was found to be involved in previous cases of traffic violations. He was charged with over speeding and culpable homicide in this case. The accused's father was also arrested for abetting the crime.
- ⊗ In April 2020, in the national capital, an 8-year-old boy kidnapped an infant, bludgeoned him to death and abandoned his dead body in a water tank. The boy had a fight with the sister of the victim and committed this crime to exact revenge on the sister.
- ⊗ In May 2019, a 17-year-old allegedly shot dead a Tik Tok influencer Mohit Mor in the busy Najafgarg market area of Delhi.
- ⊗ A 15-year-old kid residing in Bhiwandi, Mumbai murdered his elder brother by

stabbing him with a scissor multiple times for asking him to stop playing PUB G (Player Unknown's Battlegrounds). This unfortunate incident compels us to ponder on the indelible influence of technology on the youth of this generation.

### CLASSIFICATION OF DIFFERENT TYPES OF JUVENILE DELINQUENCY

Juvenile Delinquency encompasses a vast variety of activities carried out by the minors and can be classified into different groups on the basis of factors such as the nature, kinds and severity of the offences.

On the basis of the kinds of offences committed, Misdemeanours by Juveniles can be stratified into the following six categories:

- 1) **Incorrigibility**: Incorporrigibility is characterized by defiance of parent's commands, unruly behaviour and a tendency to go against the defined standards of the authorities.
- 2) **Larceny**: It refers to theft of personal property. Petty offences such as theft, shop-lifting, misappropriation, pick-pocketing, snatching, etc. are included under Larceny.
- 3) **Destruction of Property**: This includes defacing and damaging of both public as well as private property. E.g., Vandalism, Arson, destruction of property during burglary, etc.
- 4) **Truancy**: Truancy refers to the act of staying absent from school for a significantly long period without any valid reason. E.g., Bunking classes continually, absenteeism without the permission of the school or without informing. Though truancy appears to be a minor offence, it can be a crucial indicator of prospective delinquent behaviour.
- 5) **Violence**: Activities of violent nature where physical force is used to hurt or threaten to hurt an individual or a community, typically a one in which a weapon is used. E.g., Robbery, Extortion, Abduction, Aggravated Assault, Riots, Affray, etc.
- 6) **Sexual Offences**: Touching a person inappropriately, sexual intercourse without the consent of that person, with an intention to outrage the modesty of that person

constitute as sexual offences. These offences are of grievous nature. Rape, Sexual Assault, Molestation, Sexual Harassment, etc. are different types of sexual offences committed by juveniles.

Juvenile Offences can also be classified into five groups according to the type and intensity of the offences:

- 1) **Minor Violations:** Petty offences such as disorderly conduct, underage drinking, etc.
- 2) **Major Violations:** Offences that are severely actionable like Assault, Automobile Theft, Dacoity, etc.
- 3) **Property Violations:** Offences against Private as well as Public Property. Destruction of property, Misappropriation, Arson, Vandalism among others
- 4) **Addiction:** Habitual Use of chemical or narcotic substances. Drug Abuse: Use of drugs such as Heroin, Opioids, Morphine among others, Chronic Alcoholism, etc.
- 5) **Bodily Harm:** Homicide, Rape, Abduction, Attempt to Murder, Suicide etc.

American Sociologist **Howard Becker** has delineated four types of Delinquency:

**A. Individual Delinquency:** This type of delinquency is influenced by a person's personality traits and the circumstances faced by the person. E.g., Truancy, Alcoholism, etc.

**B. Group-Supported Delinquency:** Where the illegal activities are carried out by a group of juveniles rather than a single child, it is said to be Group-Supported delinquency. For instance, Gang rape, Robbery, etc.

**C. Organized Delinquency:** These types of misdemeanours are committed by juveniles in a formally organized group. The burgeoning Cult Culture is an apt example. Minors get involved in terrorist activities in this very manner. Instances of Riots, Illegal Protests, etc.

**D. Situational Delinquency:** As the name suggests, Situational delinquency is an act caused in response to a person's situation. Here, the delinquent behaviour is not deep-rooted and is variable from time to time. It is often caused impulsively, in a spontaneous manner. For instance, abandoning home, violating curfew, reckless driving among others.



The Psychological approach of studying Juvenile delinquency takes into account the individual or personality attributes of a delinquent like impulsiveness, emotional imbalance, deficit of self-control, aggressiveness, disobedience, presence of feeling of insecurity, etc.

### **ANALYSIS OF THE CAUSES OF JUVENILE DELINQUENCY**

A complex relationship of psychological, physiological, sociological and economic factors give rise to the anti-social behaviour in children. No child is born a criminal, it is the circumstances that transform an innocent child into a juvenile delinquent.

Thus, the causes of juvenile delinquency have been categorized into Social, Psychological, Economic and Physiological or Individualistic reasons.

#### **Social Reasons:**

- a) Social causes comprise family environment, character and conduct of parents, who the concerned child associates with, which school the child attends, whether the child is exposed to criminal areas/environment.
- b) Factors such as what kind of family a child comes from, the cultural and moral values of the family, whether the child lives in a nuclear or joint family, whether there are any criminal records in the family are decisive in determining if the child is likely to be engaged in delinquent behaviour.
- c) Since a school plays a significant role in shaping an individual's character, if the child goes to a school where the teachers and fellow students are unethical or unscrupulous, it is likely that the child will imbibe similar virtues and values and is susceptible to choosing the criminal path.
- d) Indian adolescents are menaced by a number of issues like alcoholism, drug abuse, physical abuse, poverty, trafficking, illiteracy, peer pressure, low education attainment, domestic violence, etc.
- e) Some of the most common reasons juveniles commit delinquencies are bad company or bad influence, to earn a little extra-pocket money, poor moral values, revengeful mindset, illiteracy or the

incapability to identify the difference between the right and the wrong.

### **Psychological Reasons:**

Deviant conduct can stem from various psychological factors like mental ailments, emotional instability, stress, anxiety disorder, dysthymic disorder or mood disorder. Many teenagers are affected by parent's conflicts at home, some face physical as well as sexual abuse. Many a times to escape from their prevailing circumstances juveniles commit offences.

### **Economic Reasons:**

In a country like India where nearly 22% of the population is below poverty line, Poverty or Privation is a prime cause of juvenile delinquency. In poor households, often the parent's income fall short to meet the basic needs of the children. When children lack the basic necessities of life, it is very natural for them to find a way to fulfill their needs. To serve this purpose, juveniles have often been observed to have committed crimes like theft, robbery, misappropriation, dacoity, abduction and even murder.

### **Physiological Reasons and Individualistic Reasons:**

Juveniles who turn delinquent on account of physiological disorders are known as temperamental delinquents. Girls exhibit delinquent behaviour when they are undergoing their Menstruation. When a child is different abled, there develops a feeling that they are different or lesser than his peers, that feeling is aggravated when they are laughed at or ridiculed for their disability and has the potential of assuming the form of delinquent behavior. Low intelligence in children and being disdained for it encourages anti-social conduct. Youngsters are likely to display aberrant behaviour if they have dearth of faith in themselves, suffer from inferiority complex or have no positive sense of identity.

### **PARENTAL BACKGROUND AS A CONTRIBUTOR OF JUVENILE DELINQUENT BEHAVIOUR**

A parent is a child's first role model. Children try to emulate their parent's behaviour and mannerisms. The responsibility of nurturing the child, instilling moral principles and the quality of integrity in their ward, encouraging them to excel in whatever they do, boosting their

spirit when are dejected, admiring them for their achievements and providing them a conducive atmosphere for their all-round development lies with the parents. In India, parents play the principal role in socializing their children.

Though parental factors do not directly influence delinquent behaviour in children, it is said to be an effectual mediator. Complexities in parent-ward relationships results in the adolescent having difficulties to conform to the societal norms. The emotional attachment with parents, type of parent-adolescent interaction, amount of time spent with parents, parental guidance, the child's perception of his/her parents, parental involvement in the child's academics and general affairs are all factors that impact delinquency.

It has been observed that juveniles whose parents who do not keep a check on their wards, are unaware of their whereabouts, children who spend negligible amount of time with parents, who often engage in altercations with parents and siblings are more vulnerable to delinquent tendencies.

The common factors pertaining to family environment and parents that contributes to juvenile delinquency are:

- Lack of affection, Lack of care and control over the child
- Conflicts between parents, Domestic Violence in the household
- Low income or Unemployment of parents
- Amount of pocket money allowance
- Use of alcohol, Drug abuse by parents
- Educational Qualification and Occupation of parents
- Unprincipled parents, a household where morality and integrity are not valued
- Broken Home: Divorced or separated parents, Demise of a parent
- Second marriage of either parent, presence of a step parent
- Extremely Strict discipline at or excess freedom to the child
- Criminal tendencies of parents or siblings
- High ambition of parents imposed on the child without considering whether the child is capable of or interested in the same field
- Parents comparing their ward with other children
- Reprimanding the child frequently
- Mental illness in either parent

Examples of Cases where Juvenile Crimes rooted from Parental Influence:

- A 14-year-old boy killed his alcoholic father by stabbing him. The adolescent had been witnessing his father physically abusing his mother since years and decided to put a stop to his mother's ordeal.
- A 9<sup>th</sup> standard student whose parents promised to gift her an iPhone if she scored 90% in her exam broke into the principal's office to steal the question paper. She was caught red-handed by a security guard and injured him severely with a blow on the head.
- An underprivileged teenager engaged in gambling to pay for a game which all his classmates owned. The teenager ended up owing Rs 20 thousand and in order to pay the sum pulled off a robbery.

### **PEER INFLUENCE AS A SEED OF JUVENILE DELINQUENCY**

The prevalent teenage problems of this generation are disobedience, impoliteness, drug abuse, peer pressure, hormonal imbalance, ambiguity, dysfunctional family, alcoholism, stress, anxiety disorder. A major concern is that

adolescents lack behavioral control. Adolescents are characterized by impulsiveness, immaturity, aggressive and rebellious behaviour. During this age, they are very impressionable and tend to mirror behaviour and cultivate habits that are considered popular amongst their peer group.

A peer group refers to a social group characterized by the same interest, activities and age. Juveniles spend the majority of their time with their friends as they can relate to them and communicate freely. Peer pressure is a phenomenon where the members of the peer group are motivated and encouraged to behave in a certain way and are expected to mold their beliefs, ideologies and conduct in consonance with the group interests.

Delinquent peer association and socialization is one of the determinants of subsequent adolescent delinquency. The fear of isolation drives a juvenile to be a part of the peer group. In this process, if the peer group is engaged in delinquent conduct, the juvenile too indulges in deviant behaviour and misdemeanours. At times, to be popular among the group, an adolescent practices delinquent behavior. If the peer group is involved in activities such as smoking, drinking, rebellious acts, it has

a negative impact on the character of the adolescent. Offences such as underage drinking, driving, traffic violations, eve-teasing, abusing and rape threats on social networking sites are often influenced by peer pressure.

### **THE NEXUS BETWEEN TECHNOLOGY OR SOCIAL MEDIA AND DELINQUENT BEHAVIOUR**

The advancement and ever-increasing popularity of technology and social media has contributed significantly towards the delinquent conduct of juveniles. Nowadays, children from the age of 12 or 13 have access to various social networking platforms such as Facebook, Twitter, YouTube, Instagram, Snapchat and many more. Often, these social media sites have been an 'accomplice' in juvenile crimes.

Juveniles with the intention of committing an offence, search methods of committing crimes on Google or watch videos of them on YouTube or other similar sites. Adolescent boys befriend minor girls on Facebook or Instagram with the motive of sexual assault. Sexual offences committed by juveniles are often linked to their exposure to pornographic sites. In the

recent times, with the emergence of OOTD platforms, juveniles get greater access to violent movies or shows which might not be suitable for their age and imitate such behaviour.

The 'Bois Locker Room' scandal that came to light in May 2020 reveals the potential social media possesses to cause delinquent behaviour as well as violent crimes in juveniles. Bois locker room was an Instagram group of high school students where obscene pictures of minor girls were being exchanged. The screenshots of the chats disclosed a conversation among the boys about raping a fellow female classmate, describing how they would execute the assault. This disturbing incident impels us as a society to contemplate where we are going wrong, how we have failed to instill in our children the basic moral principles and how the humanity in our society is gradually diminishing.

### **THE JUVENILE JUSTICE SYSTEM IN INDIA**

The legislation which oversees the juvenile offences in present day India is the Juvenile Justice (Care and Protection of Children Act, 2015, which defines juvenile as any individual under the age of 18 and it

replaced the Juvenile Justice (Care and Protection of Children) Act of 2000.

The new Act introduced provisions to punish juveniles between the age of 16 and 18 who are involved in heinous and atrocious crimes like Murder, Rape, Terrorism, etc. This is justified on the grounds that if a juvenile has committed an offence to the likes of an adult, he must face the consequences an adult would have to face. The decision to amend the previous legislation was taken in the backdrop of the brutal Delhi Gang Rape Case (Nirbhaya) in which one of the convicts was a minor. Juveniles who are tried as adults are rehabilitated in a remand home until they turn 21 years of age.

A Juvenile Justice Board consisting of a Judicial Magistrate or Metropolitan Magistrate is established in every district to resolve matters related to juvenile delinquency. Two social workers, of which one has to be a female, assist the Magistrate to form a bench, The Juvenile Justice Board is endowed with the power of determining whether the juvenile will be provided rehabilitation or treated as an adult.

If a child is found guilty of a petty offence, he is let free after proper guidance and admonishment or the parents

are asked to pay a fine. In some cases, the child is assigned community service or advised to take counselling sessions.

In India, most of the juvenile offenders are uneducated or destitute. Hence, this Act aims to provide restorative justice to them. They are sent to a correctional home or observation home where they are provided education, psychiatric assistance, therapy and taught behavioral control, social skills, character development, etc.

The Protection of Children from Sexual Offences (POCSO) (Amendment) Act of 2019 seeks to guard children from and provides stringent retribution against offences of sexual assault, child pornography, rape, etc.

### **PREVENTIVE MEASURES TO CURB JUVENILE DELINQUENCY IN INDIA**

The most crucial element to contain delinquent activities in juveniles is recognizing the causes of it, comprehending what drives them to commit such offences.

Some of the ways in which juvenile delinquency can be prevented are enlisted below:

- ✓ Parents must devote more leisure time to children, must take care of their emotional, keep a check on their activities, etc.
- ✓ Family counselling; in households where quarrels are frequent
- ✓ Sex Education must be imparted at the right age and teenagers must be taught to respect the opposite gender
- ✓ Providing psychological and psychiatric care and assistance if required
- ✓ Personality development and Mentoring Programs for young children
- ✓ Parents should ensure that their child is able to share his/her feelings and problems with them; they should neither be too strict or too lenient with the child
- ✓ Treatment for Substance Abuse problems if the juvenile indulges in drug abuse
- ✓ Efforts and Accomplishments of a child must be praised and parents or teachers should not compare them with other children

- ✓ Recreational activities, cultivating good hobbies like music, painting, dance, etc.
- ✓ The Government must take initiative to provide education and basic amenities to the deprived children
- ✓ Parents must impose certain restrictions in order to discipline the child
- ✓ The time spent on the internet and social media must be monitored
- ✓ The Juvenile Justice Act must be implemented and enforced efficiently so as to deter a juvenile from committing offences

### CONCLUSION

In a developing nation like India where poverty is galore and the nation looks upon its youth to take India to soaring heights, the proliferating incidence of Juvenile Delinquency is a major cause of concern which hampers the career and future of the juveniles. From the above study, it can be deduced that delinquent conduct in juveniles stem from different social, economic, psychological and physiological reasons. The social environment of the juvenile, the kind of family the juvenile belongs to, the peer group the juvenile spends time with, the conduct of parents and the moral values

instilled in the juvenile are determinants of delinquency.

In the recent years, technology and social media has been a negative influence on the juveniles that have encouraged delinquent behaviour and can be said to have acted as an ‘accomplice’ in juvenile crimes. Vices such as drug addiction and drinking alcohol has also impacted aberrant behaviour. In India, in most juvenile cases, poverty and illiteracy have been observed to be the contributing factors. The provisions of the new Juvenile Justice Act have laid down stringent punishments for heinous crimes committed by juveniles, whereas for less severe offences rehabilitative sentencing is prescribed.

The key to combat this exigent issue lies in identifying the socialization process that a juvenile is exposed to, to cater to his/her emotional needs in an efficient manner and to discern signs of aberrant behaviour at an earlier stage and thereby restraining anticipated misdemeanour, which can be most efficiently endeavoured and accomplished by the parents, teachers, guardians, siblings and relatives who are in propinquity to the concerned adolescent.

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