



# Juvenile Delinquency-Understanding the psychology behind crimes

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## ABSTRACT

The National Crimes Records Bureau (India) had shown a steep rise in juvenile crimes during from the 2000's and 2010's this steep rise in juvenile delinquency sparked a nationwide debate as on what is the underlying cause behind this increased juvenile delinquency rate. In 2016, a popular Indian media outlet reignited the debate naming Juvenile Crime as "The New Age of Offence". The objective of this research paper is to identify the psychological factors and effects of Juvenile delinquency. Through this research paper we will be exploring juvenile delinquency and, it's relation with mental health, psychology, & substance abuse.

## I. JUVENILE DELINQUENCY - UNDERSTANDING THE PSYCHOLOGY BEHIND THE CRIMES

Our general surroundings exist; nothing runs its course itself. From bearing a child to helping them lead the pack alone into this familiar strange world. Kids are known to be our future, clearly. A large number of them would grow up to be world pioneers, promising to ensure the human network and pace towards a total feasible society; to the land they are established. Kids over the world grow at various rates and create distinctive world-see. Adolescent violations or Juvenile Delinquency has become such normal marvels that they raise genuine worry in any country. In simple wording, adolescent is a youngster who has not accomplished a particular age at which he can think reasonably and frequently comprehend the outcomes of her/his decisions. Consequently, a child who has supposedly damaged some law, under which his/her demonstration of behaviour has been unethical or unlawful is considered an offence. Juveniles cannot be held subject for their anti-social behavioural conducts.

Juvenile crime has seen a major rise particularly for violent actions in the mid-twentieth century. It is the harsh reality of India that juveniles have resorted to make names in crimes that are often seen as brutal in nature. Petty thefts are no longer seen in the same category majorly because the diversity in the heinous crimes has taken a huge turn. A trend so disturbing, has been anguished in the society.

A juvenile isn't the same as a minor. Although, they are often used interchangeably, legally they are different. 'Juvenile' is said to be a criminal who isn't legally adult, while 'minor' is a legal capacity of a person. Every country separately defines the age of when a minor is termed as an adult. Like in India, The U.S.A, Japan and many such 18years and above is considered an adult, similarly in countries like Indonesia, Iran, Myanmar and Yemen, 15 years and above is considered to be an adult.

While we have understood that "Juvenile" refers to underage convicts, Juvenile Delinquency as whole refers to the participation of a minor in illegal behaviour or activities. The exact definition of Juvenile Delinquency ranges differently from state to state, in some places and situation the term is also used to refer to a minor who exhibits disobedience or "bad behaviour". Juvenile Delinquency has always been considered a gateway to adult crimes. While the past psychological findings have tied the majority of criminal behaviour rooting to the individual's childhood, we are focusing on identifying other psychological triggers and verify the existing findings.

To understand the depth of the psychology behind the minds that commit this crime, we need to first understand the different variables that encourage the juveniles to commit crime. Vastly as per the initial findings in the research, only so little focus and attention has been given to understanding the true reason behind the atrocities committed. The



entire heed is diverted to the aftermath of the crime i.e., Juvenile Justice. Although our legal system is designed to show mercy towards the juveniles convicted, it pays little attention in helping them improve. To get into deep understanding, we need to understand the triggers and background of children committing such crimes.

## II. LITERATURE REVIEW

### *Understanding Juveniles, Minors and Childhood*

Juvenile Delinquency or Juvenile offense has for long been subjected to constant studies and researches for the last few decades. Till the late 18th century, the term “child” or “Childhood” received no social recognition and thus was non-existent, rather the term used was “miniature” or “little adults” as mentioned by Kadushin (1980). Children were presumed to be “fragile” and “innocent” while still being capable of “wayward” behaviour. Thus, kids or children were treated the same as adults upon committing any crime – which means the punishment too was similar as well as the trial process. Kadushin has further mentioned in his book that by early 19th century the legislation started relaxing more towards children and recognizing childhood.

Over the last few decades, the developing idea and perception of has been helping us understand juvenile delinquency more – so much so that we have been able to create a distinct category for them. The ever-changing norms and beliefs of each and every society makes it difficult to fully and more precisely define delinquency. Later, in 1960 it had been suggested by The Second United Nations World Congress on Prevention of Crime that width of juvenile delinquency, should only be restricted to “violation of criminal law”, pressing upon the issue of not considering delinquency related cases where there has been no violation of law as juvenile crime.

### *What are the reasons behind children committing crimes?*

Multiple studies have been conducted to understand the underlining reasons for Juvenile Delinquency. In one such study, S. Deb (2006) had categorized/classified the triggers or possible causes of juvenile delinquency into three groups - *socio-economic, cultural and environmental factors, personal pathology, and pathogenic family patterns*. These three reasons have been broken down and presented in various forms by various other researchers. When MaDr.as State Women’s Council (1964) conducted a research, it found out that 72 percent of the juveniles (11-14yrs) resided in slums out of which almost 30 percent were either

unemployed or had dropped out of school. Most of the boys who were unemployed had resorted to forming gangs and participating in minor criminal activities. Similarly, multiple earlier studies (Thilagaraj, 1983; Amati, 1984; Sarkar, 1987) have all pointed upon the school, community and family factors as the key factors in case of child or Juvenile delinquency.

Taking Hirschi’s Social Bond Theory, The Self-control Theory of Crime and Labelling Theory helps us understand and evaluate the varied reasons behind Juvenile Delinquent Behaviour (Mhavan N., 2017). While family, school, and neighbourhood happen to be the most easily read and widely known factors, Economic background and Substance abuse are also some factors that contribute to Delinquent behaviour.

### *The Linkage between Juvenile Delinquency, Mental Health and Substance Abuse*

Juvenile Delinquency, just like the common cases of delinquency, has been linked to psychological behaviour and wellbeing along with substance abuse by many researchers. In an interesting research by Amianto F, Fassino S (2017), the researchers have helped in understanding the psychological or psychiatric linkage between “emerging teens” and juvenile criminal nature. Youngsters are often exposed to hate and power by their parents and society, where a continual denial of empathy lacks in our culture, the encouragement to become powerful and oppress the weaklings is deep-rooted.

Elevated levels of psycho-obsessive behaviour in juveniles has been proven over the last couple of years, all over the western hemisphere. A particular consideration regarding this issue is expected to structure an effective counteraction and set forth satisfactory restorative procedures. There is significant proof that mental consideration during youthfulness can be a critical issue. As a result, of these challenges of people in dealing with the psychopathology of youngsters, the instances of adolescents hospitalized in mental wards for grown-ups are developing simultaneously the number of young offenders in jail.

Another newly established reason for increased Juvenile delinquent behaviour is the use or overuse of narcotics or any form of substance abuse. McGonigal, Patrick and Moore, Kathleen & Young, Matthew. (2018) in their research study tried to gauge the potency of Dr.ug court system applied in case of young-adult offenders ages 18-26, while furthermore exploring the regulating relationship of psychiatric symptoms on treatment outcome.



Seventy-four clients were assessed at baseline followed by a 6-month follow-up. The results helped them understand how Dr.ug court can be used to incarcerate juveniles. This conclusion gave way to the new idea of involvement of Substance or Dr.ug abuse as an additional factor leading to juvenile delinquency.

Childhood Trauma and PTSD has also been identified as a potential link and trigger of juvenile delinquent behaviour. Any traumatic incidence including serious injury or illness, a disaster or loss of personal relationship, and not just sexual or physical abuse can cause PTSD among juveniles during early childhood (Ford, J. D. et. al, 2007; Dierkhising et al., 2013). These traumatic experiences can potentially disrupt brain and personality development of the individual. In another study it was found that pre – high school girls who have been exposed to traumatic events tend to show signs of predictive relationship with delinquent behaviour, while older girls with previous trauma are more susceptible to future trauma (Marsiglio et al., 2014, p. 223; Peltonen et al., 2020, p. 846).

#### ***Punish or rehabilitate?***

The debate between whether punishment or rehabilitation is the correct approach in case of juvenile delinquency has been a long-standing debate. Blesch, Aron (2019), while surveying the justice system for criminals and their mind-set controversies perhaps no topic resonates more than the issue of how to reduce recidivism. Having a punitive model for some offenders and a non-punitive for others is a cumbersome process of deciding who gets what type of punishment; and there are complexities in each case.

The "lock them up and throw away the key" outlook is still a strong sentiment held by many. However, most prisoners will be let out of prison at some point in the future. Life without parole, as well as the death penalty, may not mean that either actually happens in some cases. The punishment model in all rehabilitative efforts indeed could backfire when such offenders are potentially set free finally or discharged due to a successful appeals process. Society will be less able to accommodate the non-rehabilitated, and ex-offenders could then end up back in prison before too long.

### **III. RESEARCH METHODOLOGY**

The method of research used here is – Qualitative Research, this method is a market research method, through which conclusions can be

drawn via the data obtained from open-ended and conversational communication. Its primary advantage being, that it offers a full-length account and analysis of any research subject without constraining the scope of said research and the attributes of its participant's responses. This method helps make room for further probing and questioning based on the respondent's answers or feedback, accumulating more in-depth data.

For this Research the method of data collection is - In-depth Interview of the selected Focus Groups as well as the secondary form of data. These Interviews were both semi-structured on the basis of the availability of the interviewee. The Social Worker's experience responses were accumulated with the help of Tele-interview due to the interviewee's schedule. The Second Interview was that of a psychologist with an extensive experience around juveniles. The second interview was conducted via Telephonic medium due to time constrains and availability of the professional.

#### **Data Analysis**

Conducting qualitative analysis is, understanding someone else's perception or viewpoint. It is their voices that we're making an attempt to listen to, in order that they will be understood and reported on for others to browse and learn from. Let's say this time to contemplate the transcript excerpt conferred in Annexure 1 and 2 which has been recorded through a telephonic interview of Dr. Usha Narayan, the director of the NGO Shubhakhshika Educational Society and Dr. Shubhra Sanyal, a child psychiatrist specialist as well as an almost juvenile (identity not disclosed), respectively. A combination of Narrative analysis and thematic analysis was used throughout the data analysis.

#### ***Understanding the System and Nature of Crime.***

- The similarity in the pattern of crimes committed dials back to the involvement of the kids in cults, in most cases the already convicted juveniles influence the crime induced activities.
- The first-time offenders are in remorse and sense the need to improvement, but because of peer-pressure, or bullying, per say, by the staff and/or the older kids, they are dragged back into the dark hole.
- The negligence of the authority and magistrate while dealing with the children in the observation homes (where the juveniles are kept in for improvement, character development and therapeutic practices.)



- In some cases, the children are tortured for basic needs, like food and clothing, within the observation homes. For the first time offenders, it is easy for the authority to exploit them, whilst even hiding the torture inflicted on those children by older children already serving their time in the observation homes.
- In cases of crimes related to sexual assault and physical violence, a practice of violent culture is usually exercised within their family. The children grow up witnessing the abuse, leading to violent development of their character. Sometimes the children who have been subjected to harassment at a younger age end up harassing/bullying others, trying to mirror the actions because in cases like such, the kids believe there is a pattern that needs to be followed. Because they were harassed, they have to inflict that pain on others, which eventually turns into a personality trait.
- The harshest punishment for Juveniles for any scale of crime committed is up to three years in jail. Although, there were discussions in place where the members of major political parties believed that if the nature of the crime is heinous, the juvenile should be tried as an adult, but no such judgement has been made in law till date.

#### ***Juveniles: Poor Background.***

- 1) Children coming from economically weaker sections are given a benefit of doubt which justifies their criminal actions. Most juveniles committing theft or robbery, do it out of their need for survival. Harsh financial circumstances push them to carry out crimes.
- 2) Another major concern that divides our attention is their involvement in local cults and criminal groups or gangs. Children coming from broken homes or inattentive parents are more isolated and feel abandoned. These kids are more likely to join criminal groups and stay loyal to them as they feel more appreciated and accepted there. It also leads to substance abuse which further serves as enough motivation for a child to commit any sort of petty crime like theft, to meet their addiction demands, initially. Again, this holds true for any person irrespective of the economic background.
- 3) After serving their time in observational homes the juveniles given a certain sum of money that is directed towards re-establishment of their lives. A significant drawback in our system is that there is no follow-up done by the authorities to monitor the situation of the kids.

Court mandated therapy and behavioural change and improvement is covered during the period when the children are kept in observation homes with almost minimal supervision. Subsequent to the closing hour (which is usually 10p.m), what the kids do is not monitored. Duty hours are restricted here by the faculty themselves; no other rule is followed as much as the closing hour and no shift-in-charge. They are on their own afterwards.

- 4) Education and literacy play a vital role in determining the intention of crime. While it is understandable that even the literates commit such crimes, but awareness is the key. Devouring in casual sexism and blindly following deep-rooted patriarchal practices are often ignored in our society.
- 5) It was noted that children between the ages of 12-18 are those who commit the most crime and as per the demographics, almost more than half of them are male. Here the culture of “boys will be boys” is continuously used to justify their behaviour, while not holding them responsible for their actions.
- 6) In certain situations, the families extremely poor prefer the kids to continue staying in observation homes because of the assurance of promised financial help after the release. Such economic conditions drive people to encourage criminal acts and unethical behaviour.
- 7) Globally, a lot of cases were observed, where the same pattern had been followed i.e., a history of emotional, physical, mental and/or sexual abuse.
  - a. The parents’ negligence towards the child leading to the feeling of loneliness and isolation.
  - b. Financial condition forcing them to get involved in anti-social behaviour, for financial support to the family.

#### ***Juveniles: Financially Strong Background***

- 1) The behaviour of children, who belong to the upper class of the society, is not so much different than the kids coming from a poor background.
- 2) Children who come from privileged section are shunned because of the common assumption; they have enough privileges to keep them from getting involved in criminal activities let alone developing emotional/psychological issues. Depression is blandly ignored.
- 3) It is assumed that, while the privileged section children cannot develop mental disorders or be involved in anti-social behaviour, the kids



coming from a poor background are always assumed to have been forced into the acts because of the cruelty life has thrown at them. While the former is only untrue in very significant cases, the latter is almost the case every time.

- 4) As mentioned above, most of the juveniles who are acquitted are found to be male. Here “boys will be boys” mentality encourages them to justify their actions because victim blaming is far more labelled in the blame to pass. {Example: The recent ‘boys locker room’ incident (2020) that took place in Delhi, where a group of boys aged between 14-17 years had made an Instagram group where they shared images of underage girls and passed objectifying and lewd comments on them. The entire incident really throws a light on how the absence of much needed sex education, moral-social education and the right values are the utmost reason for the patriarchy and misogyny existing deep rooted in the system.}
- 5) The first sign to look out is resentment and anger. It was confirmed during the interview that in most cases there is an emotional trauma that the person may have underwent in their childhood, like losing a loved one, which eventually created a hollow void inside, which led them to substance abuse, the wrong company of peers as well as the uncontrolled anger, which if not looked into at the right time can turn into violent and sadistic behaviour and enhanced criminal activities.

#### *Personality Types*

**Fig 4.1**

#### **Common Characteristics of Introvert and Extrovert personality Type**

1. The personality type plays quite an important role in understanding the psychology of those children who tend to get involved in anti-social behaviour. It was noticed that although the characteristics of both personality types were almost the same, children with extroverted personality were noticed to be more inclined towards getting influenced into committing crimes under peer pressure and wrong influence whereas, those with introverted personality are tend to harm themselves. While as it can be seen in the figure above, of course the behavioural changes occur and this is only a fundamental analysis, there are exceptions in both the cases of personality types whereas the

existence of Ambivert personality too alternates in the findings.

2. Children with this particular personality type may also indulge in crimes, but these two variations were noticed to be the two most observed persona as well as the behaviour.
3. Of course, the convicted juveniles are not all Extroverts, the above analysis is only to understand the different psychology, and the behavioural changes juveniles develop overtime and show later.

#### **IV. CONCLUSION / SUGGESTIONS AND RECOMMENDATIONS**

As the topic is one of high sensitivity, we as researchers have done our best to not be deviated by our personal biases. Juvenile convicts are more often than not, themselves victims of violence (in multiple forms), these children tend to live a childhood that is tragic and traumatic. A lack of faith in law and society can also be sensed amongst these juveniles, this lack of faith is the result of social disconnect and judicial negligence. Both the parties are more prone to ignore the juvenile convicts especially the ones belong to the lower strata of the socio-economic pyramid due to pre-conceived notions and ideologies fueled by media, miscommunication, lack of public awareness and the general insensitivity towards those who belong to the lower strata. The judiciary tends to forego stricter measures due to the belief that these juveniles are at the end of the day just children committing the said crimes under some influence, and will correct themselves. The background or living condition or reasoning behind why the crime was committed seems to hold less importance and value to not just the society but also the court of law.

The presence of pre-existing or developed psychotic diseases/problems also tends to play a role and is ignored due to the laxation in juvenile sentences even in the case of Heinous crimes. Psychotic/mental conditions like Psychopathy, sociopathy, narcissism, etc. are hard to be diagnosed in children or juveniles with many experts claiming that the term can only be associated with adults. While most first-time offenders show regret and guilt there are still some offenders who persistently continue to clash with the law. The offenders with medical diagnosed mental “problems” are less likely to feel guilt or remorse. As fellow citizens of the country we would like to recommend stricter laws which cover various grounds as well as better care and



treatment of juveniles in correction centres. These Juveniles can either turn into responsible adults if given the right care or turn into more vicious criminals due to the lack of it.

In the end these juveniles too are as human as most of us are and while they do commit some inexcusable crimes some of them are themselves victims of atrocities. Better and more responsible approach is all it takes to make a difference in the society.

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### Annexure I

#### Transcript

Miss Usha: Children that I have dealt with, there were some who are into crime, but I mean they also stayed with us in our shelter home and they were tried in the court also, but the number is not a very big number. Like you know, if I have said, 50 children that I am working with every month, then there would be 2-3 who would be like this.

Interviewer: Okay, alright. Um; how difficult was it to deal with the offenders who had a level three of crime, like not just any petty crime?

Miss Usha: Very difficult, because our law is such, the juvenile if he/she commits a crime the basic intention is to reform and therefore the punishment given is very less, it's very mild. Like in most of the stealing cases they stay in the juvenile observation home for some time and then they are relieved. And they know there isn't much of punishment for them so they go back to the crime. So maximum the police can do is just catch them again, put them into those observation home,



where it may not be you know, very pleasant to live. But still you have those who have been there twice, they become hardened. They know how to get things done even in the observation homes. They are not scared and they bully others, others who are the first timers. They are scared the first time and second time they are bold enough to do anything. I mean I know boys who were into observation homes and they were very in close touch with us and they asked us to leave them for two years, like when we asked them to come to our classes for education or for learning some skill and if they were 16, they would say, "just 2 years more, let me get this money.", you know they would get lot money for that and the punishment is maximum three years. So, once they are into crime, the first timers of course are scared but once they are into it, second, third time they come to know that the law is on their side and therefore they don't mind staying in observation home for 2-3 years. And then they come out and they get money for the crimes, they join gangs, the gangs use them, there are several gangs you know who use young children and juveniles for committing crimes, so that's it.

Interviewer: What is the gender percentage ratio of the young offenders?

Interviewer: But, other than that, have you ever witnessed any child showing or feeling guilty for his/her actions?

Miss Usha: Yes, you know these first timers. They do have this guilt. And if you monitor their life and give them a supporting hand, the first timers can be changed. Some of them have been changed, by us also and even till date we are in touch with them and they're working as normal members of the society.

Interviewer: Has there been any complain from the kids about any misbehaviour towards them from either the staff or the older kids?

Miss Usha: Yes. We know such children and are in touch with them. One of the children we know is working in a factory now and when we went to the observation home for the first time and he met us for the follow up program and he really cried. He told us how even for food he was treated badly, and the staff would give a blind eye, because even the staff is aware about the bullies and they don't want to get in trouble. The child came back a real wreck. They are treated badly there. The staff there avoids incidents which would raise a question of their involvement and hence keeps it limited because of the bullies.

Most of the time, they just ignore it.

## Annexure 2

### Transcript

Dr. Shubhra Sanyal: The first and foremost important thing is the parent-child attitude. No matter how poor they are or uneducated they are but there is a proximity and level of understanding between the parents and the child, nothing will happen, and the child will grow. Because we talk about the 'Parent Remodel' which is where the mother and father make sure to treat the child as a member of the family and not neglect him. But to cases where the idea of "I'm not okay, you're not okay" is conveyed, the child tends to think the same and the more he is scolded, he/she will feel less important and will start regressing into remorse, in a shell. You know I have done so much intensive study in this, education is a factor, I understand, if they are all educated, they will probably understand the child's problem, unless they're being ignorant. But even as educated parent, how much time he/she is giving to the child; that matters. So, this is a problem you would find in a rich man's family and in a poor man's house, where the only concern is to feed his family. Both there don't have time, a business to take care of or to feed the hungry stomachs, so both the issues here are same. There I used to explain it to them that even at night if they sit with the kids for one hour to spend some quality time, it will be enough to not give rise to the feeling of regret.

Interviewer: Okay. Another thing we observed in the observation homes, that the first-time offenders are easier to modify as compared to those who have been in more than twice. Because the first timers open up easily and have some scope to improve, unlike the older bullies. So, if for instance, someone who does not have a history of emotional abuse but found power in establishing a status be it negative and instilling fear by bullying. Why is so? And how difficult would it be to transform them into an empathetic and humble human being?

Dr. Shubhra Sanyal: NO, it is easier said than done. The point is when a person is repeatedly coming back, there is something behind, and he/she is not getting supported on his return. The peer groups are just roaming here and there, torturing him. Parents do not love; society is not willing to accept them so they start moving to the observation home where friends are made and they feel secure. Parents here sometimes prefer for them to stay in observation homes, so that they can leave peacefully at home for the fear of police or any gang following them up. These are the notions.