



JUVENILE DELINQUENCY- A SOCIO-ECOLOGICAL PROBLEM

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Abstract

“It is easier to build strong children than to repair broken men”

Fredrick Douglass

Every society faces many social problems, among them, Juvenile Delinquency is a serious one. As society moves ahead towards development, this problem is increasing rapidly. Juvenile Delinquency is an antisocial and criminal behavior committed by a person who is under the age of 18. In this competitive era, society is moving rapidly fast in search of urbanization and industrialization. In India, it is a major issue that causes many people of very young age to have their lives destroyed. Juvenile crime and associated issues have a negative impact on youth, their families, and the entire society. The issue not only affects the victims of the crime, but also the families, futures, and society at large of the juvenile offenders. The juvenile offenders not only put their lives at risk of destruction but also put their family at the helm of law. The socioeconomic and psychological issues that young offenders face, which have an impact on their families and society, are the most severe consequences. Juveniles participating in robberies, rapes, and assaults occasionally play a big role due to psychological issues. The juveniles develop a habit of using alcohol or other substances because of these unlawful acts. This research paper deals with the issues and causes related to child delinquency in India, further it aims to investigate the psychological aspects of the prevalence of adolescent delinquency. Young people who commit significant crimes put their future in jeopardy to protest perceived abuses that have been done to them. They experience psychological depression as a result, which manifests in increased criminal activity.

Keywords: Child, Juvenile, Delinquency, Crime, Law

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INTRODUCTION-

Several aspects of aging are particularly important in humans. Young people's lives can change and be impacted as they navigate the passage from childhood to adulthood. They could choose to go the wrong way. Delinquency is a type of abnormality that occurs when an adult engages in behaviour that is risky for both himself and society.

Meaning and definition of juvenile delinquency-

In general, a juvenile is a person, who has not attended an age specified under a statute and committed any offense. According to The Code of Criminal Procedure Code, 1973, the Juvenile Court's jurisdiction over youths under 16 years old who have committed offenses not punishable by death or life imprisonment, is Juvenile Delinquent. Juvenile Justice (care and prevention) Act, 2000 defines "Juvenile" or "child" as a person who has not completed eighteen years of age.

The second United Nations congress on the prevention of crime and treatment of offenders (1961) states "Juvenile delinquency should be understood the commission of an act which is committed by an adult, should be considered a crime."

C.B. Matoria defines juvenile delinquency as, "The phrase 'juvenile delinquency' may be loosely used to cover any kind of deviant behaviour of children which violates normative rules, understanding or expectations of social system".

So, Juvenile delinquency is simply the involvement of minors in criminal actions. It takes on a variety of shapes or sorts, including Situational Delinquency, Organized Delinquency, Individual Delinquency, and Group-Supported Delinquency.

Causes of juvenile delinquency-

Preventing a young child from engaging in inappropriate, damaging, and unlawful behaviour requires a thorough understanding of the causes of juvenile delinquency. The emergence of criminal behaviour cannot be explained by a single, straightforward factor. In every civilization, a variety of causes contribute to adolescent misbehaviour.

The causes of adolescent delinquency can often be divided into two categories- social-economic variables and personality characteristics.

(A) Social-Economical variables-

The individual becomes disorganized as a result of social disorder. Disorganization in society also

contributes to juvenile delinquency since it increases criminality. Lack of synthesis and equality in today's industrial world fuels conflict. Many studies show that the vast majority of those who are detained and found guilty come from low socioeconomic backgrounds.

To ensure a child's bright future, a stable family and financial situation are crucial. A minor's likelihood of committing a crime increases when there are poor social and economic conditions.

1- Broken Homes:- As society develops further, there are more crimes committed, particularly by young children due to the breakdown of families. A stable family is essential to a child's bright future; when they lack it, children are more likely to commit crimes. According to an Indian researcher named Uday Shankar. 140 young people, or 13.3%, came from dysfunctional families. A broken home can occur for a variety of reasons, including the passing of one or both parents, divorce, etc. In India, divorce and marital disputes are claimed to be the main cause of broken families.

2- Poverty: - A child going through financial crisis is an easy prey for those who are engaged in illegal activity as the individual gets easily lured for the sake of easy money offered by the criminals. The police and other law enforcement agencies are harsh on them because of their lack of resources. In a developing country, it is one of the main factors that contribute to children's propensity for criminal behaviour.

3- Disorganization of society: - Individual disarray is a direct result of social disarray. One of the factors contributing to juvenile delinquency is the disorganization of society, which increases crime. A lack of equity and synthesis in today's industrial society fuels conflict. Kids are motivated to commit crimes by this tension.

4- Area where crime is prevalent: - Some places are inappropriate for kids' overall development. The child's neighbourhood has a significant impact. where there are no social taboos or laws, in an unstable community. In and around specific regions of large cities, pickpockets can be seen in high numbers. The social customs of disadvantaged and lower socioeconomic places set the criminal pattern apart from normal populations. In juvenile delinquent organizations, these patterns are still present. As a result, large metropolitan centres have specific regions that are overrun by criminal activity and are referred to as criminal areas or areas where crime is predominant. Delinquents are frequently seen in neighbourhoods with subpar

housing, excessive population density, and a high concentration of movie theatres, motels, nightclubs, and liquor stores.

5- Gangs and Companions: - As a youngster becomes older, he moves out into the neighbourhood and joins the playgroup or peer group. Young people are easily influenced to engage in harmful activities. The Justice Department defines a gang as a clearly identifiable group of young people between the ages of 10 and 22. To be considered a "youth gang" a group must be engaging in a pattern of illegal conduct. Delinquency is a result of social pressures, as is well acknowledged.

6- Beggary: - Juvenile crime is frequently brought on by beggarly behaviour. Most children who beg come from either extremely poor families or shattered homes. The parents' necessary affection and love mislead the kids. They yearn for the fulfilment of their instincts, goals, and aspirations. For the same, they decide to turn become beggars. They become irritated when they witness other people living their lives to the fullest because they are beggars. Some of them might even turn against the government. They understand that the only way they can satiate their wants and meet their demands is through illegal activities. As a result, they develop into criminals.

7- Technology and social sides: - The world is currently experiencing a new information revolution. It not only has an impact on every aspect of life, but it also helps youth and society move forward. There are numerous risky games and social aspects to choose from. Youth crime is rising as a result. The prevalence of delinquency has also increased due to pornographic media and literature. Several people incite young people to engage in unlawful activities.

(B) Personality characteristics-

A number of variables, including previous criminal history, marital status, age, drug addiction or alcohol misuse, employment, and educational history, as well as financial situation, determines the risk that a person would commit another crime. An issue in socio-ecology is frequency. The youngster in question is extremely unsocialized, irritable, cruel, obstinate, distrustful, self-centred, lonely, and filled with feelings of retaliation as well as backward and hyper-sexual, among other traits.

1- Mental backwardness: - Mental under development of such a kind and degree that the person is unable to fit into the normative

environment of his peers in order to sustain existence without the need for supervision, control, or outside assistance is known as mental deficiency. According to Uday Shankar, delinquent kids have an average IQ of 83. The more intelligent gang members or adults frequently employ these kids for their illicit ends.

2- Emotional problems in later childhood: - panic disorder, generalized anxiety disorder (GAD), separation anxiety, social phobia, specific phobias, OCD, and depression are among the emotional issues that might arise in later childhood. A common emotional reaction to many difficult life situations is mild to moderate anxiety. One of the most significant factors contributing to crime is emotional instability. Lack of love and affection, emotional instability, extremely rigorous discipline, the perception of inadequacy and inferiority, and the revolting response all contribute to an unbalanced personality in children. Such a mindset encourages the child to engage in illicit activity.

3- Personality traits: - A high correlation has been found between certain personality features and a propensity towards crime. A person can adapt to their surroundings through their personality. It is fast growing in developing nations, and as a result, more young people are getting involved in crime.

India and Juvenile Delinquency-

India has one of the largest populations of children and teenagers in the world. It is a sizable nation. More than 444 million children call it home. Although several regulations are in place to protect the young of the nation and the highest law of the land guarantees fundamental rights to all children, there is still a dark side to the situation when it comes to juvenile delinquency. Children are being involved in illicit activities due to broken households, poverty, beggarly, mental deficiencies in children, and many other factors. They frequently commit risky crimes as well as minor offenses like burglaries, snatchings, and theft that are not particularly significant in nature, but it is concerning to witness them commit robberies, dacoities, murders, and rapes, among other serious offenses. The horrifying fact is that these crimes were committed by the nation's future generation. They are involved in individual, situational, contextual, organized, and group-supported child crimes, among other types of delinquency.

Juveniles coming from the age group of 16-18 years are found to be involved in more heinous

crimes in India. Moreover, Juvenile Delinquency is more urban phenomenon than rural one.

Nature Of Juvenile Delinquency as per the Data Compiled by National Crime Records Bureau-2019-2021.

According to National Crime record Bureau, The Data of Crime Committed by juveniles (IPC+SLL)

in 34 metropolitan Cities for the period of 2019-2021 shows that a total of 3817 Crimes were by Juveniles (IPC+SLL) in the year in the Year 2019, which reduced to 2180 in the year 2020, which again took a sharp rise to 2737 in the year 2021. The detailed data is as here under

Table-1 Crime Committed by Juveniles (IPC+SLL) in Metropolitan Cities - 2019-2021

SL	City	2019	2020	2021
[1]	[2]	[3]	[4]	[5]
1	Agra	0	0	0
2	Allahabad	9	7	20
3	Amritsar	9	6	0
4	Asansol	0	1	0
5	Aurangabad	111	149	130
6	Bhopal	859	293	539
7	Chandigarh City	117	50	54
8	Dhanbad	27	0	2
9	Durg-Bhilainagar	140	149	146
10	Faridabad	302	73	158
11	Gwalior	154	61	56
12	Jabalpur	396	185	376
13	Jamshedpur	0	0	0
14	Jodhpur	117	166	152
15	Kannur	12	10	11
16	Kollam	26	24	28
17	Kota	247	156	175
18	Ludhiana	28	36	38
19	Madurai	124	86	93
20	Malappuram	23	10	9
21	Meerut	0	0	0
22	Nasik	185	32	36
23	Raipur	188	182	199
24	Rajkot	73	30	47
25	Ranchi	0	0	0
26	Srinagar	62	31	51
27	Thiruvananthapuram	22	4	3
28	Thrissur	44	65	48
29	Tiruchirapalli	53	62	50
30	Vadodara	133	87	62
31	Varanasi	42	50	38
32	Vasai Virar	73	40	72
33	Vijayawada	122	74	77
34	Vishakhapatnam	119	61	67
TOTAL 34 CITIES		3817	2180	2737

The Education and family background of Juveniles is a major factor in juvenile delinquency.

As per the data of National crime Bureau based on **Education & Family Background of Juveniles Apprehended in Metropolitan Cities – 2021**, Out of 3216 Juveniles apprehended, 1552 juveniles who

were apprehended had a education up to Above Primary to Matric, 701 were having a education upto Primary, 555 were having education up to Above Matric to High Secondary, while 336 were those who were illiterate and 72 were those of Above Higher education.

Table 2 Education & Family Background of Juveniles Apprehended in Metropolitan Cities – 2021

SL	City	Education						Family Background			
		Illiterate	Upto Primary	Above Primary to Matric	Above Matric to High Secondary	Above Higher Secondary	Total	Living with Parents	Living with Guardians	Homeless	Total
[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]	[9]	[10]	[11]	[12]
1	Agra	0	0	0	0	0	0	0	0	0	0
2	Allahabad	5	17	3	0	0	25	22	2	1	25
3	Amritsar	0	1	0	0	0	1	1	0	0	1
4	Asansol	0	0	0	0	0	0	0	0	0	0
5	Aurangabad	0	18	109	5	0	132	132	0	0	132
6	Bhopal	147	86	164	117	0	514	474	11	29	514
7	Chandigarh City	1	39	33	2	0	75	73	1	1	75
8	Dhanbad	0	2	0	0	0	2	2	0	0	2
9	Durg-Bhilainagar	0	66	147	0	0	213	0	0	213	213
10	Faridabad	94	57	35	0	0	186	84	46	56	186
11	Gwalior	0	0	9	19	38	66	51	15	0	66
12	Jabalpur	2	5	228	141	0	376	376	0	0	376
13	Jamshedpur	0	0	0	0	0	0	0	0	0	0
14	Jodhpur	9	48	60	39	1	157	108	26	23	157
15	Kannur	0	0	6	4	0	10	10	0	0	10
16	Kollam	0	7	23	12	0	42	31	11	0	42
17	Kota	0	21	197	48	0	266	266	0	0	266
18	Ludhiana	13	33	3	2	0	51	49	0	2	51
19	Madurai	5	34	55	14	0	108	103	5	0	108
20	Malappuram	0	1	3	3	2	9	6	3	0	9
21	Meerut	0	0	0	0	0	0	0	0	0	0
22	Nasik	9	12	21	13	0	55	51	4	0	55
23	Raipur	0	75	145	22	0	242	195	47	0	242
24	Rajkot	0	11	27	9	0	47	47	0	0	47
25	Ranchi	0	0	0	0	0	0	0	0	0	0
26	Srinagar	7	23	29	24	0	83	83	0	0	83
27	Thiruvananthapuram	0	1	0	2	0	3	3	0	0	3
28	Thrissur	0	5	25	23	19	72	49	23	0	72
29	Tiruchirapalli	0	0	47	5	4	56	56	0	0	56
30	Vadodara	11	34	38	1	2	86	86	0	0	86
31	Varanasi	7	13	12	16	4	52	17	4	31	52
32	Vasai Virar	0	47	37	11	0	95	95	0	0	95
33	Vijayawada	19	25	41	7	0	92	78	14	0	92
34	Vishakhapatnam	7	20	55	16	2	100	97	1	2	100
Total Cities		336	701	1552	555	72	3216	2645	213	358	3216

Legislations Relating to juvenile crimes: -

The Apprentices act,1950 was the first legislation in India which dealt with Juvenile crimes, providing that children under the age of 15 years found to have committed petty offences will be bounded as apprentices. It was followed by the Reformatory Schools Act, 1897 which provides children up to the age of 15 years sentenced to imprisonment would be sent to reformatory cell and Reformatory schools.

The Juvenile Justice Act, 1986. brought uniform system throughout the country, with an aim to provide care, protection, development and rehabilitation of neglected or delinquent juveniles. The parliament further consolidate and amend the law relating to juvenile in conflict with law and children in need of care and protection enacted the Juvenile Justice (Care and Protection) Act, 2000.

Sec 2(k) of the Act defined “Juvenile” as “a person who has not completed eighteenth year of age”. This definition was inclusive for both boy and girl. According to this act maximum period of detention for a juvenile was of 3 years irrespective of the gravity of offence committed by him. Further a Child who is less than 18 years of age at the time of

committing the alleged offence was provided immunity from trial through Criminal Court or any punishment under Criminal Law in view of Section 17 of the Act.

The horrible incident of “Nirbhaya Delhi Gang Rape Case”, on December 16, 2012, shocked the whole nation and serious debates were started among the legal fraternity and socialists. The central question of the debate was the involvement of the accused, who was just six months short to attain the age of 18 years. The involvement of the accused in such a heinous crime of rape forced the Indian Legislation to introduce a new law and thus, the Indian Parliament came up with a new law which is known as “Juvenile Justice (Care and Protection) Act, 2015. It came into force on 15 January 2016, replacing the Juvenile Justice (Care and Protection of Children), 2000. The act brought the provision of trying Juveniles involved in Heinous crimes as adults.

Important cases relating To Juvenile Delinquency in India: -

The court being the Saviour of the constitution has been entrusted with the duty to instil a belief of faith, peace, and security in the society at the same

time it has to ensure that justice is being served to the aggrieved party. While delivering justice or passing a sentence of conviction the court has to ensure the age of such person whether he is juvenile or not. The general principles which has been held by the court is that persons having a very young age should not be sent to jail instead efforts should be made to rehabilitate or reform, such that the said person can be brought back to the main stream of the society. However, time and again there has been such unfortunate incidents which has shook the conscience of the society and the court at large forcing the court to come up with certain stringent actions. The following are recent Cases which shows the recent judicial trends of the Indian courts.

1. Pratap Singh v. State of Jharkhand & Anr -

In this case, the Hon'ble Supreme Court took the view in order to determine the juvenility of a person who is in conflict with the law, the date of the offence is to be reckoned and not the date on which cognizance was taken by the Magistrate.

2. Abuzar Hossain @ Gulam Hossain v. State of West Bengal [Criminal Appeal No. 1193 of 2006]-

In this case, the Hon'ble Supreme held that:

- Even after final disposal of a case the claim of juvenility can be raised, and any delay in making such a claim cannot be a ground for rejection of such claim.
- The person making the claim of juvenility has the burden of proof to prove such juvenility.
- Production of any of the documents referred to in Rule 12 (3) (a) (i) to (iii) of Juvenile Justice (Care and Protection of Children) Rules, 2007, will be sufficient proof to initiate an inquiry regarding the claim of juvenility.

3. Anjum Abdul Razak Memon vs State of Maharashtra, Through STF, CBI Mumbai [Criminal Appeal No. 1178 of 2007]-

In this case, The Hon'ble Supreme court observed that the JJ Act aimed to have an overriding effect over laws that were in force on the date of its enactment. TADA had been repealed long back and was not in force when the non-obstante clause was added to the JJ Act. So, the court held that the JJ Act, 2000 would not have an overriding effect on TADA.

4. Hari Ram v. State of Rajasthan & Anr. [2009 SCC 13 211]-

The upper age limit for male children to be considered juveniles was 16 years under the Juvenile Justice Act, 1986. However,

the Juvenile Justice (Care and Protection of Children) Act, 2000 ("JJ Act, 2000") amended the said provision and treats children up to 18 years as juveniles. So, the basic issue before the court, in this case, was, whether JJ Act, 2000 applies retrospectively to offences that have been committed before the coming into force of the JJ Act, 2000. The court held that upon conjoint reading of Sections 2 (k), 2 (l), 7A, 20, and 49, it is made clear that all the persons who were below the age of 18 years on the date of the commission of the offence even before the enforcement of JJ Act, 2000, would be treated as juveniles. It would be immaterial that the claim of juvenility was raised after the accused attained the age of 18 years.

5. Nirbhaya gang-rape case:

The 2012 Delhi gang-rape is a widely known landmark case that led to changes in the Indian judiciary system. One of the rapists in the case was a minor. The sixth defendant was 17 at the time of the crime and was tried as a minor. He was found guilty on charges of rape and murder and sentenced to three years in a reform facility which is the maximum sentence available to a juvenile.

Despite protests and legal challenges, he was released from a correctional centre on 20 December 2015,. Further to ensure safety, identity of the accused has been changed and no record of his crime will remain in the public domain. The amendment in the 2000 law came about because of public outrage and importance at the infamous Delhi gang-rape case (Nirbhaya Case) in 2012. As one of the offenders in the case was a juvenile. It must her be noted that the legislation strives to achieve a balance between child rights and justice by not sentencing juveniles to the Harsh punishments like death sentence and life imprisonment.

6. Gopinath Gosh vs State of West Bengal¹¹,

the accused had given his age as much above the cut-off age prescribed for being a child. Further in this case, the court not only allowed the plea of child status to be raised for the first time but also referred the matter to the sessions judge for a determination of the age of the accused. Approving this approach, the Supreme Court in Rajinder Chandra v State of Chhattisgarh, in addition to this laid down that the standard of proof for age determination is the degree of probability and not proof beyond a reasonable doubt.

Conclusion

It is estimated that about one fourth of the entire world population comprises of Childrens. Childhood is the most beautiful memory, a human being can have, however it is also the stage where a individual is the most vulnerable. The rapid Changing of society and the influence of modern and western lifestyle has made children susceptible to external forces. Children gets easily attracted to bad influence rather than good influence due to the modern and western lifestyle, wherein they indulge themselves in criminal activities which are offensive in nature, rather it be a underage drinking and driving or committing heinous crimes such as murders.

As is said “Prevention is better than cure”, The focus should be more on prevention rather than cure. Prevention is necessary and very important for such delinquent children who easily gets indulged in criminal activities because of various factors. The First and foremost step is the identification of such juveniles and providing them with necessary required treatment and care. In addition to this these adolescents become habitual offenders if not timely stopped and given required treatment and assistance.

Juvenile Delinquency has a deep embedded root at the family and socio-economic level. Efforts should be made to assist the juvenile and their families at the very beginning. The state thorough its various programs is continuously making attempts to early intervention. It is also the responsibility of the society at large to come forward and make collective efforts. The society by being sympathetic and aware can provide ideal climate for such juveniles who have someway or the other landed to the other side and are on the verge of destroying their lives and carrier simultaneously. The State and the central governments have come forward with the help of various NGOs and other private organizations, who are working tirelessly for the betterment and upliftment of such children’s who have unknowingly put their lives at the verge of death. However a much greater efforts both in terms of scale and efficiency is still needed.

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