

A Study of Juvenile Delinquents in India: A Burning Issue

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Abstract

This study was aimed at understanding the causes behind juvenile delinquency, and the measures that are being taken for the positive development of the children in conflict with law. The study discusses the transmission of an innocent child in to a juvenile offender. It shows the current state of a juvenile in India. delinquents, urbanization, family and environment, lack of discipline, broken families, movies and media, adolescent, instability, labeling, gang subculture, hunger, poverty, malnutrition and unemployment, lack of recreation, uncongenial homes etc. Observation homes, Shelter homes have been started by the government for the sake of such offenders then also the rate is continuously increasing day by day. For delinquent juvenile we can say that Prevention is better than cure juveniles should be protected from going to the wrong path.

Keywords: Juvenile, Crime, Delinquency, Offender, Juvenile Justice Act, Juvenile Justice Board, Heinous Crime

Introduction:

A child is born with innocence and if nurtured with tender care and attention, then they grow in positive way. Physical, mental, moral and spiritual development of the children makes them capable of realizing their fullest potential. On the opposite side, harmful surroundings, negligence of basic needs, wrong company and other abuses may turn a child to a delinquent i.e. a juvenile delinquent.

‘A child is an uncut diamond ‘it depends on the society how to shape an uncut diamond.

Children constitute about 40% of India’s population and India has a National Policy for Children declaring children to be a national asset. Even so majority of India’s children continue to be in difficult circumstances. India has signed the UN Convention on the Rights of the Child and bound itself to work towards ensuring all the rights enshrined therein to all its children. India has witnessed an increase in crimes committed by children and those committed against them. There has been 97.9% increase in crimes committed by children between 2003 and 2004. Over 33,000 juveniles, mostly between the age group of 16 to 18, have been arrested for crimes like rape and murder across Indian states in 2011. According to a Home Ministry data, of the total of 33,387 juveniles apprehended in 2011, 21,657 were in the 16-18 age group, 11,019 of 12-16 age group and 1,211 between 7-12 age group (PTI, 2013). Whereas, 32,145 such youngsters below 18 years of age were held in 2006. According to the data 34,527 in 2007, 34,507 in 2008, 33,642 in 2009 and 30,303 during 2010, the data said. The data also shows increasing cases of rape by juveniles.

Meaning of important terms:

Juvenile: The word juvenile has been derived from the Latin term juvenis, which means young.

Delinquency: The word delinquency has been derived from the Latin word delinquer which Means to omit.

Crime: A crime can be defined as a harmful act or omission against the public which the state wishes to prevent and which, upon conviction, is punishable with a fine, imprisonment, and/or death. No conduct constitutes a crime unless it is declared as criminal in the laws of the country.

Juvenile Justice Act: An act meant for the justice to the juvenile in India.

Juvenile Justice Board: It is the competent authority to deal with children in conflict with law which comprises of three members.

Legislations on Juvenile Justice in India:

According to provision of the Juvenile Justice Act, 1986, in Section 2(e) defines a delinquent juvenile as “a juvenile who has been found to have committed an offence”

Section 2(h) defines as “a boy who has not attained the age of 16 years or a girl who has not attained the age of 18 years “

According to the Juvenile Justice (care and protection of children) Act 2000 , some changes have been done by the government in place of juvenile delinquent the new word ‘juvenile in conflict with law’ is added which means a person below 18 years of age and is alleged to have committed an offence .

According to the Section 2(k) Juvenile Justice (care and protection of children) Act 2000 “juvenile “and “child “means a person who has not completed 18 years of age and according to Section 2 (l)”juvenile in conflict with law “ means a juvenile who is alleged to have committed an offence.

According to The Children Act 1960 defines Delinquent as, “A child who has committed an offence”

Causes of Juvenile Delinquency:

- Urbanization
- Family and environment
- Lack of discipline
- Broken Homes
- Criminalization of families
- Movies and media
- Adolescent Instability
- Labeling
- Gang subculture
- Hunger, poverty, malnutrition and unemployment
- Lack of recreation
- Uncongenial homes

Juvenile Court System:

The special courts for juveniles was initiated for the first time in 1847 in United State of America. However the first 'Juvenile Court' could be established ,only in 1899 in Chicago under Juvenile Offenders Act. The act envisages two types of juvenile i.e., Juvenile in conflict with law; an offender who is below 18 years of age and Juvenile in need of care and protection; a child who is below 18 years of age and needs care and protection according to the provision of the Juvenile Justice act. Juvenile in conflict with law Juvenile Justice Board Juvenile in need of care and protection - Child welfare committee.

Important Cases and Facts:

A 23-year-old physiotherapy intern was sexually assaulted by six men, including a juvenile, in a moving bus on December 16, 2012 popularly called as Damini case. Crime rate among juveniles is on rise as Juvenile Justice Board (JJB) gets at least 50 cases every month according to the JJB sources in Indore .As many as 300 cases were filed till May 2015, and the figure is expected to cross 850-mark by year end. The number of cases reported in 2013 were 700 as against 811 in 2014, in which most juveniles were booked twice or thrice for the same activity due to lack of proper rehabilitation facilities, once they are get out of juvenile homes . 70 % children conflicting with law under care and protection of JJB are single parent child, according to information procured from JJB. According to a survey conducted by Child line, a number of juveniles were found to be violating laws and selling drugs illegally. Juveniles are also offenders in riots, because they can be easily provoked by others. Cabinet clears trial of juveniles as adults in heinous cases .An amendment to the Juvenile Justice (Care and Protection of Children) Bill 2014 will be introduced in the Parliament.

Effects of Juvenile Delinquency:

I feel that one of the biggest problems that the India is facing within the present day is juvenile crime. It does not only affect the individuals who commit the crime, it also affects the victim of the crime. This also affects the juvenile in their adult lives as the crime can be on their record as long as they live. Experts still have not found that what the main reason why juveniles are committing crimes is. Between the 1970's and early 1990's, the number of juveniles living in poverty has grown largely for a number of reasons. This factor alone has caused a noticeable increase in crimes by juveniles. Psychologists have determined that the symptoms of child abuse are "high levels of aggression and antisocial behavior". Another factor that has greatly attributed to juvenile crime is something that the children did not get good environment .This is improper parental care. Parents who drink alcohol, take drugs, smoke cigarettes, and do other such things. Such things should be kept away from the growing children.

According to UNICEF, an average of 10,500 minors are being arrested and detained every year about 28 children every day, or more than one child every hour. It is even more alarming to know that poverty has driven most of the minors detained to commit crime. We might say that this issue is not bigger than the economic crisis we are experiencing right now, but to think that these delinquents are just disoriented youths, it's actually unfair. This calls for the help of the whole society to be in charge for the guidance of these future generations. A range of community based schemes for the diversion of children away from committing crimes can be conducted. This includes community care, guidance, counseling foster care and training, social activities, and community development. These are just few of the possible ways of helping the juvenile's simple but effective.

The government might also want to amend the law with regards to Comprehensive Juvenile Justice. It must raise the age of criminal responsibility from nine to twelve years old, which means that a child 12 years old or under at the time of his offense shall be exempt from criminal liability. With this, there will be more children that can undergo into guidance and counseling while also receiving care and protection. It must also prohibit the detention of children with adults unless a family member to prevent physical, sexual, and psychological harm. Youth on the other hand must also know their responsibilities as citizens of the country. This is where education takes place. Education aids the youth in developing all the aspects in their lives and with proper education, they will be more likely to be productive members of the society. Poverty, which is considered to be the roots of all problems and issues in the country, may not be eradicated easily. Juvenile Delinquents are youths who have made wrong choices in their lives which were influenced by the society itself, and the only way to reverse it is to raise these youths and model them into better persons. This is when we can see their true potentials and try to save them from dangerous surroundings.

Literature Review:

- Eaton and Polk in "Measuring Delinquency" classified the following kinds of juvenile offences: Minor violations which include minor traffic violation, Property violations, Major traffic violations which include automobile theft, Human addiction which include alcohol and drug addiction, Bodily harm which include homicide offences.
- Ferdinand in his "The offence Patterns and Family structure of Urban, village and Rural Delinquents" presented two categories of juvenile offenders as follows: Neurotic offenders" delinquency is the result of powerful unconscious impulses, and Character Disorder offenders who come from disorganized family and have had a barren environment in their childhood. In Juvenile Delinquency; Concept and Control.

- Trojannovicz mentioned juvenile offenders in the five categories. They are: Gang-organized and Collective Delinquency, Unsocialized-aggressive Boys, Accidental Offender, Occasional Delinquency and Professional Delinquency.
- Schafer in *Introduction to Criminology* envisaged four types of Juvenile delinquents: Mentally defective who involved in petty crimes; Situational offenders whose delinquency is precipitated by a crisis or external event; Psychotic offenders do not have contact with reality; and Cultural offenders who live in an economically and socially deprived condition. Causes of Juvenile Crimes: There is no single cause of Juvenile crimes, but there are many and varied causes.

Conclusion:

From the above discussion we can say that serious crimes like rape and murders also go unpunished with the offender wearing the grab of juvenility as very simple imprisonment is given to the juvenile of the 'Damini case' of Delhi. So, an amendment in the existing act is definitely necessary. But juvenile crimes cannot be stopped only through the proper implementation and amendments of Juvenile Justice Act. It is vital to make aware of civil society about this disease that exists in our sick society. Juveniles involved in crimes are not criminals, in fact, they are victims of society. Juvenile delinquency can be stopped at an early stage, provided special care is taken both at home and in school. Parents and teachers play a significant role in nurturing the mind of a child. Instead of labeling them as criminals or delinquents- steps need to be taken to give them a scope of rectification and it would be better if the errors in their lives (involving social and psychological) are brought to their notices. The problem of child crime like many other social evils is linked up with the imperfections and maladjustment of our society. Juvenile delinquent needs the sympathy and understanding of our society and not the heavy hand of the law, but simultaneously there should be strict laws for such juveniles. So that a person cannot be remained unpunished in the cover of a juvenile.

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