

A Study on Juvenile Delinquency in India

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Abstract

Juvenile Delinquency is made up of 2 words, Juvenile & Delinquency. Juvenile means child who hasnot completed the age of 16 (for male) or 18 (for female). Delinquency means that juvenile is indulged in antisocial work or involved in criminal deeds. So, in other words, we may state if any juvenile disobeys the laws, commit crime, then such acts are called juvenile delinquency. There are numerous reasons for juvenile delinquency such as violence in family, neglect of child, psychological factors and peer pressure. So, it is necessary to initiate preventive measure to keep their criminal behavior in control so that we may have law-abiding citizens. It is very alarming that incident of juvenile's offences is increasing day by day. We can take example of Nirbhaya case and Kathua case which shocked the entire country. It is really necessary to know the causes of such behavior and to take preventive steps to curb the activities of these young criminals. Every effort should be made to inform them the grave consequence which they have to suffer if they don't stop the path of crime.

INTRODUCTION

There is only one ideology towards children in our country that today's children will be future of our country. So, our youngsters being a critical asset, each attempt ought to be made to make them valuable asset and provide them every possibility for improvement so they end up being sturdy residents who are physically, mentally, and morally fit. Concept of reforming of young

children goes back to 1902. There was one prison in a village which was known as Borstal. This prison was change into reform house with a view to reform the young offenders. The children who committed the crime punishable with imprisonment of two years were detained there. These offenders were not generally confined inside the prison walls. The young tough criminals were however kept in confinement in certain Borstals which were not open-air institutions. After the release of the offender, care was taken to supervise them for two years. During this period, they were provided with education, vocational course and means of entertainment.

It has been felt when young criminals released from the prison, they are tempted to abide the law and to change their criminal mindset. They are motivated to think in positive way & lead a very peaceful & comfortable life. It has been seen that there is dearth of criminal expert besides insufficient legal system. It is essential to understand their psychology, as according to that they will be molded to take positive approach toward society. Every developed country is trying to follow multi facet approach including legal, psychological and reformative therapy. When criminals are released, they are looked down by other member of society. Because of this they are inclined to restart criminal activities just to satisfy their ego. So legal psychologist can take big step in this process & they may provide therapeutic therapy to them. Moreover, member of their family, society should also try to pacify them & provide full support so that they can stand up in society and can lead guilt free life.

MEANING OF JUVENILE DELINQUENCY

In a wide and extensive sense, juvenile delinquency refers to “a lot of anti-social conduct of a child”. It is described as socially unacceptable tendency of the kid at any given time. They do enormous activities and get involved in petty, serious and heinous crime. They oppose ethics of society and violate accepted norms and regulation of society. So, if children under the age of 18 become anti-social and follow crime, they are called juvenile delinquent. In early childhood, it will become hard to recognize tricky criminal symptom which affect the behavior of juvenile. Some acts as masturbation, mood tantrums, smashing home windows of residence, etc. are such behaviors which change the conduct of juvenile and they started doing illegal activities.¹

FACTORES RESPONSIBLE FOR JUVENILE DELINQUENCY²

There are numerous factors which are leading to young children committing crime. Living in nuclear family, commercialization of values, working parents, over pampering of children, over

involvement in mobile games, pattern of disobedience of law by parent, weak morals of member of society are such reasons that are making them criminal at the tender age. Some of major factors which are responsible for delinquent behavior are as given below:

- 1. Disintegration of joint family** – Disruption of joint family is also one of the reasons for increasing number of young offenders. Actually, people are living in nuclear family. Both of the parents are making their love by fulfilling all their needs by money. They don't give quality time to them. Neither they try to understand them, solve their problem. Normally grandparents used to take care of small grandchildren in absence of their parents. Due to nuclear family, children are deprived of love of elders.
- 2. Bad Impact of social media** – In the era of changing technology, impact of mobile phone is being witnessed on young generation. Everyone is under the influence of it and they are living in virtual world. Every type of indecent material is available on internet and anyone can watch it. Consequence is that their mindset is being corrupted, there is no holistic development of them and this is leading to emergence of juvenile delinquency. Children are always busy in mobile phone. Over involvement with the phone is distancing them from real love & affection of their parents.
- 3. Weak Bonding with Parents** – Sometimes parents also ignore the children as they are busy in their own world. Because of not getting their attention, children feel offended and they take up wrong activities. These children become stubborn and are indulged in different type of crime. Now-a-days both parents are working. There is no concept of joint family. So, there is no one who can understand their emotional need and spare time to support them in case of need. Because of no emotional support they become stubborn & get involved in criminal activities.
- 4. Neglected Child** – Sometimes parents neglect the child, they don't give quality time to them. They just try to purchase material things to make them happy. But they forget to satisfy their queries & don't enjoy good rapport with their own children. Such neglected child often starts going on path of crime just to attract the attention of other people.
- 5. Exposed to Domestic Violence** – If father beats his wife & inflict domestic violence, then children living in such house revolts & can take extreme action to save their mother. Gradually they get involved in crime to get power.
- 6. Criminal Nature by Birth** – Some children enjoy violating Law. They have pleasure in bullying small children. First, they do petty crime and gradually they start doing heinous

crime also.

7. **Bad Company** – A person is known by his company. Bad company makes him bad too. He does not learn positive things in life. He tries to follow what his peer groups suggest. They forget what will be the consequence of their misdeed. So bad company play a very vital role in converting good children into becoming criminal.

PREVENTIVE MEASURES

1. **Engagement in Social Activities** – An empty mind is house of devil. So, from the childhood we must engage them in one activity or other. In this way their mind will be occupied with good thoughts & will not have time to ponder over any crime.
2. **Balanced Parenting** – Parents should neither over pamper their children not should be over strict with them. They should follow moderate path while dealing with their children. Over pampering makes them stubborn & over strictness makes them rebellious. So, it is expected from the parents that they should cultivate proper emotional bonding with them.
3. **Support of Teacher** – Children firmly follow what teachers order them. So, it is the moral duty of teacher to give them support & motivate them to be law obeying citizen. Children are always like a blank page; teachers can write good things over that page.
4. **Healthy Recreation Measure** – Well off children can go to games parlor or they can enjoy entertainment activity at their home as well. But children who are living in slum area do not have that opportunity. So, NGO, Social Workers, Government should come forward to set up subsidized entertainment activities for poor children.
5. **Moral Awareness** – Children should be taught what is good or what is bad. They should be encouraged to follow rules of societies. They should be motivated to nurture moral values in their personality. They should be able to differentiate between wrong or right. Because of this, teaching of moral subject is compulsory in primary classes.
6. **Make them aware about grievousness of Criminal Acts** – Children are immature so they don't understand that they have to suffer badly if they do not give up criminal behavior. So repetitive motivational seminar should be conducted so that they try to be good citizen & use their constructive energy for the development of Society and Nation.³

TREATMENT OF JUVENILE OFFENDERS

1. **Reform House** – Such delinquent must be kept in reform house. They should be treated under the supervision of psychologist who can understand their need & accordingly give

them therapy to correct their criminal behavior and conduct.

2. **Training School** – Such juvenile delinquent must be provided vocational training. So that they may start any business to earn their livelihood and become self-independent after release from reform house. In this way, they can re-earn respect in society.
3. **Meditation and Yoga** – Healthy mind live in healthy body. So, camps ought to be held to give yoga & meditation session. These activities will make them physically and mentally fit. They will not resort to criminal activities. So, in our curriculum also, meditation & yoga must be compulsory.
4. **Foster Care** – If parents of children are imprisoned or live in abroad, then children are neglected & take path of crime. So voluntary foster care home should be promoted. Government must provide them financial assistance so that foster care homes may take good care of such children. When such children will receive love & affection, they will not divert from the righteous path.

STATUTORY PROVISIONS DEALING WITH THE CHILD OFFENDERS⁴

1. **Immunity from Criminal Liability** – In India, if a child under the age of 18 commits a crime they are treated differently than adults. There is a law called the Juvenile Justice (Care and Protection of Children) Act, 2015 that aims to protect these children and help them become better. Sometimes, child offenders may be given immunity from punishment for their crimes depending on the seriousness of the offence. This means they would not be punished for what they did, but instead will participate in things like counseling or community service. This is called “Diversion”. However, if the offence is more serious, the child may face consequence such as paying money or going to a rehabilitation center. In very serious cases, they may even be treated as adults and go through regular criminal proceedings. The goal of the law is to help them to become better while also holding them responsible for their actions, depending on what they did.
2. **Separate Confinement of Young Offenders** – Separate confinement of young offenders is often considered necessary because young offenders have different needs than adult offenders. E.g. young offenders may require educational and vocational training, counseling and mental health services in order to successfully reintegrate into society. In many countries including India, separate confinement of young offenders is mandated by law. Keeping young offenders separate from adults also helps to protect them from harm. Overall, separate

confinement of young offenders is important because it helps young people to become good person and lead positive lives.

3. **Reformatory Schools System** – In India, a reformatory school is a special school where children who have broken the law can go to get help and become better. These schools provide education, job training, healthcare and other services. The Juvenile Justice Board is in charge of deciding which children should go to these schools and for how long based on the seriousness of their offence and their rehabilitation needs. In this way reformatory schools are an important part of the juvenile system because they contribute their full support to make such children a responsible citizen.
4. **Law for detention** – According to this law, if a child has done something wrong, they can only be detained in a special home or a place of safety depending on what kind of care they need. The law does not allow children to be detained in jails or police lock-ups because it wants to make sure that they are safe and secure while they are detained. Overall, the Juvenile Justice Act aims to protect the welfare of children who have done something wrong.

ACT & POWERS OF JUVENILE JUSTICE BOARD

Section 4 of the Juvenile Justice Act provides the constitution of the juvenile justice board. This board is responsible for making sure that children who have broken the law are taken care. The board is a specialized court that deals with cases involving juveniles who have committed an offence. Some of the key powers of the juvenile justice board are:

1. To determine whether a young person is in need of care and protection.
2. To determine whether a young person has committed an offence and to decide on the appropriate course of action such as counseling or community services.
3. To order the young person to be detained in a special home or juvenile observation home.
4. To ensure that the young person has access to legal aid and to appoint a legal aid lawyer if necessary.

CHILD WELFARE COMMITTEES FOR THE PROTECTION OF CHILDREN

The Act requires the State Government to constitute Child Welfare Committees for the care and protection of children. This Committee shall consist of the chairperson and four other members. There are four provisions which relate to rehabilitation, social reintegration and reorientation of such younger criminal. These are as follows: -

- Adoption of orphan, abandoned, neglected, or abused children by institutional or non-institutional association for proper care and education
- Promotion of Foster care to prevent illegal activities by such minors
- Supplementary support to families may be provided by sponsorship programs, Children's homes, Special Homes etc. can help in supply of all necessities to the children
- After-care program provides necessary supervision and guidance to juveniles and children after their release from Children's Homes or Special homes so that they may be rehabilitated in the future.⁵

AN APPRAISAL OF THE JUVENILE JUSTICE SYSTEM IN INDIA

It must be ensuring that the treatment offered to juvenile offenders under Indian law is encouraged by humanitarian consideration but in present time the fact remains that the very concept of juvenile delinquency goes against the object of the law relating to freedom under article 21 of constitution, which mention that no one can be prosecuted in any proceeding unless he is charged for some specific offence.

VIEW OF INDIAN JUDICIARY ON CHILD OFFENDERS

The role of the judiciary is very crucial in determining the controversial questions which are not redressed clearly by the present laws. The SC said that he acts like a guardian and it is his duty is to be alert and time to time make the pronouncements and directions for the betterment and healthy development of children. The most famous incidents relating to child offenders are the *Nirbhaya Delhi Gang Rape Case*, in this case, the convict was minor as he did not complete the age of 18 years. Discussion started that accused has done such a serious crime, so he should be treated as major even if he was minor at the time of committing the crime. Therefore, the Indian legislation was forced to enact a new law which is known as Juvenile Justice (Care and Protection) Act, 2015.⁶

CONCLUSION

In the present scenario the matter related to juvenile delinquency has been faced by society of developing countries, and our country is one of them. Juvenile is adversely influenced by the various socio-economic conditions. Poverty, the impact of social media, industrialization, technological development, and lack of education are the major components of juvenile

delinquency. Most countries are presently tackling juvenile delinquency. India is also making effort to prevent this problem. There are many measures which have been taken by the government and judiciary regarding this. Different types of approaches have been followed for the treatment of young offenders in form of individual and group methods of treatment. It is seen that children with single parent are likely to commit offenses because of poor parenting. Many surveys clarify that mental illness is one of the biggest reasons behind juvenile delinquency. So, the you who are confined to jail does not deserve rigorous punishment but require reformative education, treatment, health care, and legal advice.

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