

JUVENILE DELINQUENCY IN INDIA

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Abstract

Children are the future of our country. It is the responsibility of everyone to ensure that they have a safe and friendly environment to live in. As per the statistics there is a huge leap in the rate of juvenile delinquency in the last decade in developing countries like India. The basic question which arises out of this is that how the idea of juvenile delinquency emerged? What is juvenile delinquency? Whether the juvenile offenders who commit such heinous crimes should be treated as adults or as minors? What are the common causes of such delinquent acts? How poverty plays a major role in juvenile delinquency? What are the preventive methods? What factors lead to juvenile delinquency? Delinquency is found in all nations and is particularly widespread in highly industrialized nations that have large cities. The term was established so that young lawbreakers could avoid the disgrace of being classified in legal records. The main purpose of juvenile laws is to treat the delinquents. But the term itself has come to be a disgrace as the rate of crimes committed by the juveniles is increased in the present scenario. Delinquents tend to come from families where there is tension and much difficulty in relationships. As the juvenile crime rate is increasing this is high time that the necessary steps should be taken and an amendment should be made in the present law to be enacted and enforced in a strict manner.

Introduction

The problem of juvenile delinquency is not new to the society. It occurs in all societies simple as well as complex. Juvenile Delinquency is committing of criminal acts or offences by minors, i.e. juveniles (individuals younger than the statutory age of majority). These acts does not follow under the category of 'crimes' as they would be for adults. Rather, crimes committed by minors or juveniles are called 'delinquent acts'. It is not only a legal

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problem but also a psychological problem and the one who has to tackle it has to consider both psychological and familial angles of the problem. It includes two types of behaviors, i.e. status and delinquent offences. Status offences are the ones which are inappropriate or unhealthy for children and the adolescents and thus the behavior is prohibited because of the age of the offender. Smoking, drinking, truancy and running away from home are some examples of status offences. Delinquent offences mean violation of legal statutes. For example, murder, rape, assault, harassment, stalking, robbery, etc.

Special courts are established with specially trained Magistrates for the trial of the delinquents. Instead of a 'trial', the juvenile has 'adjudication', after which he/she receives a 'disposition' and a sentence. It also provides for the formation of reformatory schools for the delinquents. In a developing country like India the problem of juvenile neglect and delinquency is considerably increasing as per the statistics¹. The basic factors of delinquency are poverty, broken homes, family tensions, emotional abuse, rural-urban migration, breakdown of social values and joint family system, atrocities and abuses by parents or guardians, faulty educational system, the influence of media besides the unhealthy living conditions of slums and such other conditions. Juvenile delinquency is more than just a doorbell prank or two kids fighting for a ball or throwing water balloons at each other. These can be as serious as drug related offences or crime against another person. The idea of prevention and efforts taken for such delinquent acts comprises of identification of the causes and risks associated with the offences, addressing them and then forming protective factors to counterbalance the risks. In urbanized societies where traditional life styles, social control and local communities have become loose, their crimes rates are at the peak. Youth are the building blocks of the future of a nation. It is our prime duty and responsibility to make an effort to protect them and become a contributing member of our society.

Meaning

Juvenile was derived from two Latin words '*iuvenilis*' meaning 'of or belonging to youth' and from '*iuvenis*' meaning 'young person'. Delinquency was derived from a Latin word '*delinquentia*' meaning 'a fault or crime'.

Delinquency was defined by Coleman in 1981, 'behaviour of youths less than 18 years of age which is not acceptable to society

¹ National Crime Bureau Report – Ministry of Home Affairs, 2015

and is generally regarded as calling for some kind of admonishment punishment or corrective actions'. Juvenile delinquency is defined as a 'conduct by a juvenile characterized by antisocial behaviour that is beyond parental control and therefore subject to legal action'².

Juvenile delinquency is a social evil and is a socially unacceptable behaviour committed by minors or juveniles. The juveniles are kept in Juvenile jail and correction homes. Then various corrective measures are taken to change their behaviour and develop positive direction. It is observed that delinquency is increasing with increase in population and complexity of culture.

According to Reckless (1956), the term applies to the 'violation of criminal code and pursuit of certain patterns of behaviour disapproved for children and youth adolescents'.

History

Historically, the concept of juvenile justice was derived from a belief that the problems of juvenile delinquency in abnormal situations are not amendable to the resolution within the framework of traditional process of criminal law.³ Both Hindu law (Manusmriti) and Islamic law (Sharia) made provisions for maintenance and proper upbringing of the children. Under these, the sole responsibility to provide care and protection to children was of the parents. If in case the families were unable to protect and take care of the children then someone from the community took care of the children. The Hindu law and Islamic law have mentioned different punishments for the children for certain offences. In Muslim law, if a child is found throwing filth on the public road, there is a specific injunction which forbids execution of the children.⁴ On the other hand, under Hindu law, the child has to clean the place and the adult has to pay the fine for the act.⁵ Prior to adopting the English ideology, the Indian culture treated child in need of protection and care and if any offence is committed by him/her, they cannot be treated as per the adult laws.

² Merriam Webster Collegiate Dictionary : Eleventh Edition, 2014

³ Vedkumari, *The Juvenile Justice in India: from Welfare to Rights*, New Delhi: OUP. Pg. 1

⁴ Unnithan, N. Prabha (edited. 2013). *Crime and Justice in India*; ch13, Kethineni Sessa & Braithwaite Jeremy, *towards a compliance model: The Indian Supreme Court and the Attempted Revolution in Child Rights*. New Delhi; sage publication, Pg.306

⁵ Muller, M.F. (1886). *The Laws of Manu*. Oxford: Clarendon press

India has a long history of providing separate treatment for juvenile delinquents. This different treatment can be traced as far back as the Code of Hammurabi in 1770 BC. Under this code, the responsibility for the supervision and maintenance of children was vested upon the family.

The English ideology of providing separate treatment for juvenile was passed to India in the last quarter of the nineteenth century. The Apprentices Act, 1850 is chronologically the first English law meant to deal with the children in distresses that are to be trained for trade and industry. This act was enacted to provide that the children under the age of 15 years who have committed petty offences will be bounded as apprentices. Though, during the colonial regime, in 1843, the first center for those children called "Ragging School" was established by Lord Cornwallis.

During the British Rule laws like Whipping Act of 1864 was passed to punish the juvenile through whipping and then setting them free so that they don't repeat the same act and to address the issue of juvenile delinquency and child welfare. The Indian Penal Code, 1860 exempts children under the age of seven years from criminal responsibility, i.e. section 82 and treats them differently through various procedures. Later, the Reformatory Schools Act, 1897 came into effect which provided that children up to the age of 15 years sentenced to imprisonment would be sent to reformatory cells.

Only after the Independence, The Juvenile Justice Act, 1986 was enacted for providing care, protection, rehabilitation and development of delinquent juveniles. The Juvenile Justice Act, 1986 was introduced for formation of a uniform system and procedure in the area of juvenile justice all over the country. Under this Act, the age of male juvenile was kept sixteen years and for girl age was kept eighteen years. Act defines 'juvenile' under the section 2 (a) as a 'boy who has not attained the age of 16 years and a girl who has not attained the age of 18 years.'

This law was passed prior to the UNCRC (United Nations Convention on the Rights of the Child), 1989 which was ratified by India after 1992. In 2000, the former law was repealed and a new law which was more exhaustive, i.e. The Juvenile Justice (Care and Protection of Children) Act, 2000 was enacted and later it was amended to increase the age of the child to 18 years to adhere to the International ratified laws.

The one of the reasons behind juvenile justice law's enactment was to attain constitutional vision of India concerning care and

welfare of children. The provisions under constitution of India which grants special status to the children are Article 15(3), 24, 39(e) & (f) and 45. Further Child Prohibition Act, 1986 was enacted through constitutional directions. National Policy for Children, 1974 & 2013 declare that children are national asset.

The Juvenile Justice (Care and Protection) Act, 2000 lays down that juvenile offender may be kept in an 'Observation Home'. On the other hand, children in need of care and protection need to be kept in a 'Children Home' while the proceedings are pending before the competent authority. The main purpose behind this Act was to rehabilitate the child and incorporate him/her in the mainstream society. The ideology behind this step is that there are possibilities of getting reformed due to his/her tender age and lack of maturity. Hence, placing a responsibility over the State to protect and reform the child.

Types

Delinquency exhibits a variety of styles of conduct or forms of behaviours. Each pattern has its own type of social context. Juvenile delinquency can be broadly classified into four types by Howard Becker in 1966, i.e. individual, group- supported, organized and situational delinquency.

Individual delinquency comprises of all the delinquent acts committed by the juvenile individually. The cause is located within the individual delinquent. The psychiatrists state that these are caused due to psychological problems. These psychological problems stem primarily out of defective and pathological family interaction patterns. The psychiatrists tried to compare the delinquent siblings from the non-delinquent ones and found the most common cause of committing such offence as they were unhappy and felt discontented with their life circumstances. They indulge in delinquent acts for gaining attention from family or peers in the first place. Others commit the delinquent acts to reduce their guilt feelings. They also found that delinquent ones differed from the non-delinquent ones on the basis of their relationship with their fathers more than their mothers. In addition, their discipline was also more harsh and stern.

On the other hand, group-supported delinquencies are committed in companionship with others. The causes are not located merely in the individual's personality or in the delinquent's family but in the culture of the delinquent's home and neighbourhood. The main reason behind such delinquent acts is companionship with others who are already delinquents. The psychology check behind

this is what is learnt and who it is learnt from rather than the problems which might have motivated the individual to commit such delinquent acts.

Organized delinquencies are committed by formally organized groups. This involves certain set of values and norms which guide the behaviour of the youth in the commission of delinquent acts.

The above mentioned types of delinquencies have one thing in common, i.e. the delinquency is viewed as having deep roots. Like, in individual delinquency's cause lies deep down in the individual. While in organized and group-supported delinquencies the root cause lies in the structure of the society.

In situational delinquency the root causes does not lie down deeply. Thus the controlling of such delinquent acts is easy as compared to the other types of the delinquencies.

There are three major categories of juvenile delinquency, i.e. violent crimes which result in bodily injury (such as assault, murder and rape), property crimes are committed when a juvenile uses force or threat of force to obtain the property of others and drug related crimes involve possession or sale of illegal narcotics.

In "Juvenile Delinquency: Concept and Control", Trojannovicz⁶ categorized juvenile delinquents into five categories. They are gang organized and collective delinquency, unsocialized aggressive boys, accidental offender, occasional delinquency and professional delinquency.

Eaton and Polk in "Measuring Delinquency"⁷ classified juvenile delinquencies into five major categories, i.e. minor violations which include minor traffic violation, property violation, major traffic violations which include automobile theft, human addiction which include alcohol and drug addiction and bodily harm which include homicide offences.

Causes

No one is a born criminal. The various circumstance both inside and outside of the house of the child play a significant role in shaping one's life. The most common causes which associate with delinquent crimes are poverty, child abuse, mental conflicts,

⁶ Trojannovicz, RC. *Juvenile Delinquency: Concept and Control*, Prentice Hall, New Jersey, 1973.

⁷ Eaton JW, Polk K. *Measuring Delinquency*, Pittsburg Press, Pittsburg University, 1961.

adolescent instability, drug abuse, abusive parents, family violence and anti-social peer group.

However, as far as India is concerned poverty plays a major role in child's life. This is one of the major cause because of which children inclines themselves towards criminal acts. Poverty forces a child to get involved in criminal acts. The vast majority of those arrested and convicted belong to poor economic status. As they lack resources the police as well as other law enforcing authorities are severe on them. The people in better economic comfort are seen to be quite favourable in administrative processes of law enforcement. Poverty engenders antisocial activities in many ways. Unsatisfactory human relations have been frequently seen to emanate from destitution and poverty. As poor people have lower mental resistance due to undernourishment and poor physical health. They live in slum and the neighbourhood and the environment is not adequate as they have no other choice in the selection of residential locality. This leads to poor circumstances as the child are driven to seek their recreations on the streets. The budgeting problem fuels up the quarrels between the husband and wife and thus they are not able to give proper attention and care to their children though they have affection for them. Further, because of lack of money, the reasonable demands of school going children are mocked and education eventually suffers. Poverty does different things to different people, like for some its pressure can cause anti-social behaviour.

Social-media today is having more negative than positive imprints on young minds. There is a growing concern that the social-media which undoubtedly inform, educate and entertain have become a source of contamination in child's mind. They tend to provide sensational information about the crime, i.e. the types and techniques of the weapons. And this further leads to children either committing the delinquent act with vengeful mindset or they tend to educate their companions about the same. Motion movies show that the crimes are exciting and tend to show that there are ways in which the law can be eradicated. The prime culprits are those films and programs loaded with violence and vulgarity. This type of violence and vulgarity alleges to induce viewers for committing rapes, robbery, assault or murder. In India, a developing country where the literacy level is low these types of actions have more impact on the general attitude and behaviour.

There are numerous causes of juvenile delinquency. These include domestic violence, living in areas of poverty and high crime rates,

inadequate social support and lack of access to education. None of the young delinquents were born with hostility, rage and hatred their environment and society has turned them into one. Many juvenile behaviours, during the pre-teen and teenage years may be considered normal behaviour for children. However, there are certain signs that a child might be involved in bad direction. These include chronic violation of rules, aggressive behaviour, etc. There are certain risk factors which are common in juvenile delinquents are peer association, low socioeconomic status, poor school performance, peer rejection, mental disorders, permissive parenting and authoritarian parenting.

Structural breaks in the family, except in case of death of any family member leads to tension, quarrels and disruption of peaceful living have a traumatic effect on the children. Though, in some circumstances the family environment tends to improve the atmosphere. The main reason behind such improvement is the inter-personal communication and conditions of the family members. Through the years, one of the most common cause of juvenile delinquency is the parental inadequacy, i.e. their role in upbringing of the children. The early family training can help in inculcation of the values and norms which makes the child aware of the values of the society and acquires characteristic of it. The children must have the knowledge about the actions which are permitted, prohibited and the reason behind that too. He/she must know how to get along with others, i.e. other children and adults. Depending upon the pattern of how the child is handled and who is the role model in the family the child starts to learn the basic responsibilities, i.e. inside and outside the house. The important role that the parents have to do is that behaving in a proper and consistent manner so that the child does not feel insecure.

There are a number of factors which contributes towards the criminal nature of the youth. Poverty is one of the main factors of a delinquent youth. Other factors comprises of peer pressure, neighbourhood, etc. most of these delinquents come from families of abuse or discord or desertions or divorce. Education though plays a major role in moulding the future of the children but the system lacks this ability and thus contributes towards juvenile delinquency.

There are two types of risk factors, i.e. individual and family environment & peer influence. The parenting style and peer group association in the child's life plays a major role. Almost all the researchers agree on the point that the delinquents are in one way

or another characterized by discords, divorces or abuses. The immediate neighbourhood of the child can also affect the child's mind as he/she may adopt a way of living which comprises of delinquent acts. Low intelligence, impulsiveness, aggression, lack of empathy and restlessness comprises of individual psychological risk factors. The level of parental supervision, the way parents discipline a child, parental separation, harsh punishments, parental neglect, parental abuse, criminal parents, criminal siblings are some of the risk factors of family environment.

Some Heinous Crimes Committed by Juveniles – 2012-2013

- December 16, 2012 – Nirbhaya abducted, raped and murdered in a moving bus in south Delhi by a juvenile and his associates.
- November 29, 2013 – a group of five minors, which escaped from a city juvenile home amid rioting and arson, murders a jeweller's wife in Mayur Vihar and flees with 50 kg of silver jewellery and Rs. 10 lakh cash from the house.
- October 17, 2015 – two juveniles allegedly rape a toddler after kidnapping her in Nangloi.
- 24 December, 2015 – three shooters, who were borderline juveniles, fire indiscriminately in a room at the Karkardooma court complex, killing a policeman.
- 24 February, 2016 – a 17 year old boy, released from juvenile home for 'good behaviour' strangles an elderly woman in south Delhi's BK Dutt Colony.
- March 24, 2016 – four minors found to be involved in a case in which a doctor was beaten to death in Vikaspuri.
- 6 April, 2016 – two juveniles allegedly shoot an Uber driver in Mundka area and flee with the car after dumping the body.

Statistics

In 2012, juveniles held under Indian Penal Code are 35,465. In 2014, 75% juveniles held were above the age of 16 years. In the year 2014, a total of 42,566 cases (under Indian Penal Code) were registered against children below the age of 18 years, as against the total number of 28,51,563 cases registered in the country during that year.⁸ Total juveniles arrested in 2014 included 2,609 total numbers of repeat offenders.

Juvenile crimes have increased by over 47% in the past five years, the government told the Rajya Sabha in February. The year 2014

⁸ National Crime Bureau Report – Ministry of Home Affairs, 2014

itself witnessed 33,981 murders of which 841 (2.5%) were committed by juveniles. And, out of the 36,735 rapes, 1,989 (5.4%) rapes were committed by minors.

Nearly, 1,200 juveniles were apprehended in the first six months of 2015 for different types of crimes. According, to National Crime Records Bureau, cases involving juvenile delinquents went up by 18% in 2014 when 2,876 minors were tracked in 1,946 criminal cases against 2,140 involved in 1,590 cases in 2013.

The involvement of juveniles in cases of rape in the capital shot up 158% in 2013, the year of the Nirbhaya incident, to 163 cases from 63 a year earlier. The year saw 163 minor being apprehended for rape and 76 for murder.

In the year 2013, there was an increase of 30% in overall crimes committed by the juvenile delinquents. There were 928 cases of burglary and snatchings in 2013 compared with 523 the year earlier.⁹

Over 50% of juvenile crimes are sex offences. From 2012 to 2014, there were 8,676 cases of rape or assault on women committed by juvenile delinquents. Rape by juveniles rose by 70% in this period, while assault cases shot up 160%. Non-adults are now a big threat to the safety of women.¹⁰

Prevention

It is widely believed that early-phase intervention is the best approach to prevent juvenile delinquency. Control of delinquency needs effective implementation of Juvenile Justice Act, 2015 with full public awareness and proper orientation and training to professionals and law enforcement agencies. Government should put more emphasis of useful and attractive beneficial long term schemes for juveniles so that they feel motivated to join main stream of the society. Thus they regain their self-confidence, which is generally lost because of the callous attitude of the society. The approach of the agencies like police involved in the system may be more of reformatory character rather than pure penal. The objective may be to reform the delinquents, rather than to punish them.

The prevention process includes involvement of individuals as well as group and organizational efforts aimed at keeping adolescents from breaking the law. Juvenile delinquency is a social disease the

⁹ National Crime Bureau Report – Ministry of Home Affairs, 2013

¹⁰ National Crime Bureau Report – Ministry of Home Affairs, 2012-2014

child or the adolescent has to be treated in such manner, so that he/she can readjust with the society. The maladjustment with the society has to be changed. The basic reason of juvenile delinquency is being deprived of the basic amenities which they try to fulfill through anti social methods. Hence, efforts should be made in order to meet the basic requirements or needs of every child in a socially approved manner whether a delinquent or a non delinquent. Extra care should be taken of delinquent children. Each juvenile delinquent has to be considered individually. The main focus should be on the fulfillment of his/her needs for power, prestige and recognition. Each individual case should be read separately keeping in view the specific problems and causes behind the committing such delinquent acts. Then only, it will be possible to rehabilitate, readjust and recondition the individual in the society.

The other suggestions for prevention of juvenile delinquency are watch for the signs of maladjustment, providing the child with a variety of experiences can serve purpose, attempt to build-up stable system of moral and social values, reject the delinquent behaviour without rejecting the delinquent, encourage the child to talk about and admit the existence of anti social tendencies, and change the condition of home, school and community.

Conclusion

From the above discussion, it is clearly stated that mere proper implementation and amendments of Juvenile Justice Act cannot help reduce juvenile delinquencies. It is vital to make aware of civil society about this disease that exists in our society. Juveniles involved in crimes are just not the criminals but also the victims of this sick society. Juvenile delinquency can be stopped at an early age, provided that due care is taken in the home and in the school. Parents and teachers play a significant role in nurturing and moulding the mind of the child. Instead of labeling the juvenile delinquents necessary steps should be taken to give them a scope of rectification. The errors made by them, i.e. either social or psychological should be brought to their notice as soon as possible. This social evil unlike any other crime is linked with the maladjustment and imperfections of our society. There is no proof that harsher laws will lead to fewer crimes. The ideal is gradually gaining the wider acceptance that juvenile delinquent needs the sympathy and understanding of our society and not just the heavy hand of law.

