

A study on the Juvenile Delinquency and its Supporting factors.

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ABSTRACT

Juvenile delinquency is the term used to describe the criminal acts of the criminal offenders who are not major i.e. under 18 and to analyze the present scenario of the juvenile delinquency the research is done. This research aims to explore the educational background of the delinquents along with the family background and their economic status which affects the juveniles or which results in the crime among juveniles. The present study leads to the conclusion that the low income of the family, family background (nuclear or joint or homeless), lack of parental supervision on their children is the main cause which is leading to the rise in this trend of delinquency. Majority of the crime is committed by those who are in the age group of 16-18 years because of the negative influence of the peer groups or the surroundings.

Keywords- Juvenile delinquency, Economic status, Family background and Educational background

Introduction

Children are born selfless and crime free, it is the surroundings of the society which inculcate crime in them. It is necessary that there should be proper development along with proper availability of resources, equal opportunity and healthy atmosphere for the children to grow with crime free mind.

For proper development not only physical and mental growth is important but also has good moral values. It is well said that Child is born guiltless but its circumstances that forces him/her to do crimes and to curb their involvement in crime; they need proper supervision, guardianship, quality education and attention. Family plays an important role in upbringing of children as it can be seen that those children which are living under nuclear family are more prone to crime in comparison to the joint family and the reason behind this is that due to lack of supervision, they opt different methods to overcome their desires and due to lack of maturity they are not able judge good or bad. Once they are able to achieve their needs by such methods, it becomes their habit. As per the data of National Records Bureau 2015, of the total juveniles apprehended were 35448 juveniles and the majority of crime committed by them was Rape, Murder, Theft, Robbery, Burglary, Culpable homicide not amounting murder, attempt to murder, kidnapping and abduction.

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Hence, the Positive development is important for growth of child; it implies that it is the proper guidance and care of parents and guardians which helps them to figure out the difference between wrong and right.

Majority of juveniles involved in criminal activities belongs to the State of Maharashtra, Madhya Pradesh, Tamil Nadu, Andhra Pradesh, Rajasthan, Chhattisgarh, Gujarat, Delhi, Bihar, Jharkhand and Haryana

Therefore, it is important to understand the concept of juvenile delinquency and the conditions giving birth to the high rate of crime by juveniles.

Despite of various Juvenile homes and youth development programs launched for their development and to curb the crime the crimes among juveniles are raising at an alarming rate. Is it due the lack of law and order or poor implementation of the said laws?

The concept of juvenile delinquency is used to describe the involvement of children in some acts which are forbidden by the law or violates the code of law. The term Juvenile originally derived from the Latin word "Juvenis" which means young while the term delinquency has been derived from the Latin word "Delinquer" which means to omit but presently this word stands for those children who are indulge in wrongful and harmful activities.

We often get confuse with two terms Minor and Juveniles. The term 'Minor' and 'Juveniles' are used in two different contexts. The term Minor is used to define the legal capacity of the child while the term Juveniles is used in reference with the young criminal offenders.

Historical development of Juvenile justice Regime in India

Prior to 1850 there was no such legislation enacted to look after the cases related to juveniles. In 1850, the first legislation was passed in form of Apprentice Act, this act constitutes the provisions related to vocational training to convicted children.

Soon after that Indian Penal Code, 1860 was passed according to which an absolute immunity was given to the child under the age of 7 from criminal liability under section 82 whereas section 83 provides partial immunity to child of the age group 7- 12 years. Above 12 years were treated as adult under this Act. But the threat was that sending the children to the ordinary jail might result in bad consequences. Hence, Reformatory School Act was enacted in 1897 which provided for the constitution of Reformatory schools for young persons (boy not above than 15 years). Further Children Act, 1960 was enacted and various states enacted their local children acts to deal with delinquency.

The time demanded uniform law to be enacted to govern juvenile delinquency and hence in year 1986 the Juvenile Justice Act and which was recently amended in year 2015 Juvenile Justice (Care and Protection) Act which extends to whole of India except state of Jammu and Kashmir. This act provided for the establishment of one or more juvenile justice board for exercising the powers and discharging its

functions related to children who are in conflict with law. According to this act, passed in 2015 by Lok Sabha has new clause that if a juvenile of 16 years or above commits some Heinous Crime, he may be tried as an adult. The juvenile Justice board will determine whether the juvenile is fit to be tried as an adult based on the findings of a preliminary inquiry and the period of preliminary inquiry will be of 3months.

Literature Review

- Becker¹ (1968) had reported that juvenile's delinquency could be a rational response to the incentives for legal and criminal activities. According to him the estimation shows that the youth will engage in criminal behavior if the potential gains are large enough and likelihood of substantial punishment is relatively low.
- Camenor and Phillips (2002)² observed that fathers play a critical role in the rearing of boys at a tender age and having a step-father also increases the delinquency among the children rather than having a step-mother.
- Juby and Farrington³ (2001) claimed through three theories that explain the relationship between the distorted families and delinquency. According to his first theory i.e. trauma theory the loss of parents results in the damaging effect on children because of the attachment they had with their parents. Further according to his second theory i.e. Life course theory points separation as a long drawn out process rather than a discrete event, and on the effects of multiple stressors typically associated with separation, and according to the last theory i.e. selection theory which contended that the distorted families is the prime reason behind delinquency because of the pre-existing difference in the income of the family and the method of child rearing
- According to K.S Narayan⁴(2005) despite the decrease in the incidence of juveniles crimes at both absolute and relative level, but in urban and rural it is reported often that the practices of juvenile servitude, child labor, domestic juvenile servitude and girl juvenile trafficking. Such reports claim the examination of juvenile problems.
- Levitt and Lochner⁵ 2000 had studied the juvenile's criminal involvement. Biological factors i.e. being male having low intelligence and short time horizon are of the determinants of crime. Family background factors .i.e. erratic parental discipline, lack of adequate supervision and maternal rejection are linked with criminal involvement whereas social factors include income inequality and rejection influences the delinquent behavior among youth.

¹ Crime and Punishment: An Economic Approach. Journal of Political Economy

² The Impact of Income and Family Structure on Delinquency. Journal of Applied Economics

³ "Disentangling the Link between Disrupted Families and Delinquency." British Journal of Criminology.

⁴ Dimensions of juvenile problems: institutional and non-institutional. Soc Welfare

⁵ The Determinants of Juvenile Crime. In J. Gruber (Ed.), "Risky Behavior by Youths. University of Chicago Press.

- Moffitts⁶ (1993) it marks the difference between on those who committes crime in early age and continue it throughout the life and the offenders who commit offence during their teen age. In the words of Tomovic VA Juvenile delinquency is the condition arising out of the socio-personal disorganization in the sequence of experience and influences that shape behavior problems. Basically it is considered as the product of social process involving numerous variables and the failure of social and personal controls.
- Peiser⁷(2001) according to him the parental discipline pattern is a key to examine the contribution of family and personality factor to delinquency, he too claimed that the self-esteem is an important factor in the development of delinquency, in some countries a comparative study was conducted in this view of self esteem where according to Kaplan (1957, 1977, 1978, and 1980) negative self-esteem is the output of the situations in the adolescent is unable to defend their self image and situations like school failure, rejection by school, parental rejection and some environmental factors results in the delinquency among juveniles.
- Weatherburn and Lind⁸ (1997) they observed the reason for the delinquency in rural and urban areas. According to them socio-economic reasons are the basic cause which leads to the increasing offence in the rate among juveniles.
- Wright and Wright⁹ (1994) according to him the family is the backbone of the human society, the children who are generally avoided by their parents or they are rejected by them are more prone to delinquency because of the lack of proper supervision. Due to lack of supervision they are generally influenced by the peer group and nearby surroundings. It is said that the single parent families especially where mother is only family are producing more delinquents but Wright and Wright (1994) research have showed that the mostly delinquents belongs to those who are living with both the parents

Theories Regarding Juvenile Delinquency

- 1) Classic theory (Rational choice theory): According to this theory, people are rational and they used to make calculated choices regarding what they are going to do before an act. Juvenile delinquents before committing any crime, firstly they collect information regarding particular event

⁶ Adolescence-limited and life-course-persistent antisocial behavior: A developmental taxonomy. Psychological Review

⁷Peiser N. (2001). The impact of family relations and personality factors on delinquent behavior among youth. University of Wollongong.

⁸ Social and Economic Stress, Child Neglect and Juvenile Delinquency.NSW Bureau of Crime statistics and Research, Attorney General's Department

⁹ Family Life, Delinquency, and Crime: A Policymakers Guide

then process and evaluate information about the crime and after weighing the benefits of such crime they decide to commit such act.¹⁰

- 2) Social Control Theory: this theory is considered as the most important theory of sociological theory in regards to juvenile delinquency which lays its foundation on the ideologies of Thomas Hobbes and in 20th century criminologist expanded his ideologies and concluded that without control children would break law. As per this delinquency is expected behaviour of juveniles. The main purpose was to prevent the crime among juveniles at very first instance.
- 3) Social bond theory: according to this theory, human being is connected to society by four elements- attachment, commitment, involvement and belief. Stronger the bond of attachment, likely the youth will commit less crimes. Once juveniles are committed towards their career and get involved in education hence the chances of their involvement in crime gets less. Through various research it has been reported that children who had strong bond with their parents and knows the importance of 'Values' and 'Beliefs' are less likely to become delinquent.¹¹
- 4) Anomie theory: according to Robert Merton, the main reason behind the delinquency among juveniles is the lack sources to attain their goals and in order to attain such goals they fail to analyze wrong and right method get involved in activities contrary to law of the land.

Research Objectives

The objectives of the research are as follows-

- 1) To study the classification of juveniles (under IPC and SLL crimes) by different attributes during 2003-2015
- 2) To study the number of cases registered against Juveniles in conflict with the Law during 2003-2015

Research Methodology

To analyze the rising trend of juvenile delinquency in criminology and the influencing factor the method opted for research is the Quantitative method.

Data for the research is collected from various government sites www.ncrb.gov.in, www.data.gov.in and through articles from the newspaper i.e. the times of India. Present research is done on the analysis of data collected for the time period of 2003-2013.

¹⁰ <http://criminal-justice.iresearchnet.com/>

¹¹ Travis Hirschi's (1969) version

Findings

Table No.01-: cases registered against juveniles in conflict with the law and crime rate under IPC during 2003-2015

Year	Cases Registered		% cases of juveniles in conflict with law to total cognizable crime	Rate of crime under cases of juveniles in conflict with the Law.
	Against juveniles in conflict with the law	Under total cognizable IPC crimes		
2003	17819	1716120	1	1.7
2004	19229	1832015	1	1.8
2005	18939	1822602	1	1.7
2006	21088	1878293	1.1	1.9
2007	22865	1989673	1.1	2
2008	24535	2093379	1.2	2.1
2009	23926	2121345	1.1	2
2010	22740	2224831	1	1.9
2011	25125	2325575	1.1	2.1
2012	27936	2387188	1.2	2.3
2013	31725	2647722	1.2	2.6
2014	33526	2851563	1.2	2.7
2015	31396	2949400	1.1	2.5

Source: NCRB

Explanation-

As per the data regarding incidence and rate of juvenile delinquency under IPC, it can be concluded that since 2003-2015 the number of cases registered against those juveniles which are in conflict with the law has increased from 17819 in 2003 to 31396 in 2015 which means percentage cases of juveniles in conflict with the law had shown variation from 1% to 1.1%.

Since 2003 to 2015 cases registered against juveniles has increased by 1.8 times. Despite of various legislation enacted by the legislature, crime among juveniles is increasing at an alarming rate.

LL crime by different attributes

Year	Illiterates	Primary	Above primary but below Matric / H.sec	Matric / H.sec and above.
2003	9618	13505	7581	2616
2004	9273	10771	8848	2051
2005	8660	12394	9508	2119
2006	7975	12688	9405	2077
2007	7926	12659	10620	3322
2008	9069	12544	10072	2822
2009	7781	11653	10461	3747
2010	6339	11086	9855	3023
2011	6122	12803	10519	4443
2012	7226	13459	13983	5154
2013	8392	13984	15423	5812
2014	10530	15004	17637	5059
2015	4757	14229	19056	3343

Source: NCRB

Explanation

On analyzing the data, it can be concluded that the majority of the juveniles apprehended under Indian Penal Code and Special Local Laws crimes are those who had education above primary but below Matric/H.sec as number of juveniles arrested since 2003-2015 had increased by 151.4% (2003-7581, 2015- 19056).

Various Educational policies are framed by the Government to raise the education level among children still there is no such improvement due to the lack of quality education.

IPC and SLL by family background during 2003-

			Homeless
2003	26435	4729	2156

2004	23701	4922	2320
2005	25398	4564	2719
2006	24990	4958	2197
2007	27074	5099	2354
2008	27807	4852	1848
2009	26633	4657	2352
2010	24549	4082	1672
2011	27577	4386	1924
2012	31639	5793	2390
2013	35244	5800	2462
2014	38693	7905	1632
2015	35448	4315	1622

Source: NCRB Annual report

Explanation:

Since 2003-2015 juveniles arrested under IPC and SLL crimes are from different family backgrounds i.e., nuclear, joint or homeless and the majority arrested juveniles belongs to those who are living with parents (there percentage had increased by 34.1% since 2003-2015)

Table No-04:- Classification of juveniles arrested under IPC and SLL crime by economic status during 2003-2013 (Economic status wise)

Year	Family annual income (Rupees)					
	Up to 25,000	25,001 to 50,000	50,001 to 1,00,000	1,00,001 to 2,00,000	2,00,001 to 3,00,000	Above 3,00,001
2003	24593	5981	2150	450	130	16
2004	22387	5759	2142	549	101	5

2005	23276	6255	2223	746	140	41
2006	23268	6353	1913	499	52	60
2007	23626	7296	2339	1037	136	93
2008	21453	8025	3885	826	281	37
2009	21576	7450	3151	1142	290	33
2010	18980	7310	2836	860	257	60
2011	19230	9059	3892	1212	398	96
2012	21049	10360	5458	1972	648	335
2013	21860	11885	6494	2296	626	240
2014	26809	10813	6887	2506	776	439
2015	17543	11695	7982	2757	951	457

Source: NCRB Annual report 2013

Explanation

On analyzing the economic status whether it influences delinquency among juveniles. As per the majority of juveniles arrested under IPC and SLL crimes are those whose income is above 3,00,000Rs/, the number of juveniles apprehended since 2003-2015 had increased by 28.6 times whereas, the number of juveniles apprehended to those who belongs to annual income upto 25,000Rs/ had decreased by 0.7 times

Table No- 05:- Juveniles apprehended under IPC and SLL crimes by age group (2003-2013) (Age-Group wise)

Year	Total apprehended	07-12 years	% to total apprehended	12-16 years	% to total apprehended	16-18 years	% to total apprehended.
2003	33320	3584	10.8	11687	35.1	18049	54.2
2004	30943	2107	6.8	12415	40.1	16421	53.1
2005	32681	1645	5	13090	40.1	17946	54.9
2006	32145	1595	5	12535	39	18015	56

2007	34527	1460	4.22	12114	35.1	20953	60.7
2008	34507	1281	3.7	12272	35.6	20954	60.7
2009	33642	1133	3.4	10741	31.9	21768	64.7
2010	30303	927	3.1	10123	33.4	19253	63.5
2011	33887	1211	3.6	11019	32.5	21657	63.9
2012	39822	1286	3.2	12063	30.3	26473	66.5
2013	43506	1330	3.1	13346	30.7	28830	66.3
2014	48230	872	1.8	11220	23.3	36138	74.9
2015	41385	602	1.5	11052	26.7	29731	71.8

Source: NCRB Annual Report

Explanation

Since 2003-2015, juveniles arrested under IPC and SLL crimes, under different age group shows significant change as juveniles arrested are of age group:

(7-12 years) = decreased by 0.2 times since 2003-2015.

(12-16 years)= decreased by 0.9 times since 2003-2015

(16-18 years)= increased by 0.7 times since 2003-2015

Table No 06-: Juveniles apprehended under IPC and SLL crimes by Sex (2003-2013) (Gender-wise)

Year	Boys	Girls	Total juveniles apprehended	% of girls to the total apprehended
2003	30985	2335	33320	7

2004	28878	2065	30943	6.7
2005	30606	2075	32681	6.3
2006	30375	1770	32145	5.5
2007	32671	1856	34527	5.4
2008	32795	1712	34507	5
2009	31550	2092	33642	6.2
2010	28763	1540	30303	5.1
2011	31909	1978	33887	5.8
2012	37764	2058	39822	5.2
2013	41639	1867	43506	4.3
2014	46638	1592	48230	3.3
2015	40468	917	41385	2.2

Source: NCRB Annual report

Explanation:

On analyzing the data, out of the total juveniles apprehended under Indian Penal Code and Special Local Law, the number of boy juveniles is more than the girl juveniles.

The number of girls juveniles apprehended under IPC and SLL crimes since 2003-2015 has decreased by 60.7% whereas the number of boys juveniles apprehended since 2003-2015 has decreased by 30.6%

Table No-07:-Major crime head for which Juveniles are apprehended under IPC

Year	Murder	Attempt to commit murder	Culpable homicide not amounting to murder	Rape	Kidnapping and abduction	Robbery	Theft
2003	581	565	25	535	234	265	4739
2004	583	536	20	656	293	297	5862
2005	690	533	31	678	272	421	6289
2006	727	644	49	691	334	432	6574

2007	824	654	43	825	347	516	7498
2008	902	701	26	863	415	658	7284
2009	999	728	33	887	460	582	6540
2010	847	640	37	937	589	689	6064
2011	1168	826	62	1231	823	782	6552
2012	1281	1132	52	1316	913	977	7205
2013	1230	1017	81	2074	1230	1194	7969
2014	1163	1029	67	2144	1932	1401	8863
2015	1092	1360	41	1841	1508	1838	7936

Source: NCRB Annual report

Explanation:

This table shows the maximum participation of juveniles in crimes like Murder, rape, kidnapping, theft etc. On analyzing the data since 2003-2015 there is significant increment in the number of juveniles arrested.

- Murder = 1.9 times (since 2003-2015)
- Attempt to commit murder = 2.4 times(since 2003-2015)
- Culpable homicide not amounting to murder = 1.6 times (since 2003-2015)
- Rape =3.4 times (since 2003-2015)
- Kidnapping and Abduction = 6.4 times (since 2003-2015)
- Robbery= 6.9 times (since 2003-2015)
- Theft =1.7 times (since 2003-2015)

Discussion

Despite various legislations, the crime among juveniles is increasing day by day. Once we considered that the main cause for such acts of children is poverty but on analyzing data of past 12 years i.e., from 2003- 2015 there are some shocking result not just because of low income but due to the lack of education and supervision children are prone to such acts. According to Dr.Rajesh kumar: “Across socio-economic and educational groups children are affected by parents not spending quality time with them and by an increasingly competitive world”¹²

Lower middle class families nowadays are busy in making money and when their children grow up they didn't find themselves attached to anyone and they do what they feel good, ignorant of the consequences of such act.

¹² Director, Society for Promotion of Youth and Masses

In middle class families parents put forward their expectations to the child especially high grades in school, which often leads depression when they fail to meet their expectations, they try to overcome their fear of failure by different methods, unknowingly they sometimes opt wrong methods to achieve such goals and hence such things lead the child to abuse and then crime and when we come to high- income families they provide their children every possible luxury whether such things are required or not, and such parents often fail to teach their basic principles to their children. Such children fail to differentiate between wrong and right.

Recommendations

- Children shall be given proper education, to avoid delinquency among them.
- School dropouts should be given proper guidance regarding anti-social behaviour
- Proper Rehabilitation centers need to be opened with motive of transforming the delinquent into better human.
- Person looking after those delinquents shall provide them healthy atmosphere.
- Parents should look after their child properly and they need to create lovable surroundings at home.

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