



Juvenile Delinquency in India Causes and Prevention

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ABSTRACT

Children are considered to be gifts from God and are greatest personal as well as national assets. We as individuals, parents, guardians and society as a whole have a duty that children should be allowed and provided opportunity to grow up in a healthy socio-cultural environment so that they could become responsible citizens, physically fit, mentally alert and morally healthy. It is the duty of the State to provide equal opportunities for development to all children during the period of their growth which would reduce inequality and ensure social justice. Children are expected to be obedient, respectful and have virtues and good quality in them. However, due to various reasons certain percentage of children do not follow settled social and legal dictum. Such children are most often than not get involved in criminal behaviour which is known as juvenile delinquency or juvenile crime.

Keywords: Juvenile, justice, delinquency, crime

Introduction

The important fact of the 20th century is to establish welfare state in democratic countries. Under the effect of the working of welfare state the role and function of the welfare state have undergone a fundamental change. The result is that the government functions have multiplied by leap and bounds.

Now it being a welfare and progressive democratic state seeks to ensure social security and social welfare for the common man, regulate private enterprises, exercise control over the production, manufacture and distribution of essential society and takes all the steps which are necessary for the better safety of society from various offence.¹ One of them which is growing rapidly juvenile delinquency. Children are precious assets of the future and they are the most valuable assets of a country and society. It is the duty of State to look after them with a view to ensure the complete development of their personalities. Since society expect them to grow into a responsible citizens of the future, they need special care, protection, affection and facilities because of their tender age, physique and underdevelopment mental faculties. There is no exaggeration if it is said that future well-being of a particular nation depends upon how the children grow and develop.

But the child being physiologically and intellectually immature, the child is vulnerable to the onslaughts of the harshness and his tenderness can be wounded very easily. Law and society understand his fragile and delicate temperance but perhaps reluctance to act became so much powerful that the child remained a neglected piece of commodity. However, some significant legal concept like equality before law, life means to live with dignity, human rights, social justice, played a great role in drawing the attention of the international community and focused it on a concentrated point that childhood requires care and protection.

Research Methodology

The present research is primary based on secondary data. Case study from different sources has been taken into consideration which is then analyzed critically.

Who is Juvenile

According to Black's Law Dictionary, 'Juvenile' means a person who has not reached the age at which one should be treated as an adult by the criminal justice system. And juvenile delinquency means anti-social behaviour by a minor that would be criminally punishable if the actor were an adult. Juvenile delinquents who are minor and guilty of criminal behaviour are punished by special laws not pertaining to adults. They are also termed

¹ Dr. J. J. R. Upadhyaya, Administrative Law 1 (Central Law Agency, 8th Edition 2013).

as juvenile offender 'youth offender' delinquent minor.²

What is Juvenile Delinquency

The eschatological meaning of the word 'Delinquency' is wrong doing. Legal term juvenile delinquency for the first time was defined in the year 1889 when Illinois passed the first law on juvenile delinquency as a person who is incorrigible or who is growing up in idleness, one wanders about the streets in night time without being on any lawful business, or one who is quietly of indecent or lascivious conduct.³

Delinquency is an act or conduct of a juvenile which is socially undesirable and juvenile delinquency means the failure of children to meet certain obligations expected of them by the society. Delinquency consists of those behaviours that are prohibited by the family or juvenile code of the State and who are subject to the jurisdiction of the juvenile court. Whether a particular act or conduct of the child would be deviant or not will depend on various factors and vary in different States depending on the prevailing laws at the given point of time and place. Behaviours prohibited by juvenile codes can be grouped into two general categories and these are:

- (1) behaviours that would be defined as criminal offences if committed by adults, and
- (2) behaviours that are prohibited only for minors, which are called status offenses⁴ (school truancy, running away from home, incorrigibility, etc.)⁵.

Age Criteria of Juvenile under various Enactment

India, until passing of Children Act, 1960, there was no uniformity regarding age limitation of juvenile. Bombay Children Act, 1948,⁶ defined the term -child as a boy who has not attained the age of 16 years or a girl who has not attained the age of 18 years. The U.P. Children Act⁷, 1951, and The Andhra Pradesh (Telangara Area) Children Act, 1951⁸ also prescribed the age for juvenile as 16 years. Haryana Children Act, 1974, has also maintained the difference in defining child as a boy who has not attained the age of 16 years and a girl who has not attained the age of 18 years⁹.

Classification Of Juvenile Delinquency

Delinquency shows a variety of conduct or forms of behaviour of a juvenile. Each of the conduct has its own social context. It is not an easy task to access precisely the kinds of juvenile delinquency. This is because a large number of acts which remain undetected or unreported. A number of sociological, psychological, anthropological and medical studies have been conducted in the western countries, particularly in England and in America during the last fifty years. Different classifications of the juvenile delinquency have been given by them time to time.

Following types of offences they have been involved in:

- 1) Minor violations which include disorderly conduct and minor traffic violations;
- 2) Property violations which includes all property thefts except automobiles;
- 3) Major traffic violations which include automobile theft and drunk driving and any other offence that would involve an automobile;
- 4) Human addiction which includes sex offences as well as alcohol and drug addiction;

Factors Responsible for the Juvenile Delinquency in India

- Violence in Home
- Socio-Structural Causes
- Economic Compulsions
- Illicit Drug Trade
- Gender Discrimination
- Wars and Natural Calamities
- Family size

² Black's Law Dictionary, Edited by Bryan A. Garner 871 (West Publishing Company, Seventh Edition, 1999).

³ Ruth Shonle Cavan, *Juvenile Delinquency* 27 (Lippin Cott, Third Edition, 1975).

⁴ Status offences means acts which are considered illegal when committed by a child but not when committed by an adult, e.g., running away, school truancy, and failure to obey parents' obligations

⁵ Preston Elrod and R. Scott Ryder, *Juvenile Justice- A Social, Historical and Legal Perspective* 3-4 (Jones and Bartlett Publishers, Sudbury Massachusetts, Third Edition, 2011).

⁶ Section 4, The Bombay Children Act, 1948.

⁷ Section 2(4), The Uttar Pradesh Children Act, 1951.

⁸ Section 2(d), The Andhra Pradesh Children Act, 1951.

⁹ This means a child who is not capable of criminal intention or malice; unable to formulate criminal intent (*mensrea*); not able, due to lack of maturity, to know right or wrong; is not criminally responsible.

- Parental discipline
- Poverty
- Association
- Religion and Crime
- Role of Press and Cinemas
- Peer Group

Conclusion

Children are assets of our nation. In this research paper it has been discussed that children are most important group of population and in need of greatest social care and protection. Children are the future of any nation. If they are not properly attended there is a chance of being exploited, ill-treated and directed into undesirable channel by anti-social elements in the community. Despite hectic planning, welfare measures, legislative safeguards and many administrative actions, it has been noticed that a large number of Indian children continue to remain in distress and turmoil. In this research paper it has been discussed that various causes and circumstances are responsible for the juvenile delinquency. In general, violence in home, poverty, broken homes, economic compulsions, illicit drug trade, gender.

Suggestions

Above study stated that the children are very important the soft part of our nation. Children need care and educated environment. Therefore some important suggestions are as under:-

- It is suggested that Emphasis should be given to improving implementation and integration of the Juvenile Justice System with human resource development planning.
- It is suggested that many of the problems related to the Juvenile Justice System will be solved by bringing about coordination and cooperation among various organs of the Juvenile Justice System which are under the administrative control of the ministries of home, law and justice, education, health, labour, and welfare.
- It is suggested that the Juvenile Justice System will continue to function in isolation from the mainstream and the majority of children brought within the system will continue to be institutionalized unless the community is involved in the process.
- It is suggested that orientation training and in-service refresher courses for the decision-makers as well as for the various others categories of personnel functioning under the Juvenile Justice System is most essential for implementing the spirit behind the various services and programmes under the system.
- It is suggested that according to Juvenile Justice (Care and Protection of Children) Act, 2000, the age of juvenile is 18 years which is not proper because in recent years there is increase in offences committed by the juvenile between the age group of 16 to 18 years, and the manner in which offences are committed by them clearly shows that they become mature and sensitive to crime at the age of 16 years.
- It is suggested that juvenile Justice (Care and Protection of Children) Act 2000 is purely reformatory. It is true that the present World is focusing on reformatory theory, but deterrent theory is also being applied along with reformation. We cannot prevent crimes only by trying to reform the criminals, because all the criminals cannot be reformed, whether they are juvenile or adults.

References

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