

## “JUVINILE DELIQUENCY”- CAUSES, CONCERNS AND CONSEQUENCES

Written by *Ratnesh Shah*

*4<sup>th</sup> Year Student, B.Com LLB (Criminal Hons.), Institute of Law, Nirma University*

### **Key words: - Juvenile, Delinquency, Society**

India's laws can hold children as young as 7 responsible for crimes, <sup>1</sup>which is far lower than the world average of 13.5 years for criminal responsibility. In UK, the age for criminal responsibility is currently 10 years and there is insistence to raise that. <sup>2</sup>

The showing of participating in a wrongdoing by a minor is seen as Juvenile misconduct. . This criminal show can be repelled by an assortment of means, arranged especially to deal with the people who are under the statutory time of larger part. In any case, the climb of street have makes various people fight that the earnestness of the youthful arraignment structure is not adequately high to constitute fitting order. Thus, the guilty parties must be endeavored under adult laws.

It is difficult to contend this position as the unlawful acts submitted by group individuals, paying little mind to their age, are frequently as genuine and intolerable as the ones conferred by grown-ups. On the off chance that one takes a gander at the issue from one perspective, it is difficult to comprehend why the criminal can't be rebuffed with the whole seriousness of the law. As the quantity of adolescents who get captured for genuine offenses expands, it is just normal to trust that the seriousness of their disciplines must be expanded also. This ought to make the culprits comprehend the genuine degree of their activities. A man who is rightfully rebuffed for overstepping the law will be wearier of rehashing the demonstration. This can't be said in regards to somebody whose discipline is too light when contrasted with the wrongdoing submitted.

<sup>1</sup> <http://www.indiaspend.com/investigations/why-16-year-old-juvenile-criminals-are-a-rising-threat-67107>

<sup>2</sup> Neal Hazel , Cross National Comparison of Youth Justice, YJB 2008.

The research article endeavors to uncover the level headed discussions upon these imperative issues in light of the developing pattern, need and request of the general public meant to be subjected to a serene and honest environment. The examination article put advances the lacuna's and crevices inside the current legitimate system and in addition its pragmatic execution with respect to the issue and endeavors to give suggestive measures to accomplish the method for the law.

## INTRODUCTION

*'no keener revelation of a society's soul than the way in which it treats its children'*

*-Nelson Mandela<sup>3</sup>*

Indian Penal Code, drafted by the British, allows minors between 7 and 12 years to be let off for offence if it is seen that the child was not mature enough to understand or judge the nature and consequences of his conduct. The main aim regarding trial of juveniles in India should be rehabilitation and not punishment.

Therefore, it gets very important to ensure that the children in the correctional facilities should be given the appropriate environment to make them responsible citizens of the country.

The term juvenile delinquency applies to violation of criminal code and certain patterns of behaviour that are not approved for children and young adolescents. It may be grouped as individual delinquency; in which only one individual is involved and the cause of delinquent act is traced to individual delinquent, group supported delinquency; committed in companionship and the cause is attributed not to the personality of the individual but to the culture of the individual's home and neighborhood, organized delinquency and also situational delinquency.<sup>4</sup>

Juvenile is a child who unlike an adult person, having not attained prescribed age, cannot be held liable for his criminal act. The age criteria for being a juvenile vary from country to country, state to state. In ancient India, a parent was supposed not to punish a child who is under five years of age for any offence. As per the law then prevailing a children of such tender age should be nursed

<sup>3</sup> <http://www.brainyquote.com/quotes/quotes/n/nelsonmand178795.html>

<sup>4</sup> Becker HS. Social problems: A modern approach, New York, John Wiley & Sons, INC, 1996, pp. 226 – 238

and educated with love and affection only. After the age of five, punishment may be given in some suitable form such as physical chastisement or rebuke by the parents, towards the next half of the childhood, punishment should be gradually withdrawn and replaced by advice.

Delinquency is an act or conduct of a juvenile which is socially undesirable. Juvenile delinquency generally means the failure of children to meet certain obligations expected of them by the society. Juvenile delinquency is expression of an unsatisfied urge in the juvenile delinquent

But the general attitude towards the juvenile offenders remains that of a criminal and not much attention is paid to the reasons behind their actions that landed them in the facility. The psyche of a child is governed by different things, attitude of his family and the society towards him, his peers, the locality he lives in and the education which he receives are some of them. No one is a born criminal and the ill treatment of a child is a wrong against the human rights of the child.

Youthful wrongdoing is a way to grown-up wrongdoing, since an incomprehensible rate of criminal callings have their roots in pre-adulthood realizing huge issues all over the place all through the world. Today, it has transformed into a state of inconceivable concern and ought to be discussed at a veritable note. The multifaceted nature forms as we go into the quantifiable data of made countries when appeared differently in relation to the up 'til now making ones. A total of 44284 law infringement were put together by the pre-adult liable gatherings in the midst of 1978 which exhibited an augmentation of 0.6% more than 1977. It has been seen that robbery and burglary add to a foremost rate of these unlawful demonstrations. Manslaughter, attack, dacoit, burglary, stealing are two or three increasingly that add to the straggling leftovers of it. On the reason of the open estimations, a derivation can be drawn that these criminal demonstrations are on the extending way.

Delinquency is an act or conduct of a juvenile which is socially undesirable. Juvenile delinquency generally means the failure of children to meet certain obligations expected of them by the society. Juvenile delinquency is expression of an unsatisfied urge in the juvenile delinquent. Whether a particular act or conduct of the child would be deviant or not will depend on various factors and vary in different States, Cities and also time to time. The juvenile delinquent has even been defined as "a child trying to act like a grown up". A particular act of the child may be viewed as ordinary childish prank but in another particular context it may cause concern and anxiety. The distinction

between a delinquent and normal child, at times is very blurred and deciding point between a playful act and the juvenile delinquency is his relation to concerned person.<sup>5</sup>

The sociological view gives a liberal interpretation to the term delinquency. This view is well expressed by the definition given by Clyde B. Vedder who says, 'juvenile delinquency refers to the anti-social acts of children and of young people under age. Such acts are either specifically forbidden by law or may be lawfully interpreted as constituting delinquency, or as requiring some form of official action. It means deviation from the normal behaviour. According to Robison<sup>6</sup> the legal term "delinquency" is an umbrella for a wide variety of socially disapproved behaviour that varies with the time, place and the attitudes of those assigned to administer the law. This behaviour may include such acts as truancy, incorrigibility, disobedience, lying, running away from home, frequent visits to the cinema, visiting places of ill repute and coming home late at night. It will also include a child who is homeless, destitute and neglected. In short, delinquent in the sociological view is a child whose activities cause concern and alarm to parents and teachers and others responsible for his care and education.<sup>7</sup>

Basically the sociological theories of juvenile delinquency put emphasis on the environment, social structures and the learning process. However, it is generally agreed that a number of factors that play an important part in a youngster's delinquent behaviour can be divided into two groups, individual factors and situational factors. The individual factors include personality traits like submissiveness, defiance, hostility, impulsiveness, feeling of insecurity, fear, lack of self-control and emotional conflicts while situational factors may be attributed to family, companions, movies, school environment, work environment etc.

A decadal analysis of the incidence and rate of juvenile delinquency from the data published by the National Crime Records Bureau, Ministry of Home Affairs, Government of India<sup>8</sup> tabulated below (Tables 1 to 3), is self explanatory and demands for examination of the problems confronting

---

<sup>5</sup> Adenwalla, Maharukh, 2006. Child Protection and Juvenile Justice Sysyem: for Juvenile in Conflict with Law, 13, Childline India Foundation.

<sup>6</sup> The Bombay Children Act, 1948, Section 4

<sup>7</sup> K. Kusum, 'Juvenile Delinquency- A Socio-legal Study'(1979) Published by KLM Book House, New Delhi.

<sup>8</sup> [www.nerb.nic.in](http://www.nerb.nic.in), Statistics by National Crime Records Bureau, Ministry of Home Affairs, Government of India,

juveniles. Although, official records are said to under-represent juvenile delinquent behavior since many crimes by juveniles are never reported to authorities or many juveniles who commit offenses are never arrested. As a result, official records systematically underestimate the scope of juvenile crime. However, despite being inadequate measures of the level of juvenile offending, official records monitor justice system activity.



**Table -1: Incidence and Rate of Juvenile Delinquency under IPC (1996-2006)**

Year	Incidence of crime		% of juvenile crimes to total crimes	Estimated Mid-Year Population * (in 100,000)	Rate (Incidence Of Crime Per 100,000 Population)
	Total crimes	Juvenile crimes			
1996	1709576	10024	0.6	9319	1.1
1997	1719820	7909	0.5	9552	0.8
1998	1778815	9352	0.5	9709	1.0
1999	1764629	8888	0.5	9866	0.9
2000	1771084	9267	0.5	10021	0.9
2001	1769308	16509	0.9	10270	1.6
2002	1780330	18560	1.0	10506	1.8
2003	1716120	17819	1.0	10682	1.7
2004	1832015	19229	1.0	10856	1.8
2005	1822602	18939	1.0	11028	1.7
2006	1878293	21088	1.1	11198	1.9

**Table -2: Juveniles apprehended under IPC and SLL Crimes by Age Groups (1996-2006)**

Year	Total Apprehended	7-12 Years	Percentage To Total	12-16 Years	Percentage To Total	16-18 Years	Percentage to Total
1996	19098	3471	18.2	11397	59.7	4230	22.1
1997	17796	2747	15.4	12171	68.4	2878	16.2
1998	18923	3336	17.6	11548	61.0	4039	21.3
1999	18460	4039	21.9	10311	55.9	4110	22.3
2000	17982	3292	18.3	11389	63.3	3301	18.4
2001	33628	3696	11.0	12729	37.9	17203	51.2
2002	35779	4488	12.5	13864	38.7	17427	48.7
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	5.0	13090	40.1	17946	54.9
2006	32145	1595	5.0	12535	39.0	18015	56.0

**Table - 3: Juveniles apprehended under IPC & SLL Crimes by Sex (1996-2006)**

<b>Year</b>	<b>Boys</b>	<b>Girls</b>	<b>Total</b>	<b>% of girls</b>
1996	14068	5030	19098	26.3
1997	14282	3514	17796	19.7
1998	13974	4949	18923	26.2
1999	13088	5372	18460	29.1
2000	13854	4128	17982	23.0
2001	31295	2333	33628	6.9
2002	33551	2228	35779	6.2
2003	30985	2335	33320	7.0
2004	28878	2065	30943	6.7
2005	30606	2075	32681	6.3
2006	30375	1770	32145	5.5

## CAUSES OF JUVINILE DELIQUENCY

### Reasons for Misconduct:-

The foundations for adolescent wrongdoing are generally found at every level of the social structure, including society in general, social establishments, social gatherings and associations, and interpersonal relations. Adolescents' decision of misconduct are cultivated by an extensive variety of elements, the most imperative of which are depicted beneath.

### Hypothetical Reasons:

#### 1.) Sane Decision:

According to the behavioral study done on reprobate youngsters by the analysts, it proposes that the kid does any reprobate demonstration on the grounds that his brain instructs him to do it. As such he does this in light of the fact that he needs to do it. These sorts of acts gives colossal fulfillment to the wrongdoers thus they don't see anything incorrectly in it.

#### 2.) Social Disruption:<sup>9</sup>

As the joint family framework is reaching an end, another pattern has developed where in both the folks are working and subsequently youngsters are left disregarded and such seclusion drives the kid's association in wrongful acts.

#### 3.) Terrible Organization:<sup>10</sup>

One of the significant reasons in respect to why youngsters are going into the universes of wrongdoing is a direct result of their terrible organization. Kids who are in terrible organization intentionally or unknowingly enjoy criminal exercises. It is this Terrible organization which rouses them to carry out wrongdoing.

#### 4.) Marking:

---

<sup>9</sup> Clayton A. Hartjen, S. Priyadarsini 2009. Delinquency in India: a comparative analysis Rutgers University Press

<sup>10</sup> Federico Ferrara and Valentina Ferrara, 2005. The Children's Prison: Street Children and India's Juvenile Justice System pp. 1-25.



This is the hypothesis of our general public. By and large when we see somebody or hear somebody's association in a wrongdoing, we really name him as a criminal. For instance, calling somebody a disappointment may push him towards doing wrongful acts . Such wording gets to be recognizable proof signs of these people and they in this way once in a while make an endeavor to leave it.

### **External Reasons**

#### **1.) Air at home:**

An individual may have certain issues inside of his home which may have drove him to the wrong society. Like treatment from step moms, destitution, Impact of T.V or Web or other media. Such cases are basically seen with youngsters who don't have anybody to take care of them after they come back from school or there is minimum or overabundance of control practiced on them by the older folks of the crew.

#### **2.) Neighborhood:**

Neighborhood is that some piece of the general public which may influence the demonstrations of a person on the loose. It denote a singular's capacity to manage Wrongdoing. On the off chance that one discovers speculators, quarreling couples, boozers around him, then this is all that he would fall into lastly wind up as a criminal.

#### **3.) Gatekeeper's Conduct:<sup>11</sup>**

Gatekeeper here alludes to folks, grandparents, relatives, educators and whatever other guardian that the tyke may go over in his day by day life. The conduct of the majority of the above towards the tyke ought to be perfect, in the meantime they ought to comprehend the needs and issues of the youngster to keep him from reveling into unlawful acts.

---

<sup>11</sup> Ved Kumari. 2004. The Juvenile Justice System in India: From Welfare to Rights (Law in India) Oxford University Press, USA; 1St Edition edition

## LEGAL REGIME ON JUVENILE'S

The term 'juvenile' has been defined in clause (h) of Section 2 of the Juvenile Justice Act, 1986. The term 'delinquency' has been defined in clause (e) of section 2 of the Juvenile Justice Act, 1986.

Juvenile Justice Act, 1986, was the first central legislation on Juvenile Justice, prior to which each state had its own enactment on juvenile justice, which differed in the way juveniles were treated by the different state legal systems. The Indian Constitution provides in clause (3) of article 15 and clauses (e) and (f) of Article 39, Article 47 and Article 45.

On 20th November 1989, the United Nations General Assembly adopted the Convention on the Rights of the Child i.e. right to survival, protection, development and participation. The Government of India, ratified the said UN Convention on the 11th December 1992, and re-enacted the existing law, viz., Juvenile Justice Act, 1986. <sup>12</sup>

However since it did not yield the expected result, so the government proposed an act called Juvenile Justice (Care and protection of children) Act, 2000. The Juvenile Justice (Care and Protection of Children) Act, 2000, which has replaced the earlier Juvenile Justice Act, 1986, has been enforced in the entire country except the State of Jammu & Kashmir from 1st April 2001.

### **Juvenile Justice (Care and protection of children) Act, 2000** <sup>13</sup>

The Act seeks to consolidate and modify the law relating to juveniles in conflict with the law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children.

Sections 9 to 12 of the Juvenile Justice Act facilitates the Government to establish Juvenile Homes, Special Homes, Observation Homes and After Care Organisations respectively for the Juveniles.

---

<sup>12</sup> [http://dera.ioe.ac.uk/7996/1/Cross\\_national\\_final.pdf](http://dera.ioe.ac.uk/7996/1/Cross_national_final.pdf)

<sup>13</sup> The Juvenile Justice (Care and Protection) Act, 2000

For the betterment of the children the Juvenile Justice Act,2000 has introduced Special Trial Process.

**Section 3** : If an inquiry has been initiated against a juvenile and if during the course of which he ceases to be a juvenile then the inquiry may be continued as if he had been a juvenile.

**Section 4** :- The state Government can constitute one or more juvenile welfare boards for discharging the duties conferred upon them in relation to the neglected juveniles under this Act.

**Section 5** : the state Govt. to constitute one or more Juvenile courts for exercising the power conferred upon such court in relation to delinquent juveniles under this Act.

**Section 6** : This section provides that a person appointed as a member of the Board or as a Magistrate shall possess special knowledge of child psychology and child welfare.

**Section 7**: This section asks the Board or the Juvenile Court to hold its proceedings in a room which is different from the ordinary setting if a civil or criminal court.

**Section 29** : This section allows a guardian or parents who have a certain extend of control over the child to be present at the court thus providing the child with the mental support that he needs and destroying the feeling of loneliness that may engulf the child.

The present synerio especially after the Damini Rape case has seen an growing uproar over considerations regarding Juvenile Delinquency and the approach towards the same leading to several legal enactments as well as amendments to the existing laws, however the legal regime regarding the Juvenile Delinquency needs to be viewed in entirety with its future effects and with a psychological as well as social perspective. <sup>14</sup>

---

<sup>14</sup> Narain, Arvind, A Critique of the Juvenile Justice Act 2002

## CONCLUDING REMARKS

*“if every saint has a past then every criminal has a future”*

*- Mahatma Gandhi*

So, in the case of a child offender, special care should be given to his future for it is yet in a budding state and is not beyond repair.

As of late, kids and their issues have been accepting consideration of both government and the general public. Be that as it may, it has been seen that the issues are tremendous and ceaseless, along these lines bringing about absence of everything that has been done till today. On the off chance that these issues are not checked soon then the development of the kids will be hampered giving a dull future to our nation. The alterations that have been brought ought to be actualized up in such a way, to the point that the productive result is accomplished. The social, monetary and different components which have been the main drivers of Adolescent Misconduct should be managed at the extremely starting stage. Each general public must, in this manner, give full regard for guarantee that youngsters are appropriately watched over and raised in a fitting climate, where they could get satisfactory preparing, instruction and direction all together that they may have the capacity to have their legitimate spot in the general public when they grow up.

We cannot uproot this menace but there are solutions to keep a control on the problem of Juvenile Delinquency. In the best interest of the delinquent he or she should be rehabilitated as early as possible and integrated back in the society. Also the State must protect the rights of these children and come up with reformative methods and instill in them values that can socially uplifts them and give them a new found confidence so that they can play a constructive role in the society.