

Juvenile Delinquency in India: A Social Legal Change

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Introduction

Crime is a serious issue when it comes up in a culture but when the accused and alleged are children and it becomes a lot more difficult to address. The print and the digital media frequently report the indulgence of delinquents from destitute street boys to school drop-outs in deviant behaviors and some of them are shown repeatedly involved in heinous crimes like stabbing classmate, harassment of school-teachers, eve-teasing, snatching, bike-lifting, pick-pocket and in organized crimes.

The problem of juvenile delinquent behavior is a socio-legal and psychological phenomenon and it must not therefore, be examined in isolation. The factors responsible for delinquent behavior on the part of the youths can be of various forms and dimensions depending upon the social and cultural norms prevailing in a country. The quality and mercilessness of juvenile offenses is commonly dictated by the social, financial and social states of a general public. Juvenile delinquency is driven by the negative results of social and monetary advancement, specifically financial emergencies, political unsteadiness, and the debilitating of significant establishments. Other than crumbling of families, parental carelessness, urbanization, absence of education, neediness and absence of proper

standardized savings laws likewise add to reprobate conduct in juveniles. In India, there has been a sharp rise in the juvenile delinquency since latter half of the twentieth century and several legislative efforts have been made in this regard. The most significant one is the Juvenile Justice as amended from time to time which accommodates care, insurance, advancement and restoration of disregarded or reprobate delinquents. The Act, through its provisions, intends to preserve the pride and best welfares of the child in conformity with United Nations' Convention on the Rights of the Child. A critical study revealed that the Juvenile Justice (Care and Protection of Children) Act, 2000 had failed to accomplish the afore-mentioned objectives as the efforts were all at the legislative levels and executive efforts had been inefficient. The consequential effect of such partial initiatives was the juvenile justice had become a curative rather than a preventive endeavor for our policy makers. Further, the framework called for complete updating to handle the slow pace of legal procedures and absence of appropriate consideration at perception homes. And furthermore, the involvement of a minor in the famous Delhi Gang-Rape incident in 2012, the Central Government managed to pass vital amendment in the Juvenile Justice (Care and Protection of

Children) Act in the year 2015 which brings down the age of juveniles from 18 years to 16 years for trying a minor as an adult for serious crimes.

The issue of the adolescence wrongdoing is getting progressively troublesome and all inclusive. The wrongdoing aversion developers are either unequipped to manage the substances of contemporary nature or they do not exist. The present academic venture aims at analyzing and evaluating the dominant social and economic factors viz-a-viz legal infirmity in changing global scenario responsible for rise in juvenile delinquency in contemporary socioeconomic and protective set-up of the country. By means of instant Article humble attempt is intended to be made to suggest some viable measures which may go a long way to contain the menace of juvenile delinquency.

Juvenile Delinquency: An Overview

The phrase 'juvenile delinquency' is defined in legal dictionaries of the major political systems around the globe. It essentially envelops the idea pertaining to the deviant behavior and demeanor of individuals who have not yet attained physical and mental maturity.ⁱ

The term 'juvenile misconduct' alludes to the conduct of youngsters and youths that in grown-ups would be made a decision as criminal under the law. Misconduct covers a wide assortment of encroachment of socio-lawful standards and in criminology, it is commonly determined as adolescent wrongdoing to show the elevated level of indictable offenses submitted by youngsters. It is along these lines recognized from "status offenses", a term applied in the United States and other national legitimate frameworks to

acts thought about improper when submitted by an adolescent.

In India, the word adolescent is characterized in segment 2(k) of the Juvenile Justice (Care and Protection) Act, 2000. As per it, an "adolescent" or "kid" signifies an individual who has not finished eighteen years old. The expression 'adolescent in strife of law' as characterized in Section 2(1) of the said Act implies an adolescent who is claimed to have submitted an offense and has not finished sixteen years old as on the date of commission of such offense (Section 2(L). The Indian position is especially in consonance with the Latin rule "nullumcrimen sine lege" which implies a demonstration can't be a wrongdoing except if it is so characterized under the current law. Sociologists, clinicians and legalists have given their own importance to it. To keep away from such debates, the Second U.N. Congress on Prevention of Crime and the Treatment of Offenders held in London in 1960 suggested that:

- The importance of the term adolescent wrongdoing ought to be limited quite far to infringement of the criminal law, and
- That in any event, for security, explicit offenses which would punish little abnormalities or maladjusted conduct of minors yet for which grown-ups would not be arraigned, ought not to be made.

The purpose behind this step was to ensure that the problem of juvenile delinquency is not unnecessarily inflated.ⁱⁱ

Factors Responsible for Juvenile Delinquency

Factors associated with youth crimes and delinquencies are strikingly similar across

nations. The International data suggests that family disadvantage leads to educational disadvantage which in turn leads to underachievement, economic marginality and ultimately to social exclusion.ⁱⁱⁱ In Asian nations, adolescent wrongdoing and misconduct are generally urban wonder. Factually, as somewhere else, youngsters comprise the most criminally dynamic section of the populace. The most perceptible patterns in the area are the ascent in the quantity of rough acts submitted by youngsters, the expansion in tranquilize related offenses and the checked development in female juvenile delinquency.^{iv}

Juvenile' decision of reprobate vocations and the resulting propagation of misconduct are cultivated by a wide scope of components, the most significant of which are depicted underneath:

Cultural Factors:

A juvenile delinquent is the result of unwholesome condition amicable for the advancement of his resources in congruity with the social desires.^v Behavior that is delinquent often becomes prevalent in that kind of social settings where the norms of the accepted behavior have now broken apart.

In developing countries, extensive industrialization and economic growth have led to the mushrooming of slums in urban areas which later become breeding grounds for juvenile delinquents. This is true for all countries irrespective of the pace and nature of development. There is strong evidence of the fact that slums bring up the milieu for juvenile delinquency. The slums of all cities are particularly regarded as very much crowded, awfully congested and set amongst

chaos and dirt all around. From this sort of the atmosphere of the ghettos, another culture creates. This culture is then founded on the last breaking down of the life in a social network and articulation cum advancement of the criminal frames of mind. They are reflected in the social ills of the wrongdoing, prostitution, medicate abuse.^{vi}

Social Factors:

The issue of juvenile delinquency, in the same way as other social indecencies is inked up with the blemish sand mal alterations of our general public.

Prof. M.J. Sethna opines that the natural variables assume a significant job in the causation of adolescent misconduct. The term 'condition' incorporates home, school and every one of the partners the kid meets during the gathering, for example, bias, disregard and mercilessness of guardians and school-experts, sentiment of inferiority complex, dread trepidation and disgrace at home, school or with partners, unacceptable coordinating and aptitudes in sex and undesirable states of quarreling, abandonment, improper conduct, destitution and joblessness of guardians all these lead youths towards criminality.^{vii}

Juvenile delinquency can also be related to the absence of or refusal to acquire education. Most delinquents perform ineffectively in school and are troubled in the school condition. Numerous delinquents are drop-outs who leave school at an early age yet have no openings for work. Available records reveal that illiteracy is one of the major causes of juvenile delinquency in India and the same is evident from the fact that 77.9 per cent of all juvenile offenders were either illiterate or below primary level of schooling

and 11.5 per cent were above primary level but below higher secondary level.^{viii} Perpetuation of criminality in young people can also be attributed to some extent to our present day educational system. This system aims at training the intellect rather than the education of emotions which play a vital part in the formation of pattern of child behavior and personality.^{ix}

Further, the commitment among glorified and socially endorsed objectives and now and again restricted genuine chances to accomplish the lawfully makes a feeling of disappointment in numerous individuals. A criminal profession becomes one type of tending to this logical inconsistency. Consequently, one purpose behind the delinquent conduct is over the top spotlight on proposed objectives combined with deficient intends to accomplish them.^x

Economic Factors:

Juvenile delinquency is driven by the negative outcomes of social and monetary advancement, specifically financial emergencies, political flimsiness, and the debilitating of significant foundations. Financial shakiness is frequently connected to persevering joblessness and low livelihoods among the youthful, which can improve the probability of their inclusion in crime.^{xi} The present-day developing societies are dynamic and self-explanatory in its complexity followed by never ending changes. The socio-economic change and the crises in those societies often uproot people from their traditional communities and alienate them as they lose access to their former social support networks. The anomie created by the rapid change undoubtedly affects peoples' mental state and their

psychological well-being. The widespread social stress and psychological anxiety over uncertain economic prospects destroy community values, leaving people psychologically drifting and sometimes mentally confused.^{xii}

Poverty contributes a lot to the delinquency of the child. Some researchers have opined that poverty and juvenile delinquency are the partners of each other.^{xiii} In India, poverty is a bull in the way of any social worker. Poor parents in India work all day long just to earn their daily bread leaving the hungry child in the house that either dies of starvation or if he survives, he lacks the ability to seek an honest living and naturally adopts unfair means. It is evident from the official data that about 72% of all juvenile criminal acts in India are purported or done by children belonging to families having an annual income of less than twenty-five thousand rupees.^{xiv}

Urbanizations:

The current and prevalent phenomena of urbanization in the developing countries is hugely contributing to the children involvement in criminal acts and behaviors. The basic characteristics of the urban realm help in the development of new types of social behavioralist nature which comes mainly from the weakening of primary social relations and social control and relying too much on the media. Geographical analysis has suggested that countries which have more urbanized people have higher rates of crime than those who live in rural communities with great social control. This may be related to the differences in social control and social cohesion.^{xv} The studies indicate that the social context of urban areas has significant influence on delinquency rates. This view of

social ecology suggests that social forces operating within depressed urban areas help to generate the conditions favorable to drug abuse, delinquency and other forms of law violations.^{xvi}

Family Set-up:

The significance of family prosperity is turning out to be progressively perceive apparatus for checking freak conduct among youngsters. Studies show that kids who get sufficient parental supervision are less inclined to take part in crimes. Notwithstanding, the present patterns show that the family as a social organization is experiencing generous changes; its structure is broadening with, for instance, the expansion in one-parent families and non-conjugal associations.

When family fails to integrate, when there is lack of parental control, when there are weak internal linkages and there is conflict, these reasons become causes for the juvenile delinquency in future. Children who are brought up in disadvantaged families or families with above discussed problems, and that have a very few opportunities for legal employment and who bear the risk of getting excluded by the society are most counted in the offenders. The criminalization of the family also has an impact on the choice of delinquent trajectories. Statistics reveal the families who have been indulging in criminal activities, they then also push their young children towards violating of the laws.^{xvii}

The Media:

TV and motion pictures have advanced the 'religion of legends' which advances equity through the physical disposal of adversaries. Many people including scholars as well as

researchers have concluded that people especially young children who watch violent TV shows behave more violently and become more aggressive when they are provoked.

The media brings up an individual to commit violence in following ways:

First, there are movies that show violent scenes and thereby it excites the spectators, the aggressive vibe is taken up from these kinds of shows and movies then gets transferred into everyday life of an individual and it ultimately pushes such an individual to start a fight on the streets or wherever he goes.

Secondly, the TVs most often showcase the daily violence and violent acts committed by parents, family members or by peer groups. Because of this, the children keep getting continuously exposed to certain kinds of use of violence and also the number of violent actions shown on the TV looks and tends to be increasing day by day.

Accordingly, delinquents are persistently presented to the utilization of violence in various circumstances - and the quantity of violent scenes or follows up on TV appear to be expanding each day.

Judicial Approach

The courts have largely referred to the Juvenile Justice Act as a beneficial piece of legislation and not a penal statute which should be interpreted and implemented in such a way that the welfare of the "child in need of care and protection" is duly considered. The Supreme Court in various cases which are discussed as under:

In *Satto v. State of U.P.*^{xviii}, Justice Krishna Iyer enunciated the aim of criminal justice to

be correction informed by compassion, not incarceration leading to degeneration. The criminal law in India should approach the child offender not as a target of harsh punishment but of humane nourishment.

In *Hiralal Mallick v. State of Bihar*,^{xix} the Supreme Court concluded that “Subjected to hard labour the rigorous imprisonment implied and exposed to the deleterious company of hardened adult criminals, a young person, even if 21, returns a worse man, with more vices and vengeful attitude towards society. This is self-defeating from the correctional and deterrent angles.”

In *Supreme Court Legal Aid Committee v. Union of India*,^{xx} the SC laid down the society is primarily responsible and the obligation is also on the state governments to look up to the delinquents and make them better for tomorrow.

Conclusion and suggestion:

It is beyond doubt that the juvenile laws overzealously try to protect the interest of the neglected and deviated juveniles but it fails miserably because of governmental apathy and inaction of the people involved. Apathy, irregularity and unawareness of the law are endemic in the functioning of each of the component of the juvenile justice system. The law on this subject is very well comprehended. Implementation in a proper way is the only thing that is required as of now. The objectives of this act and the practical aspect has a huge difference in between. In fact, this act and its practicality needs a plethora of changes before it can become able to truly make up to its legislative intent for which it was enacted.

Having just a legislation does not help the cause but it is more necessary that all such enactments are implemented as well. The enactments should not remain on books but should have equal practicality too and state cannot justify their lack of implementation giving excuses of financial inability. It is of paramount importance that juvenile delinquency be prevented and the nascent minds of children be safeguarded against degeneration.

It is firmly believed that when you intervene early, you can prevent juvenile delinquency to a much larger extent. This kind of early prevention should be carried and panned out in different and several areas. Following are the few humble suggestions that may help combat juvenile delinquency at early phases:

- In the economic sector, programs in relation to professional development should be undertaken to provide alternatives for income and earnings in a legal way.
- In the developing countries like India, the State should undertake to see that the benefits of economic development are not confined to certain class/classes, so as to create economic disparity rather there should be even distribution of benefits of the economic development.
- The educational system in India, which mainly aims at generation of white-collar jobs, should be remodeled to cater to the talents of all categories laying greater stress on imparting vocational education.
- Steps should be taken to establish a broad dimension of recreational mechanisms and those services which are in interest of

youth and it should also be made easily available to them as suggested by the Riyadh Guidelines.

- There is growing awareness about the indispensable role of family as a primary institution of socialization and a crucial agency in the redressal and prevention of prevention of the juvenile delinquency. Thus, greater attention should be paid on the well-being of families of youth

dealing with day to day troubles including the young generation who are suffering with grave behavior problems.

- Specially designed programs should be undertaken to counter the problems of homeless, downtrodden and children left alone, including schemes of rehabilitation that will help children in dealing with stress.
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ⁱ Available at: <http://www.nrilegalservices.com>.

ⁱⁱ Manual Lopez Rey, advisor on Social Defense, UNO, in the publication of the *All India Crime Prevention and Society*, dated March 1961.

ⁱⁱⁱ Friday Paul C, "Juvenile Delinquency: An International Perspective" 1-3 *Indian Journal of Criminology*, Vol. 34 (1&2) (Jan. & July 2006).

^{iv} Sanyukta Singh, "Juvenile Justice in India: A Critique" J54 Cr. LJ, Vol. 109 (August 2003).

^v Available at: www.azadindia.com/social-issues.

^{vi} N.K. Chakraborty, "Juvenile Delinquency" in *Juvenile Delinquency in India* by A.L. Wani, 31 (Edition 2003).

^{vii} *Society and the Criminal*, 366-367.

^{viii} See *Crime in India* (2000); National Crime Record Bureau (2002); New Delhi at 275-294.

^{ix} JPS Sirohi, *Criminology and Penology* 384 (Allahabad Law Agency, 6th Edition, 2004)

^x N.K. Chakraborty, "Juvenile Delinquency" in *Juvenile Delinquency in India* by A.L. Wani, 31 (Edition 2003).

^{xi} N.K. Chakraborty, "Juvenile Delinquency" in *Juvenile Delinquency in India* by A.L. Wani, 31 (Edition 2003).

^{xii} Sanyukta Singh, "Juvenile Justice in India: A Critique" J54 Cr. LJ, Vol. 109 (August 2003).

^{xiii} Available at: www.searchwrap.com

^{xiv} Sanyukta Singh, "Juvenile Justice in India: A Critique" J54 Cr. LJ, Vol. 109 (August 2003).

^{xv} N.V. Paranjape: *Criminology & Penology with Victimology at 97, sixteenth edition, 2014, CLP.*

^{xvi} Sanyukta Singh, "Juvenile Justice in India: A Critique" J54 Cr. LJ, Vol. 109 (August 2003).

^{xvii} N.V. Paranjape: *Criminology & Penology with Victimology at 97, sixteenth edition, 2014, CLP.*

^{xviii} (1979) 2 SCC 628: AIR 1979 SC 1519.

^{xix} (1977) 4 SCC 44: AIR 1977 SC 2236.

^{xx} (1989) 2 SCC 325: AIR 1989 SC 1278.