

A LEGAL STUDY ON THE JUVENILE DELINQUENCY

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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.

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.
- Moffitts⁶ (1993) it marks the difference between on those who committees 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 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 2003-2020
- 2) To study the number of cases registered against Juveniles in conflict with the Law during 20013-

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.

References

Becker, G. (1968). Crime and Punishment: An Economic Approach. *Journal of Political Economy* 76(2):169-217.

Camenor and Phillips (2002). The Impact of Income and Family Structure on Delinquency. *Journal of Applied Economics*, Vol. V, No.2 (Nov 2002), 209-232

Juby, Heather and David P. Farrington. (2001). "Disentangling the Link between Disrupted Families and Delinquency." *British Journal of Criminology*. 41: 22-40.

Narayana KS. Dimensions of juvenile problems: institutional and non-institutional. *Soc Welfare*. 2005; 51 (10): 13 – 25.

Levitt, S. and L. Lochner. (2000). The Determinants of Juvenile Crime. In J. Gruber (Ed.), "Risky Behavior by Youths. University of Chicago Press.

Moffitt, T. E. (1993). Adolescence-limited and life-course-persistent antisocial behavior: A developmental taxonomy. *Psychological Review*, 100, 4, 674-701.

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.