

Juvenile Crime in India

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“Juvenile crime is not naturally born in the boy, but is largely due either to the spirit of adventure that is in him, to his own stupidity, or to his lack of discipline, according to the nature of the individual.” -

Robert Baden Powell¹

Children are consider as a gift from god and are greatest personal as well as national assets. We as individuals,parents, guardians and society as awhole have a duty that children should be allowed and provided opportunity to grow up in a healthy socio-cultural environment so that they can become responsible citizens, physically fit, mentally alert and morally healthy. It is the duty of 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

behaviourwhich is known as juvenile delinquency or juvenile crime.

Crime by juveniles is a harsh reality in India. In recent time juveniles were found to be involved in most heinous of the crime such as gang rape and murder.

Juvenile crimes increased by over 47% in the last five years, the government fold RajyaSabha.

‘As per data compiled by the national crime records bureau, the incidents of juvenile crime have constantly increased during the last five (2010-2014) years” According to the government, 2010 saw 22,740 cases of juvenile crime while the number rose successively over the year and in 2014, a total of 33,526 such crime were committed. ²

Among juveniles also there is a specific trend that juveniles between the age of 16 to 18 years are found to be more involved in heinous criminal acts. According to the national crime records bureau, the data of 2013 shows that of the 43,506 crimes registered against minors under the Indian penal code (IPC) and the special local law (SLL) by juveniles, 28830 had been

¹www.brainquote.com/search -result .html? q = juvenile + crime.

²<http://times> of India. Indiatimes.com

committed by those between the ages of 16 to 18, the statistics also show the number of juveniles found to be in conflict with law under the IPC and SLL had risen 13.6% and 2.5 % respectively in 2013 as compared with 2012.³

According to the report “why children commit offences”⁴ published by Delhi commission for protection of child rights (D C P C R) in June 2015 focused on children in conflict with law in Delhi. The report looks at multiple issues like the socio-economic profile of children with a criminal record, the nature of offence that these children were accused of and analysed the factors that push children towards deviant behaviour. The report highlighted the role of the family, the community, the schools etc. The report, after studying 182 children in observation found that poverty is one of the biggest contributing factors in children taken to crimes. Most of the children had undergone multiple deprivations with law economic households, uneducated parents, and disrupted families. The children were dropouts and working independently to support their families.

WHO IS JUVENILE?

The term juvenile is derived from a Latin word juvenis meaning young.⁵ Juvenile means a person who is very young teenager, adolescent or underage. In term of law, a juvenile is a person who has not attained the age of eighteen years. In has a legal significance. As per the Juvenile Justice (Care and Protection) Act, 2000, a juvenile shall not be treated as an adult even if he /she are involved in any criminal acts for the purpose of trial and punishment in the court of law.⁶

Juvenile can be define as a child who has not attained a certain age at which he, like an adult person under the law of land, can be held liable for his criminal acts. The juvenile is a child who is alleged to have committed/ violated some law which declares the act or omission on the part of the child as an offence. Juvenile and minor in legal terms are used in different contest juvenile is used when reference is made to young criminal offenders and minor relates to legal capacity.⁷

In India when the “Central children Act, 1960 was passed, there was no uniformity regarding age limitation of juvenile delinquent. Bombay children Act , 1948 defined “child” to mean a boy who has not attained the age of sixteen years or girl

³www.Indiacelebrating.com/---/juvenile

⁴www.butterflieschildrights.org/.../

⁵Mamtarao..law relating to women and children 2nd edition p. 466

⁶www.jurisedge.com>juvenile-crime-India

⁷See black's law dictionary

who has not attained the age of eighteen years.⁸

The U.P. children Act defined 'Child as a person under the age of 16 year.⁹

The Saurashtra & West Bengal defines a 'Child' a person who has not attained the age of 18 years. As above the Haryana Children Act also defined 'Child' as a boy who has not attained the age of 16 years and a girl who has not attained age of eighteen years.¹⁰

Besides, juvenile crime in India has been full-fledged burning issue. It has been a big reason of political war among leaders in order to establish a proper rule to lessen these kind of activities and maintain good health in society juvenile crime in society is somehow effecting the welfare of women. Because most of the crimes committed by minors are crime against women the recent big example of it was the "Nirbhaya gang rape" case which occurred in the capital. It shook the whole nation and made them think that which kind of molestation our country, women are facing. One of the accused in this case was a minor. According to the Juvenile justice case & protection of children) Act, 2000 which was in existence at that time protects the minor and prevents them from big penalty.

⁸Sec.4 of The Bombay Children Act,1948

⁹Sec.2(4) of The U.P. Children Act,1951

¹⁰Sec.2(d) of The Haryana Children Act,1974

Now it was a matter of discussion about the age limit of minor and punishment decided by it the question was raised that if a minor is smart enough to commit and handle a heinous crime, then how can he be declared as a minor?. In this context, an amendment was highly needed in existing Juvenile Justice Act eventually, on 15 January 2016 juvenile Justice Act, 2015 came into force. According to the section 15 of this Act, in case of a heinous offences which has been committed by a child, who has completed or is above the age of sixteen year, the Board shall conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence, and may pass an order in accordance with the provisions of subsection (3) of section 18. According to the sub section (3) of section 18 where the board after preliminary assessment under section 15 pass an order that there is a need for trial of the said child as an adult, then the board may order transfer of the trial of the case to the children's court having jurisdiction to try such offences.

Hence we can say that according to new existing Juvenile Justice Act, 2015 when

juveniles involved in heinous offences can be tried as adult.

Section 2 (12) defines the term child whereas section 2 (13) defines child in conflict with law and section 2 (33) defines heinous offences.

These terms are important to decide that when an offence has committed by the juvenile, is a heinous offence, is trailed as an adult.

‘Child’ means a person who has not completed eighteen years to age.¹¹

‘Child’ in conflict with Law means a child who is alleged or found to have committed an offence and who has not completed eighteen year of age on the date of commission of such offence.¹²

Heinous offences include the offences for which the minimum punishment under Indian Penal Code or any other law for the time being in force is imprisonment for seven years or more. While in section (35) defines juvenile according to this, juvenile means a child below the age of eighteen years.

Where the explanation of section 15 clarified that preliminary assessment is not a trial, but is to assess the capacity of such

child to commit and understand the consequences of the alleged offence.

Now, on the basis of above, we find out that under the new Juvenile justice Act, 2015, in case of a heinous offence alleged to have been committed by a child, who has completed or is above the age of sixteen year, the juvenile Justice Board shall conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he alleged committed the offence.¹³

CAUSES OF JUVENILE DELINQUENCY:-

No one is a born as criminal, circumstances make him. Socio-cultural environment, both inside and outside of home plays significant role in shaping one’s life and over all personality.

There is no single cause or simple explanation provided for the development of delinquent behaviour. According to Healy and Bronner¹⁴, the causes of juvenile delinquency are quite wide ranging covering from the

- Bad company
- Adolescent instability and impulses
- Early sex experience
- Mental conflicts

¹¹Sec.2(12)of The Juvenile Justice (care and protection of Children)Act,2015

¹²Sec.2(13) of The Juvenile Justice (care and protection of Children)Act,2015

¹³Mukarrabec v. State of Uttar Pradesh ,AIR 2016 SC1119

¹⁴<https://www.brainyquote.com>

- Extreme social suggestibility
- Love of adventure
- Motion picture
- School dissatisfaction
- Poorrecreation
- Street life
- Vocational dissatisfaction,
- Sudden impulse and
- Physical condition of all sorts

According to the report of NCRB, the juveniles who were arrested during the year 2007; show law education, poor economic conditions, as the main causes of juvenile delinquency.¹⁵

There are various theories of juvenile delinquency and various researchers have reported different reasons of delinquency. Most of the delinquent teenagers belong from law social, economical and psychological background some of the most common causes of juvenile delinquency are as follows-

ADOLESCENCE INSTABILITY:-

A physically handicap person faces many hardships. The society deals and expects normal behaviour in the members. One who does not have like abilities is liable to be detested and given secondary place. This in return or as an impact creates inferiority complexion in the handicap person. There have been instances where handicap persons hailing from good decent

committing crimes. This is something very common factor of adolescence crime. In this way adolescent behaviour covers and takes within its sweeps the biological sociological factors.

BROKEN HOMES:-

Disintegration of family system and laxity in parental control over children is another potential cause of increasing in juvenile delinquency. Family is the basic socialization agency for the children. Children learn basic concepts about good and bad from their family, they make their values and set the norms of society. Family can make or break the personality of the children.

The British home secretary Mr. Butler once said that the natural consequences of broken homes are lack of parental control, absence of security and want of love and affection towards children, which are contributing factors for juvenile delinquency.¹⁶

There may be various causes for the breaking up of home a matter of common observation death of either parents or both, protracted illness or insanity and even divorce may be the various causes of it. There must be congenial relations of the child with other members of the family. There should be mutual interaction of the

¹⁵crime in India (2007) (NCRB, New Delhi

¹⁶Prof. N.V. Paranjape: Criminology and Penology with Victimology ed. 15th reprint 2012 P.575

child with parents, brothers and sisters. In this concern mother has an important role. Her resorting to divorce has a great effect on the child. In such a situation the child becomes the deprived of parental control and care and he or she may become victim to anti-societal influence. However, it is not only a social factor of delinquency of any child.

URBANISATION:-

With the fast strides of development in industries and the growth of economic factor has brought about urbanisation. Slum dwelling disintegration of family lack of parental control is the various results of urbanisation. The living standard, lack of money and several other factors compel women to seek out door jobs. In such situation the children become neglected and are liable to become victim of various adverse factors. In this matter of common observation it is such children as are neglected and become easy prey to evil and nefarious activities. A part from this bad company allures of the modern luxuries of life drinking and many more are the various causes that promote juvenile delinquencies, It has rightly been said.

It has rightly been commented that today, “there is no crime but there are only criminals in the modern sense of penology.” It is therefore, desired that the

society be protected from offenders by eliminating situations which are conducive to delinquency.

POVERTY:-

Poverty is yet another potential cause of juvenile delinquency. If youth belongs from poor economic status get easily involved in criminal activities. They want to improve their status and for this purpose they use negative path. In this regard often people do not support teenagers who belong from poor status and they go for criminal activities.

A large group of juveniles i.e. 68.4 percent belonged to the families whose annual income was up to 25,000 the share of juveniles from the income group (Rs. 50,000-20,000) was 9.8 percent and the juveniles from upper income group was 0.4-6.3 percent.¹⁷

Among the other societal factors mingling up with other children give rise to delinquencies. On seeing other children of the company having a comfortable life, better amenities and resources, it has been observed that children coming from poor family or devoid of such comforts indulge in many evil activities. They become thieves, resort to gambling and drinking. At times, poverty compels the children to become thieves. If they are not checked it

¹⁷ S.M.A. Qadri: Criminology and Penology ed. 6th
Reprinted 2011P.259

goes on increasing and they become hard care criminal in later life.

Ninety percent of the juveniles come from families that earn an annual income, of less than Rs. 1 lakh, more than half of these hail from households that earn just Rs. 25,000 annually records show. The majority of cases registered in 2014 against juvenile offenders under the crime head theft 20%.¹⁸

EDUCATION:-

Education is an important factor for increasing or decrease of delinquency among the juveniles. The number of juveniles arrested during 2007 who were illiterate was 7926 and 12695 had education up to primary level. These two categories accounted for 59.6 percent of the total juveniles arrested during the year 2007¹⁹.

Unemployment long strife, unrest is also responsible to a great extent, in delinquent behaviour. It has often been observe that improper schooling is prone to make the children fall prey to evil actions and habits. Failure in the examination creates a sense of shock and prolonged mental disturbance. Children leave their homes, fall in bad company and indulge in delinquency

¹⁸Indian express. Com> India

¹⁹SMA.Qadri: Criminology and penology ed.6th
Reprinted 2011 P. 259

FILMS AND PORNOGRAPHIC LITERATURE:-

These days the movies are dominated by the theme of sex and violence. Cinema, television and obscene literature may often provoke sexual another impulses in adolescents. Hence, they may start their “adventure” in satisfying them and in the process of which they commit crimes.

PEER GROUP INFLUENCE:-

When the child starts to move outside his family it comes in contact with various classes of persons of all the age and both genders. He develops a definite circle of association outside the home and in the school also. The associational impact on the child is very important. He adapts the culture of the group to which he is associated. If he falls in bad association he starts to behave accordingly if the parents are negligent in keeping their children in discipline, the children may suffer irreparably throughout the whole period of life. They may develop delinquency and that may ultimately turn into criminality with the maturity of the age.

Youth can easily become part of a gang during their age they think it appropriate to be powerful and to be part of a large group. Often strong groups and gangs are ones that are indulge in negative actions. Peer group influence can be positive and it can be negative.

LABELING:-

When a teenager commits a crime due to any reason and society labels him as a criminal. In many cases long contemplation or brooding on such labelling by the society has long lasting effect on the youth. He becomes immune to any condemnation or detest. It is libel to take the youth on the path to hardened criminal.

BEGGARY:-

Poverty and broken homes are very few causes for making the children take resort to beggary. Beggary is also a cause of juvenile delinquency. Betrayal from parents, lack of parental care makes the children deprived of the basic impulses. On seeing others enjoying life and it's bliss, they give in to their desire by falling prey to delinquent behaviour.

DELINQUENCY AREAS:-

It is often observed that certain places and areas are prone to delinquent activities. In metropolitan cities there are host of places where delinquent children are mostly found. Those areas that are in the vicinity of cinema houses, pubs, night clubs are particular places where children become prey to delinquent activities, however it cannot be said that all the families living nearby are proved to be delinquent. The children of such families have greater

chances of becoming victim of delinquent behaviour.

SUGGESTIONS:-

Juvenile delinquency is a great challenge to Indian society. It is well established that delinquent children have greater chances of becoming recidivist. The following are the suggestions to control juvenile delinquency:-

Signs of mal-adjustment may easily be observed by the parents or well-wisher. In cases of such signs emerging among the children it is advisable that the problem must be nipped in the bud. Measures of child guidance, clinics must be resorted to act at the initial stage.

It is a sound and healthy experience that making the child grow and amicable relations with upbringing. In this concern activity of music, dancing, art and other extracurricular activities are major ways for creating a good and sound atmosphere.

It is imperative that the parents ought to do everything for instilling moral and ethical values in the child.

It must be kept in the mind that it is delinquent behaviour that is to be discarded and not the delinquent.

The child must be made aware of anti-social activities and their impact on the child, the family and even on the nation.

At times, it has been observed, children shirk from nefarious activities if they are

given a sense of responsibility in common affairs or events of day to day life. It can never be thought that punishment is the only mode of deterrence. Healthy suggestion and good consultation may prove deviant for a child in going ahead in the criminal activities.

The society may prove a good factor in controlling delinquency if there is meagre temptation before the child. This will help in minimizing the changes of child's delinquency.

The society should create such private and public agencies as may be devoted to preventive measures.

An educated family is one of the main factors that may play a vital role in checking delinquency. Such family is aware of the healthy surroundings and atmosphere that may make them successful in giving proper care to the children.

The surroundings of slum areas, busy market places and gambling centres are highly vulnerable to delinquent activities. The social environment prevailing at such places must be improved and made congenial.

CONCLUSION:-

William words worth has rightly penned, "Child is the Father of man". The qualities that are paved well in a child find deep inroads and sprout forth with salutary

results and make the child responsible citizens in the days to come. Without any iota of doubt it is the circumstances that take the child within its fold and makes him delinquent. The future of the country is in the hands of its citizens who as parents, teachers and relatives pave and mould a bright and prospective future for the generation.