



“juvenile Delinquents – The Cause And Its Remedies”

Kavita

Assistant Professor, Institute of Law
Kurukshetra University
Kurukshetra

ABSTRACT:

In every society around the world, we are facing so many social problems, juvenile delinquency is one of them. 'Juvenile Delinquency' has been viewed with much concern in all the ages. It's the part of society and as such it can not be treated lightly nor can it be neglected. It is on the increase and is taking a dangerous form.

The delinquency has been derived from the terms de (away from) and liquere (to leave). It was apparently used in times to refer to the failure of an individual to perform a task or duty. The term “Delinquent” describes a person guilty of an offence against the customs.

There are two main aspects of the term Juvenile delinquency the legal and the non-legal. The non-legal aspect emphasizes the necessity to recognize misbehavior in a child even through it is not legally detected. By the legal definition, “a child, within a specified age limit, is delinquent when so adjudicated by a juvenile court,” following a formal complaint.

The term 'Juvenile Delinquency' used for crimes, offences and other infringement of law by children and young persons. 'Juvenile' means a person who has not reached the age, from which one should be treated as an adult by criminal Justice system. And Juvenile Delinquency means anti-social behaviour by minor or omission of duty or fault or crime. Any act prohibited by law for children up to a prescribed age limit age juvenile delinquency and it follows therefore, that a child found to have committed an act of Juvenile delinquency by a Court is a juvenile delinquent.

The Juvenile Justice (care and protection of children) Act 2000 defines the term under Section 2(K) “Juvenile” or “Child” means a person who has not completed eighteenth year of age. Thus, those offence committed by adult and punishable which when committed by children under the age of 18 are denoted as Juvenile Crimes.

Please cite this Article as : Kavita , “juvenile Delinquents – The Cause And Its Remedies” : Golden Research Thoughts (Sept ; 2012)



CAUSES OF JUVENILE DELINQUENCY

With the passage of time crime rates are increasing all over the world. There is no single root cause of crime. Crime is primarily the outcome of multiple adverse social, economic, cultural and family conditions. To prevent crime it is important to have an understanding of its roots. The causes of crime are primarily related to :

Economic Situation
Social Environment
Family Structures

ECONOMIC SITUATION

The major economic factors that contribute to the crime initiations are Poverty, Unemployment and Political Situation.

Poverty and Inequality

Financial crisis due to poverty causes the person to involve in criminal activities. A poor father may not be able to educate his children in school and lack of education may lead to criminal thinking of a child. Homelessness causes the children to spend most of the time on streets.

Unemployment

Lack of employment opportunities leads to criminal activities amongst the unemployed. An unemployed person needs to run his household by any means and when he does not find any legal opportunity to earn, he may get involved in criminal activities to finance his living.

Political Conditions

Due to political uncertainty, sense of insecurity develops in the members of the society. The sense in which they become hopeless of their future due to which they get involved in unfair means of earning.

SOCIAL FACTORS

Our social structure mirrors to citizens and communities what we value and how we set priorities. Social environment is needed to be studied with respect to different environmental scenarios.

The core social root causes of crime are:

1. Inequality,
2. Not Sharing Power,
3. Lack of support to families and neighborhoods,
4. Real or perceived inaccessibility to services,
5. Lack of leadership in communities,
6. Low value placed on children and
7. Individual well-being, the overexposure to television as a means of recreation.

Social environment is needed to be studied with respect to different social scenarios.

For this purpose causes to crime from some of the core parts of the society with whom the youth directly belong are separately explained below.

SCHOOL ENVIRONMENT

Causes related to the school environment are:

Disruptive Behaviour of a Child.
Lack of Commitment in School.

¹Srivastava. S.S., “Juvenile Delinquency: Concept and Form in India in a Changing Perspective”, Social Defence, Col. XV No. 58 Oct. 1979.

²Black's law Dictionary Seventh Edition, p. 871.

³Ahmad Siddique, Criminology: Problems and Perspectives (3rd ed. Lucknow: Eastern Book Company, 1993) at 205.

COMMUNITY ENVIRONMENT

Major causes of crime related to community environment are:

Lack of cohesion in the society
Disorganization and neglect specially for youth
Easy availability of drugs
High population turnover (Number of Children)
Corruption in the law enforcing agencies
Weak law enforcing agencies.

FAMILY STRUCTURES

Despite intensive rehabilitative measures and special procedures for tackling the problem of juvenile delinquency, its incidence is on a rise. The causes are varied including disintegration of the family system and laxity in the parental control over the children: rapidly changing patterns of modern living where they are faced with culture conflicts and an inability to differentiate between right and wrong; failure of parents due to poverty, in providing necessities of life such as food and clothing etc. draw their children to delinquency in a quest for earning money by whatever means.

Theorists who believe in the peer influence model also tend to support the belief that family has a strong influence on the development of delinquent behaviour. According to Grant S. McClellan, “We must accept this fundamental promise. No, child is born into the world to be bad or good. He is as bad as or as good as we make it possible.

Edwin H. Sutherland discovers certain characteristics prevalent in the homes, from which delinquent children come most frequently.

- a)Criminality, immorality or intoxication, etc. among the members of family;
- b)Separation, divorce and any desertion in family;
- c)Over crowding home conditions;
- d)Defective discipline due to ignorance, blindness etc. on the part of parents or substitute parents, negligence of parents;
- e)Unsympathetic condition;
- f)Anger, excitement at home;
- g)Rigorous treatment of parents;
- h)Poverty;
- i)Lack of respect and responsibility amongst family members;
- j)Lack of communication between children and parents;
- k)Poor parental supervision.

BAD COMPANY

Criminal behaviour is acquired through interaction with others. An individual becomes a criminal when there is excess of conditions that prevent such infringement. And among children, some get good company while others can't. The child who gets bad company turns towards crime while, the child who gets into good company progress to become an able and useful member of society. An individual's behaviour is influenced to a considerable extent by the conduct of his companions.

Peer Group and Neighborhood

Peer group and neighborhood to a great extent contribute, towards juvenile delinquency. No child is born delinquent. Delinquency is acquired through the learning process. The delinquent behaviour of a youth is often the reflection of his surroundings.

⁴The Juvenile Justice (Care and Protection of Children) Act 2000.

⁵The Root Causes of Crime Web Link: <http://www.preventingcrime.net/liblury/crucesofcrime.pdf>. visited on 20th August 2012.



Crimes Committed by Delinquents

That is the predominant crime committed by the juvenile delinquents. The crime is committed to meet their basic needs influence by their peer groups, due to inability of parents to meet their needs. The very next specific crime committed by the juvenile delinquent is illicit attack sales. The broken homes and petty shops are the places of specific crimes committed by the juvenile delinquents. These include thefting money, watches, snatching gold chain, agricultural instruments, and paddy bags, bikers gangs, break of temple hoondi and involvement in illicit attack trade.

REMEDIES PROVIDED UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000

For reformation of Juvenile various remedies are available under the Act after there are as under:-

CHILD WELFARE COMMITTEES

It is enshrined in the Act that the Child Welfare Committees should be formed in every district or group of districts. Any child in need of care and protection can be produced before the committee. The committee shall have the final authority to dispose of the cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human rights (Sec. 19).

SHELTER HOMES

The Central Juvenile Justice Act explicitly states that the State Government may recognize reputed and capable voluntary organizations and provide them assistance to set up and administer as many shelter homes for juveniles or children as may be required. (Sec. 30)

SPECIAL JUVENILE POLICE

The Juvenile Justice Act 2000 states that for dealing with the juveniles or children Special Juvenile Police will be constituted to be specially trained and instructed. It also states that in every police station at least one officer with aptitude and appropriate training and orientation may be designated as the 'juvenile or the child welfare officer' who will handle the juvenile or the child in co-ordination with the police.(84)

THE REHABILITATION AND SOCIAL REINTEGRATION

The rehabilitation and social reintegration of a child shall begin during the stay of the child in a children home and it shall be carried out alternatively by (i) adoption (2) foster care (3) sponsorship and (4) sending the children to an after care organization.

ADOPTION

Adoption means the process through which the adopted child is permanently separated from his biological parents and become the legitimate child of adoptive parent with all right, privileges and responsibility. To safeguard malpractices and deviations from prescribed guidelines for adoption notified by Government of India Supreme Court of India has appointed an independent Non-Government Organisations with experience in child adoption. 'The Indian Council of Social Welfare' with head quarters in Mumbai and branches in all states as scrutiny agencies. (Sec. 41)

⁶Anderson, Bienhart, Pro Farrington, Longman, Sturgis Cutting “Risk and Protective Factors Associated with Youth Crime and Effective Interventions to Prevent It.” Youth Justice Board (YJB) Research Note No. 5, 2002.

⁷Youth Crime: Causes and Remedies, Ali Muhammad June 2008 online at <http://mpr.ub.uni-muenchen.de/17223/MPRApaper.no.1722310Sept2009/04:40> visited on 20th August 2012.

Central Adoption Resource Authority (CARA) is another authority which has been setup to keep check on the adoption policies. It is the National Level Body under Ministry of Women and Child Development for all matter relating to adoption.

FOSTER CARE

The Foster Care may be used for temporary placement of those infants who are ultimately to be given for adoption. In foster care, the child may be placed in another family for a short or extended period of time, depending upon the circumstances where the child's own parent usually visit regularly and eventually after the rehabilitation, where the children may return to their own homes. (Sec. 42)

SPONSORSHIP

The sponsorship programme may provide supplementary support to families, to children's homes and to special homes to meet medical, nutritional, educational and other needs of the children with a view to improving their quality of life. (Sec. 43)

AFTER CARE ORGANISATIONS

After care organisations may be established by the State Government for the purpose of taking care of juveniles or the children after they leave special homes, children homes and for the purpose of enabling them to lead an honest, industrious and useful life. (Sec. 44)

SUGGESTIONS

The primary institution for the development of a child is home. Home conditions affect him a lot. So suitable home conditions should be provided to a child to prevent him to be a juvenile delinquent. In this modern world today there are still many people who can not recognize the importance of education. In addition to the steps to make higher education attainable for poor, there is a need of some youth awareness program that can highlight the importance of education in youth. Higher education will increase the probability of the person to get employed which can reduced the chances of him to involve in crime. Schools should play an effective role in the prevention and control of delinquency because the school is the second institution where the child spent the time for their development. Government should maintain record of every individual with his criminal activities and asset possession etc. as it is done in developed nations like United Kingdom all vehicles should be registered with active National Identity Cards so that tracking the criminals could be made easy. It is necessary that in observation homes and after care organisations homes the authorities should create spiritual atmosphere. The yoga and meditation classes should be organized there. Availability of dangerous drugs is needed to be curtailed so that fewer people get access to it. A drug addicted person can not work and hence can not finance his/her drug expenses as a result he steals other's assets and sells them in the market to buy the drugs. Drug mafia is needed to be targeted so that the existing drug addicts can be cured other can be saved from getting involved in drugs usage. Increased opportunities of employment can help in making the crime rate fall. Employment opportunities can be increased by promoting small scale industries which are suffering due to the high electricity rates and high cost of production. Events in cinema projecting violence, robbery, rape and the theft which stimulate the innocent children to indulge in such activities must be censored strictly. To keep an eye on the both and court there should be high power committee to observe the pending cases of juvenile in the juvenile justice board.

⁸Dr. N.V. Paranjape, Criminology and Penology (10th ed. Allahabad: Central Law Publication, 2000) at pp. 357-359.

⁹Grant, S. McClellan, 'Juvenile Delinquency', 1932-33, pp.

¹⁰Edwin, H. Sutherland, Principles of Criminology USA, 1939, p.

Defects existing in the police forces should be removed with the help of an effective delinquency prevention programmes. The police forces should be provided with a lady staff because they can handle the juvenile in a better way.

The approach of the court should be reformatory rather than punitive.

The juvenile delinquent can not be imprisoned they should be kept in observation homes and correctional institutions. These institutions should provide them vocational and educational training and should prepare the juvenile delinquents for better future.

In juvenile board with other three members there should be a psychologist, who can treat the juvenile with psychological method.

The above services should be run by voluntary agencies with little state assistance. Because juvenile delinquency is a complicated problem with its roots in social and economic conditions. Only legal attempt to central juvenile delinquency will not be effective.

CONCLUSION

Juvenile Delinquency is an emotive issue but all the same it is veered round psycho-social conditions, law and criminological thought are more welded with society than being independent and divorced from social conditionalities. These realities to some extent have been taken care of under the Juvenile Justice (Care and Protection of children), Act, and 2000 wherein parliament has incorporated the concept of community service, which they can perform while living with their parents or guardians according to the new Juvenile Justice Rules notified recently.

The rules allow Juvenile Justice Boards to order children involved in crimes with punishments of less than seven years to perform community service, including cleaning parks, serving the elderly in nursing homes, helping the local police, hospital or fire department and serving disabled children. The police will not be allowed to arrest these children and a child below 18 years of age has to be handed over to the special juvenile police unit which is then required to ensure that the juvenile appears before a juvenile justice board within two hours. However, the amended Juvenile Justice (Care and Protection) of Children Act, 2000 emphasizes upon primary responsibility of the biological and or foster parents who have to ensure that the child performs the required community service. The juvenile justice boards will allow foster care with an individual or voluntary organization on a bond before they are adopted.

What needs to be done is the question that arise before us we can not 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 reformatory methods and instill in them values that can play a constructive role in the society.

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¹¹Shankar. U. “The Young Delinquent”, Problem Children, Atma Ram and Sons, New Delhi.

¹²Laya Singh VI “Street Children in Madras”, Social Welfare VQI XXXVII No. 2, May 1990.