



# Increasing Juveniles Delinquency in India due to unemployment amongst adults

*Dr. Rakesh Ashok More*

*Associate Professor & Head,*

*Department of Psychology,*

*MES Abasaheb Garware College (Autonomous), Pune-411004*

*Maharashtra, India*

## ABSTRACT

In India, there has been a steady increase in the crime rate, and a particularly alarming trend is the rise in criminal activities among juveniles. These young individuals are involved in a wide range of criminal acts, such as theft, murder, smuggling, and sexual offenses. It is important to note that the term "juvenile" refers to individuals under the age of 18. The prevalence of juvenile violence is a matter of great concern, as we are constantly reminded through nightly reports of shootings occurring in neighborhoods and even schools. The escalation of youth violence has become a national issue. However, it is disconcerting that the focus has primarily been on punishment, with little attention given to prevention or intervention strategies. The future of our society relies on responsible citizens who possess the ability to effectively communicate their disagreements and find mutually agreeable solutions. The Juvenile Justice Act has been enacted with the primary objectives of safeguarding, treating, and rehabilitating young individuals who have committed crimes due to external influences. Once their period of punishment is completed, these juveniles are transferred to specialized facilities known as juvenile homes, where a range of services are provided, including healthcare, education, and vocational training.

**Keywords:** Crime, Smuggling, Violence, Healthcare, Education, Vocational Training

## INTRODUCTION

In India, the occurrence of juvenile crime is a distressing reality. A young individual who has not yet reached the age at which they can be held accountable for their unlawful actions, similar to an adult, is referred to as a juvenile. It is important to note that the terms "juvenile" and "minor" hold distinct meanings. While these phrases are often used interchangeably in everyday conversation, they possess different legal implications. A juvenile refers to a young offender, whereas the term "minor" indicates a person's legal capacity or majority. A juvenile is a young individual who stands accused of engaging in activities or omissions that are prohibited by law and are thus considered offenses.

Children are regarded as precious gifts from a higher power, and as parents, guardians, and members of society, it is our responsibility to ensure that children are allowed and provided with opportunities to grow up in a healthy sociocultural environment, enabling them to become responsible citizens. The State has a duty to provide equal opportunities for the development of all children during their formative years. The future of our world relies on

responsible citizens who possess the ability to express themselves and resolve conflicts while working together for the betterment of society. Therefore, children are expected to exhibit obedience, respect, and positive qualities. However, due to various factors, a certain percentage of children do not adhere to established social and legal norms. These children often become involved in criminal behavior, which is known as juvenile delinquency or juvenile crime.

Many experts argue that the current laws are insufficient in addressing this issue, and changes are necessary to allow for the trial and punishment of juveniles as adults in cases involving heinous crimes. However, there are opposing views that do not support this perspective.

### **Meaning and Definition:**

Juvenile refers to individuals who have not yet attained the age of adulthood and still exhibit childlike or immature characteristics. Delinquency, on the other hand, is a form of abnormality. When an individual deviates from the accepted norms of social behavior, their actions are labeled as "delinquency".

Therefore, juvenile delinquency is defined as the failure of an individual under the age of 18 to comply with the laws. In simpler terms, it can be described as abnormal or antisocial behavior exhibited by a juvenile who is below the age specified by legal statutes. When a juvenile, below the age specified by law, displays behavior that poses a potential threat to society and/or themselves, they may be referred to as a 'juvenile delinquent'. According to C. B. Mamoria, juvenile delinquency encompasses any form of deviant behavior exhibited by children that violates the established norms, understandings, or expectations of the social system. The Second United Nations Congress on the Prevention of Crime and Treatment of Offenders (1960) defines juvenile delinquency as the commission of an act that would be considered a crime if committed by an adult. In the realm of juvenile delinquency, a discernible pattern emerges wherein individuals aged 16 to 18 are more frequently implicated in abhorrent criminal activities. As per the National Crime Records Bureau, the data from 2013 reveals that out of the 43,506 crimes reported against minors under the Indian Penal Code (IPC) and the Special Local Law (SLL), a staggering 28,830 were perpetrated by individuals falling within the aforementioned age bracket. Furthermore, the statistics indicate a 13.6% increase in the number of juveniles entangled in legal conflicts under the purview of the IPC and the SLL.

### **Law relating to juvenile crimes**

In India, the initial legislation addressing juvenile crimes was the Apprentices Act of 1850. This act stipulated that children under the age of 15 who were found guilty of minor offenses would be bound as apprentices. Subsequently, the Reformatory Schools Act of 1897 was implemented, which mandated that children up to the age of 15 who were sentenced to imprisonment would be sent to reformatory cells.

Following Independence, the Indian Parliament enacted the Juvenile Justice Act of 1986 with the objective of providing care, protection, development, and rehabilitation for neglected or delinquent juveniles. This act aimed to establish a uniform system throughout the country. According to Section 2(a) of the Act, a "juvenile" was defined as a boy under the age of 16 and a girl under the age of 18. Later, the Parliament passed the Juvenile Justice (Care and Protection) Act of 2000, which raised the age limit to 18 for both boys and girls. Under this act, a juvenile can only be detained for a maximum period of 3 years, regardless of the severity of the offense committed. Section 17 of the Act provides immunity to children under 18 at the time of the alleged offense, exempting them from trial in a criminal court or any punishment under criminal law. The purpose of this new Act was to rehabilitate the child and integrate them into mainstream society. The rationale behind this approach is that a child still has the potential for reform due to their young age and lack of maturity, and it is the responsibility of the State to protect and reform them.

### **CAUSES OF JUVENILE DELINQUENCY**

It is widely acknowledged that no individual is inherently predisposed to criminal behavior. Rather, it is the circumstances in which one finds oneself that can lead to such actions. The socio-cultural environment, both within

and outside of the home, plays a significant role in shaping an individual's life and overall personality. According to Healy and Bronner, the causes of juvenile delinquency include bad company, adolescent instability and impulses, early sexual experiences, mental conflicts, extreme social suggestibility, love of adventure, motion pictures, school dissatisfaction, poor recreation, street life, vocational dissatisfaction, sudden impulse, and physical conditions of all sorts.

In the context of India, poverty and the influence of media, particularly social media, are the primary factors that contribute to juvenile delinquency. Poverty is a major cause that compels children to engage in criminal activities. Additionally, social media today has a more negative than positive impact on young minds. The causes of juvenile delinquency can be classified into two major factors: social factors and personality factors.

## **A. Social Factors**

### **1. Broken Homes:**

One of the studies in India revealed that 13.3% of the 140 delinquents examined came from broken homes. The term "broken home" refers to a household that has been disrupted by the death of one or both parents, prolonged illness or insanity, desertion, or divorce. The home environment plays a crucial role in socializing a child, and the mother's role is particularly significant. If the mother divorces her husband, deserts him, or passes away, the child's growth and development may be negatively impacted. Such a child not only loses the love of their mother but also parental guidance, making them vulnerable to negative influences from outside the home. However, it cannot be definitively stated that a broken home inevitably leads to delinquent behavior in children.

### **2. Poverty:**

Significant proportions of juvenile delinquents originate from impoverished households and engage in criminal activities as members of gangs. According to research, a staggering 83% of these children hail from economically disadvantaged families. The exigencies of poverty often necessitate prolonged absences of both parents from the home in order to secure their livelihoods, leaving the children neglected and vulnerable. Consequently, these children may consciously or unconsciously align themselves with criminal elements and become delinquent. This phenomenon is particularly prevalent in slum areas and localities inhabited predominantly by the working class.

### **3. Companions and Gangs:**

A significant portion of juvenile delinquents originate from impoverished households, engaging in criminal activities as members of gangs. Research findings indicate that up to 83% of these children come from economically disadvantaged families. The dire circumstances of poverty often necessitate both parents to be absent from the home for extended periods in order to provide for their basic needs. Consequently, these children are left unattended and vulnerable. In such circumstances, these children may consciously or unconsciously align themselves with criminal elements, leading them to become delinquents. This phenomenon is predominantly observed in slum areas and communities predominantly inhabited by the working class.

### **4. Beggary:**

Beggary is often the cause of juvenile delinquency. Child beggars mostly come from either very poor families or broken homes. These children are betrayed of the needed love and affection of the parents. They realize that only through deviant practices, they can satisfy their desires and meet their needs. They thus become delinquents.

## **B. Personal or Individual Factors:**

Personal factors such as mental deficiency and emotional disturbances may also contribute to juvenile delinquency.

## 1. Mental Deficiency in Delinquency:

It has been observed that good number of delinquents is mentally deficient. Studies have revealed that there is larger proportion of mentally defectives in children. It is quite natural to assume that the dull and mentally handicapped or defective adolescents do not have the necessary insight to make distinctions between 'right' and 'deviant' methods and behavior.' Such children are often used by the more intelligent children of the gang or the adults for their criminal purpose.

## 2. Emotional Problems of the Individual:

Mental troubles and emotional maladjustments are strong factors in delinquency. Emotional problems of inferiority and jealousy are very common among the delinquent children. Thus from the psychological point of view "Delinquency is a rebellion and an expression of aggression which is aimed at destroying, breaking down or changing the environment". This rebellion is mostly against the social conditions which deny the individual his basic rights and the satisfaction of his fundamental needs. Thus, delinquents are not born so, but they become so due to social circumstances and personal deficiencies. They are mostly emotionally maladjusted children who become delinquents to get the attention of their parents or as a protest against their treatment.

Thus, it may be said that juvenile delinquency is the result of both social or environmental and personal or individual factors.

## JUDICIAL TRENDS ON JUVENILE DELINQUENCY

The Supreme Court and various High Courts play a vital role in development of Juvenile Justice System in India. At primary stage, the cases of the juvenile delinquent are dealt with by the lower courts but their judgments being not binding on the other courts are not able to reflect on any policy. So the trends of the judicial approach towards a juvenile in conflict with law, reflected by the judgments of Hon'ble Supreme Court and various high courts are being examined. The courts/ juvenile justice board are under statutory and Constitutional duty to deal with the juveniles in conflict with law who are produced or brought before it. The competent authority in deciding the cases has to make due enquiry and give full opportunity to the juveniles to put his case not only at the time of enquiry regarding the commission of offence he/she is charged with but also at the initial stage of the case when the question of determination of his/her age comes up before the court or the Board concerned. The problem of child delinquency is a major problem faced by developing countries as well as the developed country and it is increasing with a great pace. Though Children Acts, Juvenile Justice Act, 1986 and Juvenile Justice (Care and Protection of Children), Act, 2000 are mainly concerned with juvenile justice system in India but the judiciary on various occasions has expressed great concern relating to proper implementation of beneficial provisions of law relating to children.

### Judicial Trends:

Judicial trends set by various courts relating to child delinquency can be examined under following heads:-

#### 1. Determination of Age of Juvenile

It is primary duty and responsibility of the court that before convicting a person it must determine the age of such person whether he is juvenile or not. The courts have held that very young children should not be sent to prison. In **Smt. Prabhati v. Emperor** it was held that as far as possible such young children should be released under the supervision and care of their parents or guardians. The court must have clear evidence of the age of a person before sending him/her to reformatory school. It was clarified that a child could not be sent to a reformatory school unless an order of institutionalization, that is, of imprisonment, was made.

## 2. Jurisdiction of the Board/Court

In **Raghibir's Case** the question for consideration before Supreme Court in the appeal by special leave was whether a person less than 16 years of age and accused of offence under section 302 can get benefit of Haryana Children Act. The undisputed facts are that the appellant along with three others was convicted of the offence of murder and sentenced to imprisonment for life by the Sessions Judge. The appeal was dismissed by the High Court. The appellant then filed an application for special leave to appeal under Article 136 of the Constitution. Leave was granted confined to the question of the applicability of the Act to his case. It is also not disputed that the appellant was less than 16 years at the time he first appeared before the trial court. He was thus a 'child' within the meaning of that term under Cl. (d) Of Section 2 of the Act.

The Supreme Court noticed its earlier decision in another case and held that the trial of a child under the provisions of the Act was not barred. In that case, however, it appears, S. 27 of the Code was not brought to the notice of the Court. In that view of the matter, the Bench consisting of two members including one of us (Baharul Islam, J.) before whom this appeal came up for hearing referred it to a larger bench, in order to avoid possible conflict of decisions. This is how this appeal came up for hearing before this Bench consisting of three members. After examining provisions of Section 27 Cr.P.C. and provisions of Haryana Children Act, 1974 allowed the appeal setting aside conviction and sentence upon the appellant and quashed the entire trial and directed that Raghibir shall be dealt with in accordance with the provisions of Haryana Children Act, 1974.

## Conclusion

Juvenile delinquency and its associated challenges have been encountered by societies worldwide. However, in developing nations, these problems are particularly daunting. The process of development has brought about significant socio-cultural disruptions, impacting long-standing traditional ways of life in rural areas. Consequently, juveniles are negatively affected by these changing circumstances. Simultaneously, the traditional social control system, which previously acted as a deterrent against antisocial behavior, is gradually eroding. As a result, the issue of juvenile deviance and antisocial tendencies is becoming increasingly prevalent, necessitating intervention.

It is imperative to establish distinct regulations based on the nature of the crime committed. For instance, in cases of theft, smuggling, or minor offenses, the offenders should be placed in rehabilitation centers to facilitate their personal development. However, more severe offenses such as brutal rape should be handled differently. In such instances, it may be necessary to treat the perpetrators as adults, as the gravity of this crime cannot be disregarded.

## References:

1. Bhattacharya, S. K., *Juvenile delinquency-An Indian Scenario*
2. Ganje-Fling, M. A., McCarthy, P. (1995). Impact of childhood social abuse on client spiritual. Development: Counseling implications. *Development and standardization. Psychol;Med; 25:1125-34.*
3. Hendrick, Susan S., Hendrick, Clyde, Adler, Nancy, L. (1988). Journal of Personality and Social Psychology, Vol. 54(6), 980-988
4. <http://medind.nic.in/jal/t09/i1/jalt09i1p68.pdf>
5. <http://www.indiacelebrating.com/social-issues/juvenile-crimes>
6. <http://www.shareyouressays.com/87252/essay-on-the-causes-of-juvenile-delinquency>
7. Kiecolt-Glaser, J. K., Fisher, L. D., Ogrocki, P., Stout, J. C., Speicher, C. E., & Glaser, R. (1987). Marital quality, marital disruption, and immune function. *Psychosomatic Medicine*, 49, 13-34

8. Pradheepa, P. & Murlidharan, K. (2005) *Juvenile delinquency – a socioeconomic and family perspective*. Soc Welfare.; 51
9. Wulff, D. M. (1996). The psychology of religion: An overview. In: Shafranske EP, editor. *Religion and the clinical practice of psychology*; Washington DC: American Psychological Association.

