

JUVENILE DELINQUENCY: A PRESSING PROBLEM

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The noted Nobel laureate Gabriel Mistral has observed and commented in this regard as, “We are guilty of many errors and many faults, but our worst crime is abandoning the children, neglecting the foundation of life. Many of things we need can wait, the child cannot, right now is the time his bones are being formed, his blood is being made and his senses are being developed. To him, we cannot answer 'tomorrow'. His name is 'today'.”²

Juvenile criminality is a societal dilemma which can be approached not only from a legal point of view, but from a religious / ethical point of view, a sociological point of view, or even a psychological point of view. We are witnessing reports of crimes every day in the newspapers and television. The shocking fact is that these crimes are perpetuated by the young. Young people today are engaged in most unthinkable heinous crimes like murder, rape, sexual assault, dacoity etc. In the recent case of 'Nirbhaya' the one who inflicted the most heinous crime was a minor below eighteen years of age. This boy after committing the heinous act, cleaned the blood from the bus, and had the nerve to make tea and drink it in the same bus. Also the person alleged to be involved in the Shakti mills gang rape case in Mumbai is a minor. Gruesome crimes by the youth are increasing in numbers and also in the intensity of dreadfulness.

There are too many cases of brutality inflicted by the young. We can take the case of the boy who cruelly stabbed his father, step mother and his step brother and celebrated the victory for execution of his plans by eating sweets or in the other instance of two sixteen year old boys in Kolkata who raped their friend's sister and then casually left for playing football³. In a case involving children, two 14 year old boys were arrested for posting pictures and obscene messages of their physical training teacher on a social networking site⁵. The boys have been booked under section 509 and 114 of the Indian Penal Code for obscenity and section 67 of Information Technology Act, 2000 for misuse of cyber space. Uma Maheswari, who taught Hindi and Science at St Mary's Anglo Indian Higher Secondary School in Chennai, died on the spot after being stabbed repeatedly in the neck, face and abdomen by a 15-year-old, standard IX student.⁵ The reason was that she was strict with the students. The Police arrested five persons aged

between 19 years to 23 years for rape and dacoity. These are few incidents which are just at the tip of the iceberg. Deviant behaviour among the delinquents and criminals is assuming grim and vicious forms and it is a frightening situation.

As per NCB, 7379 students killed themselves i.e. 20 students killed themselves everyday in 2010.⁶ Recently it has been observed that a gang of pre-teen thieves, who target wedding functions, are on the prowl in Bandra⁷ in Mumbai. A CCTV camera installed at one of the wedding venues recorded two children from the gang in action, stealing cash and gifts amounting to well over Rs. 20 lakh. The two kids, aged around 10 years, hid their faces at most times, trying not to disclose their identity.

Cyber crimes have become very common amongst youth. Easy and cheap availability of internet services and computer literacy has given rise to a new problem of cyber crimes. Stalking is also commonly seen to be done by young children. A 19 year old boy killed his class mate for threatening to upload his video of doing 'sit ups' in class on Facebook.⁸

Youngsters belonging to well-to-do families have also been caught in cases of hacking bank accounts. More young people from affluent families are getting involved in crimes. There are many cases of car and bike stealing. They commonly get involved in crimes to support their lavish standard of living and ways of spending. Crimes done today are not of need but of greed. Attraction for material things in life like smart phones, fancy bikes and cars, expensive clothes lure a person to crime. The desire for enjoyment is so strong that they overlook the means to achieve the end. Youth have extreme annoyance and dissatisfaction stored in them which spring up with slightest aggravation. They are too tensed and stressed at all times. The competition to perform and do well in exams and later find jobs is taking a toll on their physical and mental wellbeing. A lot of crimes by the youth are inspired by the films and television shows. Many a times scenes of kidnapping and assault in the films result in youth actually performing those acts. As clinical psychologist Harish Shetty puts it 'Gruesomeness increases with anger and jealousy. Even if the motive is trivial, insecurity in people leads them to commit a shocking act. We are also to blame for the pace of the society, competition and exposure to the vagaries of the globalised world'⁹ The crisis of juvenile delinquency in India was till recently confined to big cities only but now it has spread and threatening the whole country.

Crimes committed by juveniles rose almost three times during the period from 1956 to 1969 and four times thereafter.¹⁰ Child delinquents represent an important concern for both

tsociety and the juvenile justice system. “It is believed that anti-social behaviour among children and young people has reached a historic high,” says a new report that was recently released by UN Habitat. The report titled Youth India 2013: Employment, Livelihood, Skills by IRIS Knowledge Foundation was brought out by Narotam Sekhsaria Foundation.¹¹ The suicide of two young girls in the US and Canada following similar incidents of rape and cyber-shaming has drawn attention to an alarming trend of reckless and predatory online behavior by teenagers.¹² Photographs of these girls after alleged rape by boys had gone viral over the internet. The girls could never get over the shock and went into depression and committed suicide. A recent survey by ASSOCHAM concluded that 75% of kids play violent games on computers or play stations- the major reason of rise in aggression among children is the absence of parents at home.¹³ The survey reveals that kids under six years play an average of about 1-2 hours a day. While kids and teens of about 8-18 years spend nearly 4 to 6 hours a day in front of computer screens. Excessive gaming desensitizes teenagers and blunts their emotional responses. Academic dishonesty has been known in almost every type of education from elementary school to graduation college and even thereafter. Various novel ways of 'cheating' in examinations are devised by them. It is endemic in all levels of education. The number of juveniles held in 2011 on charges of murder was 1,168 as against 1,231 held on charges of rape, according to the 2011 NCRB report.¹⁴ As many as 35,465 juveniles (aged below 18) were arrested for offences under the Indian Penal Code (IPC) nationwide during 2012. Among them, 33,793 were boys and 1,672 girls. These arrests were made on 27,936 cases filed involving juveniles the highest since 2002 out of a total of 2,38,7188 cases registered under the IPC.¹⁵ According to the NCB Report for the year 2012, Maharashtra has the highest number of juveniles apprehended for murder, attempt to murder rape and robbery. Andhra Pradesh ranks first for kidnapping while Bihar tops the chart for kidnapping of girls.

The word 'Juvenile' has been derived from Latin term 'juvenis' meaning thereby young. The term 'delinquency' has also been derived from the term do (away from) and liqueur (to leave). According to Reckless¹⁶ (1956), the term 'juvenile delinquency' applies to the “violation of criminal code and /or pursuit of certain patterns of behavior disapproved of for children and young adolescents”. **Juveniles are defined as individuals who have not reached adulthood or the age of majority.**¹⁷ A **juvenile delinquent** is a person who is typically under the age of 18 and commits an act that otherwise would have been charged as a crime if they were an adult.¹⁸ Gibbons lays down that juvenile delinquency

consists of acts or infractions which are prohibited in statutes of individual states.¹⁹ He further says that Juvenile Delinquents are youths who commit one or more of these infractions. According to Robinson, 'Delinquency is simply the first step on the road to adult crime or it is a gateway to adult criminality.'²⁰ Veeder pleads that juvenile delinquency is not a disease but it is a term which refers to a social and anti-social behavior and denotes a child who has been officially adjudicated as delinquent by a court.²¹

Etymologically, the term delinquency has been derived from the Latin word '*delinquer*' meaning 'to omit'. The Roman used the term to refer to the failure of a person in case of performing the assigned duty or task. It was in 1484 when William Coxtton used the term 'delinquent' to describe a person found guilty of customary offence.²² The Second United Nations Congress, on the Prevention of Crime and Treatment of Offenders held in London in August 1950 defined the term 'juvenile delinquency' as all violations of criminal law and maladjusted behaviors of minors which society disapproved.²³ Delinquency is defined as failure or omission of duty, a fault, a misdeed, an offence, a misdemeanor, a crime.²⁴ As per Black's dictionary²⁵ delinquency is an antisocial behavior by a minor; especially behavior that would be criminally punishable if the actor were an adult, but instead is usually punished by special laws pertaining only to minors. As per Law Lexicon,²⁶ delinquency is a status in a juvenile characterized by anti-social behavior, waywardness, incorrigibility. It is also termed as an offence committed by a person who is under 18 years of age.

In India under the Juvenile Justice Act (JJA) 1986 a juvenile or child to be a person who in case of a boy has not completed age of 16 years and in case of a girl 18 years of age. The JJA Act, 1986 was repealed by 2000 Act and the distinction with regard to age between male and female juveniles has been done away with by the Government of India in performance of its obligation to the international obligations. Now age of juvenile in conflict with law for male and female has been fixed at 18 years. A juvenile in conflict with law under the JJ (Care & Protection) Act, 2000 is a juvenile who is alleged to have committed an offence and has not completed 18 years of age as on the date of commission of such offence.

The study of juvenile delinquency gains importance due to the fact that India as it has more than 550 million young people. The problem of delinquency is rising at an alarming rate. It is high time that some pro-active measures are taken by all stake-holders. The reasons for committing these crimes are diverse. Recently, there has also been an increase in reports of young educated youth belonging to prosperous families committing crimes on account of increasing culture of consumerism, desire for easy money, dearth of role models within the family, to support their lavish lifestyle, and no fear of law. Nowadays, a number of people are known to suffer from, a disease called Kleptomania where the person concerned goes on shoplifting and stealing things in spite of the fact that he himself can afford them.

There are different reasons for youth to commit crimes. The common reasons include greed, anger, jealousy, revenge, or pride. The aggression of the young is towards one and all that come in their way of materialist enjoyment, be it even their teachers and principals, parents or siblings. Delinquent behaviour has assumed serious forms among the juveniles, which is a sign of sick society. Addressing crime and violence amongst both children and youth requires a comprehensive, multi-pronged approach. It requires not only engaging young people, but also parents, teachers, principals and other leaders in creating environments that provide youth with non-violent models of behavior. Healthy parenting and healthy education can therefore transform a child into a responsible citizen of tomorrow. The issue is immensely important as there is hope of transforming the delinquent juveniles and bringing them in the main streamline.

The society and nation is affected by rise in delinquent behavior of the youth. Dealing with crime and violence amongst both children and youth requires an all-encompassing, multi-pronged approach. The problem is intricate and sensitive. It requires involving young people, parents, teachers, principals and other leaders in creating a setting that provides youth with peaceful models of behaviour. It also entails viewing young people holistically and strengthening of participation in assisting them to explore and develop personally. As juveniles are neither fully developed nor ingrained by the criminal justice system, juvenile justice involvement can persuade them and help to encourage juveniles' desistance from crime. On the other hand, the probability exists for a enormous deal of harm to be done to juveniles if unproductive or inappropriate involvement are applied by juvenile justice authorities. Understanding the causes of juvenile delinquency is an fundamental part of preventing a young person from involvement in inappropriate, harmful and illegal conduct.

Crime is primarily the outcome of multiple adverse social, economic, cultural and family conditions. All juvenile delinquent behaviors are influenced not only by what goes on in the environment in which juveniles live, but also by what they observe in adults, what they listen to, learn from peer groups, parents, relatives, and society at large. Juvenile delinquency is not an inherent human condition, but rather is learned through association. To curb crimes it is necessary that young perpetrators of crime to be taught to be aware of the consequences of their actions and to make amends. School systems should attempt to meet and promote the highest professional and educational standards with respect to curricula, teaching and learning methods and approaches, and the recruitment and training of qualified teachers. Regular monitoring and assessment of performance by the appropriate professional organizations and authorities should be ensured. "Prevention is better than treatment" is

the slogan. Prevention works better and is cheaper than treatment. It is widely believed that early-phase intervention represents the best approach to preventing juvenile delinquency. There is a rising awareness that schools/ colleges/universities are the only apparatus of social change and value transmission. The role of family and religion has taken a backseat in the modern society. Educational institutions whether schools or colleges must pay attention to students' development of value system. Character education in this new digital era is the need of the hour.

proper sex education should be provided in schools and colleges. Youth should be made more sexually responsible citizens. Good parenting provides children with a variety of different skills for them to use for the rest of their lives. Two of these vital skills are desire regulation and empathy. Finding stable and 'meaningful' employment is an important indicator of rehabilitation. Undoubtedly, it is important to prevent crimes by juveniles. But if crimes are committed by the youth, it must be ensured that these juveniles do not turn into criminals. Their rehabilitations is absolutely must. In the best interest of the delinquent he or she should be rehabilitated as early as possible and integrated back in the society. Government agencies should give high priority to plans and programmes for young persons and should provide sufficient funds and other resources for the effective delivery of services, facilities and staff for adequate medical and mental health care, nutrition, housing and other relevant services, including drug and alcohol abuse prevention and treatment, ensuring that such resources reach and actually benefit young persons.

Swami Vivekanda has said, "Education is not the amount of information that is put into your brain and runs riot there, undigested all your life. The education which does not help the common mass of people to equip themselves for the struggle of life, which does not bring out the strength of character, a spirit of philanthropy, and the courage of a lion -- is it worth the name?" All educational institutions should make their educational policy imbibing this great idea of Swami Vivekananda so that the youth develop into a crime free, peaceful and meaningful human beings.

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