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JUVENILE DELINQUENCY - CAUSES, EFFECT & WAY OF REHABILITATION

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Abstract

In recent years, both the government and society have been paying attention to children and their problems. The young people of a certain age group are capable of falling into the temptations of life an easy prey and thus lending into criminality. The child of today is often said to be the citizen of tomorrow, so it is necessary to curb the delinquent characteristics of young people in a timely way so that they do not become habitual offenders in their future lives. With this objective in mind, the issue of juvenile delinquency is currently approached on a priority basis by several countries. Basically, the word juvenile delinquency means a wide variety of children and their illegal acts that are disapproved and explained with a kind of warning, punishment or disciplinary action in the general interest. The term concerns children's rebellious and aggressive actions and their attitude of hostility to society. The purpose of this paper is to address the causes, effects and rehabilitation of juvenile delinquency in children. The article also highlights a question that will be addressed in the article, i.e., "Do we blame children for their delinquent behavior or not and who is responsible for it". The article also addresses the International Concern for Juvenile Justice and Juvenile Justice in India.

Keywords: *Juvenile, Delinquency, Causes, Rehabilitation, Effects, Society.*

Introduction

The expression 'delinquency' was derived etymologically from the Latin word delinquer, meaning 'to omit'¹. The Romans used the term to refer to a person's failure to perform the task or

¹Dwivedi Azad Kumar, Juvenile Delinquency and its Justice System in India a Critical Study with Special Reference to Juvenile Justice Care and Protection of Children Act 2000, Shodhganga, 69,2017.

duty assigned. The word 'delinquent' was used by William Coxson in 1484 to describe a person found guilty of a customary crime². The word also found place in Shakespearean famous play 'Macbeth' in 1605³. However, the term "juvenile delinquency" has been defined differently by penologists. Basically, the word juvenile delinquency means a wide variety of children and their illegal acts that are disapproved and explained with a kind of warning, punishment or disciplinary action in the general interest. The term concerns children's rebellious and aggressive actions and their attitude of hostility to society. The sense of the word juvenile delinquency often involves many other acts such as begging, antisocial behavior, vulgarity, drinking, gambling etc. that vicious individuals so frequently commit.⁴ It may also be concluded that a juvenile is an underage individual between childhood who indulges in some sort of anti-social activity that may make him a potential criminal if not checked.

According to Mrs. Ruth Shonle Cavan (USA), juvenile delinquency is described when a child can be considered as delinquent when his anti-social behaviour inflicts suffering on others or when it is impossible for his family to manage him and he becomes a serious community concern. Juvenile delinquency applies to a variation of a child's anti-social activity in a wide general context which is characterized quite differently by various societies, but a similar converging pattern can be observed in such ways, namely, at any given time, the child's socially unacceptable tendency.

Among criminologists, the question of the precise concept of juvenile delinquency has long remained a debatable problem. It has been engaging the attention of the United Nation for quite some time.⁵ The Second United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in London in August 1960, discussed the issue of juvenile delinquency and decided that the question of definition need not be expanded so far and that the meaning of the term 'juvenile delinquency' is limited to all violations of criminal law and maladjusted actions of minors that are disregarded by society.

²Sadaf & Punam Kumari Bhagat, Juvenile Delinquency: A Critical Analysis, Volume 6, Issue 1, 257, 2019.

³ Ibid.

⁴Sethna, M.J.: Society and the Criminal, P, 329, (2nd Ed).

⁵Share Your Essays, <https://www.shareyouressays.com/essays/another-short-essay-on-juvenile-delinquency-1149-words/121710>.

On 20 November 1989, the United Nations General Assembly ratified the Convention on the Rights of the Child, which provided for a collection of principles to be implemented by all States Parties with a view to protecting the best interests of the child. The Convention further emphasized the institutional reintegration, to the extent practicable, of child victims, without reference to legal proceedings. On 11 December 1992, the Government of India ratified the Convention and, thus, it became expedient to re-enact the 1986 Juvenile Justice Act to meet with the requirements of the standards prescribed in the Convention on the Right of the Child and in all other international instruments. The Juvenile Justice (Care and Protection of Children) Act, 2000, was passed in this context, replacing the 1986 Juvenile Justice Act.

Causes of Juvenile Delinquency

In general, unhappy families, unfavourable conditions and social disorganization influence juvenile behaviour, attitudes, desires, etc. The main causes of juvenile delinquency are thus determined by the following factors.

1. **Family environment:** - Delinquency roots are typically in the family. A child's personality traits are built up by his interpersonal interactions with parents for good or bad. In cases where parents are authoritarian or over strict, or where the father fails to provide an adequate model, a child can become delinquent. Therefore, the lack of parental control, absence of security and lack of love and affection are the causes that lead to juvenile delinquency. An ignored and depressed child tries to gain satisfaction from outside the home and may come into contact with bad actors who led him to delinquency.
2. **School:** -A major factor of delinquency is often disappointment or maladjustment at education. The majority of juveniles who are delinquent are either illiterate or partially educated. School misbehaviour is also the first step towards delinquency.
3. **Luxuries life:** - India's industrial development and economic growth have contributed to urbanization, which in turn has led to new problems such as slum living, overcrowding, loss of parental control, disintegration of the family, etc. The high cost of living in urban areas makes it possible for women to take up outside work in order to financially sustain their families, leaving their children neglected at home without any parental influence. In

addition, young people are tempted by the new luxuries of life to resort to wrongful means to fulfil their desires. All these causes contributed to an immense rise in urban areas of juvenile delinquency.

4. **Matrimonial disputes:** -Another source of damage to family unity is a rise in divorce proceedings and domestic conflicts. Childhood discriminatory or step-motherly care often has a detrimental psychological effect on young people⁶. Children need attention, security and encouragement at home, but they need to be treated very carefully. Instead of curing them once they have done the offence, more focus should be on preventing them from indulging in crime. This is possible through proper schooling, training and child care.
5. **Poverty:** - Another cause of juvenile delinquency is poverty. The inability of parents to provide basic needs such as food, shelter and clothes etc. drives their children to delinquency by all means in a quest to gain money.
6. **Social disorganisation:** - Modern society's constantly evolving habits often make it impossible for children and adolescents to adapt new forms of life. They are faced with the question of disagreement in society and are unable to distinguish between right and wrong. This might motivate them to commit crime. Temptation of modern luxuries of life, for instance, enables young people to resort to wrongful actions to fulfil their desires. For momentary pleasure, girls fall an easy victim to sex participation without understanding the seriousness of the consequences of their act.
7. **Economic set-up:** -Failure to provide life necessities for parents draws their children into delinquency by whatever means in a quest to earn money. A middle-class juvenile, however, may become a delinquent, for example, because of his inability to meet the expectations of parents or his lack of self-discipline or because of contact with lower-class juveniles. In comparison, juvenile delinquency is also found in the upper class. Parents in rich families are often cold and distant, which facilitates coercive behaviour. For the sake of fun and excitement, a rich young person may participate in illegal activities, such as prostitution, gambling, etc. As their cases are annulled by the police due to their parents' influence.
8. In addition to the above cause of poverty, illiteracy and child labour are some of the leading factors that increase juvenile delinquency.

⁶ Burt, C.: The Young Delinquency, P.96.

It must be stated that the nature of male criminal delinquency varies from that of females. Boys are more likely to commit crimes such as stealing, pick-pocketing, cheating, eve teasing, cruelty, mischief, etc., while girls' offenses include sexual involvement, running away from home, and lifting stores. It is also notable that the rate of delinquency among boys is much higher than that of girls, the reason being that boys are more daring and stubborn by nature than girls.

Effects of Juvenile Delinquency

Juvenile delinquency is a major problem that affects not only the victims, but also the juvenile offenders themselves, their families, and even society as a whole. The effects of juvenile delinquency are as follow-

- Most of these crimes cause the juvenile to lose his or her liberty because he or she may be put on or even imprisoned on probation. This will also have an impact on the juvenile's academic well-being because he or she will miss academic activities that take place during probation or imprisonment.
- In cases where the juvenile is placed in a juvenile detention centre, he or she may be affected by more experienced juvenile delinquents. This will make the juvenile more likely to repeat and suffer from re-offense consequences. In the future, a minor's delinquency may even dictate his or her career decisions.
- The stress of having a juvenile offender in a household may likely cause uncertainty for other family members.
- Juvenile delinquency is closely associated to sexual activity, the use of drugs, gang affiliation, etc. All of these have a negative influence on the environment and they make it dangerous for the community and make the government spend large quantities of money on school safety and law enforcement.
- Juvenile delinquency has, as reported, significant impacts on a variety of societal classes. Therefore, it adversely impacts society by influencing the environment, households, people, etc. The issue also challenges government departments, corporations, students, religious leaders, and lawmakers alike.

Do we blame children for their criminal acts or not and who is responsible for it?

No, we don't blame children for their criminal acts because we are responsible for their criminal behavior. The author discussed the various causes that led to a child being criminalized and the author discovered that the reasons for juvenile delinquency are family avoidance, matrimonial disputes, parents' avoidance of child care. This is the duty to make a child a better person for parents, teachers and society. As one of the Ryan International School incidents that made us aware that the reason for another student to kill a student was to postpone the exam. Now the question is whether that child is responsible for such heinous crime? The answer is no, because of unhealthy academic competition, the pressure of parents, stress, and many other factors are responsible for making the child a delinquent. We have to give our concern to understand the child in such cases, to give him/her healthy competition, to protect them from parents and society pressure, so only we can deal with this situation.

Rehabilitation of Juvenile Delinquency

Following are the ways to rehabilitate the juvenile -

- It is vital to ensure that families positively influence children because of the contribution of family influence to delinquent behavior in juveniles. This can be achieved by ensuring that in the family there is strong emotional bonding and by establishing effective communication strategies.
- Schools could also ensure that they know the children's histories in order to bridge the gaps that parents may leave. Teachers may, for example, help counsel a child who is experiencing abuse at home, or a child whose parent is a criminal.
- While at home, juveniles should be supervised and directed, and while in school, they should be informed and monitored. Juveniles at high risk of exhibiting criminal activity should be carefully supervised and given extra care in order not to end up offending them.
- Another approach to minimize the number of incidents of delinquency is to reduce the rate in which juvenile delinquents recidivate. This can be accomplished by having legislation in place that ensures that juveniles are corrected differently, and in institutions that are different from those used for adult correction.

- Counselling is must- The curriculum should be holistic and should also consist of a psychologist's counselling services, recreational centers, and instruction. The therapy programs would give a voice on which the juveniles will publicly share their thoughts, and therefore their recovery process will be sped up.

How Juvenile Justice System is different from Criminal Justice System

The Supreme Court, in *Dr. Subramanian Swamy and Others vs. Raju*, Through member of J.J. Board & another's⁷.

While criminal trial is adversarial, the juvenile trial is child friendly. The difference between the two systems are as follows-

- In case of juvenile offenders, FIR and charge-sheet are filed only in serious cases, where the punishment for the offence exceeds 7 years.
- A juvenile in conflict with the law is not arrested but apprehended, only when allegations are for serious crime.
- Once apprehended the police must immediately place such juvenile under the care of welfare officer who produces him/her before the Juvenile Justice Board. Thus, police do not retain pre-trial custody over the juvenile.
- Under no circumstances is the juvenile to be detained in jail or police custody.
- Juvenile Justice Board conducts child friendly inquiry and not an adversarial trial.
- The criminal trials aim at finding the guilt or innocence with the object to punish the offender but juvenile trials aim at reformation and rehabilitation of the errant juvenile who is in conflict with law.

International Concern for Juvenile Justice

The vastness of the problem of juvenile delinquency has also attracted the international attention of penologists. In developed and developing countries, the problem of juvenile delinquency attracted the attention of the United Nations to work out some guiding principles for the juvenile

⁷*Dr. Subramanian Swamy and Others vs. Raju*, Through member of J.J. Board & another's, AIR. 2014 S.C. 1649.

justice system. Important efforts on this behalf were rendered by the United Nations Asia and the Far East Institution, culminating in the seventh United Nation. In September 1985, the Conference on Crime Prevention and Care of Juveniles introduced the Basic Minimum Guidelines for the Implementation of Juvenile Justice.

The U.N. eventually followed these laws. In November 1985, the General Assembly incorporated the following fundamental principles:

- Juveniles in legal crisis should be carefully provided with legal defense.
- Child and juvenile offenders should not be kept in a prison where they are vulnerable to the adult offenders' evil influences.
- Member countries should strive individually and collectively to have adequate means by which each young person can look forward to a positive and valuable life.

As a member of the United Nations, India has replied favorably to this call from the international body and adopted a substantive legislation on the issue called Juvenile Justice Act, 1986. The Act was then replaced by the Act on Juvenile Justice (Care and Protection of Children) Act, 2000 which was itself repealed and substituted by the Act of Juvenile Justice (Care and Protection) Act 2015 (2 of 2016).

Juvenile Justice in India

On the basis of three basic assumptions, India, like every other country, also seeks to address the problem of juvenile delinquency.⁸

1. Young offenders should not be prosecuted, but rather corrected.
2. They ought not to be prosecuted but reformed.
3. The delinquent omission, i.e., Children in conflict of law from the Judiciary who emphasize their non-penal care by social control agencies focused on common law, such as the Criminal Justice Board⁹, Observation Homes¹⁰, Special Homes¹¹, etc.

⁸Sadaf & Punam Kumari Bhagat, Juvenile Delinquency: A Critical Analysis, Volume 6, Issue 1, 260, 2019.

⁹ Section 4 of the Juvenile Justice (Care & Protection of Children) Act, 2000.

¹⁰ Section 8

¹¹ Section 9

A more accurate and clear-cut definition of juvenile delinquency is used in Indian legislation. "It provides that any violation of existing penal law of the country committed by a child under 18 years, shall be an act in conflict with law for the jurisdiction of Juvenile Justice Board". It is important to remember that the Juvenile Justice Act, 2000, created a special system for dealing with neglected and uncontrollable juveniles who were classified as 'children in need of care and protection. The former will be handled by the Juvenile Justice Board. In order to escape the stigmatization and humiliation of a juvenile offender, the charges brought against him are neither published nor published. There is no declaration of his identification, address or reputation and the general public is exempt from attending the proceedings. The offender's parents could, however, be permitted to attend the trial. The aim of these closed-door trials is to take the defendant away from the rigors of procedural law and make the trial smoother and less formal.

Conclusion

It is clear from the discussion above that delinquency is an overwhelming issue in society. A variety of causes that include peer control, influence by the juvenile family, race, and other associated factors such as poor self-esteem and trauma are responsible for juvenile delinquency. The consequences of delinquency are far-reaching and thus affect the community, the victims of crime, society as a whole, and even the criminals themselves. It is also important that this issue is tackled with a view to reducing crime and re-offense rates. To avoid and minimize delinquency and recidivism, a variety of approaches can be used. In the home, at school, or also in correctional institutions, these measures may be incorporated. The interventions at school and family level are primarily targeted at avoiding recurrence, while the interventions at correctional institutions are aimed at reducing recidivism. From the above reading it is clear that punishment is not a solution to control juvenile delinquency only rehabilitation is a way to prevent such crime committed by the juvenile.