

Juvenile Delinquency: A Social Malady

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Abstract

Juvenile delinquency a problem that has been causing a serious concern throughout the world. Even in developed countries, the number of cases of juvenile delinquency are increasing every year, notwithstanding the high standard of living and availability of all kinds of necessities, amenities, and luxuries of life besides compulsory universal education upon a fairly high age. In fact, the problem in developed countries is more complex and deep rooted than the one in the developing nations. If a child goes wrong because of lack of proper care and attention, it will indeed be a deficiency of the society and of the government. So it is the duty of every member of the society to provide full attention to ensure that children are properly cared for and brought up in a proper atmosphere where they could receive proper education, and guidance.

Keywords: Adult crime, care, delinquency, juvenile, malpractices

INTRODUCTION

In recent years, children and their problems have been receiving attention from both, the Government and also from the society. But it may be pointed out that the problems are of such an enormous magnitude that all that has been done till now is insufficient. If there is no proper growth of children of today, the future of the country will be dark. It is the obligation of every generation to bring up children who will be citizens of tomorrow in a proper way.

Child is to be regarded technically as a delinquent when his anti-social tendencies appear so grave that he becomes or ought to become the subject of official action. Again, delinquent means the child who commits some offence and is in need of care and protection because of the surrounding circumstances and familiar situation in which he is found. Thus, juvenile delinquents are young people who habitually respond to serious and prolonged frustration in an aggressive way. On the other hand, the concept may be generalized by describing it as the “behavior disappointing beyond reasonable expectation”.

Juvenile delinquency is a gateway to adult crime, since a large percentage of criminal careers have their roots in childhood. It is a problem that has been causing a serious concern throughout the world. Even in developed countries, the number of cases of juvenile delinquency are increasing every year, notwithstanding the high standard of living and availability of all kinds of necessities, amenities, and luxuries of life besides compulsory universal education upon a fairly high age. In fact, the problem in developed countries is more complex and deep rooted than the one in the developing nations.

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JUVENILE DELINQUENCY

The problem of juvenile delinquency is as old as the society itself. The most interesting aspect of the subject of juvenile delinquency is that in every age it has been regarded as a problem peculiar to the contemporary society [1]. The fact is that like adult criminal behavior this problem has always existed

in some form or the other and there is no apparent reason to expect that it will not remain so in the future.

As Egyptian priest almost 6000 years ago wrote on the walls of a tomb [2].

“Our earth is degenerate in these latter days. There are signs that the world is coming to an end because children no longer obey their parents”.

It is apparent, therefore, that the deviant behavior of children has posed problems from time immemorial, and what has changed is only the nature and definition of the behavior which is considered undesirable. The problem of children breaking the law is one of the great preoccupations of modern times [3]. Of the total malpractices committed by the juvenile, only a meagre amount of it come to the notice of the police and the courts.

Juvenile Delinquency is characterized as a behavior by non-adults, which violates specific legal norms or the norms of a particular societal institution with sufficient frequency and seriousness so as to provide a firm basis for legal action against the behaving individual or group. Thus, the violation of law and ordinances constitutes delinquency in the child [4].

According to lawyers, juvenile delinquents are minors who are accused of offences for which they are immune to the punishments that are usually administered to adults. To psychologists, they are youngsters whose social behaviour patterns show deviations from acceptable norms [5]. Frederick opined that the sexual irregularities in a child is an indication, of juvenile delinquency [6]. Thus, Juvenile Delinquency is any juvenile misconduct that might be dealt with under the law [7].

A SOCIAL THREAT

Juvenile delinquency is a problem posing serious attention all over the world. Criminal tendency among juveniles and the subsequent moral danger is a problem that dates several centuries ago. It has assumed alarming dimensions in recent years. The crucial point to be noted here is that even though the juveniles account for one-third of the entire mankind, they are the most neglected section in the community.

No society or nation is outside from the purview of this problem. Of course, the problem of juvenile offenders is one of tragic human interest. Increasing rate of juvenile criminality and demoralisation has caused a serious threat to the present and coming generations.

There has been a nexus between the problem of juvenile offenders and the various changes that are taking place in the modern society. Population explosion, social, economic, and political changes, pattern of education etc. account for the juvenile delinquency. The juveniles' basic needs should be fulfilled, and benevolent guidance should be rendered in order to do justice to them.

In the formative period of life of the juvenile, it is easier to bring about a radical change by way of teaching, correcting and modifying the behavioural patterns and attitudes. Particularly with the advent of modernization, urbanization, and industrialization, 'juvenile delinquency' requires the greatest concern in the maintenance of social and cultural systems of any country.

Responsibility of Parents

Care of the child is primarily the responsibility of the parents and elders in the family. To be born in a happy and comfortable home is a privilege that not many children are destined to enjoy [8].

By the Government of India Act, 1919, three-list subjects were introduced and thereby the prisons came under the 'provincial' list. Hence, the movement for further development in the field of juvenile

legislation started on the provincial level and thus various states sooner or later reached the stage of passing specific legislations in their efforts to deal with juvenile delinquency.

The Madras Children Act, 1920 is the earliest provincial legislation providing for the custody, trial, and punishment of youthful offenders and for the protection of children and young persons. The Act deals with the youthful offenders below 16 years of age and specially handicapped children and young persons below 14 and between 14 and 15 years of age, respectively. Later, states like Bengal, Bombay, M.P., Delhi, U.P., A.P., and many others have passed Children Acts. In 1960, the Union Parliament passed the Central Children Acts. The Kerala Children Acts, 1972, received the assent of the President on the 28th February 1973. Prior to this Act in Kerala, three Acts namely, Travancore Children Act, Cochin Children Act and Madras Children Act were in force.

In spite of all the progressive innovations and legislations in the history of development of Children Acts in the States, the fact remains that the legislations are not properly implemented on any State.

In India, the problem of juvenile delinquency is on the increase. It is not so tense here as compared to the western world. The impact of western civilization and inclination towards luxurious life has greatly influenced the youth in India. As a result of this there has been a considerable growth in crimes committed by juveniles. The condition is worse in urban areas in comparison to rural areas [9]. In 1993, this problem has reached to such an extent that, India has the largest population of street children in the world [10].

Through this work an account of the working of juvenile justice system in various countries have been provided. Criminal tendency among juveniles has been become a subject of unending debate, both nationally as well as internationally. This problem posed threat for developed and developing nations. It drew the attention of the United Nations and it put forward some guiding principles for juvenile justice. The Seventh U.N. Congress on Prevention of Crime and Treatment of Offenders was adopted and in September 1985, the Standard Rules for Administration of Juvenile Justice [11] was adopted.

Each country has its own legislation and guidelines for preventing and controlling the problem of juvenile delinquency and the consequent moral danger to the society. India has responded favorably to the call of the international body and enacted a comprehensive law, namely, the Juvenile Justice Act, 1986. Because of the ineffectiveness in solving the problem, this enactment was repealed [12] and was replaced by the Juvenile Justice (Care and Protection of Children) Act, 2000.

In this work, an attempt is made in this dissertation to examine the existing position towards the juveniles in conflict with law. Then the various factors responsible for deviance among children have been analysed with the help of various theories. Here a greater emphasis is laid on the rehabilitation aspect of such juveniles [13]. There is a moral and legal duty to make every child a worthy citizen. He should be made good, healthy, amiable, educated, and disciplined and foreign to any delinquency [14].

The problem of juvenile delinquency is a social malady in India. Capital cities of states headquarters, towns of districts, important commercial centres and towns which have major railway stations, bus-stands and cinema halls are abodes of juvenile delinquency. The law criminality among juvenile in India when compared to the western countries may be due to the variations in living conditions such as greater family affiliation, parental control, strong hold of religious convictions and due regard for moral precepts in the India society. Nevertheless, in India, the problem of juvenile offenders is not negligible.

The problem of juvenile offenders includes both boys and girls. Generally, people do not report cases where the reputation of girls are involved, for the fear that their future lives would be

complicated and there would be hindrances in their marriage. The fate of humanity is in the hands of juveniles [15]. Through this paper, the roles of the police, protection officer, juvenile court and institutions for after care are depicted in the administration of juvenile justice.

The children have been regarded as not being capable of committing crime because they do not have sufficient intelligence and experience to formulate an essential element in every crime-criminal intent [16]. Many juveniles are found not to be acting on their own but are exploited by adults. This is particularly true with offences relating to delivery of illicit drugs and liquor.

The philosophy behind juvenile justice is that a juvenile should not be considered as a criminal but a person who needs care, affection, and support [17]. If the anti-social behaviour of the juvenile is not checked in proper time, that may turn him into a potential offender or a hardened criminal in his/her later life.

CONCLUSION

Let us remember that our future is in the hands of today's children. Criminality among juveniles is not just a problem of an individual or his/her family. Today's children are the tomorrow's citizens [18]. Likewise, today's juvenile delinquents are tomorrow's adult criminals [19]. So there is a likelihood of the society being dumped with criminals. Radzinowicz observed that neglected children and juveniles fall an easy prey to criminality [20]. The child has to be trained out of his childish ways into normal and rationed perfection of regulated manhood [21].

Today's children will be the leaders of tomorrow who will hold the country's banner high and maintain the prestige of the country. So we must give first priority to prevent the growth of the delinquent attitude of children so as to ensure welfare of them as well as the nation.

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