

JUVENILE DELINQUENCY: A BRIEF STUDY

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INTRODUCTION

Every child is special child and it needs proper care and attention so that he grows in proper manner. Growing in proper manner makes them independent in every way social economically it makes them to grow in positive way. Juvenile delinquency also known as juvenile offend ring it means habitual committing of criminal acts or offence by young people, especially one below the age of prescribe by the statutory provisions.

Every child is born with innocence but due to circumstances and not proper guidance they become delinquent. This is the first step towards the adult crime. It is antisocial activity of the child age of 16 for boys and 18 for girl in India know as juvenile. This is the very important topic for discussion because in the progress of every county depends upon the youth if youth will misguided or involve in unlawful activity during the teenage the future of the country is in the stake.

The word juvenile has been derived from the Latin term juvenis, which means young and etymologically, and the word delinquency has been derived from the Latin word delinquer which means to omit. In the year 1484, William Coxton used the word delinquent to describe a person who was found guilty. Juvenile delinquency refers to the involvement by the teenagers in an unlawful behavior who is usually under the age of 18 and commits an act which would be considered as a crime. A child is known as a delinquent when he/she commits a mistake which is against the law and which is not accepted by the society. Thus a “juvenile” or “child” means a person who has not completed eighteenth years of age and violates the law and commits an offence under the legal age of maturity.

The term delinquency is a form of misbehavior or deviation from the accepted norms of the society the term delinquency is come from Latin word delinquency which means to omit it is was apparently used in Roman times to refer to the failure to the person to perform assigned task of duty.

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The term 'juvenile' has been defined in clause (h) of Section 2 of the Juvenile Justice Act, 1986. The term 'delinquency' has been defined in clause (e) of section 2 of the Juvenile Justice Act, 1986.

THE JUVENILE AGE

Despite the universal acceptance of the principle of maturity in relation to crime there is no unanimity among the nations regarding level of maturity in terms of age for absolute immunity from penal implications conditional immunity from penal liability and different treatment to the target group known as juvenile delinquency. In the area of criminal law though the countries differ from one another regarding cut-off age in chronological order for determining adult juvenile conduct one thing is agreed upon almost universally that the period of danger and opportunity. The society must both protect the young and discourage them from committing crimes because a criminal act by young people is not without danger so far as its physical consequences are concerned.

In view of the wide variation from country to country, the working paper prepared by the secretariat of the United Nations while commenting upon youth crime expressed its inability to evolve a universally accepted definition of youth and youth crime. Age based definition of a child, juvenile, youth or adult vary from country to country and culture to culture. It further observes that youth is not merely a term to identify an age group but one that refers to a period between childhood and adulthood and relates primarily to a process of personal development and self-realization. For operational purposes and accordance with the proposed rules a juvenile, a child or a young person is a person who under the respective legal system may be dealt with for an offence but is not yet criminally responsible as an adult.

In the midst of diverse approaches and absence of universalization regarding the concept of juvenile delinquency comparative study of magnitude of delinquency problem appears unrealistic and unproductive. It became imperative to examine the problem and its various aspects as far as the treatment and rehabilitation within the legal framework within the juvenile justice system concerned within the social boundaries of specific country or state. For that purpose legal definition of the concept of delinquency is most essential and in fact a starting point.

S. No.	Country	Age of Absolute Immunity from criminal liability	Age for differential treatment As juvenile delinquents
1	Russia	Below 16 years	(a) 14-16 years for serious offence only
			(b) 16-18 years for other cases
2	Poland	Below 16 years	(a) Juvenile below 18 years
			(b) Young offenders below 21 years
3	Germany	Below 14 years	(a) Juvenile 14-18 years
			(b) Adolescent 18-21 years
4	Japan	Below 14 years	Juvenile under 20 years
5	England	10 years upto 14 years conditional	(a) Under 17 years and 15-21 years for some offences
6	Canada	Under 7 years ; 7-14 years	(a) Under 16 years (b) 6-18 years varying from province to province
7	USA	7years to 12 years (different in different states)	16-18 years; varies from State to State but mostly 18 years
8	China	16 years	(a) Child 9-13 years
			(b) Juvenile 14-25 years
9	Korea	14 years	(a) 14-18 years
			(b) Under 20 years
10	India,	7 years	18 years for both male and female
	Mayanmar,	(conditional	
	Srilanka,	immunity	
	(Pakistan and	from 7 years	
	Bangladesh	to 12 years)	
	similar to India)		
11	Malasiya	10 years	(a) Child 14 years
			(b) Juvenile 10-18 years
12	Indonesia	10 years	10-18 years
13	Philippines	9 years	9-18 years

JUVENILE DELINQUENT BEHAVIOR

In developing a definitive concept of juvenile delinquency, Gibbens and Ahrenfeldt cite three stages of culture change. The first stage is the tribal culture which had little delinquency. In this setting crime was defined in terms of adult behavior. The norms of the community-based social control agencies dealt with most of delinquency cases.

The second stage of culture change relates to the rapidly developing countries where urbanization and development have been disrupting the stability of the family the most important basic control unit. This also took place in US and England when rapid industrialization precipitated the growth of large urban centers. It is during this stage the separate juvenile laws usually originate and reinforce. In the third stage a preventive approach become more prevalent and the definition of delinquency become ambiguous.

In addition to juvenile law great emphases is placed on determining the psychological and sociological factor that contribute to crime causation.

The country of Western Europe and United States could be considered being in the midst of the third stage of cultural development in the contest of delinquency problem. In view of the uncertain and shifting ground on which the concept of juvenile delinquency based cultural interpretation do influence every stage of the process by which the fact of delinquency is established.

JUVENILE JUSTICE STANDARDS

Article 37 and 40 Of the Childers convention specifically refer to juvenile justice children who come into conflict with the law must be treated in a manner consistent with the promotion of the Childs sense of dignity and worth which reinforces the Childs respect for human rights of others and which takes into accounts the Childs age and the desirability of promoting reintegration and assuming constructive role in society there are three other instrument developed by the crime commission that are relevant to juvenile justice. The united nation slandered minimum rule on the administration of juvenile justice (The Beijing rule): the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guideline): and the United Nation rules for the protection of juvenile Deprived of their Liberty.

The Guidelines for Action on Children's Criminal Justice System summaries these instruments in setting out specific targets for states to meet. States should establish juvenile courts with special procedure designed to take into account the specific needs of children.

Diversion as well as a broad range of alternative and educative measures should be developed for all stages of the criminal process in order to prevent recidivism and promote the social rehabilitation of child offenders.

These alternative measures are to comply with UN standards ensuring respect for due process and for the principle of minimum intervention. The placement of children in closed institutions should be reduced, should take place as a matter of last resort and be for the shortest period of time possible.

CURRENT LEGISLATION

The Juvenile Justice (Care and Protection) Act, 2000 lays down that juveniles in conflict with law or juvenile offenders may be kept in an 'Observation Home' while children in need of care and protection need to be kept in a 'Children Home' during the pendency of proceedings before the competent authority.

A juvenile can be detained only for a maximum period of 3 years irrespective of the gravity of offence committed by him and he will be remanded to 'Special Home'. The Juvenile Justice (Care and Protection) Act, 2000 provides immunity to the child who is less than 18 years of age at the time of the commission of the alleged offence from trial through Criminal Court or any punishment under Criminal Law in view of Section 17 of the Act.

The purpose of this new Act was to rehabilitate the child and assimilate him/her in mainstream society. The rationale is that a child still has the possibility of getting reformed due to his/her tender age and lack of maturity and it is the responsibility of the State to protect and reform the child.

AMENDMENT IN JUVENILE JUSTICE ACT, 2000

Recently due to major hue and cry in public against the increasing number of crimes being committed by the juveniles, the Government has decided to present the proposed amendment in law in the current Parliament itself. This amendment would have far reaching effects on our criminal justice system.

In brief major changes are as follows:

- The proposed legislation would be replacing the existing Juvenile Justice (Care and Protection) Act 2000.
- It has clearly defined and classified offences as petty, serious and heinous.
- It has been noticed that the increasing number of serious offences being committed by juveniles in the age group of 16-18 years. Thus, in recognition of the rights of the victims alongside the rights of juveniles, it is proposed that such heinous offences should be dealt with in special manner.
- Therefore, it has been proposed that if a heinous crime is committed by a person in the age group of 16 to 18 years, the Juvenile Justice Board will first assess if the said crime was committed by that person as a 'child' or as an 'adult'.
- The *Juvenile Justice Board* will have psychologists and social experts in it which would make sure that the rights of the juvenile are duly protected if the crime was committed as a child.
- The trial of the case shall proceed on the basis of Board's assessment report that whether the concerned juvenile has committed the crime as a child or as an adult.

VIEWS 'FOR' AND 'AGAINST'

The Government of India has already given approval to the new amendments in the Juvenile Justice Act. Experts and common public both are having strong views regarding the same. At present there are large numbers of people in the society who are demanding that juveniles and specially juveniles in the age group of 16 to 18 years should be treated as adult as far as their conviction in heinous crimes such as rape, gang rape, murder, dacoity etc. is concerned. The reason is that in several of the recent incidents as described above, it has been found that the juveniles of 16-18 age group are involved in serious crimes and they are doing such criminal acts with full knowledge and maturity.

The maturity level of children has not remain the same as 10-20 years ago, a child gets mental maturity early in present socio-cultural environment due to the influence of Internet and Social Media.

Therefore, to have a deterrent effect it is important that such offenders in the age group of 16 to 18 should be punished as adults so that victims' could also get their justice.

Views in Opposition

The people and experts who don't subscribe to this view that juveniles in the age group of 16 to 18 should be treated as adults as far as their sentencing in heinous crimes are concerned are of the opinion that any law should not be amended or enacted by getting influenced from few incidents, because a law is for all and for all time.

So it should be carefully drafted after taking into consideration all dimensions. For instance, in case of juvenile crimes, it should be considered that whether by punishing 16, 17 year olds we are following a punitive form of justice system or reformatory system; whether there are no possibilities that the child would be reformed; and whether it is not true that after spending 10 years in regular adult jails with hardened criminals, the child would come out as a more toughened criminal.

Also, this view says that it is not only the responsibility of the child that he/she has committed such heinous crimes but it is also the responsibility of the society that why society has not been able to provide a proper and healthy childhood to the child and why such types of discriminations and deprivations, both social and economic, were there that the child was forced to commit crimes; also, why the State failed to provide care and protection to its children and let them drift towards criminal activities.

Thus, it can be seen that there are strong views in both for and opposition of the change or amendment in Juvenile Justice Act.

CONCLUSION

In conclusion it can be said that whatever changes be made in the Act, it should be the interest of justice which must prevail. A law must not be made or amended due to single act of barbarism; because a law is for all and for all time to come. Though it is true that children in the age group of 16 to 18 are increasingly being found in commission of heinous crimes but it is still only a little percentage of all the crimes committed every year in India. As per National Crime Records Bureau, in the year 2013, juveniles were charged with only 3.4 per cent of total number of rapes registered in India. Also, there is nothing to prove that harsher laws will lead to fewer crimes.

Therefore while debating the amendment in Parliament it must be discussed that whether we as a society want to have a justice system based on retribution and punishment or a system which is reformative and assimilative for the juvenile offenders.

The State as well as the society has a responsibility towards our children in the sense that they would not become wayward and remain in the social mainstream; hence, 'care and protection' must be the main motto while amending the Juvenile Justice (Care and Protection) Act and not punishment. In India legislative efforts have been directed towards limiting the scope of juvenile courts jurisdiction from time to time. The first major efforts in this direction was made when non offender delinquent was excluded from the jurisdiction of juvenile court and Juvenile Justice Board and were require to treated by Child Welfare Committee. The consensus has emerged towards the exclusion of non-offender delinquents from the ambit of juvenile court and he stress towards non penal treatment of such juvenile through committee based social control agency.

Juvenile is conflict with law are to be dealt with by Juvenile Justice Board while the child is need of care are to proposed by Child Welfare Committee, Child homes, and Shelter homes to after the child. However it may be opined that it is very difficult to practically demarcate the jurisdiction of the concerned adjusting agency as there is a fine line of distinction between the behaviors which is not. To conclude Juvenile Dequincy it is the shape the nature and punishment of crime of which delinquency happens to be precursor. It further leads to the conclusion that changes social structure for example behavior pattern has direct bearing on the conceptual frames work of the definition. Changing value and norms structure of the society shape the form of the behavior know as delinquent and non delinquent in the legal term logy as crime is basically a social problem and its handle through law must have sociological overtones especially in the working of juvenile justice.

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