

Juvenile Delinquency: Social Perspective

Dr. Neha Bhartiya, Assistant Professor, Amity Law School, Amity University, Jaipur

ABSTRACT

If every saint has a past every criminal has a future

- Mahatma Gandhi

Juvenile delinquency is an act of crime or an antisocial act committed by a person who is below the age of 18 years. Juvenile Delinquency is one of the most serious problems in the society at present which has its roots in increasing urbanization and changing patterns of social structure. Factors such as increasing trend of nuclear families, working parents, less attention towards their wards, exposure to internet, alcohol and drug consumption, economic instability, emotional stress, poor parenting etc can be termed as causes that may lead to delinquency. Other social influences like school, peer pressure, neighbourhood, company etc. can also affect the behaviour of a child which may lead to delinquent behaviour.

Juvenile delinquency not only affects the accused but it also has a very disastrous affects upon the victim and the society as well. The family of the juvenile suffers mental and social and economic trauma. The juvenile delinquent himself is the most affected person as he suffers from mental stress and pain He/ she may lose his/her freedom as a result of the crime committed and suffers long incarceration and probation. This badly affects child mental and emotional development. They risk their education and employment chances.

Thus juvenile delinquency is a serious issue which need to address with care and delicacy. This problem concerns the most important citizens of the country i.e youth who not only constitutes the major population but also they are the future of the country.

Keywords

Juvenile Delinquency, Social Factors, Legal Concept

INTRODUCTION

Children are greatest national asset and resource. Children should be allowed and provided opportunity to grow up to become robust citizens, physically fit, mentally alert and

morally healthy. Equal opportunities for development to all children during the period of growth should be provided for reducing inequality and ensuring social justice, which in turn would serve as an effective tool to curb delinquency in juveniles. Children are expected to be obedient, respectful and imbibe virtues and good quality in them. Due to various reasons children do not follow settled social and legal dictum.

Juvenile delinquency, as a legal concept is of recent origin. Juvenile delinquency is an integral part of criminology. The two cannot be separated since one of the reasons for crime and its continuance into adult life is the ineffective control and treatment of juveniles. Juvenile delinquency is a big breeding centre of criminals. The word delinquency is derived from the Latin word “delinquere” meaning de i.e. away and linquere i.e. to leave thus, meaning to leave or to abandon. Originally, the word had an objective meaning as it referred to parents who neglected and abandoned their children. In present day, it is used and applied to those children who indulge in wrongful and harmful activities.

WHO IS A JUVENILE?

A “Juvenile” or “Child” means a person who has not completed eighteen years of age.

According to International Law, a ‘Child’ means every human being below the age of 18 years. Today this is a universally accepted definition of a child which comes from the United Nations Convention on the Rights of the Child (UNCRC).

Under the Indian Laws, Section 2 (k) of the Juvenile Justice (Care and Protection of Children) Act, 2000 defines “juvenile” or “Child” as a person who has not completed eighteenth year of age.

Definitions of Juvenile/Child under various national legislations:

Child Labor (Prohibition and Regulation) Act, 1986, Section 2 (ii), “Child” means a person who has not completed the age of 14 years.

Child Marriage Restraint Act, 1929, Section 2 (a), "Child" means a person who, if a male, has not completed twenty one years of age, and if a female, has not completed eighteen years of age.

Immoral Traffic (Prevention) Act, 1956, Section 2 (a), "Child" means a person who has not completed the age of sixteen years.

Juvenile/Child in conflict with law (JICL), Section 2 (l) of the Juvenile Justice Act, 2000 has defined "juvenile in conflict with law" as a juvenile who is alleged to have committed an offence and has not completed eighteenth year of age as on the date of commission of such offence.

The new bill which has been recently passed by the Indian Parliament and that has come into force from 15 January 2016 sought to replace the existing Indian juvenile delinquency law, Juvenile Justice (Care and Protection of Children) Act, 2000, so that juveniles in conflict with Law in the age group of 16–18, involved in Heinous Offences, can be tried as adults¹.

REASONS & FACTORS CONTRIBUTING TO JUVENILE DELINQUENCY

According to K. M. BANHAM BRIDGES delinquency in itself is socially inadequate adjustment on the part of the individual to difficult situations. The factors which go to make up these difficult situations, together with the mental and physical conditions which influence an individual's capacity to adjust, constitute the causes of delinquency. Each juvenile offense is the outcome of a complexity of causes, some of whose origins date back years before the committal of the offense and others whose origins are more obviously and immediately connected with the act of delinquency. It has been shown that a different set of causes is involved in each individual case. It is impossible therefore to state the group of causes which will invariably result in any particular offense.

In spite of the great complexity and diversity of the causes of delinquency, cases are found to have many factors in common. The different combinations of these factors are largely responsible for the differences in offenses. It should be possible, therefore, to draw up a list of conditioning factors from a study of a large number of cases which would cover most of the possibilities, and from which could be isolated any group or combination of factors applicable to a particular case. Such a list should prove to be a diagnostic aid for all workers in the field of juvenile delinquency.¹

I. Physical Factors.

1. Malnutrition.
2. Lack of sleep.
3. Developmental aberrations.
4. Sensory defects.
5. Speech defects.
6. Endocrine disorders.
7. Deformities.
8. Nervous diseases.
9. Other ailments.
10. Physical exuberance.
11. Drug addiction.
12. Effect of weather.

II. Mental Factors.

1. Mental defect.
2. Superior intelligence.
3. Psychoses.
4. Psychoneuroses.
5. Psychopathic constitution (including emotional instability).
6. Abnormalities of instinct and emotion.
7. Uneven mental development.
8. Obsessive imagery and imagination.
9. Mental conflicts.
10. Repression and substitution.
11. Inferiority complex.
12. Introversion and egocentrism.
13. Revengefulness (get-even complex).
14. Suggestibility.
15. Contra-suggestibility.

16. Lethargy and laziness.
7. Adolescent emotional instability.
18. Sex habits and experiences.
19. Habit and association.

II. Home Conditions.

1. Unsanitary conditions.
2. Material deficiencies.
3. Excess in material things.
4. Poverty and unemployment.
5. Broken homes.
6. Mental and physical abnormalities of parents, or siblings.
7. Immoral and delinquent parents.
8. Ill-treatment by foster parents, step-parents, or guardians.
9. Stigma of illegitimacy.
10. Lack of parental care and affection.
11. Lack of confidence and frankness between parents and children.
12. Deficient and misdirected discipline.
13. Unhappy relationship with siblings.
14. Bad example.
15. Foreign birth or parentage.
16. "Superior" education of children.

IV. School Conditions.

1. Inadequate school building and equipment.
2. Inadequate facilities for recreation.
3. Rigid and inelastic school system, "the goose-step."
4. Poor attendance laws and lax enforcement.
5. Wrong grading.
6. Unsatisfactory teacher.

7. Undesirable attitude of pupil towards teacher.
8. Bad school companions and codes of morals.

V. Neighbourhood Conditions.

1. Lack of recreational facilities.
2. Congested neighbourhood and slums.
3. Disreputable morals of the district.
4. Proximity of luxury and wealth.
5. Influence of gangs and gang codes.
6. Loneliness, lack of social outlets.
7. Over stimulating movies and Shows.

VI. Occupational Conditions.

1. Irregular occupation.
2. Occupational misfit.
3. Spare time and idleness.
4. Truancy.
5. Factory influences.
6. Monotony and restraint.
7. Decline in the apprenticeship system

All of these factors contribute immensely for a delinquent behaviour. In order to prevent Juvenile Delinquents we have to deal not only with maladjusted children and youths whose difficulties bring them before law, but also with those who while not violating laws, are disturbing others in school and in the street. Prevention is necessary for such children. If they are not prevented then they would become the habitual offender so their prevention is necessary. They make mistakes and become excited and fail to behave according to legitimate expectations. First of all, we should identify such juveniles and thereafter give him treatment. They will become habitual offender if they are not timely prevented from committing the offence.

The most effective way to prevent juvenile delinquency has indisputably been to assist children and their families early on. Numerous state programs attempt early intervention, and federal funding for community initiatives has allowed independent groups to tackle the problem in new ways. The most effective programs share the

following key components. There are so many Jurists and criminologists who suggested many provisions for the prevention of juvenile delinquency. Some of the provisions are very useful for the welfare of the juveniles and their development.

With the development of delinquency in youth being influenced by numerous factors, preventive efforts are comprehensive in scope. Prevention services include activities such as substance abuse education and treatment, family counselling, youth mentoring, parenting education, educational support, and youth sheltering. Reductionism e.g. over-simplifying complex experiences and circumstances by converting them to simple quantities, relying on a psychosocial focus whilst neglecting potential socio-structural and political influences.³

CONCLUSION

Juvenile Delinquency and the problems related to it have been faced by all societies, all over the world; however, in the developing world the problems are all the more formidable. The process of development has brought in its

wake a socio-cultural upheaval affecting the age-old traditional ways. This problem needs to be addressed as carefully as possible.

REFERENCES

- [1] [https://en.wikipedia.org/wiki/Juvenile_Justice_\(Care_and_Protection_of_Children\)_Act,_2015](https://en.wikipedia.org/wiki/Juvenile_Justice_(Care_and_Protection_of_Children)_Act,_2015).
- [2] K. M. Banham Bridges, Factors Contributing to Juvenile Delinquency, 17 Am. Inst. Crim. L. & Criminology 531 (1926-1927).
- [3] B. R. Sharma, SangeetDhillon&SarmadiBano, Juvenile delinquency in India – a cause for concern, J Indian Acad Forensic Med, 31(1).
- [4] Jack E Baynum and Wiliam Edwin Thompson, Juvenile Delinquency : A Sociological Approach, Rowman and Littlefield, 1989.
- [5] Travis Hirschi, Causes of Delinquency, Transaction Publishers, London, 2002.
- [6] Robert Agnew, Juvenile Delinquency: Causes and Control, Oxford University Press, 2014.