

## CHAPTER - I

### INTRODUCTION

Delinquent and criminal behaviour among young people, as they negotiate the transition from childhood to adulthood in an increasingly complex and confusing world. For many young people today, traditional patterns guiding the relationships and transitions between family, school and work are being challenged. Social relations that ensure a smooth process of socialization are collapsing; lifestyle trajectories are becoming more varied and less predictable. Rapid population growth, the unavailability of housing and support services, poverty, unemployment and underemployment among youth, the decline in the authority of local communities, overcrowding in poor urban areas, the disintegration of the family, and ineffective educational systems are some of the pressures young people must deal with.

Quite often, advantage is being taken of illegal opportunities as young people commit various offences, become addicted to drugs, and use violence against their peers. Young people who are at risk of becoming delinquent often live in difficult circumstances. The problem of juvenile delinquency is becoming more complicated and universal, and crime prevention programs are either unequipped to deal with the present realities or do not exist. To criminologists, juvenile delinquency encompasses all public wrongs committed by young people between the ages of 12 and 20. Sociologists view the concept more broadly, believing that it covers a multitude of different violations of legal and social norms, from minor offences to serious crimes, committed by juveniles

#### **1.1. Causes and Conditions For The Formation of Delinquent Trajectories**

- Economic and social factors
- Cultural factors
- Urbanization
- Family
- Migration
- The Media
- Exclusion
- Peer influence
- Delinquent identities
- Offenders and victims

#### **1.2. Important Provisions under the Indian Juvenile Justice Act**

The Juvenile Justice Act, 2000 defines, under section 2 (I) defines juvenile in conflict with law as a juvenile who is alleged to have committed an offence and is under

18 years of age (and above the age of 10 years) on the date of commission of crime. Under the various Indian laws, there is no consensus over the definition of child, which creates confusion and dilemma over the legal treatment of the children.

Under section 2 (d) the same Act, there is another category of children- “Children in Need for Care and Protection” referred. These children are defined as the ones who are found without any home or settled place or abode and without any ostensible means of subsistence. They may be street children/ indulging in beggary, child laborers, orphaned/ abandoned/ destitute children, abused children/ trafficked children, children suffering from physical deformity/ mental illness or victims of conflict and disaster situations. The Indian JJ Act acts all such children and legally protects their rights, at least on paper. R. N. Choudhary (2005) talks about various laws that are prevalent in reference to juvenile justice in India. S. K. Bhattacharya also discusses about the juvenile justice in India (2000).

The need to incorporate the second category of children came from preventive approach of the JJ Act. The children who live under the condition of destitution, or under difficult situations, are very vulnerable to commit crime. Any trigger point in their lives can push the offender button, and they may convert into delinquents. So, keeping up to the philosophy prevention is better than cure, the JJ Act of India has made provisions for including both category of children, both who are offenders, or those who are quite likely to indulge in deviant acts should be treated under the Act. The two category of children are also treated by different institutions- juvenile offenders under the Juvenile Justice Board, and the vulnerable children under the Child Welfare Committee.

The Juvenile Justice Board consists of a metropolitan judge, or judicial magistrate of first class, and two social workers, at least one of whom should be a woman. Under the Act, there are also provisions for a Special Juvenile Police Unit in every police station. All these personnel must be preferably trained in child psychology, or should have sensitivity in child related matters.

If the juvenile is a co- accused with an adult/ adults, joint trial of the juvenile offender cannot be held along with adult criminals. Further, the Juvenile Justice Act in India restricts the apprehension of juveniles, stipulates bail as a right to the offender, irrespective of the fact that the offence is bailable or not.

Further, the trials of the juvenile offenders are held in a very informal manner, where the offender cannot be brought to the Juvenile Justice Board handcuffed. The police officials or other government personnel are dressed informally. The identity of the offender is always concealed, and in no case media can mention the name of the offender in newspapers or on news channels. After the trial, the offenders are kept under the observation homes or Special homes. Children in need for Care and Protection are sent to Children’s homes.

All these child friendly measures of Indian government are indicative of the fact that government does not want to jeopardize the lives of the young criminals, and wants to give them all a chance for improvement. All the provisions are very much in line with juvenile jurisprudence.

### **1.3. Brief Evolution of Juvenile Justice Legislations in India**

Some authors have evaluated the origin and development of Juvenile Justice in India (Mousami Dey, 2014). Prior to coming of British in India, the actions of children were governed under existing Hindu and Muslim laws, where the respective families of the person concerned were held responsible for monitoring the actions of their children. In India, the need for new legislations for children was felt under the British rule. Some specific laws were passed between 1850 and 1919, like the Apprentice Act (1850), the Code of Criminal Procedure (1861) and the Reformatory School Act (1876 and 1897).

Under the Apprentice Act (1850), it was held that destitute or petty offenders in the age group of 10 and 18 years should be dealt with separately- the convicted children were required to work as apprentices for businessmen. Section 82 of the Indian Penal Code of 1860 also recognized the special status of children. It set age limits on criminal responsibility and excluded children younger than 7 from culpability. The children between 7 and 12 years of age were considered to have sufficient maturity to understand the nature of their actions under certain circumstances.

After India got independence, Juvenile Justice policy in India got structured around the mandates prescribed under various articles of Indian constitution (Article 15 (3), 21, 24, 39 (e) & (f), 45 & 47). The Indian Juvenile justice policy was also guided by various International Covenants such as UN Convention on Rights of Child (CRC) and Beijing Rules, or UN Standard Minimum Rules for Administration of Juvenile Justice. The important law for neglected and delinquent children in India was passed Central Child's Act (1960), which prohibited imprisonment of children under any circumstances. It declared children's courts and child welfare board to be two important bodies that would deal with such children.

Through this project the statistical analysis of juvenile crimes happened in the year 2019 is analysed along with the criminological aspects. The residents of juvenile observation home of Calicut were in-depth interviewed in the light of semi structured interview guide. The semi structure interview guide was used as a guiding tool to collect data.

## CHAPTER - II

### LITERATURE REVIEW

2.1. Cox et al. (2013) investigated that the one single common variable that tends to emerge among all countries that report a serious increase in delinquency is urbanization. It is not surprising to find that, as conditions become more congested and as family systems around the world become fragmented due to modern work demands and economic circumstances, delinquency among youth begin to emerge, regardless of the cultural and/or national background they may have. Weinberg(1964) investigated that the disorganization which results from urbanization is the backbone of juvenile delinquency in Ghana .The study indicate that due to weakening of the extended family controls and less effective urban nuclear families control they become attracted to deviant peers networks in the urban for direction . Delinquency in Ghana was reckoned to be a form of adaption by the centres youths who have been estranged from their families and schools and occupying a locus in the urban center with no alternative institutions to support their livelihood.

2.2. Wireko – Brobby (2008) reiterated that the cause of juvenile crime in Ghana is attributed to failure of home with the youth at the suffering end .Unlike in the past where the care of an adolescent was a communal responsibility of the extended family and by extension the entire community, this function has now been relegated to only the nuclear family with the inception of urbanization . Hence, when the youth are in need or troubled by a problem, the extended family members feel may be reluctant or (1974) concluded that industrialization and urbanization, with their accompanying changes in family structure and function leads to the juvenile crimes . Shelley (1981) described that the general rise in the adolescent’s crime rate and its concentration in the urban environment are explained by the greater availability of goods, the increased feasibility of crime commission, anonymity and increased feelings of relative deprivation because of a greater gap between rich and poor or a greater awareness of deprivation due to advertising through the media. Further, the growth in juvenile participation in crime is accounted for by the increased participation in activities outside the home and established role for juveniles in society by the decline of an established role for juveniles in society.

2.3. Gottfredson and Hirschi’s (1990) indicated that the effective parenting enhances adolescent’s development of strong self – control which combats delinquency. Data for the study was collected from 197 adolescents that were in a high school in an urban area of a southwestern state of the United States. The results of the study indicated that parental monitoring and discipline was significantly negatively related to low self – control. Lack of self – control helps the children to get involved in deviant acts.

2.4. Cutrin et al. (2015) assess the effects of the family functioning on juvenile antisocial behaviour either directly or indirectly through the choice of deviant friends. The sample consisted of 764 adolescents from the Autonomous Community of Galicia

(Spain), from juvenile offender centers and students from local schools. In this study they confirmed that absence of parental monitoring facilitated ties with deviant juvenile friends and these, in turn, leads to the development of antisocial behaviour.

2.5. United Nations (2003) explored that the ongoing process of urbanization in developing countries is contributing to juvenile involvement in criminal behaviour. The basic features of the urban environment foster the development of anti – social behaviour deriving mainly from the weakening of primary social relations and control, increasing reliance on the media at the expense of informal communication, and negative use of modern technology. Studies show that children who receive adequate parental supervision are less likely to engage in criminal activities.

2.6. Sanidad – Leones (2006) reported that urbanization has worsened poverty. The urban poor are overwhelmed by the high cost of living, financial problems, unstable jobs, insufficient educational opportunities, inadequate health and sanitation, and inadequate housing. People resort to crimes to alleviate or elude from their miseries. Deterioration of living conditions in urban areas has produced its share of juvenile delinquency and promotes those conditions that create fertile breeding grounds for crime.

2.7. Chaisatien (2003) indicated that contributing factors to teen deviance include the media, peer pressure, and biological disorders. Looking at the family, the researcher suggests that parents of delinquents are often struggling to reach higher living standards and ignore their relationship with their excessive use of media and delinquent peers lead children by parents, easy access to illegal means, excessive use of media and delinquent peers lead children towards delinquency.

2.8. Ybarra et al (2008) conducted a study to examine the association between violence in the media and expression of seriously violent behaviour among older children and teenagers. Sample size of 1588 youths of age 10 to 15 years were interviewed. The main outcome measure was self-reported seriously violent behaviour , including ; shooting or stabbing someone, aggravated assault, robbery, and sexual assault. Video games and films for instance, have exposed children to violence at a tender age. Exposure to violence in the media, both media, both online and offline, were significantly associated with seriously violent behaviour.

2.9. Baglivio et al. (2015) identified adverse childhood experiences which include; emotional neglect, household substance abuse, parental separation/divorce and household member with a history of jail/imprisonment have been key risk factors for offending and victimization. These risk factors are highly associated with urban areas. Hanpanyapichit and Somsin (2003) reported that in the big cities children are involved in crimes i.e. offences against property as well as bodily injury, drug addiction and homicide, robbery, pick-pocketing and bag-snatching to extortion. Most juveniles told that they committed the offence because of peer group influence. Economic pressures create problematic situations in the family and these situations impact family relations,

which can result in pushing juveniles under the influence of their peer groups. Trillo & Redondo (2013) found an intense positive correlation between juvenile delinquent friends & juvenile delinquent activity.

2.10. Hoeve et al (2009) confirmed in meta-analysis, which analysed the results of hundreds of studies published from 1950 – 2007, the direct influence of family variables on juvenile deviant behaviour. They concluded that parental affection and understanding was Negatively associated to the manifestation of delinquent behaviour, whereas parental neglect and parental rejection or hospitality towards children were positively related to deviant behaviour. As far as parental monitoring is concerned, the controlling behaviour and knowing the activities and whereabouts of children were negatively associated to involvement in antisocial activities. Parenting styles were a powerful factor for predicting the development of antisocial attention towards the activities of their children which resulted in their involvement in delinquent acts.

## CHAPTER - III

### AIM AND OBJECTIVES

#### **Aim:**

The main aim of this project work is to analyse the statistics of juvenile crimes happened in the year 2019 in Calicut District along with nature of offence and the criminological aspects.

#### **Objectives:**

- To analyse the statistics of juvenile crimes in 2019
- To analyse the criminological aspects
- To analyse the nature of offence
- To study about the mental behaviour of children doing the crime

## CHAPTER - IV

### MATERIAL & METHODOLOGY

This project was carried out in Juvenile Observation Home, Calicut with the aim to take the statistics of juvenile crimes happened in the year 2019 and to analyse the criminological aspects. Permission to visit observation home was taken from Chief Judicial Magistrate of Juvenile Justice Board.

To understand the latest trends in juvenile delinquency, statistical data from National Crime Records Bureau (official site for data on crimes in India) has been taken and analysed. Further, this data has been linked with latest amendments made in the Juvenile Justice Act. All analysis in this study is based on statistical data available. Empirical study of juvenile delinquency through visits to Juvenile Homes and Juvenile Boards (Courts) is proposed. Some residents of the observation home were interviewed to understand their criminal behaviour. But due to some legal issues the personal details of the juveniles cannot be revealed.

The total number of crimes happened in the year was sorted according to the nature of offence, gender and age groups of the juveniles with the help of Microsoft Excel. Interaction with the residents helped me to understand their mental state before and after committing the crime and also helped to realize some of the causes of juvenile delinquency.



## CHAPTER – V

### RESULT AND CONCLUSION

The legal definition of child affects how the courts in a country deal with offenders. As per the international norms, and also under the juvenile Justice System in India, a minor or a child cannot be tried in the same manner as an adult. A child is treated as doli incapax, with no mens rea- he/ she is not capable of understanding consequences of his/ her actions.

Keeping this logic in mind, children are dealt under juvenile justice system, and not under the adult criminal justice system. They can never be given imprisonment or death penalty. Hence, under the Indian legal system, Art. 40 (3) (a) of CRC requires State Parties to promote establishment of minimum age below which child is presumed not to have capacity to deviate the penal law. Age of criminal responsibility is held to be 7 years- child below 7 years cannot be considered a child in conflict with law – section 82 of IPC, 1860. Thus, nothing is an offence done by a child between 7 and 12 years, who has not attained sufficient maturity to judge the nature and consequences of his/ her conduct, and did not know that what s/he was doing was wrong - Section 83 of IPC, 1860.

However, juvenile delinquency has been increasing in Kerala and other places in India at an alarming rate. The involvement of the juveniles in serious offences like murder, rape, kidnapping and abduction has raised concerns in the state. The District Crime Records Bureau (DCRB) data indicates that there has been an increase in crimes committed by juveniles, especially by those in the 16-18 years' age group. The data given below shows the juvenile crimes happened in the year 2019 in Calicut district.

**Table 5.1.: Juveniles Apprehended under IPC and SLL Crimes**

Month	Petty crimes	Serious crimes	Hemious Crimes	Total Crimes
Jan – Feb	43	8	9	60
Apr – Jun	38	1	4	43
Jul – Sept	36	1	5	47
Oct - Dec	43	11	3	57

**Table 5.2: Juveniles Apprehended under IPC and SLL Crimes Age groups wise**

07 - 10	11 - 13	14 - 15	16 - 18	Total
-	-	4	56	60
-	-	4	39	43
-	-	4	38	47
-	-	3	54	57

**Table 5.3: Juveniles Apprehended under IPC and SLL Crimes Gender wise**

Male	Female	Total
57	3	60
42	1	43
42	5	47
56	1	57

As it is evident from the above table that the crimes are been increasing gradually without the gender difference. The type of offence committed by the adults are also been committed by the juveniles including the serious offence like rape. In the first 3 months the total number of cases was 60 and then in the following 3 months it decreased to 43. Gradually in the next 3 months it was increased to 47 and then to 57. Majority of the juvenile delinquency comes under the age group 16 – 18.

**Table 5.4 : Cases registered in Calicut against Juvenile in conflict with law under different crime heads of IPC during 2019**

S. No.	Types of crime	No. of cases
1	Unlawful Assembly	14
2	Rash Driving	27
3	Attempt to Murder and Murder	3
4	Attempt to commit culpable Homicide	7
5	Causing death by Negligence	9
6	Simple Hurt	34
7	Grievous Hurt	34
8	Assault	4
9	Rape	3
10	Unnatural Offence	1
11	Theft	25
12	Dacoity	1
13	Mischief by Fire	1
14	Mischief causing Damage to 50 Rupees	5
15	House Trespass	3
16	House Trespass in order to commit Theft	10
17	Criminal Intimidation	10
18	Abkari Act	1
19	IT Act	1
20	Kerala Police Act	2
21	NDPS Act	4
22	POCSO (WithoutSec.376)	2

The above table shows the total number of cases in various delinquencies. Simple and Grievous Hurt which comes under the section 319 to 338 is the mostly committed crime as per the statistics. 3 Rape cases were reported by the children which comes under the age group 14 - 15 and 16 -18.

Various reasons can be cited for this rise in juvenile delinquency. According to the psychiatrists and women right activists, easy access to pornography and changing food habits can be attributed as a cause for this change in behaviour of juveniles, who show rising involvement in sexual offence. It has been pointed out in the same discussion that the youngsters are not able to control their biological impulses prompted by hormonal changes. There are more rape cases in urban areas than in rural areas, as the societal control in the former (cities) have weakened. Certain other reasons are cited in discussion on this rise in juvenile delinquency. This were clear with the help of interaction with the juveniles. Some of the reasons are listed below:

✓ ***Social Factors:***

Sometimes, the juveniles develop delinquent sub- culture due to cultural deprivation and status frustration that they go through. They often adopt the delinquent tendencies due to peer pressure. Some youth (usually belonging to lower class) turn the mainstream culture up- side down, thus whatever is valued and is regarded as positive generally by the society given up by these youth, and is replaced by just the opposite value system. Thus, if certain morals are upheld by society, juvenile delinquents give up these values and try to excel in the areas of toughness, over- smarting the others and indulge in things that give them excitement. Other studies indicate that social factors such as poverty and low education are also responsible for juvenile delinquency. Broken families are directly related to higher rates of delinquency. The study indicates that the juvenile who receive less familial supervision, or who live in dysfunctional family settings or in disadvantaged families have more chances of getting involved in delinquent behaviour.

✓ ***Psychological Factors:***

There are psychological explanations to delinquency also, which can be well understood through Freudian concepts of id, ego and super-ego. When the id (the instinctive element of individual's personality) becomes too strong, and the super- ego becomes weak (the socially taught element of personality) the ego develops into anti- social person. There can a strong link between psychological condition of the youth and delinquent tendencies. Along with the weak neighborhood, ineffective parenting and association of the youth with deviant peers leads to higher rates of offending.

✓ ***Biological Factors:***

The biological explanations suggest that individuals are influenced by their biological/ genetic make- up. They are not exactly the captives of biological designing, but it does render these individuals inclined towards delinquent tendencies. The hormonal changes in the body of the juveniles are responsible for their impulsive and rebellious behaviour. Ecological/ environmental and economic parameters also play important trigger points in lives of the juveniles. But usually it's the combination of these factors that together creates situation of juvenile delinquency.

## CONCLUSION

In the face of fast pace of industrialization and globalization, the self-control and parental control that was earlier sufficient to prevent individuals from committing offences has become weak. The primary socialization that functioned through groups such as family, peer groups, traditional neighbourhood ties, close kin circles is fast becoming ineffective in Indian society. All this has led to present trends in juvenile delinquency.

It is to be kept in mind that the legal sub- system is a part of the larger social system. Any change in the larger whole, that is the society necessitates changes in the constituent parts or the smaller sub- sub systems. Thus, when changes are occurring in the society at a fast pace, the legal system has to go in sync with the society.

It is suggested that strong steps are taken to make effective implementation of the laws pertaining to Juvenile Delinquency, so that we are able to deal with the problem in a holistic manner. It is also important to monitor the functioning of Observation Homes and Shelter Homes. These special places meant for reformation of the juveniles/ children often become breeding grounds for more offences. Rather than effectively handling the problem and counselling the inmates, these places create atmosphere for resocialization of the juveniles into criminal/ delinquent world. Instances of inmates of Observation Homes indulging in serious offences are quite many. For reformative and rehabilitative measures, it's important that the situation is handled very tactfully. Some informal bodies like registered Residential Associations in different areas can be involved to report matters of juveniles who indulge in deviant behaviour, or whose behavior cannot be controlled effectively by the parents.

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