

CHILD DELINQUENCY IN DELHI: A BURNING ISSUE IN PRESENT SCENARIO

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Abstract

Children are the future of our country and it is the responsibility of everyone to ensure that they have a safe environment to live in. But the last decade has seen a huge leap in the rate of Juvenile Crime in a developing country like India. Today Juvenile crime is like a disease in our society. This paper starts with evolution of Juvenile Justice legislation, from pre-independence era to post-independence India, and specially looks at the guidelines of Juvenile Justice Act, 2000. In spite of the presence of that welfare law for such children, there is a rise in the number of Juvenile Offender who commit heinous crimes should be treated as adults. The paper also tries to find out the causes and types of Juvenile Crimes in Delhi. In the concluding part, some suggestions have been made for preventive measures of Juvenile Crimes. The study finding suggest that children belonging to the poorest

Keywords: Juvenile, Crimes, Delinquency, Offenders, Juvenile Justice Act, Heinous Crimes in Delhi

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Introduction

In present human society, Juvenile Delinquency is considered as a foremost, universal and most complicated issue, as it causes major distress to the whole society. Today every culture, society, religion, caste, community and country is facing the great damage caused by Juvenile delinquency. Juvenile delinquency gradually refers to the norm breaking behaviors from which youth (under the age of 18) are criminally responsible. In other words, we can say that the youth (under the age of 18) who committed any prohibited or criminal acts are known as juvenile delinquents.

Every day, the headings of different newspapers are full of different types of offences. The offence like rape, murder and acid attack on innocent girls are frequently done by youths below the 18 years, the case of 'Nirbhaya' is the current example of such brutal offences that not only attract the attention of the human society but also put the youth offences as one of the major concerns for parents, teachers, families and citizens. When people are asked to tell the main cause of juvenile delinquency, they generally blame family and poor parenting process as the root cause of child delinquency (Chhaya Tomar, 2016). Researchers paid more attention towards juvenile delinquency in recent years. Researcher Glueck & Glueck, (1962), concluded that lack of emotionalization between parents and adolescents contributes to children involvement in nonadaptive behavior. Also, the more likely to play the part of antecedent to delinquency in their children or bring unprepared to address delinquent behavior when they are acknowledged are the examples of lack of parental control. Some researchers like, Marcus & Betzar (1996) also believed that adolescents who perceived a strong attachment with their parents also consider their parents' reactions when tempted to engage in delinquent behavior. Patchin (2006) explained the concept of Loeber and Stouthamer-Loeber's (1986) whose findings suggested that parents who themselves have a history of criminality probably transmit such behavior to their children. Literature (Glueck & Glueck, 1962, Hirschi, 1969) also suggested that delinquents are more likely to have been raised by fathers with criminal history as compared to non-parental supervision and parental support have positive as well as negative impact on adolescents' development. Thus on the basis of above literature it may be concluded that different parenting processes are directly or indirectly related to child delinquency.

Reasons of Child Delinquency

➤ **Family**

There is no single reason for children's attraction and involvement in deviant and commit offence. A child who is vulnerable to higher number of risk factors is likely to indulge in offending unlawful activities. Various risk factors that may lead one to have been categorized under 4 major heads: familial, school factors, peer factor and community factor. The family is central and basic rights of every child. (Wright & Wright, 1994) considered that Children who are rejected by their parents, who grow up in homes which considerable conflict, or who are inadequately supervised are the greatest risk of becoming children in conflict with law.

➤ **Parental Neglect**

Most of children belong from very poor families that struggled to make both ends meet. This struggle in life generally leaves the parents with little option to look after their children through adequate supervision and monitoring. Monitoring becomes all the more important as children move in to adolescence and spend less time under the direct supervision of parents or other adults and more important as children more time with peers. Weak bonding between family members resulted in subsequent weak supervision, guidance and involvement that led to possible drift to unlawful acts. Lack of emotional ties between parents and adolescents also contributes to involvement in maladaptive behavior (Glueck & Glueck, 1962). It also inferred that the negative quality of relationship between the adolescent and their parents is related to higher levels of externalizing problems, such as disturbing others and act of violence (Nelson, Rutherford, 1996).

➤ **Parental Deviance**

Children and adolescent generally look up to their elders and imitate their behavior. The role model exhibited by parents hence has an enduring effect on children. Similarly, while non undermine the significance of disciplining and monitoring to check delinquent behavior, it is e found that overly harsh punishment in the name of discipline will not stop it (Simon et al, 1991). Non supervision which arises from conflict and quarrel worsen the situation. Though the hereditary transmission of offending behavior from parents to their children may not be that important in the study (Lobear and Stouthamer, 1986). In the study father in a family is expected to play the role of critical parenting as compare to the nurturing role played by mother. The abuse (Wright and Wright, 1994)

➤ **School**

Failure to keep children in school by making it more relevant to their cognitive capacity is seen to be another contributory factor for their drift in to deviant and offending acts. A child who experiences neglect, non-attachment, disruption etc. at home tends to carry these to school. It indicates a “roadmap to offending” among most children, which starts with difficulties in the classroom, moves through low self-esteem, poor behavior and the ends in offending (DCPCR Report, 2015).

➤ **Peer Factors**

Adolescents / children generally commit offences in groups rather than individually. The study shows that 58.8% of the children had committed offences in the company of other mostly friends indicating the role of peer pressure. They also get attracted to opposite sex. In the case of children in detention centers most had been victims of multiple deprivations and vulnerabilities and they generally were willing to show allegiance by doing anything which often drifted them to deviance. In these cases most were having peer who were often of deviant and to get their acknowledgement and adopted all their ways which were often of deviant nature like alcoholism, substance abuse, smoking, offences etc. Thus the peer factors were found to be the proximate reasons for the engagement of most children in crimes / offending acts, though family factors were also distant factors.

➤ **Community Factors**

Children who reside in weak neighborhood types by extreme poverty, high rates of crimes and violence, high drug availability and high population turnover are more likely to offend, (Hawkin, 2000) suggest that high crimes rate, gang activity, poor housing in a given could well be predictors of violence activity . Communities that exhibit a strong bond act as protective measures for the child against all deviances and exploitations. The communities of several children were also marked by the presence of gangs, availability illicit drugs. The negative influence of drugs or tobacco product on juvenile has been well articulated by (Leboeur, 1996) in these words under the influence of drugs, individual may often do things they would not do ordinarily. So, the children involve in offences thus suggests that there is no singular reason that can be attributed for the involvement of children in deviants and offending acts.

Children in Conflict in law

Children to a large extent involve in deviant behavior as part of normal growth process. Though a majority of the children hailed from Delhi itself, a good number had migrated from other states. Almost all children in detention center depicted certain common characteristics such as they are victims of multiple deprivations, from low economic households, had parents who were less educated and working either independently or with their parents, and were from backward classes.

Nature of Offences

Children are involves both in heinous and non-heinous crimes. Most (57%) of the children in detention center were involved in offences related to property (theft, dacoity, robbery). Majority of those children in special homes and place of safety were involved in offences against person rather than offences against property. Where in rape or sex related instances, several of the cases were mere allegations and some others were consensual sex but they were charged as rape on the basis of the complaints of the parents. There is no evidence to suggest that harsher punishment or transfer of adolescents to criminal system will deter them from decline (DCPCR Report, 2015). Data from various sources describes that children are involved in all types of offences. The statistics from National Crimes Records Bureau show that out of the 1590 offence reported in Delhi during the year 2013, in 41% were related to offences against property that included theft, robbery and dacoity. In murder including attempt to murder and rape constituted 14.6%. Delhi has slight increase of 0.92% in the Juvenile offence in 2013 over 2012, rape cases increased 2012, rape cases a 3.7% increase over 2012.

Types of Offence Committed by Children

Offence	Observation Homes	Special Homes	Place of Safety	Total
Theft, snatching, & Robbery	75(44.4%)			75(44.4%)
Dacoity	25(14.8%)	1(25%)	3(33%)	29(15.9%)
Murder	29(17.2%)	1(25%)	1(11.1%)	31(17%)

Kidnapping & Murder			1(11.1%)	1(0.5%)
Rape & Murder		1(25%)		1(0.5%)
Attempt to Murder	6(3.6)		1(11.1%)	7(3,.8%)
Rape	19(11.2%)	1(25%)	2(22.2%)	21(11.5%)
Fight	8(4.7%)		1(11.1%)	9(4.9%)
Kidnapping	3(44.4%)			391.6%)
Cyber Case			1(25%)	1(0.5%)
Others	4(2.4%)			4(2.2%)
Total	169 (100%)	4(100%)	9(100%)	182(100%)

It is also true that children adjudged guilty of offences are often not convicted. As per the NCRB report on disposal of cases in 2013, out of the 1590 cases in 149 children were acquitted from charges indicating that they were not found guilty of the offence. Many of the children in detention centers alleged that they were falsely charge sheeted because of the influence of the victim his/ her family on the police. Out of the 182 children under study, for majority there was no premeditated reason for the act. In 17.3% of the cases it was unintentional provocation that resulted in the commission of the offence (Why Children Commit Offences, DCPCR, 2015).

Detention Centre for Juvenile

The committee on the Rights of the child also emphasizes that detention or imprisonment should be used only as a means of last resort for the shortest appropriate to both their circumstances and the offence committed. To facilitate a smooth transition of children to the mainstream of the society the Model rules 2007 elaborate on the facilities to be provided to the children in detention centers for their physical, mental, psychological, cognitive and spiritual development. It spells out that the juveniles shall be classified and segregated according to their gender and age; that the homes shall not look like jails or lockups; that the daily routine shall provide, inter alia, for a regulated and disciplined life, personal hygiene and cleanliness, physical exercise, yoga, educational classes, vocational training, organized recreation and games, moral education, group

activities, prayer and community singing and special programmes for Sundays and holidays; refer such children who require specialized drug abuse prevention and rehabilitation programme.

Challenges for Juveniles in Detention Center

The ineffectiveness or failure of the vocational training provided is evident from the fact that none of the superintendents the vocational trainers could ever mention about any child/ adolescent who has been rehabilitated with the training given at the home. Similarly, there is no proof to indicate the rehabilitation of any children who have received educational or vocational training from the detention centers. Adolescents in special home generally spent their whole time within the cell itself by reading books or watching TV or by chatting with other children or security persons. They get up at 6 o'clock and until 9am are left for their morning needs. 9am to 11.30am is their study time which they spent in their own cells. Rarely are they taken to attend class with other children in the building 11.30 to 1pm is time for vocational training in which too they rarely participate as they are forced to stay within the cells for security reasons. Post lunch until 5pm they are under lock and key.

The major reason for the ineffectiveness of the rudimentary education and vocational training services provided in the detention centers is that very often neither the classes nor the trades of vocational training correspond to the aspirations and capacities of the children. It does not challenge their cognitive capacity. Probably, more of discourse, debate and project oriented learning with compulsory and mandatory attendance could make the stay of the children in the observation home and special home more fruitful (ibid., 2015).

Conclusion

In conclude the juvenile detention centers in Delhi do attempt to make use of the services of various NGOs for the welfare of the children. Thus a few NGOs are involved in providing educational and vocational training to the children in observation and special homes. However, it needs to be streamlined and regularized so that children receive a continuity of what they have been provided. What often happens is that many times NGOs engage in such activities just to project their organizations rather than the welfare of children. The role of superintendents, care takers and welfare officer (where available) are pivotal to the achievement of the objectives of

the JJ Act, particularly reformation and rehabilitation of the children. Unfortunately, most of them confine their role to administrative and security aspects. Creative thinking and interventions, meaningful interaction, constant and continuous presence are all factors that can influence the lives of children greatly. The discussion, discourse and debate on juvenile justice system should be centered on how it can be made more reformatory. In the case of children in detention centers a workable strategy of rehabilitation should be designed for each child and discharged through a strict adherence to the timetable.

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