## Chapter II

**JUVENILE DELINQUENCY IN INDIA**

(A) General

<table>
<thead>
<tr>
<th>2.1 Introduction</th>
<th>Page No. 30</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2 Meaning of Juvenile Delinquency</td>
<td>31</td>
</tr>
<tr>
<td>2.3 Theories of Juvenile Delinquency</td>
<td>36</td>
</tr>
<tr>
<td>2.4 Classification of Juvenile Delinquents</td>
<td>39</td>
</tr>
<tr>
<td>2.5 History of Juvenile Delinquancy and Justice System</td>
<td>41</td>
</tr>
<tr>
<td>2.6 Causal Factors in Juvenile Delinquency</td>
<td>45</td>
</tr>
<tr>
<td>i) Family</td>
<td>45</td>
</tr>
<tr>
<td>ii) School</td>
<td>46</td>
</tr>
<tr>
<td>iii) Neighbourhood</td>
<td>47</td>
</tr>
<tr>
<td>iv) Peer groups</td>
<td>48</td>
</tr>
<tr>
<td>v) Slums</td>
<td>48</td>
</tr>
<tr>
<td>vi) Poverty</td>
<td>48</td>
</tr>
<tr>
<td>vii) Mass media</td>
<td>49</td>
</tr>
<tr>
<td>2.7 Juvenile Justice System</td>
<td>50</td>
</tr>
</tbody>
</table>
### (B) India

<table>
<thead>
<tr>
<th>Section Description</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.8 Juvenile Delinquency in India - Nature, Incidence and Characteristics</td>
<td>52</td>
</tr>
<tr>
<td>2.9 Maharashtra's Contribution in Indian Juvenile Delinquency</td>
<td>60</td>
</tr>
<tr>
<td>2.10 Juvenile Justice System in India &amp; Maharashtra</td>
<td>67</td>
</tr>
<tr>
<td>2.11 Conclusion</td>
<td>70</td>
</tr>
<tr>
<td>References</td>
<td>76</td>
</tr>
</tbody>
</table>
Chapter - II  

JUVENILE DELINQUENCY IN INDIA

(A) General

2.1 Introduction

Children constitute the core of humanity in the world. Children are the life veins of the society, pillars of the progressive nation, crystallised energy stored reservoirs of the country and the builders of the future world. They are the supreme assets of any country and hence every effort should be made to provide them equal opportunities for their development. But with the advent of modernisation and urbanisation, one of the various problems of social disorganisation that is juvenile delinquency needs greatest concern in the maintenance of social and cultural system of any country.

Juvenile behaviour is regarded as a problem of every generation and of every corner of the world. An Egyptian priest almost 6000 years ago wrote on the walls of a tomb: "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". Socrates wrote a paragraph over 2400 years ago, "children now love luxury, they have bad manners, contempt for authority, they show disrespect for elders and love chatter in place of exercise. Children no longer rise when elder's enter the room. They contradict their parents, chatter before company, gobble up dainties at the table, cross their legs and tyrannise over their teachers." Therefore, it is obvious that the deviant behaviour of children has posed problems from time immemorial.
and what has changed is only the nature and definition of the behaviour considered undesirable.

### 2.2 Meaning of Juvenile Delinquency

"The term juvenile delinquency is heard and used so frequently that it is often assumed that everyone means the same thing when using it. Yet definitions differ widely in meaning and content. People generally agree that juvenile delinquency is misbehaviour by children but there is much less agreement on the specifics of what constitutes misbehaviour or who falls into the category of children."\(^2\)

In generic terms, juvenile delinquency is deviant child behaviour. When a young person gets involved in a criminal act, we call him as a juvenile and the crime as juvenile delinquency. Juvenile delinquency could mean any type of behaviour by those socially defined as juveniles that violates the norms (standards of proper behaviour) set by the controlling group.\(^3\)

The juvenile delinquency refers to the failure of children and youth to meet certain obligations expected of them by the society in which they live.\(^4\)

According to Walter Reckless (1957), the term juvenile delinquency applies to the violation of criminal code and pursuit of certain patterns of behaviour disapproved of for children and young adolescents. Hence age and behavioural infractions prohibited in the statutes are important in the concept of juvenile delinquency.
There are different approaches to define and explain the term juvenile delinquency viz. the legal approach (bases on normative formalism), social work approach (informal and therapeutic), the psychological approach (analytical) and sociological approach (that juvenile delinquency is a disruptive force in the smooth functioning of organised group.)

Etymologically, the term delinquency has been derived from latin word 'delinquer' means 'to omit'. The Romans used the term to refer to the failure of a person to perform the assigned task or duty. Delinquency is a form of behaviour or rather misbehaviour or deviation from the generally accepted norms of conduct in the society. It refers to a large variety of disapproved behaviours of children and adolescents which the society does not approve of, and for which some kind of admonishment, punishment or corrective measure is justified.

**Legal definitions**

In U.S.A., a federal agency, the Children's Bureau, uses a legal definition of delinquency in its reports:\(^5\) "Juvenile delinquency cases are those referred to courts for acts defined in the statutes of the state as the violation of a state law or municipal ordinance by children or youth of juvenile court age or for conduct so seriously antisocial as to interfere with the rights of others or to menace the welfare of the delinquent himself or of the community. This broad definition of delinquency includes conduct which violates the law only when committed by children e.g. truancy, ungovernable behaviour and running away."
In England, the juvenile delinquency refers to any act done by a juvenile to the violation of a penal statute and in addition to this, if any child is brought before a juvenile court by the police constable or by children's department of a local authority if they have reasonable grounds for believing him to be in need of care, protection and control.

In India, the concept of Juvenile delinquency is confined to the violation of ordinary penal law of India so far as the jurisdiction of the juvenile court is concerned. The present law which governs the juveniles who are in conflict with law and children who are in need of care and protection is called as Juvenile Justice (Care and Protection of Children) Act, 2000. This law has replaced the earlier law known as Juvenile Justice Act, 1986 in which the terms juvenile, delinquent juvenile and neglected juvenile have been specifically defined.

Juvenile Justice Act, 1986 S.2(h) defines juvenile means a boy who has not attained the age of 16 years or girl who has not attained the age of 18 years. while as per S.2(e) delinquent juvenile means a juvenile who has been found to have committed an offence. The Act also as per S.2(l) defines a neglected juvenile which means a juvenile who (i) is found begging or (ii) is found without having any home or settled place of abode and without any ostensible means of subsistence and is destitute or (iii) has a parent or guardian who is unfit or incapacitated to exercise control over the juvenile or (iv) lives in brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution or is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved
life or (v) who is being or is likely to be abused or exploited for immoral or illegal purpose or unconscionable gain.

The Juvenile Justice (Care and Protection of Children) Act, 2000, as per S.2(k) defines juvenile or child means a person who has not completed 18 year of age. The act as per S.2(l) defines juveniles in conflict with law means a juvenile who is alleged to have committed an offence and has not completed 18 year of age as on the date of commission of such offence. The act also as per S.2(d) defines, child in need of care and protection means a child - (i) who is found without any home or settled place or abode and without any ostensible means of subsistence (ia) who is found begging or who is either a street child or a working child (ii) who resides with a person (whether a guardian of the child or not and such person - (a) has threatened to kill or injure the child and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person (iii) who is mentally or physically challenged or ill children or children suffering from terminal disease or incurable diseases having no one to support or look after (iv) who has a parent or guardian and such parent or guardian is unfit or incapacitated to exercise control over the child (v) who does not have parent and no one is willing to take care of or whose parents have abandoned (or surrendered) him or who is missing and run away child and whose parents cannot be found after reasonable inquiry (vi) who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts (vii) who is found vulnerable and is likely to be inducted into drug abuse or trafficking (viii) who is being or is likely to
be abused for unconscionable gains (ix) who is victim of any armed conflict, civil commotion or natural calamity.

In sum, the uniform legal definition of juvenile delinquency does not exist. All the existing definitions reflect the needs of the definers. All channels of investigation on juvenile offenders must be left open to gather knowledge regardless of whether they are based on offences, arrest or adjudication.\(^6\)

The 'Behaviour Content' in juvenile delinquency must be taken into consideration, because there is a difference in the approach of judiciary and that of executive. The judicial approach requires clear cut and definite proof of offences committed. The executive view is that the courts are designed to aid unadjusted children and hence whoever are presented before them, they should diagnose and treat. This raises the question of who should be brought before the court and to whom the court should adjudicate as delinquents? Is the one who reacts rebelliously in a home pervaded by an atmosphere of incessant hostility a delinquent? Is a daughter is "bobby sox" who stays out later than her mother used to do, who seems a "little wild" and causes her fearful family, much anxiety, a delinquent?\(^7\) Then the question comes, how to differentiate between the problem child, the adventurous child and the delinquent child? Tappan P. W. (1949), to solve this problem has given five categories of deviation to consider the level at which the Juvenile Court should take control.

1) Deviant situational factors, where the child is exposed to deleterious home and community influences e.g. Broken home, economic
insecurity, slum neighbourhood, unsupervised and unhealthy recreation etc.

2) Behaviour problems of personal unadjustment to the environment e.g. Thumb sucking, Nail biting, temper tantrums etc.

3) Antisocial attitudes e.g. hostility, guilt feelings, anxieties etc.

4) Waywardness or incorrigibility, the violation of relatively nonserious community conduct standards e.g. Idleness, fighting, disobedience etc.

5) Serious illegalities, the violation of criminal conduct norms e.g. Theft, Burglary, Robbery, Assault, Rape, Homicide etc.

Whether all categories be treated by judicial agencies and by Court personnel or first three may better be dealt with by nonjudicial social agencies and rest only by court? What is needed is differentiating between 'slight' deviation and extreme deviation to work out a systematic programme for treatment of juveniles. In India, such division is badly required because In India, according to Mrs. Tara Alibeg, the Chairman of Council for Child Welfare, "we think of delinquents as children in need, rather than as offenders because India has a religion that encourages passivity, submissiveness and acceptance of one's fate. This is good for preventing delinquency". 

2.3 Theories of Juvenile Delinquency

Number of theories of juvenile delinquency have been originated since classical period. The earliest theories of a prescientific nature, developed to explain norm-violating behaviour were not distinguishing
between adult and juvenile offenders. The factors used to explain adult crime were also applied to youths. In addition, those theories were not developed from scientific observation but were based on the moralist ideologies present in the society. Della porte Lavater, Gall, Spurzheim, Quetelet, Lacassagne, Kropotkin etc. were the leaders.\(^9\)

The major recent sociological theories of juvenile delinquency have been put forward by Merton, Albert Cohen, Cloward & Ohlin, George Herbert Mead, Fraderick Thrasher, Sykes & Matza, Cyril Burt, Marwell, Edwin Lemert etc.

Merton's (1938) anomie (i.e. normlessness) theory states that crime is the result of strains caused by disjunction between cultural goals and structural means. Strains or frustrations are produced, norms are breakdown and deviant behaviour results. Actually Merton took the concept of anomie from Emile Durkheim who revived the old term for his own purposes in 1893 and used the concept espacially in his sociological study and suicide rates.\(^10\)

Albert K. Cohens (1955) measuring rod theory of delinquent gang boys states that the delinquent subculture takes its norms from the larger subculture but turns them upside down. The delinquents conduct is right by the standards of his subculture precisely because it is wrong by the norms of the larger culture. In the gang, the norms of the larger society are reversed so that non utilitarian, deviant or delinquent behaviour is the preffered mode.

Cloward and Ohlin's (1960) differential opportunity structure theory includes three types of illegal opportunity available to lower class juveniles
criminal gang, conflict gang and retreatist or drug oriented gang lower class youth experience intense frustrations, which fact results in their non-conformist and illegitimate alternatives. This theory is difficult to test and evaluate empirically.

George Herbert Mead's (1918) theory of self explains why only a limited people become law breakers? Becoming a delinquent and assuming a criminal identity, involves more than merely associating with law violators, such association requires to be meaningful to the individual and supportive of the role and self concept that he wants to be committed to.

Frederick Thrasher's (1927) gang theory states that juvenile delinquency is a subculture within the lower class, passed on from one generation to another through a constantly replenished series of age graded gangs. Thrasher said that a gang originates during the adolescent years from spontaneous play groups and conflict with other groups, transforms it into a gang for protecting its member's rights and satisfying the needs which their environment and their family could not provide.

Gresham Sykes and David Matza (1964) in the theory of drift stated that man is neither totally free nor is he totally constrained. Drift stands midway between freedom and control. A youngster drifts between criminal and conventional action. Youngster can periodically drift into delinquency because normal conventional control that usually inhibit delinquent behaviour becomes neutralised as a result of drifting process. Once he indulges in delinquency, he drifts back to conventionality.

Cyril Burt (1938) in his book, The Young Delinquent, stated that the
causes of juvenile delinquency could not be located in a single factor or even in a single discipline. He attributed delinquency to a multiplicity of diverse factors such as conspicuous influences, cooperative factors, minor factors and in operative factors. During Burt's time, poverty was a popular factor for explaining delinquency.\footnote{Marwell Gerald's (1969) lack of power theory hypothesized that some delinquency may stem from the adolescent's lack of power. Children have little personal power of their own, outside their peer groups. Delinquency is an attempt by adolescents to augment their personal power by manipulation of their situation. Specifically, classic delinquent acts may be interpreted as attempts to accrue power in relationships among peers.}

Marwell Gerald's (1969) lack of power theory hypothesized that some delinquency may stem from the adolescent's lack of power. Children have little personal power of their own, outside their peer groups. Delinquency is an attempt by adolescents to augment their personal power by manipulation of their situation. Specifically, classic delinquent acts may be interpreted as attempts to accrue power in relationships among peers.

Edwin Lemert's (1967) labelling theory states that acts are not in and of themselves delinquent. Instead, acts acquire delinquent character by society's conception of them. Because societies change, ideas of what is deviant also change. When a juvenile is detected, labelled and treated as a juvenile, his self concept is changed and resultantly he becomes committed to additional and more serious delinquency.

All these theories have their strengths and their weaknesses. After an examination of various theories, it seems that it is a complex and perplexing phenomenon that eludes simple explanations. The whole material available on this topic has become helpful in explaining and providing direction for prevention or reduction of some types of delinquency, but has not provided definite answers to the problem.

2.4 Classification of Juvenile Delinquents

There are many diverse opinions in treating a particular misbehaviour
as deviant and labelling a boy or girl as delinquent. The law labels any child as such who presumably has committed even one act of delinquency however mild. The misbehaving non-delinquents and the confirmed delinquents needs to be distinguished. Even though, number of definitions have been given the definitions based on commission of a delinquent act or arrest and adjudication gains prominence. One should not forget that delinquent is adolescent first and a delinquent second.

Juvenile delinquents have been classified by different scholars while using different bases. Griffin and Griffin (1978) have classified them as (i) Juvenile offenders (ii) Arrested juveniles & (iii) Adjudicated juveniles.

Hirsh (1937) classified them as - (On the basis of offences committed) - (i) incorrigibility (ii) truancy (iii) larceny (iv) destruction of property and (v) violence.

Robert Trojanowicz (1973) has classified delinquents as - accidental unsocialised, aggressive, occassional, professional and gang organised.

Criminologists categorize juvenile offenders as - (i) Mandatory juvenile offender (habitual offenders) (ii) Violent juvenile offender (Above 13 years of age and indulge in violent crime) & (iii) Aggravated juvenile offender (above 12 yrs. of age and commited felony).

In India, after 1960, through three major acts, children have been classified as followed:

(A) The Children Act, 1960 (Now Repealed) - (i) Neglected child [S.2(l)] (ii) Uncontrollable child (S.17) & (iii) Delinquent child (s.18).
Who takes charge of these children?

(i) Neglected children - can be taken charge by police or probation officer or superintendent of Observation or Remand Home be produced before Child Welfare Board (Constituted as per S.4)

(ii) Uncontrollable child - be produced before Child Welfare Board or Juvenile Court by the parents or guardians.

(iii) Delinquent children - are taken charge of by police and produced before Juvenile Court (Constituted as per S.5)

(B) The Juvenile Justice Act, 1986 (Now Repealed) -

(i) Neglected juveniles [S.2(l)] & (ii) delinquent juvenile [S.2(e)]

(C) The Juvenile Justice (Care and Protection of Children) Act 2000 (Now inforce) -

(i) Juvenile in conflict with law [S.2(l)] & (ii) Child in need of care and protection [S.2(d)]

Juveniles in conflict with law be produced before Juvenile Justice Board (constituted as per S.4) while child in need of care and protection be produced before Child Welfare Committee\(^\text{14}\) (Constituted as per S.29)

Even though number of different basis are being used to classify delinquents, all channels of investigations on juvenile offenders must be left open to gather knowledge regardless of whether they are based on offences, arrest or adjudication.

2.5 History of Juvenile delinquency and Justice System

The problem of juvenile delinquency is not confined to a particular
country, to a particular continent or a particular generation; it is a global problem. Not only is delinquency present world wide, but recent reports indicate that it is increasing. The decade prior to 1994, saw a significant increase in violent juvenile crime, high profile cases of serious and violent crimes committed by juveniles and young adults and the resulting perception that America was experiencing a juvenile crime wave unlike anything in its history. Based on the projected growth in the juvenile population during the early 21st century, some predicted a coming storm of youth violence and the emergence of young "super-predators".15

Juvenile misbehaviour is common in the United States. Some reports state that delinquency is "more widespread, more organised and more serious in form in the United States than any place else." According to Uniform Crime Reports for 1975, indicates that 26% of all arrests in U.S.A. are of juveniles. Of course, the actual figures are more than this. There is a hidden delinquency and the available juvenile statistics is "a tip of iceberg". A major problem associated with official statistics is that not all juveniles who commit delinquent acts are included in reports. Some serious acts are not detected. Other are detected but not reported to the police. Friends and neighbours may informally "take care of" the problem caused by the child.

Juvenile delinquency has a tremendous impact on American Society. Financial losses run into the billions of dollars. Social and psychological costs cannot be measured but there is reason to believe that delinquency is equally burdensome in these areas. Unfortunately, efforts to deal with delinquency have focussed on mechanical detection systems, judicial and
policing agencies and insurance to recover losses rather than on the correction and rehabilitation of youths.\textsuperscript{16}

In the United Kingdom, the problem is also serious but the country has decided to handle it outside the framework of English Criminal Law. Though the problem has attracted Nationwide attention, many reformists feel that delinquency among adolescents is a transient phase and will disappear as they grow older, hence they need to be tackled differently.

Turkey has shown keen interest in juvenile justice. Even though the rate of delinquency is not high, slightest rise excites concern in that country because of the strong hold of the family institution. According to Nephan Savan, the Turkish scholar; theft, violence, sexual offences, smuggling and pickpocketing are the most prevalent crimes and found more among 16-18 years age. The main causes of delinquency are crowded families, poor housing, unemployment and cultural conflict.\textsuperscript{17}

\textbf{International efforts for juvenile justice}

The ever increasing problems of Juvenile delinquency in developed and developing countries drew attention of the U.N. to work out some guiding principles for juvenile justice system. The world summit Plan of Action called for special attention, protection and assistance to juvenile delinquents - children in conflict with the law. The 1990s witnessed the adoption of a comprehensive International framework of rules and guidelines in the field of juvenile justice. (The details of the international framework is being discussed in Ch. VI under para 6.2 in this thesis).

Several countries fixed a minimum age below which children are
presumed not to have the capacity to infringe the Penal Law. Others established specialised courts to ensure that juveniles accused of an offence are treated in a way that takes their age into account and promotes their sense of dignity and worth. In Latin America, newly adopted codes on the rights of children have often included specific provisions designed to ensure due process in juvenile justice.

Many countries have now taken steps to guarantee children's right to be heard in legal and administrative proceedings that affect them. All but five countries in the world have now eliminated the possibility that the death penalty be applied for crimes committed by those under the age of 18. Some countries have also banned the flogging of children.

Special efforts should be made to prevent juvenile delinquency through effective educational opportunities. Stable family environments and community based programmes those respond to the special concerns of children and offer appropriate guidance and counselling to them and their families.

Legislation should be advanced to ensure that children are only deprived of their liberty as a last resort and for the shortest period possible. A minimum age of criminal responsibility should be established and due process ensured for all children involved with the juvenile justice.

Alternative structures should be developed to deal with children without resorting to judicial proceedings, always providing that children's rights are respected and that restorative justice systems are encouraged so as to promote community involvement in victim-offender
reconciliation. Existing international standards should be publicised through awareness raising and information campaigns as well as through training of law enforcement officials, prosecutors, judges, lawyers and social workers.¹⁸

2.6 Causal Factors in Juvenile Delinquency

The problem of juvenile delinquency is complex and ubiquitous. It occurs in every country, community effecting children of all religious beliefs, socio economic class and ethnic groups. No region, no religion or group is immune, since a combination of factors lead to its occurrence. It is therefore very necessary to identify and address the factors responsible for the awesome problem.

The character of the child is moulded by his environment. Children become delinquent by force of circumstances and not by choice, hence Sir. Cyril Burt¹⁹ has rightly pointed out that the juvenile offender is easier to study at the same time, he is easier to reclaim. Let us find out different forces of circumstances.

i) Family

A child's first line and protection should be the family. As the world summit plan of Action States, for the full and harmonious development, of their personality, children should grow up in a family environment, in an atmosphere of happiness, love and understanding. Accordingly, all institutions of society should respect and support the efforts of parents and other care givers to nurture and care for children in a family environment.²⁰

The family is one of the primary agents for the socialization of
children because child's first experience with social life usually comes from within the family. The family has more influence when the child is young, as the child reaches adolescence, the peer group becomes increasingly important as an influence on behaviour\(^{21}\). Normal home life is the best for children for what they need most is emotional security. An abnormal home life is almost a destructive factor for adolescents and children\(^{22}\).

Family environment producing delinquent behaviour can be studied with reference to broken homes, family tensions, parental rejection, lack of parent-child involvement, lack of discipline, emotional instability, mothers employment outside the home, emotional deprivation, divorces, violence in the home, parental drinking, smoking and family economics too. A family's inability to provide for a material needs of the child can create insecurity and affect the amount of control that the family exerts over the child. Economic condition of the family can be one of many contributing factors among lower class delinquency. Low income is the potential cause of juvenile delinquency. Failure of parents to provide necessities of life such as food, clothing etc. draws their children to delinquency in a quest for earning money by whatever means.

ii) School

'The mother is the "First School" for the child and the school is the "second mother" for him'. Even if it is so, many juvenile misconduct occurs either within or near the school, as it concentrates a large number of youngsters in a small area for a major part of their day. Misconduct in school ranges from discourtesy to teachers to vandalism, assault, drug use
and alcohol abuse. Most of the schools have minor juvenile conduct problems such as use of obscenity language, cheating, lying, petty theft etc. Serious acts are also committed such as frightening, drug use, weapon possession etc.

Many scholars stressed that schools are especially important for producing delinquency in lower-class youths, who lack commitment to educational goals and resultanty they fail and percentage of drop-outs increases. Of course, the school is not directly responsible for producing delinquents, it is perceived as a more or less effective mechanism for inhabiting antisocial behaviour.

Of course and it is good also, that many schools themselves handle most of the misconduct through relatively well developed discipline and policing policies. Only after serious delinquency done, the school official consider calling the police for aid. The schools with the help of teachers and parents should establish squad for curbing juvenile misbehaviour activities in and around the school.

iii) Neighbourhood

The impact of neighbourhood on the child is greater in urban areas. After the family and school, he spends rest part of the day in the company of neighbours. The neighbourhood can contribute to delinquency by blocking basic personality needs, engendering cultural conflicts and fostering antisocial values. Congested neighbourhoods with inadequate recreation facilities deny the natural play impulses of children and encourage the formation of delinquent gangs.
iv) Peer groups

The peer group is an informal network of individuals of similar age, and generally formed spontaneously in areas where children readily meet and interact. These groups are also called as street gangs, juvenile collectives or cliques. Every adolescent peer group teaches its member some kind of deviance, since variance from the standards of parents, teachers and the adult establishment is integral for establishing an independent identity. Habits of children and their friends such as stealing and smoking, gambling and smoking, consuming alcohol and smoking are generally found among such peers.

v) Slums

The slums, generally called as Bustee or Zopadpatties are the greatest disintegrators of the normal life of children. The parents are absent from houses to earn a living. Lack of playgrounds and recreation, drives the children to play in the streets, away from all controls, where they learn many acts of delinquency. The slum areas are the sources from where either the adult criminality or the juvenile delinquency originates to the greater extent. Migration of deserted and destitute boys to slums bring them in contact with antisocial elements carrying on prostitution, smuggling of liquor or narcotic drugs and bootlegging.

vi) Poverty

Economic factors play an important role in the causation of Juvenile delinquency. Generally poverty does produce social conditions which are conducive to criminality. Any large gap in the distribution of wealth in a
society, brings home to the poorer classes their property and furnishes an inducement to crime. Unemployment increases poverty, inequality and resentment against society. Repeated rebuffs and disappointments in getting a job makes a man antisocial; ready to take revenge against society. Not merely regular employment, but satisfactory employment is needed to keep a man away from crime. The poverty that counts is, as a rule, not absolute poverty but relative poverty - the ratio of available means to irresistible desires; and hence Sir Burt Cyril has rightly pointed out that "If the majority of the delinquents are needy, the majority of the needy do not become delinquents".  

vii) Mass media

Lopiparo observed that "in view of the fact that a child born today will, by the time he or she is 18, have spent more of his or her life watching TV than in any other activity except sleep, the subject of TV aggression deserves a long, hard look". Movies, T.V., cheap recreational material, comic books featuring immortality, smoking, drinking and brutality leave a strong impressions on the young minds of the children and the adolescents. Many a times these media teach the techniques of crime and delinquency. Several children are arrested for using the same techniques to commit thefts, burglaries and kidnapping.

Besides above, drug use, lack of organisations of leisure time, work environment, modern living, heredity, individual traits such as low verbal intelligent quotient, low self control, irritability and many more items are linked with the incidence of delinquency. Such psychosocialological
Chapter - II  

Juvenile Delinquency in India

investigations have caused the shifting of emphasis from the punishment of the offender to the examination of the social conditions which have produced his antisocial personality.

2.7 Juvenile Justice System

"The compassion and understanding are the keys to reform the current youth". Any countries juvenile justice system must be based on the English concept, 'Parens Patriae'. The role of the King acting as the parent when no parents existed to protect the rights of the child. Under this spirit, the American Courts perpetuated the concept of 'parens patriae' or the court acting in the best interest of the child as well as the community.

The police, juvenile courts, the corrective institutions like remand homes, observation homes, children homes, special homes, fit institutions and after care organisations, juvenile homes. Juvenile Justice Boards, Child Welfare Committees, Shelter homes, Reformatory Schools and Borstals, Certified schools and their staff including Juvenile judges are the different components of the entire Juvenile Justice system.

Police officers play an important role in the prevention and control of delinquency. Their presence at public gathering of Juveniles is designed to serve as a deterrent to destructive or violent behaviour and they have broad discretion in the handling of youth as committing unlawful act; but in practice, the police spend only a small amount of their time dealing with cases. When the police do discover or hear about a crime, they usually do not catch the offender and if the police do catch the offender, they usually do not arrest the person. As per S.63 of the J J Act 2000, inorder to enable
the police officers who frequently deal with juveniles in every police station, special juvenile police unit must be established in every district and city to upgrade the police treatment of the juveniles and children. Preventive patrolling by the police is the major type of policing the system.

The juvenile court was born in an era of reform and it spread with amazing speed. These courts have since become the primary judicial agency for dealing with juvenile delinquency. These courts play major role in processing, handling and treating the juvenile offenders. Although the juvenile court frequently deals with individuals, who violate criminal statutes it is not a criminal court. It is relatively new judicially separate unit with special procedure and a distinct philosophy of treatment oriented in solving the problems of youth. The judge of the court should be a friend, philosopher and guide of a child. The following orders may be passed by a juvenile court -

a) The Juvenile may be allowed to go home after advice or admonition.²⁷

b) The Juvenile may be released on probation under the care of any parent, guardian or other fit person on their executing a bond for well being and a good behaviour of the juvenile for a period not exceeding three years.²⁸

c) The Juvenile may be sent to a special home to remain there till he ceases to be a juvenile or in the case of juvenile over 17 years but less than 18 years of age, for a period of not less than 2 years.

Observation homes, Juvenile homes, Special homes etc. are the institutions established under the provisions of different Acts to accommodate
Chapter - II Juvenile Delinquency in India

the Juveniles when their cases are either pending or for the arrangement of their food, clothing and shelter and for the rehabilitation purpose.

The entire Juvenile Justice System of any country should be based on two fundamental assumptions viz.

i) Young offenders should not be tried, they should rather be corrected

ii) they should not be punished but be reformed.

(B) India

2.8 Juvenile Delinquency in India - Nature, Incidence and Characteristics

The nature and intensity of juvenile delinquency in India can be judged from the statistics compiled and published by NCRB (National Crime Records Bureau, Delhi). The researcher has collected the data from the year 1988 to 2002. The following analysis is based on that statistics which is converted in the form of maps and tables. Like other countries. In India also there is hidden delinquency. Juvenile statistics available in India is like a tip of iceberg. Of the total delinquencies committed by the Juveniles, hardly 2 to 3 percent come to the notice of the courts and police.

In India upto 1998, every year about 12,479 crimes were committed under IPC and under the local and special laws. Crime cases attributed to juveniles have been reduced now (from 24827 in 1988 to 9339 in 1998). The graph in fig no. 2.1 shows declining trend. It has been found that offences committed by Juveniles, to the total IPC crimes reported in the country has also shown a declining trend since 1988. From 1.72 % during 1988, the share of Juvenile crimes has steadily gone down upto 0.52 in 1998 (Average
Chapter - II  
\\
Juvenile Delinquency in India

**INCIDENCE RATE OF JUVENILE CRIMES UNDER IPC**

**INDIA & MAHARASHTRA 1988-1998**

**PERCENTAGE OF JC TO TOTAL CRIMES INDIA & MAHARASHTRA**

**INCIDENCE RATE OF JC CRIMES PER 1,00,000 POP**

(FIG 2.1)
Juvenile Delinquency in India

0.76%). By considering the mid year estimated population (MYEP), the incidence rates of the country have been calculated year wise. The graph (Fig. No. 2.1) indicates that within 11 years prior to 1998, the rate was 1.41 per 1,00,000 Est. population. This rate was 3.12 per one lakh population during 1988 which has declined upto 0.96 in 1998. In sum, the number of Juvenile cases, percentage of Juvenile crimes to total and incidence rates, all the three parameters show declining trend.

The incidence of Juvenile delinquency varies widely in different states. In the year 1998, out of 9339 Juvenile offenders of India, the 2349, 2254 and 1033 were from Madhya Pradesh, Maharastra and Gujarat respectively. The percentage of these 3 states respectively were 25.15, 24.14, and 11.06 respectively. Nearly 30% of Juvenile offenders of India are found in Madhya Pradesh State. These three states have together contributed to 56.3% of total Indias delinquency of 2002. (Refer Table No. 2.3) Since 1998, Madhya Pradesh, Maharastra and Gujarat, the states of western corner of Central India, show high Juvenile delinquency zone of India.

The highest number of delinquencies committed by Indian Juveniles under the IPC are 'money motivated' that is theft and burgalary followed by Hurt, Riot and Murder (occupying I,II,III,IV,Vth rank respectively) The theft cases accounts for 24.6% in total, while Burglary 12.8, Hurt 11.1, Riot 9.5 and Murder 2.9 in sequence. It means that, every fourth Indian juvenile offender commits a theft and every eighth commits the Burglary. The crime headwise analysis of India is being made. It is observed that Madhya Pradesh and Maharashatra are the two leading states in India where
Juvenile Delinquency: India and Maharashtra in Comparison

Table 2.1: Table showing percentage of Juvenile crimes to total crimes and incidence rate of juvenile crimes per 1 lakh population in India and Maharashtra

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Year</th>
<th>Percentage of Juvenile crimes to total crimes</th>
<th>Incidence rate of Juvenile crimes per 100000 pop.</th>
<th>Sr. No.</th>
<th>Year</th>
<th>Percentage of Juvenile crimes to total crimes</th>
<th>Incidence rate of Juvenile crimes per 100000 pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>India</td>
<td>Mahara.</td>
<td>India</td>
<td>Mahara.</td>
<td>India</td>
<td>Mahara.</td>
</tr>
<tr>
<td>1</td>
<td>1988</td>
<td>1.72</td>
<td>5.78</td>
<td>3.12</td>
<td>15.03</td>
<td>7</td>
<td>1994</td>
</tr>
<tr>
<td>2</td>
<td>1989</td>
<td>1.21</td>
<td>3.59</td>
<td>2.27</td>
<td>9.37</td>
<td>8</td>
<td>1995</td>
</tr>
<tr>
<td>3</td>
<td>1990</td>
<td>0.95</td>
<td>2.23</td>
<td>1.84</td>
<td>5.51</td>
<td>9</td>
<td>1996</td>
</tr>
<tr>
<td>4</td>
<td>1991</td>
<td>0.75</td>
<td>1.77</td>
<td>1.48</td>
<td>4.44</td>
<td>10</td>
<td>1997</td>
</tr>
<tr>
<td>5</td>
<td>1992</td>
<td>0.66</td>
<td>1.66</td>
<td>1.28</td>
<td>4.00</td>
<td>11</td>
<td>1998</td>
</tr>
<tr>
<td>6</td>
<td>1993</td>
<td>0.58</td>
<td>1.19</td>
<td>1.07</td>
<td>2.65</td>
<td>12</td>
<td>Average 1988 to 98</td>
</tr>
</tbody>
</table>

(Source: NCRB, Delhi and SCRB, Pune 1988-1998)
half the juvenile offenders of the country are found. In the crimes of Theft, Hurt and Burglary, the Juveniles of Maharashtra stands first in the country, while the Juveniles of Madhya Pradesh are leading and stand first in India in committing Rape, Murder and Attempt to commit murder. Maharashtra's juveniles are leading in committing money motivated crimes while Madhya Pradesh's juveniles are engaged in rape and Murder. (Refer Table No. 2.4) Maharashtra and Madhya Pradesh together account for 37% juveniles committing theft in India; while 61% juveniles causing hurt, 48% committing burglary, 49.5% committing rape and 44% committing murder in India are being arrested from Maharashtra and Madhya Pradesh together. In sum, it can be positively stated that major deviant activities among Indian youth are taking place in Madhya Pradesh, Maharashtra and Gujrat states.

In India, the delinquency rates are many times higher for boys than girls. It means, girls commit fewer delinquencies than boys. The study of percentage of girls offenders to the total is made for India from 1988 to 1998 and is shown in Table No. 2.5. On and Average, in India out of 100 delinquents, 21.4 are girls while 78.6 are boys. It means overall arrest ratio is of 3.67 boys for one girl. It seems that, after 1995 the % of girl offenders has crossed the figure 20; (The maximum percentage of girl offenders to the total i.e. 26.3 was observed in the year 1996 in India). Prior to 1995, it was below 20; It means that with the advancement of the year, the girls are more indulged in deviant activities.

The delinquency rates tends to be highest in India, during early adolescence (12-16 years age group). The age group wise percentage of
juveniles apprehended in India during 1988 to 1998 has been calculated and shown in the Table No. 2.6. The table indicates that 68.7% of total juveniles apprehended are from early adolescence age group (i.e. 12-16 years) while 15.7% are from young age group i.e. below 12 years and remaining 15.6% are of late adolescence group (i.e. 16-18 years age group).

The share of 16-18 years age group has increased from 9.5 percent in 1988 to 21.4 percent in 1998. This indicates that the late adolescence group is now becoming more active in indulging with deviant activities than the early adolescence group. This type of radical change needs more systematic investigation.

Educational level and juvenile delinquency are inversely proportional to each other. Low educational background is the prime attribute of delinquency. About two - fifth (38.1%) of the juveniles offenders of India are illiterate, two - fifth (39.4%) are primary passed, one - fifth (18.4%) are middle and secondary passed and a very small number (4.1%) is educated upto the high school level and above (Refer Table No. 2.7). Thus in India, most delinquents are either illiterate or less educated.

Children living with parents and guardians are found to be more involved in the juvenile crimes (Table No. 2.7). At the time of arrest, about three - fourths (73.0%) of the delinquents were found living with their parents, about one - fourth (21.8%) with their guardians and about one - twentieth (5.2%) were homeless. This clearly shows that family clashes, tensions, bad family environment play the decisive role in increasing juvenile delinquency in India.
Table 2.2: Table showing Maharashtra percentage share (crime headwise) in Juvenile Delinquency in country's Total (IPC)

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Theft</td>
<td>38.6</td>
<td>26.7</td>
<td>15.2</td>
<td>23.3</td>
<td>23.7</td>
<td>29.2</td>
<td>24.4</td>
<td>29.3</td>
<td>9. Rape</td>
<td>30.0</td>
<td>13.1</td>
<td>12.5</td>
<td>13.2</td>
<td>8.9</td>
<td>11.0</td>
<td>10.3</td>
<td>16.1</td>
</tr>
<tr>
<td>2. Hurt/GH</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>26.9</td>
<td>32.2</td>
<td>30.0</td>
<td>29.0</td>
<td>10. Molestation</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>NA</td>
<td>27.3</td>
<td>20.6</td>
<td>29.7</td>
<td>25.9</td>
</tr>
<tr>
<td>3. Burglary</td>
<td>37.7</td>
<td>26.0</td>
<td>24.0</td>
<td>26.9</td>
<td>19.8</td>
<td>23.1</td>
<td>28.9</td>
<td>28.2</td>
<td>11. Dacoity</td>
<td>35.4</td>
<td>15.7</td>
<td>21.9</td>
<td>8.9</td>
<td>6.8</td>
<td>30.0</td>
<td>48.6</td>
<td>24.2</td>
</tr>
<tr>
<td>4. Riot</td>
<td>24.3</td>
<td>17.5</td>
<td>16.2</td>
<td>6.7</td>
<td>9.8</td>
<td>18.7</td>
<td>24.5</td>
<td>18.5</td>
<td>12. Kidnapping</td>
<td>23.6</td>
<td>10.9</td>
<td>9.5</td>
<td>8.5</td>
<td>4.5</td>
<td>4.2</td>
<td>15.0</td>
<td>13.4</td>
</tr>
<tr>
<td>5. Murder</td>
<td>33.1</td>
<td>16.8</td>
<td>16.2</td>
<td>12.6</td>
<td>12.2</td>
<td>11.1</td>
<td>18.3</td>
<td>19.8</td>
<td>13. Cheating</td>
<td>39.0</td>
<td>14.3</td>
<td>33.3</td>
<td>11.1</td>
<td>15.0</td>
<td>18.6</td>
<td>12.1</td>
<td>21.6</td>
</tr>
<tr>
<td>6. Att. to Murd.</td>
<td>77.8</td>
<td>15.4</td>
<td>15.1</td>
<td>6.7</td>
<td>7.4</td>
<td>17.0</td>
<td>12.4</td>
<td>17.2</td>
<td>14. Dowry death</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>NA</td>
<td>11.9</td>
<td>NIL</td>
<td>24.3</td>
<td>8.2</td>
</tr>
<tr>
<td>7. Robbery</td>
<td>44.4</td>
<td>18.4</td>
<td>24.5</td>
<td>4.0</td>
<td>6.9</td>
<td>32.0</td>
<td>30.2</td>
<td>30.8</td>
<td>15. Other IPC</td>
<td>51.6</td>
<td>23.9</td>
<td>22.2</td>
<td>28.6</td>
<td>12.3</td>
<td>9.1</td>
<td>18.9</td>
<td>32.6</td>
</tr>
<tr>
<td>8. Cruelty by husband</td>
<td>NIL</td>
<td>NIL</td>
<td>NIL</td>
<td>NA</td>
<td>44.6</td>
<td>40.9</td>
<td>29.8</td>
<td>37.0</td>
<td>16. Total IPC</td>
<td>42.7</td>
<td>23.2</td>
<td>22.8</td>
<td>19.6</td>
<td>18.2</td>
<td>21.6</td>
<td>24.1</td>
<td>28.1</td>
</tr>
</tbody>
</table>

N.A. : Data not available.

(Source: Computed from NCRB, Delhi and SCRB, Pune 1988-198 Reports)
Poor economic background is another important characteristics of juvenile delinquency in India. It is more a lower-class phenomenon (Refer Table No. 2.7). Those belonging to the bottom strata have been found to have the highest rates. About half (52.1%) of the delinquents come from homes with an income of less than Rs. 500/- p.m. (i.e. destitute and very poor classes), about one-fourth (26.6%) from homes with income between Rs. 501 and Rs. 1000 per month (poor classes) about one-tenth (14.4%) from homes with income between Rs. 1001 and Rs. 2,000 p.m. (i.e. middle class) and a very small number (5.4%) from homes with income between Rs. 2001 and Rs. 3,000 per month (upper-middle class) or with income above Rs. 3,000 p.m. (1.5%) (i.e. upper class).

Ninety percent of the juvenile delinquents are first - offenders and only one - tenth are recidivists or crime repeaters. The 1998 figures show that 89.1% were new offenders (16,903 out of 18,964).

In the year 1998, total number of juveniles arrested and sent to the court were 18,964 in number. Out of them, 36.2% cases were pending; 11.1% juveniles were acquitted. 13.8% were sent home on advice and admonition, 24.9% juveniles were released on probation under the care of parents or a guardian or other fit person on their executing a bond, 9.2% were sent to a special home, while remaining 4.8% juveniles parents were asked to pay the fine. This seems that more than one third cases of juveniles remain pending for one or the other reason. There is a heavy work load all round, in courts, police and probation services. Secondly, the court should make more use of probation and short commitment in more cases; because
juvenile delinquency large number of children do not need institutionalisation and definitely not for long period of time.

### 2.9 Maharashtra's contribution in Indian Juvenile Delinquency

The State of Maharashtra contribute largely in the occurrence of juvenile delinquency in our country. The State of Maharashtra accounts for about 24.14 percent of total juvenile delinquents in India. It means that every fourth juvenile delinquent in India is Maharashtrian. Since 1988, Madhya Pradesh and Maharashtra, the two states give half of juvenile delinquents to India. The remaining 26 states and 7 union territories accounts together for the remaining 50 percent.

Table No. 2.3: INDIA: Juvenile Delinquency - major states contribution (IPC) 1988 & 2002

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of State</th>
<th>1988</th>
<th>Year 1988</th>
<th>Year 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of Juvenile Delinquents</td>
<td>% to total</td>
<td>Rank</td>
<td>Number of Juvenile Delinquents</td>
</tr>
<tr>
<td>1.</td>
<td>Madha Pradesh</td>
<td>2349</td>
<td>25.15</td>
<td>I</td>
</tr>
<tr>
<td>2.</td>
<td>Maharashtra</td>
<td>2254</td>
<td>24.14</td>
<td>II</td>
</tr>
<tr>
<td>3.</td>
<td>Gujrat</td>
<td>1033</td>
<td>11.06</td>
<td>III</td>
</tr>
<tr>
<td>4.</td>
<td>Above total</td>
<td>5636</td>
<td>60.35</td>
<td>I,II,III</td>
</tr>
<tr>
<td>5.</td>
<td>Other states' total</td>
<td>3703</td>
<td>39.65</td>
<td>-</td>
</tr>
<tr>
<td>6.</td>
<td>India</td>
<td>9339</td>
<td>100.00</td>
<td>-</td>
</tr>
</tbody>
</table>

(Source: Computed from NCRB and SCRIR Reports 1998, 2002)
Chapter - II  

Juvenile Delinquency in India

The National Crime Records Bureau statistics of 1988 to 1998 explains that yearly average number of delinquents arrested in India were 12479 in which Maharashtra's share was 29.1 percent (3637). Fig. 2.1 clearly indicates that graph of number of cases of Maharashtra and that of India run's parallel. It means Maharashtra's contribution in country's total is constant and it does not fluctuate yearly. During the study period, the percentage of juvenile crimes to total cognisable crimes in India was 0.76 while that of Maharashtra was 1.94, Maharashtra's percentage is two and half times greater than the India's percentage. The incidence rates of Juvenile crimes of India and Maharashtra have been calculated and shown in the table No. 2.1. It shows that both the regions show decreasing trend (India's rate of 1988 was 3.12 which has declined upto 0.96 in 1998 while that of Maharashtra was 15.03 and 0.96 respectively). It is observed that India's average juvenile delinquency rate per 100,000 population during 1988 to 1998 was 1.41 and that of Maharashtra was 4.42; Thus Maharashtra's juvenile delinquency rate is more than three times the rate of the country. (Fig. 2.1 graph 3).

Maharashtra accounts for 28.1 percent of the total juvenile delinquencies in India under I.P.C. (Table. 2.2) Crime headwise percentage share of Maharashtra is being calculated for 11 years from 1988. It gives certain awful results. In the crimes like cruelty by husband (37.0%), Robbery (30.8%), Theft (29.3%), Hurt (29.0%), Burglary (28.2%). Maharashtra's share is more than twentyfive percent of India. In female Harassment and Money motivated crimes, Maharashtra's juveniles are in lead in the country. In case of committing crimes like Theft, Hurt and Burglary; Maharashtrian youth offenders stand first in the country (Table No. 2.4), followed by

Juvenile Delinquency ————————————————————

61
Table No. 2.4: Showing Crime head wise first two states in India 1998-2002

<table>
<thead>
<tr>
<th>Crime Head</th>
<th>Theft</th>
<th>Hurt/G. Hurt</th>
<th>Burglary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>Rank</td>
</tr>
<tr>
<td>1. Madya Pradesh</td>
<td>241</td>
<td>15.8</td>
<td>II</td>
</tr>
<tr>
<td>2. Maharashtra</td>
<td>525</td>
<td>24.4</td>
<td>I</td>
</tr>
<tr>
<td>3. Above total</td>
<td>866</td>
<td>40.2</td>
<td>II, I</td>
</tr>
<tr>
<td>4. Other state's total</td>
<td>1286</td>
<td>59.8</td>
<td>-</td>
</tr>
<tr>
<td>5. India</td>
<td>2152</td>
<td>100</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Crime Head</th>
<th>Rape</th>
<th>Murder</th>
<th>Attempt to commit murder</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>Rank</td>
</tr>
<tr>
<td>1. Madya Pradesh</td>
<td>88</td>
<td>45.4</td>
<td>I</td>
</tr>
<tr>
<td>2. Maharashtra</td>
<td>20</td>
<td>10.3</td>
<td>II</td>
</tr>
<tr>
<td>3. Above total</td>
<td>108</td>
<td>55.7</td>
<td>I, II</td>
</tr>
<tr>
<td>4. Other state's total</td>
<td>86</td>
<td>44.3</td>
<td>-</td>
</tr>
<tr>
<td>5. India</td>
<td>194</td>
<td>100</td>
<td>-</td>
</tr>
</tbody>
</table>

No. - number of delinquents, % - Percentage to the total, NA - Data not available
(Source: Compiled from NCRB & SCRB Reports 1998-2002)

Maharashtra - first in Theft, Hurt & Burglary. Madhaya Pradesh - first in Rape, Murder & Attempt to commit murder
Juvenile Delinquency in India

Madhya Pradesh; while in case of Rape, Murder and Attempt to commit murder, the State of Maharashtra stands second in the list, where the first position is occupied by the State of Madhya-pradesh. Poverty and lust for modern luxurious living, motivate the Maharashtrian youths to comit 'money motivated' crimes. Sixtyone percent of juveniles arrested under hurt, 51% under attempt to commit murder, 49.5% under rape, 48% under burglary, 44% under murder and 37% under theft in India are from Maharashtra and Madhya-Pradesh together (Table No. 2.4).

The contribution of girls in juvenile delinquency in India is considerable. During 1988-98; 21.4 percent girls and 78.6% boys are engaged in juvenile activities, but the Maharashtra's figures are more for girls (22.0%) and less for boys (78.0%). In 1988, only 17.5 girls were involved in every 100 juveniles offenders but in next ten years (i.e. in 1998) this figure has gone up to 28.9% (Refer Table 2.5). It means that percentage of girls becoming juvenile offenders is increasing in the passage of time. Previously, the female juvenile delinquency was largely limited to self destructive activities rather than ones that threatened the wellbeing of the community, which is the present trend. Previously the offenses with which girls were often charged was fermed as "victimless offenses" in the sense that they harmed no one but themselves but nowadays, by using the feminity and chastity they have adopted a new policy of committing crimes with the more aggressive misbehaviour.

The age groupwise percentage of juveniles apprehended in Maharashtra during 1988 to 1998 has been calculated and shown in fig. 2.6. It indicates that 70.0 percent of total juveniles apprehended in
Table No. 2.5: Table showing percentage of Girls offenders to the total in Maharashtra and India 1988-1998

<table>
<thead>
<tr>
<th>Region</th>
<th>% of Girl offenders to the total</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maharashtra</td>
<td></td>
<td>17.5</td>
</tr>
<tr>
<td>India</td>
<td></td>
<td>13.5</td>
</tr>
</tbody>
</table>

(Source: Compiled and calculated from NCRB, Delhi and SCRB, Pune Reports)

Table No. 2.6: Table showing age wise % of Juveniles apprehended in Maharashtra and India (1988-1998)

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7-12</td>
<td>12-16</td>
<td>16-18</td>
<td>7-12</td>
<td>12-16</td>
<td>16-18</td>
</tr>
<tr>
<td>Avg. group</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maharashtra</td>
<td>27.4</td>
<td>67.3</td>
<td>5.3</td>
<td>13.1</td>
<td>75.7</td>
<td>11.2</td>
</tr>
<tr>
<td>India</td>
<td>9.0</td>
<td>81.5</td>
<td>9.5</td>
<td>11.9</td>
<td>76.5</td>
<td>11.5</td>
</tr>
</tbody>
</table>

(Source: Compiled and calculated from NCRB, Delhi and SCRB, Pune Reports)
Maharashtra are of early adolescence age group (i.e. 12-16 years). This percentage is higher than country's average i.e. 68.7%, while 16.4 percent are from young age group i.e. 7 to 12 years. This percentage is also higher than country's average i.e. 15.7 and remaining 13.6% are of late adolescent group (i.e. 16 to 18 years age group). Here this percentage is lower than country's average i.e. 15.6. Maharashtra plays a decisive role in participation of India's juvenile delinquency in early adolescent and young age group (below 16 years of age).

In case of educational level of Maharashtra's juvenile delinquents, it is found out that, most of them are from illiterate or less educated upto primary level (Table 2.7). In Maharashtra, those living with parents and guardians are more involved in committing crimes than the children who are homeless. Poor economic background is another feature of Maharashtra's juvenile offenders. About 72.7 percent juvenile delinquents of Maharashtra during 1998 were from lower income group or from the poor class (less than Rs. 1000/- p.m.) while only 0.48 percent young offenders were from upper economic group whose family income per month was above Rs. 3,000 per month.

In the year 1998, total number of juveniles arrested and sent upto court in Maharashtra were 3929. This accounts to 20.7 percent of country. It means that during 1998, every fifth Indian juvenile offender was a resident of Maharashtra. The percentage of juveniles acquitted in Maharashtra is very low as compared to India. Maharashtra's juvenile justice board either allow the juvenile to go home after advice or admonition following appropriate enquiry against and counselling to the parent or the guardian.
Table No. 2.7: Table showing classification (According to different attributes) of juvenile delinquents arrested in Maharashtra and India (Maharashtra's share in country's total in %)

<table>
<thead>
<tr>
<th>Region</th>
<th>By Educational Level</th>
<th>By Family Background</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of</td>
<td>Number of</td>
</tr>
<tr>
<td></td>
<td>Illiterate</td>
<td>Primary</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>513</td>
<td>2059</td>
</tr>
<tr>
<td>India</td>
<td>7230</td>
<td>7460</td>
</tr>
<tr>
<td>Share of</td>
<td>7.1</td>
<td>27.6</td>
</tr>
<tr>
<td>Maharashtra in % in country</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Region</th>
<th>By Economic setup</th>
<th>Recidivism</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of</td>
<td>Number of</td>
</tr>
<tr>
<td></td>
<td>L upto Rs.</td>
<td>L/M Rs.</td>
</tr>
<tr>
<td></td>
<td>500 p.m.</td>
<td>501-1000</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>2058</td>
<td>797</td>
</tr>
<tr>
<td>India</td>
<td>9886</td>
<td>5048</td>
</tr>
<tr>
<td>Share of</td>
<td>20.8</td>
<td>15.8</td>
</tr>
<tr>
<td>Maharashtra in % in country</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

L - Lower Income group  
U - Upper Income group  
M - Middle Income group  
LM - Lower Middle Income group  
UM - Upper Middle Income group  
(Source: Compiled and calculated from NCRB, Delhi and SCRB, Pune Reports)
and the juvenile or order the parent of the juvenile or the juvenile himself to pay a fine, if he is over 14 years of age and earns money.

2.10 Juvenile Justice System in India and Maharashtra

The present day Juvenile Justice System of India as well as of Maharashtra is based on different provisions given in the Juvenile Justice (Care and Protection of Children) Act 2000 and as amended recently in the year 2006. The act deals with two kinds of children - the one who are in conflict with law and the other, the children who need care and protection. The approach to deal with both is entirely different. The state provides the proper care, protection and treatment to those who need such care and protection; in case of children who are in conflict with law, state has to adopt child friendly approach in the adjudication and disposing of matters in their best interest and for their rehabilitation through various correctional institutions.

The Juvenile Justice Board, generally headed by Judicial Magistrate First Class along with two social workers (atleast one woman), is being constituted for hearing of the juveniles in conflict with law. Only parents, police officers and probation officers are permitted inside the board room. The press is generally not allowed, except it is in the interest of the child.

The child shall be released on bail even if the crime is either bailable or nonbailable. In exceptional cases, if detained, be kept only in observation home and not in prison or police station. The bail provisions are much liberal. The act clearly prohibits sentencing a child to death or life imprisonment (S. 16) or committing to prison in default of payment of fine.
Table No. 2.8 : Table showing disposal of Juveniles arrested (Under IPC + SLL Crimes) and sent to court in Maharashtra and India (Maharashtra sharing country's total in %)

<table>
<thead>
<tr>
<th>Region</th>
<th>Arrested and sent to the court (Total)</th>
<th>Sent home on advice admonition</th>
<th>Released on Probation placed with Parents/Guardian</th>
<th>Released on Probation placed with Fit. Insti.</th>
<th>Sent to Special Home</th>
<th>Dealt with fine</th>
<th>Acquitted</th>
<th>Pending Disposal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maharashtra</td>
<td>3929</td>
<td>1274</td>
<td>633</td>
<td>69</td>
<td>351</td>
<td>301</td>
<td>86</td>
<td>1215</td>
<td>3929</td>
</tr>
<tr>
<td>India</td>
<td>18964</td>
<td>2620</td>
<td>3889</td>
<td>829</td>
<td>1751</td>
<td>908</td>
<td>2107</td>
<td>6860</td>
<td>18964</td>
</tr>
<tr>
<td>Share of Maharashtra in % in country</td>
<td>20.7</td>
<td>48.6</td>
<td>16.3</td>
<td>8.3</td>
<td>20.0</td>
<td>33.1</td>
<td>4.1</td>
<td>17.7</td>
<td>20.7</td>
</tr>
</tbody>
</table>

(Source : Compiled and computed from NCRB, Delhi and SCRB, Pune Reports)
or furnishing security. The act also stipulates that there shall be no joint trial of a juvenile and a person not a juvenile (S.18). Right of privacy of the child is also honoured (S. 21). Under this act, a separate machinery is being setup for those children who need care and protection. State governments have been empowered to constitute for every district or a group of districts one or more Child Welfare Committees (C.W.Cs.) consists of a Chairperson and four other members (of whom, at least one woman).

The various studies made by Dr. Ashoka (2006) and Bhattacharya B. K. (1962) regarding the proper functioning of Juvenile Justice System in India, put before many lacunas and difficulties. The role of Chairperson of Juvenile Justice Board should be of friend, philosopher and guide. Many juvenile judges do not keep child friendly relations while dealing with cases. Board should play the primary and decisive role in deciding the future of the child. Board should make more use of probation and short commitment in more cases. In Maharashtra, number of juveniles from other states are being admitted in sizeable number mainly in Mumbai and Pune observation homes. Inter-state transfers of such children will release some burden of overflooding the observation homes and children homes.

The ideal principles on which Juvenile Courts should work are very lucidly described by Julian Mark J. (The Juvenile court, 1909) - "To find out what the child is physically, mentally, morally and then if it learns that he is treading the path that leads to criminality, to take him in charge, not so much to punish as to reform, not to degrade but to uplift, not to crush but to develop, not to make him a criminal but a worthy citizen."
In Maharashtra, there are 12 Government and 35 privately run correctional institutes whose total intake capacity is 4275. Juveniles in conflict with law are being kept mainly in Government Observation Homes which are over flooded. Bid's intake capacity is 50, where 86 juveniles are being accommodated, Yevatmal and Wardha Observation Homes are also having more inmates than the permitted capacity. There is heavy work load all round the court, police and probation services. The ground realities regarding juvenile justice are much at variance with the idealism projected through legislation. In Maharashtra state, on an average, every day about 10 juveniles are being apprehended and presented before the court. Of course, this figure is very small and shows far variance with the reality. Many cases of juveniles, the police do not bring on record. Even after detecting a case of juvenile offender, police do not catch him and if they do catch, they do not present him before the Board but allow him to go home after advice and admonition. In fact, to release the juvenile after advice or admonition is the remedy available with Juvenile Justice Board as per S.15(1)(a) of the said act and not to the police. Police should not unnecessarily encroach upon the power of the Board.

2.11 Conclusion

The general outline of the topic of 'Juvenile Delinquency' discussed in the earlier half of this chapter reveals that juvenile behaviour is regarded as a problem of every generation and of every corner of the world. Deviant behaviour of children has posed many social problems from time immemorial and what has now changed is only the nature and definition of such behaviour.
Juvenile delinquency is a misbehaviour by children. It refers to the failure of children and youth to meet certain obligations expected from them by the society in which they live. According to Walter Reckless, the term juvenile delinquency applies to the violation of criminal code and pursuit of certain pattern of behaviour disapproved of for children and young adolescents.

In India, the concept of juvenile delinquency is confined to the violation of ordinary Penal Law of India, so far as the jurisdiction of the court is concerned. The present law of India, that is Juvenile Justice (Care and Protection of Children) Act, 2000 governs the two types of children, one, children who are in conflict with law and second, the children who are in need of care and protection. After studying number of definitions, one comes to the conclusion that uniform legal definition of juvenile delinquency does not exist. All the existing definitions reflect the needs of the definers.

The 'behaviour content' must be taken into consideration while labelling any child as a delinquent who should be brought before the court must be properly known to the police, probation officers and even to the judges. We must be able to distinguish clearly between slight deviation and extreme deviation to work out a systematic programme for their treatment. Because In India, according to Mrs. Tara Alibeg, we think of delinquents as children in need, rather than as offenders, because India has a religion that encourages passivity, submissiveness and acceptance of one's fate which is good for preventing delinquency.

Number of theories of Juvenile Delinquency have been originated
since classical period and the main sociological thinkers among them are - Merton (Annomie theory), Cohen (Measuring rod theory), Cloward and Ohlin (Differential opportunity structure theory), G. H. Mead (Theory of self), Frederick Thrasher (Gang theory), Sykes and Matza (Theory of drift), Cyril Burt (Diverse factor theory), Marwell (Lack of power theory), Edwin Lemert (Labelling theory) and many more. All these theories have their own strengths and weaknesses and hence the best way is to study the whole material available on this topic.

Juvenile delinquents have been classified by different scholars while using different criterias. The recent act applicable in India is Juvenile Justice (Care and Protection of Children) Act, 2000 divides delinquents in two categories - (i) juvenile in conflict with law and (ii) child in need of care and protection.

The character of the child is moulded by his environment. Children become delinquent by force of circumstances and not by choice. There are many causal factors behind the occurrence of particular type of deviant behaviour.

The family is one of the primary agents for the socialisation of children because child's first experience with social life usually comes from within the family. Family environment providing delinquent behaviour can be studied with reference to a broken home, family tensions, parental rejection, lack of discipline, emotional instability etc. Failure of parents to provide necessities of life such as food and clothing etc., draws their children to delinquency in a quest for earning money by whatever means.

The 'mother' is the first 'school' for the child and 'school' is the second
Juvenile Delinquency in India

'mother' for him; still many juvenile misconducts are learn by children in the school. Schools are sometimes responsible for producing delinquency in lower class youths. The schools, with the help of teachers and parents should establish squad for curbing misbehaviour.

We can not ignore the impact of neighbourhood and peer groups over the child. The peer group, a juvenile collectives, is an informal network of individuals of similar age and sex who share common interests.

The slums, popularly known as Bastee, are the greatest disintegrators of the normal life of child. The slum areas of the urban centres and cities and metropolis and Megalopolis are the epicentres of juvenile delinquencies.

Economic factors play the decisive role in the causation of juvenile delinquency. Poverty does produce social conditions which are conducive to criminality. Mass media like Movies, T.V., Cinema Halls, Recreation Centres etc. live a strong impression on the young minds of children and the adolescents.

The compassion and understanding are the keys to reform the current youth. Parens Patrie, the role of the king acting as the parent, when no parents existed to protect the child, must be applied wherever possible. The police, juvenile courts, remand homes, observation homes, special homes etc. are the various components of the entire Juvenile Justice System. The Juvenile Justice System of any country should be based on two fundamental assumptions - (i) Young offenders should not be tried; they should rather be corrected and (ii) they should not be punished but be reformed.

In the later half of this chapter, the researcher has studied the nature,
Juvenile Delinquency in India

Incidence and characteristics of juvenile delinquency of India and Maharashtra state's contribution in the country in particular. Like other countries of the world, in India also, there is a serious problem of children becoming delinquents. Juvenile delinquency, mainly the urban problem, has been on Indian soil since long back. In India, Madhya Pradesh, Maharashtra and Gujrat are the first three states, in sequential order, responsible for increasing the problem in our country. These three states together constitute the high intensity zones of India. Theft, Burglary, Hurt, Riots and Murder are the first five crimes made by juveniles in India. Every fourth Indian juvenile apprehended by police is a thief, as theft accounts for 24.6% of total juveniles. 'Money motivated crimes' are mainly done by Indian youths. Maharashtra stands first in India in case of theft, hurt and burglary by juveniles while Madhya Pradesh youth is expert in committing murder, attempt to commit murder and even rape too. Among 100 Indian juvenile delinquents, 21.4 are girls. Indian girls are mainly indulge in the crimes linked with feminity and chastity. The age group wise analysis of delinquents of India indicates that juveniles of early adolescent group (i.e. 12 to 16 years of age) are more active (68.7%) in committing crimes than the juveniles below 12 years and above 16 years of age. Educational level and juvenile delinquency in India are inversely proportional to each other. Low educational background is the prime attribute of delinquency. Poor economic background is another important characteristics of juvenile delinquency in India. It is a more lower economic class phenomena.

While studying Maharashtra's contribution in Indian context, it is found out that the state of Maharashtra contributes largely in the occurrence of juvenile delinquency. Nearly 24.14 percent of Indian juvenile delinquents
are found in this state. Every fourth Indian juvenile delinquent is Maharashtrian. Maharashtra's juvenile delinquency rate per One lakh population is three times higher than country's average.

Theft, Hurt, Robbery and Burglary are the major crimes committed by juveniles of Maharashtra. Madhya Pradesh young delinquents stand second in the country leaving first position to Maharashtra. Both these states are ahead in committing hurts, murder, rape, burglary and theft. Many of these crimes are "money motivated".

The contribution of girls in Maharashtra's juvenile delinquency is considerably high. 22 girls are found among 100 juvenile offenders (of both sexes) in Maharashtra and this percentage of girls share is successively increasing in the passage of time. In the recent years, the girls misbehaviour in Maharashtra has become more aggressive.

The majority of the juvenile delinquents of Maharashtra are either illiterate or less educated and they come from the poor economic background.

The present day Juvenile Justice System of India and that of Maharashtra is based mainly on the various provisions given in the Juvenile Justice (Care and Protection of Children) Act, 2000. Two types of juveniles - child in conflict with law and child in need of care and protection are being handled through police, probation officers, Juvenile Justice Boards, Observation Homes, Child Welfare Committees and Children homes. These corrective measures are ment for care, protection, treatment, settlement, training and rehabilitation of juveniles.
It is observed that police do not find sufficient time to pay attention towards juvenile activities. They are heavily loaded and busy in handling the adult criminals. Many cases of juveniles, police do not bring on the record, even if they detect the juvenile, they do not catch him and if they do catch, they do not present him before Juvenile Justice Board but themselves release him on advice and admonition. The role of Chairperson of the Juvenile Justice Board must be of friend, philosopher and guide of the child, but unfortunately such type of child-friendly relation is rarely observed.

In sum, the disease of juvenile delinquency in India and Maharashtra is much serious and severe, which requires strong and bitter medicinal dose. The 'dose' should have a proper mixture of detection, care, treatment, prevention and more than that of 'rehabilitation' of the juvenile to bring him in the mainstream of the society.

References:

12. In U.S.A. Colorado Legislature passed the "Compulsory School Act" on April 1899, chapter 136 p. 342 reads as follows - "Every child between the ages of 8 & 14 who absents himself habitually from school or is incorrigible, vicious or immoral in conduct or who habitually wanders about the streets and public places during school hours, having no business or lawful occupation, shall be deemed a juvenile disorderly person subject to the provisions of this act.
14. Provisions for Juvenile Delinquents are the remedial measures while provision for children in need of Care and Protection are the preventive measures.
Chapter - II  

Juvenile Delinquency in India

18. Annan, Kofi A. (2001), 'We, the children, Meeting the promises of the world Summit for children', UNICEF, pp. 89-90.
28. S. 15(e), op. cit.
29. S. 15(g), op. cit.