Chapter VII

CONCLUSION & SUGGESTIONS
Chapter VII

Conclusion and Suggestions

Children are extremely important national assets and the future wellbeing of the nation depends upon how the children grow and develop. But with the advent of modernisation and urbanisation, one of the various problems of social disorganisation i.e. 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. Juvenile delinquency may be defined as any action by a person in the juvenile status that would make him or her subject to action by the juvenile court. 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. Crime, including juvenile crime is assignable to no single universal source, nor yet two or three; it springs from a wide variety and usually from a multiplicity of alternative and converging influences. The character of a child is moulded by his environment; children become delinquents by force of circumstances and not by choice. The social concept of delinquency holds that the youngster is a victim of his environment. He is the hapless product of the disruptive social forces around him, forces over which he has little or no control.
Chapter - VII

Conclusion & Suggestions

There are number of factors which play an important part in the youngsters' delinquencies. They are family, neighbourhood, slums, peer groups, school environment, movies, T.V., radios, work environment, poverty, mass media and many more.

Like many countries in the world, India is also facing the problem of juvenile delinquency. Juvenile delinquency in India, is mainly an urban problem, which has been on Indian soil for many centuries. Madhya Pradesh, Maharashtra and Gujrat together accounts for 60.35 percent of Indian juvenile delinquents. Theft, Burglary, Hurt, Riots and Murder are the leading crimes committed by Indian juveniles. Theft constitutes, 24.6% of the total I.P.C. crimes committed by Indian juveniles. Every fourth Indian juvenile apprehended by police is a thief. Maharashtra ranks first in India in case of theft, hurt and burglary, while Madhya Pradesh youth is an expert in Murder and attempts to commit murder. The delinquency rate tends to be highest during early adolescence (12-16 years age group). Low educational background is the main attribute of Indian delinquency. Poor economic background is second important feature of juvenile delinquency in India. In India, this social problem is mainly confined to urban areas than to rural parts. The juvenile delinquency rates are many times higher in males than in females. As such, the girls participation is now a day increasing and their misbehaviour is becoming more and more aggressive.

The researcher in Chapters III and IV has studied the pattern and characteristics of juvenile delinquency in Maharashtra in more detail. The spatial patterning of juvenile delinquency has long been an area of research for Sociologists. By using variety of data and processing it with the help of
different statistical techniques the researcher has come out with certain findings.

In Maharashtra, the problem is mainly concentrated in nine major cities and they are - (1) Mumbai (2) Navi Mumbai (3) Thane (4) Nasik (5) Pune (6) Solapur (7) Aurangabad (8) Amravati and (9) Nagpur. These nine cities' population together accounts for 20 percent of the state's total. From these nine cities, 40 percent delinquents are being arrested every year. It means, eighty percent rural population faces sixty percent juvenile activities while twenty percent urban population faces 40 percent juvenile misbehaviour. In terms of yearly arrests in urban areas, Mumbai and Navi Mumbai together accounts for 10.68 percent of State's total. There are three zones of delinquents' activities in this state. The high intensity zone is the Nagpur region of Vidarbha. Every fourth juvenile delinquent of Maharashtra is from the Vidarbha region. The moderately affected zones are Amaravati range, Kolhapur range and Mumbai and Navi-Mumbai agglomeration; while the low intensity zone is a continuous belt of Konkan-Khandesh and Marathwada region comprising of Thane, Aurangabad, Nasik and Nanded police ranges. The average juvenile rate of Maharashtra state as a whole is 3.48 per 1 lakh population with urban rates (6.78 per 1 lakh pop.) which are 2.55 times bigger than rural rates (2.66 per 1 lakh pop). The rates of 'property motivated crimes' are higher than white collar crimes.

The crime specific juvenile delinquency rates of Maharastra reveals that Theft, Hurt and Grievous Hurts, Burglary and Riots are the notable crimes done by youths. While under local and special laws, the Gambling and crimes mentioned under Prohibition Acts are of more magnitude. Like
India, in Maharastra also, the delinquency rate tends to be highest during early adolescence (12 to 16 years age group) and the children below twelve years generally participate in petty inchoate crimes. The ever increasing involvement of girls in juvenile delinquency now requires special attention in this state. Of the total juveniles apprehended under the I.P.C. and S.L.L. crimes, 13.2 percent were the girls. In Mumbai and Navi Mumbai region, the girls' participation is considerably higher than in other cities. The girls mainly participate in Theft and Burglary.

The use of coefficient of correlation technique of Karl Pearson's resulted that densely populated urban areas are the sensitive zones of juvenile delinquency in Maharastra. Thus, the urban population and intensity of the crime go hand in hand, confirming that this social problem is mainly urban oriented; as both are directly proportional to each other.

The crime headwise spatio temporal distribution of juvenile delinquency of Maharastra state has been studied in the fourth chapter. Theft accounts as the offence of first rank, in which children even below 12 years are also participated. Theft juvenile delinquency is the highest in Thane city followed by Pune, Nasik, Aurangabad and Solapur cities. The Nagpur rural zone also shows the highest intensity amongst rural groups. Causing hurt is collective peer delinquency. The Maharashtra juveniles (of Nanded and Aurangabad area) are famous in committing hurt. House breaking by night is generally a crime committed by urban youths. This 'money motivated' juvenile delinquent activities occur more in Thane city, Nagpur city, Nasik, Solapur and Aurangabad city also. Rioting is a crime against public order in which youths of late adolescence group are much involved.
(16 to 18 years). The city rates are much higher than the rural rates. Aurangabad region and Solapur and Thane cities' juveniles are actively associated with Riots.

The bootlegging, crime under Prohibition Act, is mainly confined to lower income class slum dwellers of urban areas. Solapur city juveniles are more involved in illegal wine trafficking. Gambling is again a popular crime amongst urban youths. All the cities of the state show high gambling rates among the juveniles.

In understanding the future trends of juvenile delinquency in the state, the help of 'Time Series Technique' is taken. The available statistics predict that in the near future the juvenile crimes under Hurt, Molestation, Cruelty by husband, Cheating and crimes under Dowry Deaths will increase, whereas the crimes such as Theft, Burglary, Riots, Rape, Murder, Robbery, Dacoity and Kidnapping and Abduction will decrease. In all the urban areas, the number of juvenile arrests will be increased. In the year 2012, there will be total 6500 arrests of juveniles, out of which 3500 juveniles will be from nine major cities. Thus, these nine major cities will have 53.8 percent of the total arrests of the state. Amongst the rural zones, maximum arrests will be from Nagpur area followed by Amravati, Kolhapur, Nanded and Nasik police areas.

The juvenile justice system of Maharashtra is mainly centered around the work of Juvenile Justice Boards constituted under section 4 of the Juvenile Justice (Care and Protection of Children) Act, 2000. After studying the statistics related to disposal of juvenile cases arrested by police and sent up to the Board, it is found out that the percent of cases pending before
Chapter - VII

Conclusion & Suggestions

the Boards are too much. There is a heavy work load all round in Courts, Police and Probation and Correctional Services especially in major cities. Yearly 20 percent cases are detained in fit institutions or at special home; 38% juveniles go back to their homes either after due advice or admonition or by paying fines. The remaining 42% cases are pending and waiting for trial.

Trends of juvenile delinquency in Kolhapur district has been further studied in Chapter No. V. The Kolhapur district was previously a part of the princely state ruled by Rajashree Chh. Shahu Maharaja, who was a social reformist. He has, for his subjects, enacted many social laws and has given special attention to the downtrodden people. The Compulsory Primary Education, Establishment of Orphanage in Albert Edward Hospital for destitute children, mid day meal programme for school going children were the important reforms launched by him for the welfare of the children of his state.

The researcher has studied 550 cases of juvenile offenders arrested by Kolhapur Police and found out that only 5.6% cases were of the girls. Kolhapur and Ichalkaranji are the two big cities together accounting for 51.7% of total cases of the district. In Kolhapur city alone, there are nine slum areas. These are the nine pockets of delinquent activities in the city. The juveniles from Vicharemal and Rajendranagar slum areas are expert in committing Theft, where as the juveniles from Dombarwada and Siddharthanagar areas are involved much more in causing Hurt, while Salokhe Parks youths are notorious in House Breaking. In this district, the juvenile delinquency activity is totally urban oriented and when it moves
from city to mofusil rural area, its intensity decreases. In this district, only every fourth day, one juvenile is being arrested and the arrest reaches to its peak between the months June and November.

The detailed study of five Observation Homes gives serious result. Nearly sixty percent juveniles admitted are either illiterate or are studied upto primary level. Theft, Burglary and causing Hurt are the main charges against them. Nearly 86.8% juveniles come from low income group i.e. below Rs. 25000 per annum.

The researcher has interviewed various juveniles admitted at different institutions. The interviews reflect that surroundings, peer groups, lust and desire of lavishness, family tensions, criminal backgrounds of parents are some of the important causes behind delinquent behaviour of the juveniles.

'Legal controls and judicial responses' related to juvenile delinquency is a subject matter of Chapter No. VI. The various legal controls enacted at International and Indian National level are basically for the welfare of juvenile delinquents. The International documents state that juveniles in conflict with the law must be provided with proper care, protection and treatment. Juvenile offenders be segregated from adults and be accorded treatment appropriate to their age and legal status. The procedure of the juvenile court should be informal and the judge should act as a friend, a philosopher and a guide of the child. The Beijing Rules of 1985, should be implemented in the administration of juvenile justice. The Beijing rules has declared nine basic rights of the juveniles. They are 1) presumption of innocence, 2) to be notified of the charges, 3) to remain silent, 4) to counsel,
5) to the presence of parent/guardian, 6) of cross examination, 7) to appeal to higher authority, 8) right to privacy and 9) the right of speedy trial.

In India, the children's rights are well protected through our Constitution and the other laws like I.P.C. (S. 82 & 83), Cr.P.C. (S. 27) etc. Since 1850, the Indian Central Government and various State Governments have enacted number of Acts related to the issues of juvenile justice. The Juvenile Justice (Care & Protection of Children) Act, 2000 and as amended in the year 2006, National Policy for Children and National Charter for Children are some notable among them. India's Juvenile Justice Rules 2007, incorporates the following fundamental principles of juvenile justice viz. presumption of innocence, dignity and worth, right to be heard, principle of best interest, family responsibility, safety, non waiver of rights, equality and non discrimination, privacy and confidentiality, repatriation and restoration and above all the principle of fresh start.

The entire Juvenile Justice System of India is firm on the following footings namely 1) young offenders should not be tried, they should rather be corrected and 2) they should not be punished but be reformed. The aim must be not punishment but treatment. India's Apex Court, has given many decisions in the cases like, Sheela Barse V/s. Union of India, Munna V/s. State of U.P., Abdul Mannam V/s. State of U.P., Raghuvir Bajaj V/s. State of India and many more and has set certain precedents regarding the rights of juvenile delinquents and duties of juvenile homes and State Governments. The major rights decided by the Supreme Court are - 1) Right not to mix juvenile offenders with hardened criminals 2) Right to speedy trial 3) Right to proper care in custody and 4) Right of proper physical and mental hygiene.
The problem of delinquency in the young must be envisaged as but one inseparable portion of the larger enterprise for child welfare. Crime in children is not a unit well marked or self contained phenomenon, to be handled solely by the Police and the Juvenile Court. It touches every side of the social work. The teachers, the Care Committee Workers, the Magistrates (Chairperson of Juvenile Justice Board), the probation officer, all who come into official contact with the child should work hand in hand not only with each other but with all the societies and agencies, voluntary as well as public, that seek to better the day to day life of the child. Because, the delinquency in the young is to be not merely cured as it arises but diverted, forestalled and as far as possible be wiped out.

There are certain observations and suggestions related to different facets of juvenile delinquency and they are -

i) Our Newspapers and T.V. programmes are filled with headlines about Juvenile Delinquency. Naturally our children feel that they must live upto the headlines. We have to prohibit certain films from being shown to children. There should be strict censorship.

The Newspapers, Magazines, Radio, T.V. and Motion pictures should interprete juvenile delinquency in terms of honest reports about causes and protection of youth, rather than stressing the sensational aspects, scandals and a false heroism in delinquent behaviour.

ii) Parents can control the problem, if they are warm and understanding in handling their children. If they provide the right moral background, if they make available proper education, job and social opportunities, the situation should be largely mild.
iii) Our urban children are always in search of places of recreation and play grounds. The children from slum area, gather on the roads. We have to provide them sufficient facilities. What we need to do is get children out of the cities into the open air of villages. Every fortnight at least for one day, all the urban school children especially the teenagers (13 to 17) should be taken out for picnic and play and enjoyment.

iv) Although there are some excellent and dedicated juvenile police officers working in special juvenile police unit, in most cities top quality police are rarely assigned to children's duty.

v) There is little co-ordination between the judge, the correctional institutions and the police. All of them work on parallel lines and sometimes even conflicts are evident. The delinquency correctional programmes for police, courts, schools and other organisations must work together and that too, at one place, the juvenile court building. Such close co-operation tends to eliminate waste and duplication.

vi) Our schools are potentially one of our best weapons in the fight against delinquency. Schools have to accept these challenges. In every school, the teacher with special knowledge of Psychology and students related problems be appointed and the 'parents-teachers' squad be appointed to uproot this evil from the society.

vii) Today, the Juvenile Court Judges (The Chairperson of Juvenile Justice Board - the Metropolitan Magistrate or J.M.F.C. as per S. 4(2) of the Act) are the sole decision makers as to decide whether or not a child is an adjudicated delinquent and their powers are extensive. The Judges of the Juvenile Justice Board unfortunately are not specialist in juvenile cases.
They are given this type of job because they have less work in adult courts. The judge must have aptitude and interest in these cases. He must be a friend, a philosopher and a guide. He must have special knowledge of Child Psychology, Psychiatry and Social Work. He must be eager to learn and must be good administrator.

viii) The children, who are likely to become delinquent, should be identified before they get into trouble. The delinquency prevention efforts should be greatly simplified. Programmes should be designed to identify delinquency-prone youths. In the long run, the best cure for delinquency is age. If a child is able to slip quietly in his teenage, without a record, half battle against juvenile delinquency is won.

ix) Establishment of S.O.S. village (The children's village), the idea of the children's village is to give 'the young children in trouble', a chance to lead a nearly normal life with a substitute mother, brothers and sisters. It is a cross between an Orphanage and Foster Home. The children in them may be in conflict with the law, they may have had a bad family life or they may be orphans.

x) There is a well founded general perception that a wide gap exists between the theory and practice of juvenile justice in our country. The ground realities regarding juvenile justice are much at deviance with the idealism projected through the legislation. S. 63 of the Juvenile Justice Act, 2000 provides for Special Juvenile Police Units specially instructed and trained in juvenile matters. Yet, there seems to be lack of such sensitization in them. There is a heavy load in courts, police and probation services. The new appointments should be made at the earliest. There is always lack of
Chapter - VII

Conclusion & Suggestions

funds for the day to day working of children homes, observation homes and other privately runned correctional institutions. There is very little interest of the public regarding juvenile delinquency and its control. The public do not support community based programmes effectively for the elimination of delinquency.

xi) It is the fact that police do not find sufficient time to pay attention towards juveniles. Many cases of the juveniles are not brought on record by the police, although they detect the juveniles, they do not catch them and if they do catch, they do not present them before the Board but themselves release them on advice and admonition. This lethargy of the police hampers the very motive of the related Acts and statutes.

xii) If the Indian system of juvenile justice is honest with itself, certain things will work. We know that good probation, small institution better school, counselling and curricular, better police and efficient courts are effective in helping youngsters in trouble. But, we are often unwilling to provide sufficient funds that will make these benefits available. The fact is that many other countries far poorer than India, spend greater proportion of their income on different child welfare programmes.

xiii) Different sorts of junior apprentice programmes should be set up. We must have variety of work and training opportunities which will keep the children off the streets and slums and busy at something they like and believe has a bright future.

xiv) There is no scarcity of various tasks in the field of Juvenile Delinquency. If one person is encouraged to tackle a single aspect of this field, we have done our job and will win half the battle.
With this paraphernalia, the following remedies can be suggested to improve our efforts in curbing the juvenile delinquency practice from our land.

1) Media be properly guided with appropriate code of ethics while flashing the news regarding juvenile delinquency.

2) Parents counselling programmes be arranged along with their children.

3) At least ones every fortnight, school going children be frequently taken to open air, away from crime polluted areas of the cities.

4) Dedicated top quality police officers be appointed in special juvenile police units with frequent training programmes for them.

5) Perfect co-ordination be established among the courts, correctional institutions, the police and the schools.

6) In every school, the counselling cell be established including spirited teachers and parents. The 'parent-teacher' squads be constituted.

7) The judge having aptitude and skill in juvenile problems be appointed as a Chairperson of Juvenile Justice Board, if possible, woman magistrate be appointed and courts sittings must be a regular and continuous for all days of the week. A careful selection of the Magistrate be done.

8) Machinery and programmes be designed to detect delinquency prone youths, prior to their committing the crime.

9) The 'Children Villages', be erected in every district of the state apart from other different correctional institutions.
Chapter - VII
Conclusion & Suggestions

10) Public participation be increased at prevention, treatment and rehabilitation stage.

11) The 'senior citizens anti delinquency squads' be constituted with the help of social workers in every city.

12) Regular patrolling of the police in major cities and in delinquency prone areas be arranged.

13) Method of 'plea-bargaining' be started in Juvenile Justice System which is recently started in India for adult offenders.

14) Value based Training Programmes and Meditation Workshops be regularly arranged in different correctional institutes.

15) All cases must come before the Court - Police should not handle them unofficially. Every 'hidden delinquency' be brought in light.

16) All International Documents, the U.N. Guidelines, Beijing Rules, Riyadh Guidelines etc. be included as they are in our related statutes.

17) Special efforts be made to prevent juvenile delinquency through effective educational opportunities, stable family environments and community based programmes.

18) Legislations should be advanced to ensure that children are only deprived of their liberty as a last resort and that too for the shortest period possible.

19) Alternative machinery should be developed to deal with children without resorting to judicial proceedings, always providing that Childrens' Rights are respected and honoured.

20) Existing International Standards should be publicized through
Chapter - VII

Conclusion & Suggestions

awareness-raising and information campaigns, as well as through training of law-enforcement officials, prosecutors, judges, lawyers and social workers.

This blue print for peace in our nation can be equally valid in achieving peace among our youth. "The peace of tomorrow depends on the youth of today".