ABSTRACT

Although adult criminals were the prime concern of society, the issue of crime by children and child mal-behavior was also significantly approached. Mal-behavior of children which initially looked like simple ‘disobedience’ with the passage of time there was the likelihood that if this simple disobedience was left unchecked it could develop into contempt for society. This challenge compelled society to continue to concentrate on this scene as it was convinced that this mal-behaviour contained seeds of adult criminality. Scholars trace the history of juvenile offending back to the seventh century; however, till the early 18th century; young people were treated as if they were small versions of adults. The notion that children should be treated differently than adults is only a couple of hundred years old. In the older days the word child brought to mind picture of a miniature human being and that was the only recognized difference between a child and an adult. Criminal law made no distinctions between a child and an adult offender. With experience and knowledge, it has been accepted that children are different from adults not only in size but in other respects too. A child’s mind is not mature enough to understand the nature of all its acts.

Juvenis in Latin means young. The Juvenile Justice System emerged from the need to have an alternative legal system for dealing with children. The first enactment for juveniles in India was the Juvenile Justice Act, 1986. This law has since been amended twice in the years 2000 and 2006 to make it more child-friendly. The 2000 amendment followed India’s ratification of the United Nations Convention on the Rights of the Child (UNCRC) wherein a set of standards have been laid out and are to be adhered to by all signatory State Parties. The law is based on the minimum standards prescribed in the UNCRC, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985 (popularly known as the Beijing Rules); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990 (popularly known as the Riyadh Guidelines). When a child is accused of committing an offence, then the child is known to be ‘In Conflict with Law’ and it is the Juvenile Justice Board that deals with all matters, concerning a Child in Conflict with Law. A Principle Magistrate usually presides over the Juvenile Justice Board and decides on the matter and also has the power of granting or denying bail to the child. If the bail is denied, then the juvenile is kept in an Observation Home. An
Observation Home, implies, that the child is kept in judicial custody. The key to understanding the long-term implications of juvenile delinquency around the world is to perhaps view delinquency as a dual taxonomy. According to this theoretical basis, most youth engage in delinquency that is short term, peer-group based, and part of the process of adolescent and maturation. For the majority of youth who commit delinquent acts, they will likely age-out by early adulthood; this is an observation that is noted around the world. However, among those youth who commit violent crimes, become true members of a criminal gang, and/or have serious crimes perpetrated against them, there is a likelihood that they will persist in crime throughout the course of their life. This means that early intervention efforts are critical to curbing the likelihood that a youngster will reach a point where his or her aberrant behavior becomes a lifelong trajectory rather than one that is limited to adolescent years of development. Thus, it is clear that the international community and the global culture should identify juvenile delinquency and juvenile welfare as problems that warrant corrective solutions rather than punitive reactions.

Many of the circumstances lending to conflict with the law are of a social nature. Children who offend often live in families facing difficulties such as poverty, substance abuse or separation; they may be excluded from school or be involved in risky behaviours such as drug use or prostitution. When these children enter into contact with the police, the main purpose of juvenile justice systems should be to enable them not to reoffend. As mentioned in Article 40 of the Convention on the Rights of the Child, every child in conflict with the law has the right to be treated in a manner that takes into account “the desirability of promoting [his/her] reintegration and [his/her] assuming a constructive role in society”. Tailored support for each child and his/her family should be provided throughout the process including after release if the intervention of justice is to be meaningful. However, justice systems are neither equipped nor mandated to fulfill this role alone and need to work hand in hand with the social section towards this end. In the absence of such intersectoral cooperation, juvenile justice interventions would miss the opportunity of contributing to a sustainable change in the child’s behavior, circumstances and environment. Social services and the justice system are in many ways two distinct spheres and invariably separate portfolios. But the situations and ways in which they could and should interface and cooperate are numerous and important for the implementation of
children’s rights. There are numerous activities and tasks that should be undertaken by social work professionals within the juvenile justice framework. Social Work and justice system can work together to optimize responses to children in conflict with the law.

Statistics indicate rising juvenile criminality. According to National Crime Records Bureau (NCRB) India witnessed 9.3 percent increase in juvenile crimes in the year 2013. Out of the total 43506 juveniles apprehended, 2140 were apprehended alone in New Delhi. Unlike 2012, in 2013 juveniles in New Delhi were found to be involved in more rape cases than murders. Among those apprehended in New Delhi in 2013, 821 had dropped out of school at the higher secondary level, 599 were primary school drop outs, and 421 were illiterate, 1774 were found to be living with their parents while 69 were homeless; 849 were found to have a family income below rupees 25,000 annually while 714 belonged to the income group of Rs. 25,001- Rs 50,000. Out of 2087 apprehended for cognizable crimes under IPC, 1148 were in the age group of 16-18 years. In 2012, this figure was 860. Further, 875 were boys between 12 and 16. The figure was 617 for 2012. Only 23 girls of different ages were apprehended for various crimes. The NCRB statistics reinforce the need to bring down the juvenile age limit to 16 which Delhi Police has been demanding since the Nirbhaya case of December 16, 2012. 2013 and 2012, witnessed increased involvement of juveniles in rape, murder of elderly and robbery. Around a dozen breakouts from correctional homes were reported in the last 2 years. Delhi Police has requested juvenile justice boards and child welfare committees to put in place stronger rehabilitation programmes at correctional homes so that minors can be weaned away from criminal activities. Although, there is sufficiency of literature available on juvenile delinquency very few are based on empirical findings. The intensity and severity of juvenile offences are generally determined by the social, economic and cultural conditions prevailing in the country. In many cases street children later become young offenders, having already encountered violence in their immediate social environment as either witnesses or victims of violent acts. The educational attainments of this group are rather low as a rule, basic social experience required in the family is too often insufficient and the socio-economic environment is determined by poverty and under or unemployment. The causes of and conditions for juvenile crimes are usually found at each level of the social structure, including society as a
whole, social institutions, social groups and organizations and interpersonal relations. Juveniles’ choice of delinquent careers and the consequent perpetuation of delinquency are fostered by a wide range of factors in and around. It is in this light that the present study is undertaken to probe empirically the causes and conditions for the formation of delinquent trajectories and on the basis trace the promising interventions to address the problem. Following are the objectives of the study:

To identify the causes and conditions for the formation of juvenile delinquency trajectories in a metropolitan city i.e. New Delhi.

To identify the role of social work intervention in the prevention of juvenile delinquency.

The study is exploratory in nature. A total of 130 inmates from the various Observation and Special Homes for boys and girls were interviewed. Out of 130 inmates 125 were boys and only 5 were girls. The interviews were semi-structured conversations, employing an interview schedule. The data was analyzed using SPSS software. In the study the officials of the Observation and Special Homes such as Welfare Officer, Counselors, Members of the Juvenile Justice Board and NGOs were selected as key Informants. The researcher interacted with 10 Informants in order to seek their suggestions regarding prevention of juvenile delinquency.

The personal profile of the respondents is explained in the light of the available National Crime Records Bureau data.

**Age**

Out of 130 respondents, 11 (8.46 percent) belonged to the age group of 7-12 years, 43 (33.07 percent) belonged to the age group of 12-16 years while majority of the respondents 76 (58.46 percent) belonged to the age group of 16-18 years. This data is consistent with NCRB data which points out that in the year 2014 the bulk of juveniles 36,138 (74.93 percent) apprehended belonged to the age-group of 16-18 years. In 2014, total 42,566 juveniles were apprehended in IPC crimes out of which 31364 (73.68 percent) belonged to the age-group of 16-18 years.

**Gender**

Out of 130 respondents 125 (96.15 percent) were males and only 5 (3.85 percent) were females. This data is consistent with the data provided by the National Crime Records Bureau (NCRB) where a total of 48,230 juveniles were apprehended during
2014 out of which 46,638 (96.70 percent) were boys and 1,592 (3.30 percent) were girls i.e. 1.0 percent less than such share in 2013 (4.3 percent). The ratio of girls to boys apprehended under IPC crimes was nearly 3:97 during 2014, whereas the ratio during 2013 was nearly 4:96, showing decline in number of female juveniles apprehended. The ratio of girls to boys apprehended for committing Special and local laws (SLL) crimes during 2014 was about 5:95, whereas ratio during 2013 was nearly 9:91 which shows decline in number of female juveniles apprehended.

**Education**

Out of 130 respondents, 38 were illiterate (29.23 percent), 37 (28.48 percent) received education up to the primary level, almost similar number i.e. 36 (27.69 percent) were educated upto the middle level, only 11 (8.46 percent) reached upto high school and a very small number i.e. 04 (3.07 percent) reached to the level of senior secondary. The category of literate respondents included those who received informal education and did not study for any period of time in school. However, they were able to read and write a particular language. The percentage of respondents belonging to this category was the same as those belonging to the senior secondary level i.e. 04 (3.07 percent).

The table clearly indicates that children in conflict with law have low educational level and the argument that juvenile delinquency signifies the failure of education found to be true.

**Place of Residence**

Out of 130 respondents 116 (89.24 percent) resided in urban locality whereas only 14 (10.76 percent) resided in rural locality. The data provided by the National Crime Records Bureau (NCRB) is silent on the association between urbanization and delinquency. It is a widely acclaimed fact that the ongoing process of urbanisation in developing countries is contributing to juvenile involvement in criminal behaviour. The basic features of the urban environment fostered the development of new forms of social behaviour deriving mainly from the weakening of primary social relations and control, increasing reliance on media at the expense of informal communication and the tendency towards anonymity. These patterns are generated by the higher population density, degree of heterogeneity and number of people found in urban contexts. Geographical analysis suggests that countries with more urbanised populations have higher registered crime rates than do those with strong rural lifestyle and communities. The rural groupings rely mainly on family and community control.
as a means of dealing with antisocial behaviour and exhibit lower crime rates. Urban industrialised societies tend to resort to formal legal and judicial measures. (World Youth Report, 2003). In developing countries like India, the problem of rural-urban drift, poverty and deprivation have affected substantial segments of the youth population. Youth unrest, illiteracy, lack of opportunities for gainful employment etc. have accentuated the problem of juvenile delinquency. In cities, particularly in urban slums there is extreme weakening of family and neighbourhood controls and in such a situation children are easily influenced by gangs and other nefarious groups. The regulatory function of the collective order breaks down on migration and a state of deregulation, normlessness and anomie prevails with the shattering of rural small group life, the urban area can be seen as a conglomerate of strangers. This situation gives rise to the problems of indiscipline, moral degradation and waywardness among the youth. It becomes a fertile ground for antisocial activities by the juveniles. Further, they often fall victims to unscrupulous persons. When a juvenile lands in such adverse situations he does not initially intend to get into troubles. He seeks to make out a living on his own. However, when he fails to find an opportunity for gainful employment, he is drawn through false allurements to antisocial activities.

Family Background
Out of 130 respondents, 103 (79.23 percent) lived with their parents, 22 (16.93 percent) lived with guardians such as elder brother, uncle or any close relative and only a very small percentage i.e. 05 (3.84 percent) were found to be homeless. It was learnt during the interview that homeless respondents often resided on pavements, railway platforms etc. This data is consistent with the NCRB data of the last decade where majority of the juveniles were found living with their parents and very small percentage were homeless, dispelling the myth that homeless children are the ones engaged in delinquent activities.

Interpretation and Analysis:
An interpretation and analysis of data obtained through interviewing the inmates of the various Observation/Special Homes of New Delhi. Respondents are divided on the basis of age and gender and their responses are analyzed in this context. Briefly, it can be said that the respondents were greatly influenced by media, especially television.
Out of the total 130 respondents, 125 liked to watch television, only 01 expressed his interest in reading, the remaining 04 were not interested in any form of media. Respondents reported that they were highly influenced by the programs which they watched on the television. This led the respondents to imitate the dress pattern, use of electronic gadgets, and involvement in gangs and participation in violence.

Majority of the respondents belonged to low income family, out of 130 respondents, 70 belonged to the family having monthly income between Rupees 2000-8000. Parental Education was found to be low. Fathers of 67/130 respondents were found to be illiterate with graduation as the maximum education level. The educational level of mothers was found to be worse, mothers of 89/130 respondents were found to be illiterate.

It was revealed that 46/130 respondents were found to be working in order to earn for the family and themselves. Out of these 45 were male and one was female. The next majority i.e. 32/130 respondents had lost their parents either because of death or imprisonment. Migration of respondents to New Delhi from rural suburbs was common. Respondents also reported that they experienced physical abuse. 18 male respondents reported that they experienced abuse either by their male family members or by their male employers whereas; the female respondents reported abuse by their male friends. 90/130 respondents reported that their fathers were alcoholic whereas, 40/130 respondents reported that violence was common in their family and often was the outcome of their fathers drinking. Mostly, it was they, their siblings and mothers who were victimized and subjected to abuse.

**Prevention:**

The researcher interacted with the Informants. Superintendents of Observation/Special Homes, Probation Officer, Counselors, Director of NGO, Welfare Officer, Program Coordinator of NGO, Project Coordinator and so on in order to receive their suggestions regarding prevention of juvenile delinquency. They suggested

- Placing juveniles in the Observation and Special Homes did not prove to be fruitful. Moreover, there is often absence of responsible persons for the release of juvenile on bail.
• After Care Services plays a significant role in the rehabilitation although the JJ Act emphasizes on After Care Organizations there are almost no After Care organizations in our country.

• Social workers exercise their counseling skills in very specific legal and procedural frameworks. There is a need for interpersonal skills of the highest order and many practicing qualified social workers identify the need for further training.

• Elimination of poverty is the first step towards prevention of juvenile delinquency. Reduction of poverty leading to prevention of migration and undue exposure to urban life will go a long way in the prevention of juvenile delinquency.

• One of the most important factors influencing delinquent behaviour is the family setting. Social Workers can play a significant role by implementing pro-active parenting techniques. Treatment programs may be designed in collaboration with family members and should be family driven rather than being directed primarily by the detention centres.

• Effective and functional child welfare committees remain indispensable to the juvenile justice administration. Besides, hearing of cases the CWC is also required to visit each institution where child are sent for care and protection atleast in three months to review the conditions though there are 462 district child welfare committees in 23 States, majority of them exist only on paper, surprise visit will act as deterrent.

• Use of Restorative Justice should be made available to most of the cases. The role of the facilitator is very important for the effective outcome of RJ Program. Training course for facilitators is fundamental.

• Reducing the age of juvenility from 18 to 16 years was emphasized. The researcher was informed that gangs are encouraging the participation of children in various kinds of crimes as they know that under JJ Act they will not be dealt strictly. This inappropriate use of children can be discouraged by reducing the age.

• Parents can reduce the risk through free and open communication with their children, this would be especially beneficial in the case of female child where the child is vulnerable to physical abuse leading to delinquency.
• Members of the community should be encouraged to participate in the prevention strategies. People should be made aware of the behavioral changes taking place among children.

• Counseling of children vulnerable to delinquency along with their parents should be conducted within short intervals so that the traits of antisocial activities are taken care of. Unfortunately, such community based programs do not exist in India.

• Children who live on streets, working children and children in difficult circumstances are often without any support system. Active participation of NGOs can reduce their vulnerability to delinquency.

Conclusion:
It was found that poverty continues to be a major issue even after approximately seven decades of India’s independence. The policies and strategies pursued so far have been inadequate to wipe away poverty to acceptable levels. While considerable expenditure has been incurred for eradication of the rural poverty, the plan allocation for urban poverty has been modest. Poverty makes surviving in the city every day challenge. Urban poverty is seen in a stark fashion in the slums in India. Children living in slums are not only vulnerable to delinquency but can also become part of organized crime rackets. Migration is benefiting people in terms of better wages and better life style, however, the social control system which is prevalent in congenial rural settings ceases to remain in the strange atmosphere of cities. India since its independence despite increase in resources has only been able to half the number of children who cannot move on to the next level of education. Access to education remains a challenge. Children dropout of schools, or find themselves out of the education system because of the situations in the schools as well as their economic status. Fewer girls are enrolled in schools both at the primary stage as well as the upper primary level. The strong correlation between lack of access to basic formal and quality education and the prevalence of child labour has been well established. Children who are out of schools are at greater risk of being employed than children who are enrolled in schools. India continues to have the highest number of child labourers in the world. Working children are denied their rights to survival, development, education, leisure and play and protection from abuse and neglect. The existence of child labour is as much a cause for poverty as it a result.
India is going through a crucial phase of transition from being a predominantly rural country to one where majority of people aspire to live in cities. Of the 377 million urban Indians, 32% (120 million) are children below eighteen years of age. These children face a peculiar set of challenges due to the fast growth of population. Socio-economic and physical planning in these urban areas continues to be rudimentary in nature. The influence of the mass media is an important issue when it comes to juvenile behaviour. While media brings opportunities to broaden children’s outlook, it also threatens cultural identification and values. Just as broken home, family tension and parental rejection can affect the capability of the family structure. Methods of parental control or forms of discipline play an important part in the development of delinquent behaviour.

Suggestions:

Apart from informants’ suggestions, the researcher on the basis of experience of working with children in conflict with law has also proposed some suggestions in order to prevent juvenile delinquency.

- Early intervention to protect children in need of care and protection to come in conflict with law.
- Children may be encouraged for formal as well as non-formal education.
- Poverty eradication programs may be implemented in letter and spirit.
- Development programs should reach to less developed areas in order to check migration.
- Community participation should be encouraged in the framing and execution of public policies aimed to prevent juvenile delinquency.
- Encourage the participation of NGOs.
- Change in the mode of recreation.

Social work intervention through Case Work, Group Work, Community Work and Generalist Approach can play a significant role in making the above suggestions see the light of the day.