

A Socio-Ecological Perspective On Juvenile Delinquency

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ABSTRACT

Juvenile delinquency is a major socioeconomic problem that affects all societies. This problem is getting worse at a faster rate as society progresses towards development. Anyone who does antisocial or criminal acts while under the age of eighteen is guilty of juvenile delinquency. Now more than ever, people are traveling at a breakneck pace in pursuit of industrialization and urbanization. In India, it's a huge problem that leads to a lot of to have their lives ruined at such an early age. Crimes committed by youth and related problems have a detrimental impact consequences for young people, their families, and society at large. Not only do victims of the crime feel the effects of the situation, but also the victims' loved ones, communities, and the world at large when it comes to juvenile delinquents. Adolescent criminals not only putting lives in jeopardy while also placing their family in a position of power under the law. The economic and social. The mental health challenges that juvenile offenders encounter, which in turn affect their loved ones and the community at large, are the the worst possible outcomes. On occasion, juveniles who are involved in robberies, rapes, and assaults might be rather significant because of mental health concerns. As a result of these, the youth start abusing alcohol or other drugs breaking the law. This study examines the problems and reasons behind juvenile delinquency in India, and it goes on to it seeks to delve into the mental elements surrounding the frequency of juvenile misbehavior. Youths that conduct serious criminal acts risked their future in order to garner attention for what they saw as their right to resist injustice. As a result, they sink into a deep depression, and their criminal behavior escalates.

KEYWORDS: Law, Juvenile, Crime, Juvenile Delinquency

INTRODUCTION

In humans, there are a number of facets of aging that are of paramount importance. The transition from infancy to adulthood is a time of great personal growth and transformation for young people. They have the option to turn the incorrect corner. When an adult does something that could hurt himself or others, that's called delinquency.

The concept of juvenile delinquency and what it means –

In most jurisdictions, a person is considered a juvenile if they have committed an offense before reaching the legal age of majority. Juvenile delinquents are defined as juveniles under the age of sixteen who have committed crimes not carrying the death penalty or a life sentence in jail, as stated in the Code of Criminal Procedure Code, 1973. A "Juvenile" or "child" is defined as an individual who has not attained the age of eighteen according to the Juvenile Justice (care and prevention) Act, 2000. A crime should be regarded when a juvenile does an act normally done by an adult, according to the second United Nations assembly on crime prevention and treatment of offenders (1961). Juvenile delinquency is defined by C.B. Mamoria as "The phrase 'juvenile delinquency' may be loosely used to cover any kind of deviant behaviour of children which violates normative rules, understanding or expectations of social system". Thus, the participation of kids in criminal activities is known as juvenile delinquency. Situational delinquency, organized delinquency, individual delinquency, and group-supported delinquency are some of the forms it can take.

Juvenile delinquent causes include-

It is crucial to have a comprehensive grasp of the factors that contribute to juvenile delinquency in order to discourage young children from participating in harmful, inappropriate, and illegal activities. No one simple cause can account for the rise of criminal activity. Adolescent misbehavior has multiple causes in every culture. There are two main groups of factors that contribute to juvenile delinquency: socioeconomic status and individual traits.

(A) Economic and social factors -

The individual's sense of organization is disrupted due to the presence of social disorder. Because criminal activity rises in an unorganized society, societal disarray is a factor in adolescent delinquency. Nowadays, industrialized societies are rife with conflict due to a lack of synthesis and equality. A large body of research indicates that those from lower socioeconomic backgrounds make up the bulk of the incarcerated and convicted population.

A secure financial and familial environment is important to guaranteeing a child's prosperous future. In low-income areas, adolescent offenders are more likely to operate a firearm.

1. **Houses in Disrepair:** More and more crimes are committed as society progresses, especially by children as a result of the dissolution of families. Children are more prone to criminal behavior when they do not have a stable home, which

is detrimental to their future success. An Indian researcher by the name of Uday Shankar found that out of a total of 140 youths, or 13.3%, were born into dysfunctional homes. Many things can go wrong in a family, leading to a dysfunctional household. For example, a parent's death, a divorce, etc. Family disintegration is supposedly most commonly caused by marital strife and divorce in India.

2. **Low Income:** People involved in criminal activity often target children who are going through financial hardships because they are easy targets for the allure of quick cash. Because of their limited means, the police and other forms of law enforcement treat them harshly. For youngsters in underdeveloped nations, it is a major risk factor for criminal behavior.
3. **Society in disarray:** - Disarray in society leads to chaos in individuals. Societal disorder, which in turn encourages crime, is a factor that contributes to adolescent delinquency. Modern industrial society's inequity and lack of synthesis contribute to the escalation of conflict. Because of this stress, children are more likely to commit crimes.
4. **Horizontal regions with high crime rates:** - For children's general growth and development, some environments are not suitable. There has a major effect on the child's neighborhood. where there are no rules or social stigmas, in a community that is in a state of flux. There are considerable concentrations of pickpockets in and around certain areas of major cities. Criminal behavior differs from typical populations due to the societal norms of low-income and disadvantaged areas. These tendencies persist in groups that target youth who have engaged in antisocial behavior. Consequently, there are certain parts of major cities that are completely dominated by crime; these places are called criminal areas or areas where crime is prevalent. Substandard housing, high population density, and an abundance of entertainment venues (movies, hotels, nightclubs, and liquor stores) are common characteristics of delinquent neighborhoods.
5. **Partners and Gangs:** - A child's social circle expands as he grows older, and he often moves out into the neighborhood to join a playgroup or other group of friends. It doesn't take much to convince a young person to do something bad. Gangs are defined by the Justice Department as distinct groups of youths ranging in age from ten to twenty-two. A "youth gang" is defined as a group of people who regularly participate in criminal activity. Everyone knows that peer pressure is a major factor in delinquency.
6. **Beggar behaviour:** - Beggarly conduct is a common catalyst for juvenile criminality. Those living in extreme poverty or with broken households are the most common backgrounds for children who beg. Adoration and love from parents can be deceiving to children. The satisfaction of their desires, ambitions, and instincts is what they long for. They opt to become beggars for the same reason. Because they are beggars, they get upset when they see other people enjoying life to the fullest. They may even rebel against the state. For them, engaging in criminal activity is the only way to satisfy their desires and fulfill their needs. They grow up to be criminals because of this.
7. **The role of technology and society:** - A fresh information revolution is sweeping the globe at the moment. It aids the advancement of both youth and society and influences every facet of existence. You can pick from a wide variety of social features and dangerous games. The consequence is an increase in juvenile delinquency. The pornographic media and literature have also contributed to the rise in delinquency. A number of individuals encourage youths to participate in criminal behavior.

(B) TRAITS OF IDENTITY —

A person's propensity to commit more crimes is dependent on a wide range of factors, such as their age, marital status, drug or alcohol abuse, level of education, employment, and financial stability. The problem of frequency arises in socio-ecology. This particular youth possesses a multitude of undesirable features, including but not limited to: severe lack of socialization, intense irritability, cruelty, stubbornness, distrust, self-centeredness, loneliness, feelings of retaliation, and hypersexuality.

- 1- **Mental retardation:** A person is said to have mental retardation if their mental development is so behind the norm that they cannot function independently of their peers or maintain their current level of social support. Uday Shankar claims that the average IQ of juvenile delinquents is 83. These children are often used for illegal purposes by the more sophisticated gang members or adults.
- 2- **Emotional disorders that may manifest in later childhood include:** -depression, social phobia, generalized anxiety disorder (GAD), panic disorder, specific phobias, obsessive-compulsive disorder (OCD), and a host of others. In response to many challenging life events, mild to moderate anxiety is a typical emotional reaction. A lack of emotional stability is a major risk factor for criminal behavior. Children develop an imbalanced personality due to a lack of love and care, emotional instability, overly harsh discipline, feelings of inadequacy and inferiority, and the revolting reaction. A child with this kind of thinking is more likely to partake in illegal activities.
- 3- **Attributes of character:** - Some personality traits are strongly associated with an increased risk of criminal behavior. A person's character allows them to adjust to new environments. More and more young people are becoming involved in criminal activity because of its rapid growth in developing countries.

JUVENILE DELINQUENCY IN INDIA:

There are more kids and teens in India than any other country. This country is quite large. It is the home of almost 444 million youngsters. Unfortunately, juvenile delinquency persists despite numerous laws and regulations meant to

safeguard the nation's youth and the fact that every child is guaranteed basic rights under the nation's supreme law. Many reasons contribute to children's involvement in unlawful activities, including dysfunctional houses, poverty, begging, and mental deficits. It is disturbing to observe them do robberies, dacoities, murders, rapes, and other serious offenses, but they often commit risky crimes and trivial ones like snatchings, stealing, and burglaries. Even more disturbing is the fact that the next generation of Americans committed similar injustices. They engage in a wide range of juvenile delinquency, including individual, contextual, organized, and group-supported offenses. In India, the most horrific crimes are committed by juveniles between the ages of 16 and 18. In addition, juvenile delinquency is more common in cities than in rural areas.

Bills Addressing Juvenile Offenses: -

In 1950, India passed the Apprentices Act, which was the first law to address juvenile delinquency. It stated that any minor found guilty of a petty offense would be bound as an apprentice. It was succeeded by the Reformatory Schools Act of 1897, which mandated the placement of juvenile offenders up to the age of fifteen in reformatory cells and schools. In an effort to care for, protect, develop, and rehabilitate neglected or delinquent youth, the Juvenile Justice Act of 1986 established a nationwide uniform system. To further consolidate and alter the laws pertaining to children in need of care and protection and juveniles in conflict with the law, the parliament passed the Legal Protection for Juveniles Act of 2000. An individual who has not attained the age of eighteen is described as a "Juvenile" in Section 2(k) of the Act. All genders were encompassed in this definition. The maximum sentence for a juvenile offender under this statute was three years, regardless of the seriousness of the crime. In addition, pursuant to Section 17 of the Act, a juvenile who was under the age of 18 when the alleged offense was committed is exempt from prosecution in a criminal court and from any penalty imposed by criminal law. On December 16, 2012, the nation was rocked by the horrific "Nirbhaya Delhi Gang Rape Case," which sparked heated disputes between the legal community and leftists. The role of the accused, who would have turned eighteen in only six months, was at the heart of the argument. Parliament in India passed a new statute in 2015 called the "Juvenile Justice (Care and Protection) Act" in response to the prosecution's rape allegations, which is considered a horrendous crime in India. On January 15, 2016, it superseded the Juvenile Justice (Care and Protection of Children), 2000. As a result of this law, juveniles convicted of serious offenses can now be tried as adults.

NOTABLE CASES INVOLVING MINORS IN INDIA'S JUSTICE SYSTEM: -

The court, as the savior of the constitution, has the dual responsibility of serving justice to the wronged party and fostering a society characterized by faith, tranquility, and security. The court must determine the age of the defendant, whether he is a minor or not, before imposing a sentence of conviction or administering justice. The court has typically upheld the idea that juvenile offenders should not be sentenced to prison but rather given the opportunity to repent and rejoin society at a later date. Nevertheless, such tragic events have occurred frequently enough to shake the conscience of both society and the court, prompting the latter to devise strict measures. Here are some recent cases that illustrate the trends in Indian court decisions.

1- The case of Pratap Singh v. Jharkhand State and Others —

Juvenile delinquency is to be calculated based on the date of the offence, not the date on which the Magistrate took cognizance, according to the Hon'ble Supreme Court's ruling in this case.

2- Case No. 1193 of 2006 (Criminal Appeal) between Abuzar Hossain and Gulam Hossain and the State of West Bengal

The Hon'ble Supreme ruled as follows

- A claim of juvenility can be made at any time, even after a case has been finalized. The fact that it was delayed in making the claim cannot be used to reject it.
- The burden of proof is with the individual asserting their juvenility. To commence an inquiry about the allegation of juvenility, any of the documents mentioned in Rule 12 (3) (a) (i) to (iii) of the Juvenile Justice (Care and Protection of Children) Rules, 2007 might be produced.

3- Criminal Appeal No. 1178 of 2007 – Anjum Abdul Razak Memon vs State of Maharashtra, Through STF, CBI Mumbai- With this case, According to the Hon'ble Supreme Court, the purpose of the JJ Act was to supersede any laws that were in existence when it was passed. With its long-ago repeal, TADA was no longer in effect when the JJ Act's non-obstante clause was inserted. There would be no superseding effect of the JJ Act, 2000 on TADA, the court decided.

4- Hari Ram v. State of Rajasthan & Anr. [2009 SCC 13 211].- A boy could not be designated a juvenile under the Juvenile Justice Act of 1986 unless he reached the age of sixteen. Still, that clause was revised by the Juvenile Justice (Care and Protection of Children) Act, 2000 ("JJ Act, 2000") such that minors up to the age of eighteen are considered juveniles. Therefore, the primary question that the court had to decide was whether the JJ Act, 2000 applies retroactively to crimes that occurred prior to its enactment. Juveniles would be defined as anyone who was under the age of 18 on the date of the offense, regardless of whether the JJ Act of 2000 had been in effect or not, according to

the court's interpretation of Sections 2 (k), 2 (l), 7A, 20, and 49. The fact that the accuser became a juvenile after becoming 18 years old is irrelevant.

- 5- **Nirbahaya Case** -The 2012 gang-rape in Delhi is a famous landmark case that changed the Indian judicial system; it is also the subject of the Nirbhaya gang-rape case. A juvenile was among the rapists involved in the case. The sixth accused was tried while still a minor; he was seventeen years old when the incident occurred. He received the maximum sentence for a young offender—three years in a reform institution—after being convicted guilty of rape and murder. The 20th of December 2015 saw his release from a detention facility, despite demonstrations and legal hurdles. No record of the accused's crime will remain in the public domain, and his identity has been changed to guarantee safety. Public outcry and the significance of the 2012 infamous Delhi gang-rape case (Nirbhaya Case) prompted the modification to the 2000 statute. Given that the case involved a minor criminal. Achieving a balance between child rights and justice is the goal of the legislation, which is why harsh punishments like the death penalty and life in prison without parole are rarely meted out to juvenile offenders.
- 6- The case of **Gopinath Gosh v. West Bengal State**, the defendant claimed to be significantly older than the legally mandated minimum age for children. Additionally, the court in this instance not only granted the first-ever plea of child status, but it also sent the case to the sessions judge to determine the accused's age. The Supreme Court's decision in *Rajinder Chandra v. State of Chhattisgarh* upheld this method and further established that proof of age should be based on the degree of probability rather than proof beyond a reasonable doubt.

CONCLUSION

Children make up over a quarter of the global population, according to estimates. While a person's formative years are filled with priceless memories, they are also the most susceptible to harm at this time. Children are more vulnerable to outside influences due to the fast societal change and the impact of modern, western lifestyle. The contemporary and western way of life makes it easier for negative influences to attract children than positive ones, and as a result, many young people engage in criminal activities that are offensive in nature, such as driving under the influence or committing horrific crimes like murder. "Prevention is better than cure," as the old adage goes, and that is exactly what we should be doing. For these troubled youths, who are prone to criminal behavior due to a multitude of circumstances, prevention is essential and crucial. Find these youths and get them the help they need; that's the first and most important step. Furthermore, without prompt intervention and the necessary support, these teenagers develop into chronic offenders. There is a strong correlation between family dynamics and socioeconomic status and juvenile delinquency. It is important to start by helping the juvenile and their family. The state is always trying to get involved early through its several programs. Furthermore, the whole public must step up and work together. When people are understanding and compassionate, they may provide the perfect environment for young people who have gotten themselves into trouble and are about to ruin their lives and careers. The state and federal governments, aided by non-governmental organizations (NGOs) and private groups, have stepped up to the plate to help these children who have unwittingly endangered their own lives. Still, we need to step it up in terms of scope and efficiency.

REFERENCES

1. Rao, C. N. S. (2015). *Indian Social Problem A Sociological Perspective* (1st ed., p. 116). S Chand.
2. Rao, C. N. S. (2015). *Indian Social Problem A Sociological Perspective* (1st ed., p. 120). S Chand
3. Vats, N. K. (1982). *Social Problem and welfare*. Kedarnath and Ramah& Co Meerut.
4. Muthu kumaran, B. (2008). *Cyber Crime Scenario in india*. Criminal Investigation Department Review
5. Tiwary, R. K. (2010). *Child Criminals in India* Criminal Investigation Department Review, 13(3).
6. Kohli, R. K., & Mittal, K. (2015). *Child Criminals in India. JUVENILE DELINQUENCY IN INDIA*.
7. *Pratap Singh v. State of Jharkhand & Anr*, 2005(1) SCALE 763.
8. *Abuzar Hossain Alias Gulam Hossain v/s State of West Bengal*, (2012)10SCC 489
9. Singh, S. (n.d.). 628. *Lawyersclubindia*. <https://www.lawyersclubindia.com/articles/landmark-judgments-on-juvenile-justice-protection-of-children-14880.a>
10. *Hari Ram v. State of Rajasthan & Anr*10. [2009 SCC 13 211]
11. *Gopinath Gosh vs State of West Bengal*, 1984 AIR 237