

# Managing Juvenile Delinquency

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*Criminal tendency among minors needs to be attended to with humane care, so that the young offenders are saved from going astray and guided to the path of ethical social behaviour. There are special laws and facilities to achieve this goal. The author explains for general information, the background of the law in India, various provisions and steps being taken by the State to reform and bring back such youngsters to normal life, reminding that the family and the society have a very important role to play in this regard.*

## Introduction

Juvenile delinquency or criminal act by a child, is a delicate social issue involving parental, social and State ethics. It stems from a wide spectrum of child psychology created by negative background. It can be from innocent sibling rivalry to poverty of love and care from parents, as well as from the growing environmental conditions such as slums, fall out or separation between the parents, etc. Parents are the primary socializing agents of children. An imbalance at this stage can change an innocent child to a delinquent.

Lack of unconditional parental love and over-strict parenting can also cause a sense of disquiet in the child's mind, building pent-up anger. Peer pressure too can be a cause to change a quiet child to a rebellious one. Therefore, juvenile delinquency involves parental ethics and social ethics. When it affects society, it necessitates State intervention to maintain social order.

The age for treating a young offender as juvenile was fixed up to 16 in India. This has now been raised to 18 under the Juvenile Justice (care and protection of children) Act 2000. Juvenile Courts and Juvenile Welfare Board were established to make ruling and overseeing cases involving neglected orphans, victimized destitute and children who commit offences. The law recognizes that justice system as available for adults, is not suitable for being applied to juveniles. The system must be easily accessible to a juvenile or any one on behalf of the child, including the guardians and the police. The duty to determine whether a person is juvenile or not, is cast upon the court.

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The law prescribes specific procedures for dealing with juveniles, such as Juvenile Detention Centers, Juvenile Committee/ Board etc. Section 21 of the Juvenile Justice (care & protection of children) Act 2000 enacted by the Govt. of India, prohibits publication of the name, address or any other particulars calculated to lead to the identification of the Juvenile(s) involved in the incident. Despite this the media sometimes violates the law for publicity.

Delinquency prevention is the broad term for all efforts aimed at preventing youth from becoming involved in criminal, or other antisocial activity. Prevention service includes activities such as treating substance abuse, education, family counseling, youth mentoring, parenting, educational support and youth sheltering.

A male child from a poor family is more likely to be labeled deviant due to circumstances; this may partially explain why there are more lower class young male offenders. Being tough, powerful, aggressive, daring and competitive may be the way young men would want to express their power over others. A juvenile delinquent is one who repeatedly commits crime; however they could most likely have mental disorder/behavioral issues such as schizophrenia, post traumatic stress disorder or bipolar disorder. Theft is the most common /often committed offence. More serious crimes involving property, rape, etc are committed in latter part of the youth. In the British days there were Borstal Schools for rehabilitation and reformation of such juvenile delinquents. The aim of the school was to give youngsters a chance to make them fit to be a part of the mainstream society.

## **Present scenario**

The Juvenile Justice Act 2000 of Govt. of India, aims to offer a child increased access to justice by establishing 2 specific authorities to deal with children. They are:-

1. Child Welfare Committee for children in need of care and protection (Sec 29)
2. Juvenile Justice Board (JJB) for children in conflict with law.

## **The Child Welfare Committee (CWC)**

It has sole authority to deal with matters concerning children in need of care and protection. A committee has to be constituted for each district or group of districts. It will consist of a chairperson and 4 other members, one of whom at least should be a woman. The committee has the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the children, as well as to provide for their basic needs and human rights. A child rescued from hazardous occupation, brothel, family abuse or other such exploitative situation must be produced before the CWC who will conduct an inquiry to ensure optimum rehabilitation with minimal damage to the child. Children in need of care and protection are sent directly to the children's home by the Child Welfare Committee that passes necessary orders for rehabilitation, restoration and social re-integration.

## **The Juvenile Justice Board (JJB)**

This establishment deals with matters concerning children in conflict with law. A Juvenile Justice Board has to be constituted for each district or group of districts, and consists of two social workers and a Judicial

Magistrate. This is an attempt to bring change in the nature of the inquiry and decriminalize the administration of Juvenile Justice through the two social workers.

Once the crime is committed and the child is apprehended, the case comes before the JJB. Till the inquiry is pending the child is kept in an observation home, unless otherwise released as per the law. On conviction, the child is sent to the special home or place of safety.

Under this law, every juvenile in conflict with law has a right to bail as granting bail is mandatory, except when it can pose a threat to the life or well being of the juvenile. Instead of being sent to a jail, the law takes a reformatory approach and provides for release on probation after advice and admonition or places them in custody of Special Homes.

### **The Selection Committee**

The members of the JJB and the CWC shall be selected by a Selection Committee constituted by the State Government. The Committee shall hold the sitting in the premises of a Children's Home or at any other place as may be specified and shall meet once or twice a week. The quorum for the meeting shall be three members including the chairperson.

### **Constitution of a Selection Committee**

1. A retired District & Session Judge -  
Chairman
2. A representative from the National Law School of India University, not below the rank of a Professor.
3. The Secretary - Women & Child Development.

4. The Secretary - Parliamentary Affairs & member legislation.
5. Director - Department of Woman & member legislation.

The term of the office of the members of the Board shall be 3 years from the date of appointment. A member may resign his office any time by giving 3 months advance notice in writing to the Principal Magistrate with a copy to the State Government. It will come into effect after the same is approved by Principal Magistrate.

### **Category of Juvenile Delinquents**

They shall be separated according to the nature of offences such as:

- i) Major offences such as murder & sexual offences
- ii) Minor offences

The juvenile delinquents are admitted to Juvenile homes generally through Police station and in some cases it comes through Central Jail, these admissions are mostly only for serious offences (Minor offences like theft etc., will be dealt by the police).

They are booked for offences punishable for more than 7 years imprisonment like those falling under Section 121, 122, 123, 124A, 130, 131, 132, 194, 222, 238, 240, 251, 255, 302, 303, 304, 305, 306, 307, 311, 313, 314, 315, 316, 326, 327, 328, 239, 331, 333, 363, 364, 364A, 366, 366B, 367, 371, 372, 373, 376, 377, 382, 388, 389, 392, 394, 395, 396, 399, 400, 409, 412, 413, 436, 437, 438, 439, 449, 450, 454, 457, 458, 459, 460, 467, 475, 489A, 489B, 489D, 493, & 495 of the Indian Penal Code (IPC).

The trial will be conducted by a Chief Metropolitan Magistrate along with two members. Immediately after the child is brought, the parents will be informed. The parents can conduct the case and can also visit the child regularly. If the child has no one to conduct the case or if the parents neglect the matter, then the authorities will prepare the charge sheet and send them on bail. Free legal aid service also will be provided to juveniles who apply for bail. For granting bail they have to produce age proof certificate i.e. T.C. from school, SSLC marks card, school certificate etc. and for relationship document of the parent, they can produce family ration card, and for address proof document, the voter's Identity card of the parents can be produced.

To get a juvenile out on Bail, an application has to be filed under Section 12 of Juvenile Justice Act. The Vakalat from parents, parent's affidavit, surety affidavit, surety documents, four passport size photographs, relationship documents etc are necessary for filing the bail application.

### **Juvenile Home / Observation Home**

There are many Juvenile Homes in the country. Each state will have a few Juvenile Homes run by the government. A Juvenile Home is managed by a Superintendent, who is in charge of the day to day activities of the Juvenile Home. The Superintendent of the Juvenile Home stays within the institution and has been provided with quarters, so that he is with the inmates throughout. The Juvenile Home encompasses a very child friendly atmosphere to make the inmates feel comfortable.

Their daily routine starts from 6 a.m. From 6 am to 7.30 a.m. they are engaged in cleaning, washing and bathing. 9 a.m to 10 a.m. is the breakfast time, 1 p.m to 2 p.m lunch time, 5 p.m to 6.30 p.m tea time; 6.30 p.m to 7 p.m is kept aside for prayer & meditation, 7 p.m to 8 p.m for dinner and 8 p.m to 9 p.m for recreation including watching television. The Juvenile home has an office room, dormitory, prayer hall, study room, computer room, dining room, kitchen, store room, toilets, court room, play area etc.

Juvenile home conducts meditation classes, yoga classes, games, Art of Living classes, music, drama classes, counseling, computer courses, indoor games, prayer, painting classes, etc. The inmates are also allowed to watch television. They also have counselors, probation officers, house mother or house father, educator, doctor, store keeper, music teacher, yoga trainer, driver, cook, helper, gardener etc.

### **Conclusion**

The State is a representative of the people and is formed for giving expression to the will of the people. It is part of the "social contract". All modern States are formed on the basis of this theory. It is part of the State's ethical duty to reform and rehabilitate members to useful existence in society. Juvenile delinquents clearly form a special category. Towards them the State has special obligations. These are ought to be worked out in greater details in future.

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*Inputs Courtesy: The Superintendent,  
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