

SUMMARY

of

MINOR RESEARCH PROJECT

‘A Study of Juvenile Delinquency During The Year 2009 To 2013, in Wardha City in the
Light of Law and Judicial Decisions’.

Submitted to the:

University Grants Commission (WRO)

in the subject of

LAW

By:

Dr. Manoj Nilkanthrao Bendle

Principal Investigator (M.R.P.)

(File No. : 23-1182 / 14 (WRO) dated 20.02.2015)

DEPARTMENT OF LAW

Yeshwant Mahavidyalaya, Wardha - 442001

Maharashtra

Feb. 2017

MINOR RESEARCH PROJECT

SUMMARY

“Children are like the buds in a garden. They should be carefully and lovingly nurtured, as they are future of the nation and the citizens of tomorrow.”

-----**Pandit Jawaharlal Nehru.**

In the present study an effort has been made to analyse the problems of juvenile delinquency in Wardha City. The problem exists in a much greater magnitude than is generally felt. The upward trend in juvenile crimes has caused considerable consternation because juvenile delinquency is considered to be the widest gateway to adult crime.

It has been found that juvenile delinquents are the products of social and economic maladjustments, mainly arising out of family circumstances, association impact, failure in school life, movies, broken homes, family economic condition, destitution, undernourishment, illiteracy, slum dwelling and lack of recreational facilities etc.

It is also found that Incidence of delinquency is high in low economic and low status group. Roughly 85 per cent of delinquent's have household income varying between Rs. 10000/- to Rs.25000/- per month. The average monthly income and expenditure of the households are Rs. 10000/- and Rs. 25000. The average size of the family consists of four persons.

It has been observed that more than 77 per cent of the household are in debt, alcoholism, smoking, and gambling seem to be the major cause of indebtedness. It is unfortunate to note that their approximately 40 per cent of monthly income is spent on these items. Therefore it is concluded that poverty is also one of the concomitant factors in delinquency.

Besides this poverty, Broken homes and Bad Companions have also resulted in delinquency. Illiteracy or failure in school life is also another cause of deviant behavior among children. Though illiteracy has not fully led to delinquency but it is expected that if education is extended to children, it would make them better citizens and law abiding. Among various causes of the problem, the family influence, size of the family, child-parent relationship and parental negligent behavior towards their children are also playing their part in delinquency.

It has also been found that lack of adequate correctional measures to deal with the problem has been revealed by the study. Correctional measures for delinquents are almost non-existent in Wardha city, except some formal education in the juvenile observation home.

After studying all the rights conferred to children by the U.N. Declaration in 1959 and the Indian scenario, the researcher has concluded that, there shall not be all round development of children unless fully enforcement of these rights. If these rights are fully protected then it will very helpful to minimize the increasing rate of juvenile delinquency. It has been also found that the Health Department is not paying proper attention about health, nutrition etc. therefore, the problem of malnutrition is seen everywhere.

Finally, it is concluded that the problem of juvenile delinquency cannot be tackled effectively alone by governmental measures, but every one of us, including the parents, teachers, social workers, judicial officers, police administration and machineries, Superintendent of Observation Home and its entire Staff and even voluntary agencies have a positive responsibility and a role in molding the deviance behavior of tender age of children who are absorbing and reformative also.

Thus after analysis and interpretation of data which is collected from District and Session Court (Juvenile Justice Board) Wardha, and Observation Home Wardha, it has been found that juvenile delinquents are the products of social economic maladjustments, arising out of economic poverty, destitution, undernourishment, parental negligence, illiteracy, slum dwelling and lack of recreational facilities etc. The most dreadful aspect of the problem is that it is considered to be the widest gateway to adult crime. Therefore, it deserves scientific and systematic investigation.

Juvenile Delinquency and Justice System is as old a problem as the society itself. It is a serious problem for the society because the root of adult criminality lies in juvenile delinquency. All over the World, social scientists from the discipline of Sociology, Psychology, Psychiatry, Criminology and Penology have been making efforts to deal with this problem.

It is found that while dealing the children in conflict with law, and while treatment to such children, role of Police Machinery play very remarkable role at initial level. The first U.N. congress on the prevention of crime and treatment of delinquents held in Jeneva in September 1955 has resolved that the general organization of Police services for the juvenile should be composed of specially trained police officers. Police has to take no discriminatory decision based on the age, offence, attitude of the boy, family background,

living situations, caste and religion etc. However it cannot be denied that the first contact of delinquents juvenile is always with the police, Every juvenile offender has to go to the police station however brief period may be, and it has been observed that the police always treat the juvenile or child offender on an equal footing with an adult criminal, they don't want to know the reason or compulsion under which the child has committed the offence. They enter his name in the police register and then his name is black listed.

In future, if a similar type of offence is committed in the same area, police first suspect him again and again and as a result of which 80% delinquent juveniles are pushed into the deeper world of criminal activity. Then the question arises that why the police personnel have no sympathy towards the child? Why the administration agencies are not paying much attention towards the child? Thus it is the lack of machinery and not the laws.

Hence it is suggested that the Indian police officers while dealing with juveniles accused must follow the following conditions:-

1. Treat the Juvenile with Consideration:

Remember that what he thinks of you and your conduct may influence a future attitude to be in favor of or opposed to social and legal requirements.

2. Be Friendly :-

Many juveniles feel that the world is against them, do not let your conduct further the development of an antisocial attitude in the child. Remember that human conduct can only be changed by human conduct. Many juveniles were discouraged. They believe they are failures. You would not expect a half completed aeroplane to fly. You cannot expect an undeveloped child to function as an adult.

3. Be Firm:-

Appeal to his intelligence, his reason, good conscience and his sense of fairness.

4. Discover The Child's Problem, If You Can :-

His problem is important to him as yours are to you. If you know the problem you may be able to help him.

5. Try to gain his confidence and respect :

In attempting to determine the child's guilt or innocence with respect to any overt act, your chances are far better if he believes in you.

6. Remember that child of Today is man of Tomorrow:-

Someone has said that boys will be an adult one day, but he forgets that boys will be good man.

7. Be Positive in your attitudes.

A boy who hates police officers, because of officer's abusive attitude, will as a man have little respect in him.

8. Do not brand the juveniles:-

Epithets such as thief, liar, bugger, forger etc. should not be used towards the juveniles whether in custody or in presence of their parents or relatives. The use of such epithets towards the juvenile is reflection upon the characters and intelligence of the officers using them.

9. Do not resort to vulgarity, profanity, obscenity:-

The use of such language by a police officer is especially reprehensible and should not be tolerated under any circumstances

10. Do not lose your temper:-

To do so is an admission of mental inferiority to the person being interrogated
do not lose your temper

On the other side it is also concluded that it is not the fault of Laws but is the fault of state machineries that they are not implementing the legal provisions properly and strictly for the welfare of the children.

Hence the hypothesis formulated by the researcher has been proved and the researcher is moving with following conclusions and suggestions. Some conclusions and suggestions are given below to reform and to prevent the juvenile delinquency, are as follows:

- (i) Juvenile delinquency is the burning social problem. If it continue and increase then it create a reasonable threat to our healthy social atmosphere. Therefore firstly there is an urgent need of public awareness. People of any strata must be conscious about rights of children. General public must be sensitive and expected

to take immediate appropriate steps about the children in conflict with law for their reformation.

- (ii) If any children found committed act which is violation of any criminal law, the police, superintendent, probation officer or any other authority must handle the children with utmost care and precautions for his reformation that in future he shall not become hardened criminal.
- (iii) Creation of one separate Juvenile jail with all required facilities for reformation and rehabilitation of juveniles conflict with law, like technical education and others trainings and one full time juvenile courts in the every district place.
- (iv) The juvenile jail shall be managed by qualified police personnel. Who have some training in child psychology as well as in social work.
- (v) The approach of juvenile courts should be more of reformatory character than pure judicial. The objective should be to reform the offenders, rather than just to punish.
- (vi) Besides, the vocational training and education, the Governments should also give necessary instructions to the Jail Authority to create spiritualistic atmosphere in the jail and aftercare institutions to convert and strengthened the mind of inmates associated with feedback like 'Yoga' and Meditations' on the efficacy of the reformatory measures.
- (vii) Juvenile delinquents should not be kept inside the jail only. But for their mental development they should visit outside of the jail with adequate guarding staff at least twice in a month.
- (viii) The State should take necessary precautions and adequate legislative measures, to those who are escaping from the jails.
- (ix) Existing laws in our country related to the child care, child development and all matters connected therewith be thoroughly scrutinized and loopholes, if any found there under be plugged, if necessary fresh legislation be brought.
 - x) More funds be made available by the Government for the child care and development.
 - xi) Active efforts be made to remove children from bondage and all hazardous places including domestic work also.
 - xii) Special care to be taken of plight of street children and children living in urban slums.

- xiii) Parents be properly educated so as to enable them to have better understanding for their children right to education, health nutrition and freedom from labor.
- xiv) Bar Council of India should introduce a separate paper in the syllabus of LL.B on the right of the child, child care and child development.
- xv) To protect children from all kinds of pollution, legislative measure may be strictly adopted.
- xvi) There should be very tough or deterrent punishment who exploits the children.
- xvii) Control over health and nutrition outreach services, education etc. be transferred to the institution ensuring delivery and accountability.
- xviii) There should be control over the population in order to provide adequate facilities to the children and to develop in a healthy manner.
- xix) It has been found that due to superstitions in many castes and religions, children become victim and turn to delinquency therefore eradication of superstitions is become dire need today.
- xx) Adoptions of children who are in need of care and orphans, not only by individuals but also by social organizations and NGOs are also become very effective steps to prevent our future generations to indulging in criminal activity.
- xxi) Youngsters today need to be taught the spirit of tolerance in personality both as a part of familiar grooming and school experience. They have to imbibe the ability to accommodate, accept varying points of view, ideas and ideals.
- xxii) Parents need to reunite their young ones with estranged family members patience, morals values, love, compassion, kindness, empathy, kinship modesty, pride, courage, patriotism, Godliness – inherent parts of our subliminal selves, that have been somehow cast out of our hearts and homes.
- xxiii) For better protection of child rights, widening the scope of law is needed. Besides, it is essential that every household imparts value education to children, society as a whole, absence of these values are responsible for atrocities against boys and girls. All sections in the society need to make their children i.e. boys and girls, aware of social responsibilities and inculcate in them good moral values to shape their character in a right manner.
- xxiv) It has been concluded that the amended Act 2015, about the care and protection of Children is very appropriate and having substantial provisions to combat with the problem of juvenile delinquency. However it is found that very few people know about the said Act. Therefore it is suggested there should be wide publicity

through various ways like Conferences, Seminars, Workshops at Government and Private places and aware general people through street drama and in any other ways.

- xxv) It is found that in Wardha city no NGOs are working to prevent juvenile delinquency. Therefore it is suggested that somebody should come forward and work for reformation and rehabilitation of children in conflict with law, through NGOs.

Ultimately the success of all these would depend on how these measures are being implemented. However it is the need of the hour to enforce laws strictly and save our children for nation building, for strong India, healthy India.
