

Prevention and Control of Juvenile Delinquency and Neglect

Mr. Amod K. Kanth*

The future of a nation, its growth and development largely depends on the quality of humane resource. Children of the today are the human resource of tomorrow. To make useful citizen out of our children, it is necessary to nurture theme, protect their childhood and provide them adequate opportunities of growth and development. It is for this reason our national Policy for children affirming the constitutional provisions declared “children are supremely important assets and their nurture and solicitude is the nations primary responsibility”. The UN Conventions on the Rights of the child also recognized the child’s entitlement of special care and assistance through four broad category of Rights :

- 1. The rights to survival,**
- 2. The right to protection,**
- 3. The right to development, and**
- 4. The right to participation**

Today, children’s situation in India is very grime and we cannot afford to be complacent about it. The deeply disturbing realities of child abuse and exploitation give a lie to the defining sentence in the National Policy for children.

According to 1991 census there were 297 million children in the age group of 0-14 years of this, 203 million were in the age group of 5-14 years, which also happens to be the school going age group in the country. According to the Fifth Education survey conducted in the later part of the eighties and the results of which were made available in the early part of nineties, there were 112 million children in the age group of 5-14 years who were enrolled in the formal school system in class 1-5. About 7 million children were reported to have been enrolled in the Non-formal Education system. Thus, a total of 119 million children were enrolled in school and 84 million children were out of school. Thus figure by now must have crossed 100 million because nearly 13 million children are being added every ear to the child population and also the legal definition of child has enhanced the age below 18 years now, according to Juvenile Justice (Care & Protection) Act, 2000.

These 100 million children or may be more who are out of school system can be described as children “nowhere” or in street in a situation of neglect who need our support. They are on the street working at railway station, working as child labour in hazardous establishment, or dhaba or domestic help etc. They are deprived of childhood, education, health, food, shelter & cloth. These are their basic needs for survival which is ultimately their Rights also.

* Jt. Commissioner of Delhi Police & General Secretary, Prayas

There are socio-economic factors for delinquency and neglect like poverty, broken family, urbanization leading to migration, breaking of social values and joint family system, atrocities by parent leading to run away of children etc.

The neglect of children by parent society and the nation has detrimental effect on their development. They are in unconducive atmosphere where they are abused & exploited. In such situation their desire for justice remains unfulfilled and more so in the company of largely anti social elements they gradually adopt to delinquent behaviour to satisfy their needs and wants. Neglect therefore leads to delinquency which if not checked in time leads to juvenile crime. According to Crime Record Bureau in India (1998) the number of child offenders being arrested was 1,03,231 when covered upto 18 years.

The cases in which the children are victimized and abused are categorized under two broad heads; (i) crimes committed against children which are punishable under Indian Penal Code; and (ii) crimes committed against children which are punishable under special and local laws.

Special and local laws fall under the ambit of; (a) Immoral Traffic Prevention Act 1956; (b) Child Marriage Restraint Act 1979; (c) Child Labour (Prohibition and Regulation) Act, 1986; and (d) Juvenile Justice Act.

The new Juvenile Justice (Care & Protection of Children) Act, 2000 however, now covers the sexual abuse and Child Labour also.

Table 1.1 below gives the incidence and rate of Juvenile delinquency under the Indian Penal Code 1860 from 1982 to 1992 (both years inclusive) and Table 1.2 gives complete details about the Juvenile apprehended under Indian Penal Code and special & Local Laws by sex during 1982-1992.

Table – 1.1

Sl. No.	Year	Juvenile delinquency	Incidence of	
			Total cognizable crimes (under the Indian Penal Code)	Percentage of juvenile delinquency to total crimes
1	1982	59345	1353904	4.4
2	1983	55473	1349866	4.1
3	1984	42803	1358660	3.2
4	1985	49317	1384731	3.6
5	1986	55887	1405835	4.0
6	1987	52610	1406992	3.7
7	1988	24827	1440356	1.7
8	1989	18457	1529844	1.2
9	1990	15230	160449	0.9
10	1991	12588	1676375	0.8
11	1992	11100	1689341	0.7

Source: Crime in India – 1992, National Crime Records Bureau, Ministry of Home Affairs, Government of India.

Table – 1.2

Juvenile Apprehended * (1982-1992)

Sl. No.	Year	Boys	Girls	Total
1	1982	157664	10673	168337
2	1983	160513	11101	171614
3	1984	149755	12505	162260
4	1985	157107	11392	168499
5	1986	159977	10172	170149
6	1987	166407	13555	179962
7	1988	33065	5103	38168
8	1989	24777	11615	36392
9	1990	25269	5547	30816
10	1991	23201	6390	25591
11	1992	17474	3884	21358

* **Source** : Crime in India, op.cit.

The preamble of the Act states that the Juvenile Justice (Care & Protection of Children) Act 2000, envisages a comprehensive scheme “relating to Juvenile in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under this enactment”.

The institutions under the Act are Children’s Homes for children in need of care and protection, Observation Homes, Special Homes for juvenile in conflict with law and After-care institutions for both categories of children. The existing infrastructure in the country is extremely inadequate to meet the magnitude of the problem (100 million children in need of care and protection and 1,03,231 juveniles in conflict with law, as discussed above). The Act stipulates to set up these institutions besides constituting the juvenile justice Boards and Child Welfare Committees in every districts or group of districts in the country.

As against 596 Revenue Districts (704 police districts) in the country there are only 280 Observation Homes for both neglect and delinquent juvenile, 36 Special Homes and 46 After-care Homes, only 189 Juvenile Courts and less than half of Juvenile Welfare Boards have been constituted. The total coverage for all categories of children inmates in the institution is just about 36,500.

The consequence of inadequate infrastructure is that large number of juveniles are still kept in Jails in different parts of the country. This defeats the purpose of the juvenile Justice System as against the adult criminal justice system. Further the available infrastructure do not have minimum. Beijing standard which adversely affects the growth and development of the children in the institutions.

The new Juvenile Justice Act has an exclusive chapter on Rehabilitation and social reintegration which ambits adoption, foster care and sponsorship. These provisions

shall help in better community based rehabilitation and care of juvenile / child and prevent vagrancy and destitution.

The role specialized police with orientation and training in child psychology and welfare will provide better care and handling of juveniles and children. The provision of associating social workers with police shall safeguard the best interest of the children. The new role authorizing the social worker, voluntary organisations, public servants, childline and the child himself in the matter of production before the Child Welfare Committee is intended to accure right of the child to shelter, food, cloths and family like atmosphere for proper growth and development besides providing them justice against abuse and exploitation. For this reason, the consent of social workers on the Juvenile Justice Board in the matter of disposition has been made mandatory in the Act.

The role of Child Welfare Officer as against the role of profession legal service and that of free legal aid in the matter of investigation, and trial of cases shall help in the quick disposal of cares and juvenile may not have to stay long in the institution for the justice.

The Govt. of India has initiated a scheme for the prevention and control of Juvenile Social maladjustment since the Seventh Five-Year Plan. The scheme aims at a full coverage of the Juvenile Justice System in the country both by upgrading the level of existing services as introduced under the Children's Act and by creating additional infrastructure in keeping with the standards spelt out under the new Act (JJ Act, 1986). In providing for differential approach towards neglected vis-à-vis delinquent juveniles, the scheme intends to enhance the role of family and the community. The task still remains unfulfilled even when the Tenth Five-Year Plan is about to be launched soon.

The Government has herculean task to implement the Juvenile Justice (Care & Protection of Children) Act, 2000 to cover every districts in the country. Unless this is done, majority section of the children will remain deprived of justice and care. They will be forced to live in the situation of deprivation and neglect where delinquency shall breed.

The recent initiative taken by Ministry of Human Resource Development to set up a National Commission for Children is expected to enforce the children's rights and the implementation of laws relating to children in effective manner. The proposed National Commission for children shall have branches in every state with the power of a civil court. Prayas has contributed significantly in the proposed draft bill of National Commission for Children. Earlier, Prayas had assisted the Ministry of Social Justice & Empowerment in drafting the amendment bill of new Juvenile Justice Act, 2000. Prayas has three Children's Homes and 11 community based projects in the city of Delhi, Gujarat and Bihar. In altogether Prayas provides holistic care to about 3,000 children every day. This may be a small part, but significant, considering that Delhi had about 6 lakh neglected children.

Besides the legal approach for prevention and control of Juvenile delinquency and neglect, there could be medico-socio-economic approach also. This may be like:

- (a) Vagrant children must receive the most urgent attention in planning for child welfare. Immediate steps should be taken to provide them with minimum health and recreation services.
- (b) For the employable adolescents, part-time employment should be provided
- (c) Work-centres for children should be set up, which would provide them useful craft training, and through it enable them to have some gainful occupation within their home or habitat. There will, then, be no need for them to move out of their home or habitat leaving young children uncared for, or compelling them to get away from their responsibility and interest in stabilizing the home. In other words more Jan Shikshan Sansthan may be established in the country.
- (d) Civic authorities should show positive interest in this exercise by making available public health service for the purpose of immunizing vagrants against epidemics, and ensuring their periodical medical examination free of cost or at nominal price.
- (e) **Containment:** migration is negation of planned development. The concentration of the industries out of proportion in the housing areas of the cities perpetuate pollution and industrial waste which leads to unhealthy surroundings. The children who migrate to work in such industries suffers from health problem besides adding to vagrancy. The plan of forming a development community for making the villages self-sufficient will help to check rural-urban migration
- (f) **Resettlement:** the rapid economic development demand concentration of industries in the area where there is availability of water, power, transport and communication etc. The idea of setting up satellite town with basic amenities will lower the burden of over crowding the city or the metropolis. The growth of slums which adds to the problem of crime shall reduce.

Conclusion

1. Control of delinquency needs effective implementation of Juvenile Justice Act with full public awareness and training of officials.
2. Government should put more emphasis of useful and attractive beneficial long term schemes for Juvenile so that they feel motivated to join main stream of the society.
3. Longer association of community and voluntary organizations in the schemes of Government programmes like literacy, health, girl child trafficking, child labour, nutrition, etc. shall help to a great extent to weed out delinquency.