

## Juvenile Delinquency (Reference Rajasthan)

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### ABSTRACT

Juvenile delinquency can be popularly seen in a developing country like India. Many youngsters around the globe get involved with grown-up formal equity framework. Ordinarily, these kids are the ones who are confronting financial issues, so these kids who are surrendered and penniless face high danger of sexual misuse, trafficking. Be that as it may, for kids in struggling with law the long trial procedures of captures can crush their whole adolescence, as a result, a large number of them are decreased to low odds of restoration and joining into society. Juvenile Delinquency is the involvement of a kid who is between the age of 10 and 17 in illegal activity or behaviour. Adolescent misconduct is likewise used to allude to youngsters who display constant conduct of underhandedness or noncompliance, in order to be considered out of parental control, getting to be plainly subject to legitimate activity by the court framework. Juvenile delinquency is also known as “juvenile offending,” and each state has a separate legal system in place to deal with juveniles who break the law.

**KEYWORDS:** Juvenile, delinquency, adolescent, illegal, law, youngsters, offending, legal

### INTRODUCTION

Juvenile delinquents are regularly youngsters between the ages of 10 and 17 who have carried out a criminal demonstration. There are two principal sorts of guilty parties: rehash wrongdoers and age particular guilty parties.[1,2]

Rehash Wrongdoers– rehash guilty parties are otherwise called “life-course constant wrongdoers.” These adolescent delinquents start culpable or hinting at other solitary conduct amid pre-adulthood. Rehash guilty parties keep on engaging in criminal exercises or forceful practices even after they enter adulthood.

Age-particular guilty parties- Age-Specific Offenders indicate adolescent reprobate conduct starts amid youthfulness. Not at all like the rehash wrongdoers, in any case, the practices of the age-particular guilty party closes before the minor turns into a grown-up.

The practices that an adolescent shows amid youthfulness are frequently a decent marker of the kind of guilty party he will progress toward becoming. While age-specific offenders leave their delinquent behaviour behind when they enter adulthood, they often have more mental health problems, engage in substance abuse, and have

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greater financial problems than adults who were never delinquent as juveniles.

### Risk Factors and Predictors of Juvenile Delinquency

Numerous kids end up noticeably adolescent delinquents early, frequently between the ages of 6 and 12 years. Numerous adolescent practices amid the pre-high schooler and young years might be viewed as ordinary conduct for kids, as they extend their limits, and battle to build up their self discernment. There are, in any case, certain signs that a child may be going an awful way.

### Indicators of adolescent misconducts may show up as ahead of schedule as preschool, and frequently include:

- Abnormal or moderate advancement of essential abilities, for example, discourse and dialect.
- Chronic infringement of the principles.
- Serious forceful conduct toward different understudies or instructors.[3,4]

Studies have discovered that various life conditions constitute chance components for a youngster to end up noticeably an adolescent reprobate. **While these**

are numerous and changed, the most well-known hazard factors for adolescent misconduct include:

- **Authoritarian Parenting** – characterized by the use of harsh disciplinary methods, and refusal to justify disciplinary actions, other than by saying “because I said so.”
- **Peer Association** – usually resulting from leaving adolescents unsupervised, encouraging a child to engage in bad behaviours when acting with his peer group.
- Low Socioeconomic Status
- **Permissive Parenting** – characterized by lack of consequences for bad behaviour, permissive parenting can be broken down into two subcategories: (1) neglectful parenting, which is a lack of monitoring a child’s activities, and (2) indulgent parenting, which is the enablement of bad behaviour.
- Poor School Performance
- Peer Rejection
- ADHD and other mental disorders

Most officials in Rajasthan whom India Today contacted with figures of juvenile crime were surprised to know about alarmingly high number of such cases taking place. In 2011, Rajasthan had 79 cases of rape, 71 of murder and 65 of attempt to murder and three of culpable homicide not amounting to murder against the juveniles who were than 18 years of age.

There is a correction home in each of 33 districts and one special home in Ajmer where delinquents who are above 16 and involved in heinous crimes are shifted if it is found that their stay at correction homes is not good form other inmate. Total number of inmates at all correction homes in the state often rarely exceeds a hundred on any day and normal stay even for heinous crimes rarely exceeds six months. At **Ajmer**, there are only two inmates, one accused of rape and one of murder.

Jaipur's correction home has the largest jurisdiction in the state. According to Dr Shiv Kumar Mahiya, a member of the Juvenile Justice Bard, Jaipur, about 15 cases of murder and 30 of rape are reported here every year. However, very few of them are those who have actually committed the crime. Here there were 11 children during first week of January and all were detained between September and December of which seven were involved in heinous crime. Of the seven, five were between 16 and 18.[5,6]

Police records reveal some **brutal cases that were committed by juveniles in Jaipur**. In past four

years, none has been sentenced to three years term in Jaipur. In following cases that are pending, it is very likely that accused will be released after about six months in correction home.

A 16-year-old boy is lodged in Jaipur's correction home since August, 2012 for rape of a six year old girl in Kanota, located on outskirts of Jaipur on Agra road. He disappeared from his home when he was five and was brought up on streets, working with vendors. He was in the company of two grown up youths when three decided to rape the child, a daughter of nomadic iron smith living on the roadside. His parents were traced only after his detention.

Two children, one 10-year-old and one 13-year-old raped a seven-year-old in August 2012 at Kardhani, outskirts of Jaipur. It was the younger one, the ten year old who asked elder to have sex with the girl they used to play with when her parents were away. The children said they got the idea from watching television.

One 14-year-old was arrested along with two youths for raping a married woman in Chakshu, near Jaipur in June 2011. The three used to work together and stay at one place. The juvenile says the woman had befriended a youth who often slept with her. He brought in another youth also. The 14 year old often saw them sleeping with the woman and one day, demanded that he too wanted to try it. That very night, when all three were there, her husband woke up and caught them red handed. Woman accused the three of rape. The boy insisted that he merely accompanied them and hadn't done anything yet. The police said she was kidnapped and abandoned in a sub conscious state in fields when her husband was away.

In June, 2012, a class V1 student, aged ten in a small town **Govindgarh of Alwar**, raped a class one girl.

A juvenile detained at Jaipur seems to be a victim of love affair turned rape charge. He and the girl he is accused to have raped, are minor. The girl is willing to take back the case if his parents promise to marry the two in writing. Such cases are crucial in view of latest demand to reduce age of juvenile delinquents to 16 from 18. In contrast, government has recently revised the age of consent for sex for girls from 16 to 18. So a girl just a little less than 18 can seduce a boy of 16 for sex which will land the boy imprisoned in a jail.

Two brothers are accused of killing own brother with help of a minor friend at Toda Bhim near Jaipur recently.

Authorities the correction home feel that keeping a minor away from society for a longer period doesn't serve any purpose. "Any correctional measures show results within a month and juvenile realises the mistake and looks forward to live a normal life with support of his family," says Dr Mahiya. There are no long term reformatory steps undertaken. The juvenile delinquent are kept in dormitories which look like a house. Since there stay is very short, there is no provision of regular studies. Teachers come to help those already studying carry on with their study. Counsellors are arranged to interact with the children. Inmates are provided television, reading material, indoor games. Girls are taught craft and engaged in activities such as mehndi competition. Attempt is to get them over from what they did and help lead a normal life.

"We have very few cases of repeated offence except for a gang of teenagers indulging in minor thefts,' says Dr Mahiya. They want to make quick money and their families seems to be fed up by them too. One of them has his girl friend visiting him too often at the home and she keeps demanding gifts from him. There is no system to deal with such cases of frequent offenders as they are not kept too long at home and can't be sentenced for three years which is reserved for heinous crimes only.

There have been repeated instances of inmates running away from the home and authorities say that repeated offenders instigate others too to run away knowing well that they can't be punished for it escaping. Most of them return on their own or are handed back to the home by their family members. One child, 16, who tried to harm himself too while at the correction room is repeated offender of a murder. He is from Hasanpura locality in Jaipur. He was accused of murder many years ago and released after a few months. In July, 2012 he was arrested with four others when they smashed head of a friend after beating him over a tussle over deceased's mobile phone. He was let off in December but as he had turned 18, authorities said he was booked in some other crime and sent to jail by the police.[7,8]

Members of different justice boards feel a good number of detainees accused or rape and murder are slapped with these charges for being present at scene of crime along with adult criminals. However, most of juveniles who are charged with actually committing heinous crime are those whose age borders 18 or there is a doubt about their age. Very often, defendants in connivance with police project the age as just a few months less than 18 and case is built to give benefit to f age to accused. In a recent case, Supreme Court in a case of rape in Bhilwara

rejected Rajasthan High Court's decision to consider accused as juvenile due to contrary evidence and declared him an adult, liable to face prosecution.

Even when there are convictions by juvenile justice board for three years, the accused child is acquitted or bailed out often by the high court. The one who served longest period of eleven months in Ajmer was acquitted by the Rajasthan High Court for murder on January 7,2013. A 15 year old US resident was convicted for three years by Juvenile Justice Board form killing his mother and burying her body at a sand dune in August 2010. The mother and teenager were staying at a **desert resort at Osian near Jodhpur** when he allegedly killed e river a heated argument by slitting her knife. He was acquitted by Rajasthan High Court in August 2012 and has returned to his country since.

### Discussion

Jaipur: Incidents of juveniles in conflict with law continue to soar in the state. Figures released by the **National Crime Records Bureau (NCRB)** have placed **Rajasthan in fourth position** in terms of crimes committed by juveniles.

In 2016, the state recorded 2,273 cases involving juveniles. In 2015, the state had registered 2,203 cases. As many as 76 juveniles were found to be involved in heinous crimes like murder, whereas 83 were found to be involved in attempt to murder.

In another shocking figure, the state police found 86 minors involved in cases of sexual assault, while 159 were booked for cases of rape. "This is indeed troubling. We have correction homes in the state which lacks discipline. There's almost no module to help them find good career options. Often juveniles who are kept there, return as skilled criminals," said an official, adding that many a time incidents of juveniles escaping from correction homes have been reported in many parts of the state, particularly Jaipur.

The official said that many lesser known organized gangs have recruited minors in order to avert suspicion of intelligence units. The claims of the official are not entirely misplaced. In fact, Rajasthan police found 87 juveniles involved in kidnapping and abductions. "If you look at the figures, 469 juveniles appear in the NCRB category for theft and 80 for robberies. This indeed tells us that we need proper mechanisms to deal with them," said the official, adding that most of the minors were recruited by gangs for stealing vehicles.[9,10]

**Honorary Social Workers.-** A person to be appointed as an honorary social worker on the panel under subsection (3) of Section 5 shall be-



- A. A respectable educated citizen with the background of Special knowledge of child psychology, sociology, social work, education or home science; or
- B. A teacher, a doctor, a retired public servant or a professional who is involved in work concerning juveniles; or
- C. A social worker who has been directly engaged in child welfare.

**Procedure to be followed by a competent authority in holding inquiries.-**

(1) In all cases under the Act the proceedings shall be conducted in as simple a manner as possible and no un-necessary formality shall be observed. Care shall be taken to ensure that the juvenile against whom the proceedings have been instituted feels home like atmosphere during the proceedings.

(2) The competent authority shall see that the juvenile brought before it is not kept under the guard of a police officer but sits or stands by himself or in the company of a relative or friend or a probation officer at some convenient place as near to it as possible.

(3) In examining a juvenile and recording his statement the competent authority shall be free to address the juvenile in any manner that may seem suitable in order to put the juvenile at ease and to elicit the true facts, not only in respect of the offence, of which the juvenile is accused but also in respect of the home surroundings and the influences to which the juvenile has been subjected. The record of the examination shall be in such form as the competent authority may consider suitable having regard to the contents of the statement and circumstances in which it was made.

(4) In every case concerning a juvenile the competent authority shall obtain a birth certificate or medical opinion regarding his age and his physical and mental condition and when passing orders in such case shall, after taking into consideration the medical opinion and such other evidence as may be available record a finding in respect of his age.

(5) On production of a juvenile under sub-section (3) of Section 13 or on receipt of a report under sub-section (1) of Section 14 or on a complaint being received under Section 17 the Board may order in form I a probation officer or call upon a social worker to enquire into the character and social antecedents of the juvenile with a view to assessing the best possible mode for placement with the family or an institution.

(6) When a juvenile is placed under the care of apparent or a guardian and the competent authority deems it expedient to place the juvenile under the

supervision of a probation officer it shall issue a supervision order in Form II.

(7) When a juvenile has been ordered to pay a fine under clause (e) of sub-section (1) of Section 21 by a juvenile court and is ordered by it to be placed under the supervision of a probation officer, the juvenile court shall issue the supervision order as nearly as in Form III.

(8) Whenever the competent authority orders a juvenile to be detained in an institution it shall forward to the Superintendent of such institution a copy of its judgment or as the case may be, orders together with the order of detention in Form IV and any particulars of the home and parents or guardian and previous record.

(9) The Superintendent of an institution certified as juvenile home under Section (2) of Section 9 or as special home under sub-section (2) of Section 10 or recognised as observation home under sub-section (2) of Section 11 shall be informed in advance by the competent authority before any juvenile is committed to it.

(10) The Superintendent of the said institution may on receipt of the information, intimate in writing objections, if any, to the committal of the juvenile and the objections shall be fully taken into consideration by the competent authority before the juvenile is committed to the said institution.[11,12]

**Escorting of a girl from one place to another.-**

When a girl who is neglected or delinquent juvenile has to be transferred from one place to another outside the jurisdiction of a competent authority or from one institution to another institution, or for treatment to a hospital, mental asylum de-addiction centre etc. the following conditions shall be observed namely:-

- A. she is escorted by a female;
- B. she is properly dressed;
- C. she is made to travel only during the day time unless she is taken by rail;
- D. in case she is required to travel by road on a long journey which cannot be completed during the day time arrangements are made for her stay during the night in an institution and in the absence of any institution then to any other safe place nearby,
- E. in case she is taken to a hospital necessary facilities exist for the treatment of female patients; and
- F. before taking her from one place to another it is ascertained that she would be properly received at the other end.

## Results

Mode of dealing with juveniles suffering from dangerous diseases or mental complaints.- (1) When a juvenile detained in an institution under the provisions of the Act on placed under the care of a fit person as a fit institution is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment or is found addicted to a narcotic drug or psychotropic substance, the juvenile may be removed by an order of the authority empowered in this behalf to an approved place set up for such purpose for the remainder of the term for which he has to be kept in custody under the order of the competent authority or for such period as may be certified by a medical officer to be necessary for the proper treatment of the juvenile.

(2) Where it appears to the authority ordering the removal of the juvenile under sub-rule (1) that the juvenile is cured of the disease or physical or mental complaint he may, if the juvenile is still liable to be kept in custody, order the person having charge of the juvenile to send him to the institution or fit person from which or from whom he was removed or if the juvenile is no longer liable to be kept in custody, order him to be discharged.

(3) Where action has been taken under sub-rule (1) in the case of a juvenile suffering from an infectious or contagious disease the authority empowered under the sub-rule (1), before restoring the said juvenile to his partner in marriage or to the guardian, as the case may be, shall where it is satisfied that such action will be in the interest of the said juvenile call upon his partner in marriage or the guardian, as the case may be, to satisfy it that such partner or guardian will not reinfect the juvenile.

(4) If there is no institution either within the jurisdiction of the competent authority or nearby State for sending the juveniles suffering from dangerous diseases as required in sub-section (1) of Section 31, necessary institutions shall be set up by the State Government at such places as may be deemed fit by it.

**Daily routine.**- (1) Each institution shall have a well regulated daily routine for the inmates which should be displayed and should provide, among other aspects, for regulated disciplined life, physical exercise educational classes, vocational training, organised recreation and games, moral education, group activities, prayer and community singing.[13,14]

(2) For Sunday and holiday the daily routine shall include:

- a) washing of clothing and bedding,
- b) library reading,
- c) recreational programmes, games, sports,
- d) radio, television and recorded music,
- e) properly planned excursions,
- f) scouting activities.

**Diet Scale.**- The State Government shall prepare Diet Scale for juvenile in consultation with nutrition experts so that the diet becomes balanced, nutritious and varied. Special diet may be provided on national days and festivals.

**Issue of clothing, bedding and other articles.**- (1) Each juvenile shall be provided with clothing and bedding including customary under-garments, towels, jersey for winter, school uniform for juveniles attending outside schools, durry, bed sheets, blanket, pillow chappal or shoes etc., utensils as required, and tooth powder, soap, oil, comb etc., as per the scale laid down by the State Government.

**Sanitation and Hygiene.**- Each institution shall have the following facilities, namely:-

- a) Sufficient and treated drinking water,
- b) Sufficient water for bathing and washing clothes, maintenance of cleanliness on the premises and for flushing latrines,
- c) Proper drainage system,
- d) Arrangements for disposal of garbage,
- e) Protection from mosquitoes,
- f) Sufficient number of latrines in the proportion of at least one latrine for seven children,
- g) Sufficient number of bath rooms in the proportion of at least one bath room for ten children,
- h) Sufficient number of urinals,
- i) Sufficient number of washing places,
- j) Arrangements for getting the entire premises and buildings of the institution thoroughly cleaned at least once a day,
- k) Cleanliness in the kitchen,
- l) Fly proof kitchen,
- m) Arrangements for bailing clothes once a week, arrangements for washing for cloths every day,
- n) Sunning of bedding and clothing twice a week, and (o) scrupulous cleanliness in the hospital.[15]

## Conclusions

Children are all around us. They represent about a quarter of the world's population. They are not

equipped to defend themselves; they must depend on what is given to them. They are victims of circumstances. They bring us joy, they bring us tears, and they are our reason to hope. They are your children, they are my children and they are the children of the world. In India, one will find children starving for food, begging on the streets, deprived of basic necessities of life and such children amounts to almost half of the total children in the country. Now is the time when the intervention of the State is necessary for such matters.[16]

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