

CHILD RIGHTS PERSPECTIVE OF JUVENILE DELINQUENCY IN INDIA

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Abstracts:

Juvenile delinquency is an enormous problem in India by which most of the youth ruin their lives. Because of juvenile crime and relate problems youth, their families and the entire society suffer multiple consequences. Not only does the problem affect the victims of the crime; it also affects the juvenile delinquent's family, their future, and the society as a whole. The most obvious people affected by juvenile delinquency are the victims. The most profound consequence of crimes committed by juveniles carries due to socio-economic and psychological problems which reflect on their family members and the society. Due to the psychological problems, sometimes juveniles involved in robberies, rapes and assaults also are significant. With these criminal activities the juveniles habituate to consume alcohol or other drugs. The main objective of this paper is to study the incidence of juvenile delinquency with reference to psychological perspectives. Hence the sample has been considered from the juvenile homes in Visakhapatnam city where the juvenile delinquents kept. A sample of 60 juvenile delinquent boys and girls between the age group of 10 to 18 years are selected on random sampling method. The juvenile who commit serious crimes challenge their future to protest perceived abuses that have been perpetrated against them. This makes them psychological depression and in turn reflects to commit more crimes. In this circumstance the study on incidence of juvenile delinquency is very important to analyze the causes with reference to psychological perspectives and annihilate in the society.

Keywords: *Child, Juvenile, Delinquency, Crime, law*

Juvenile delinquency is the crime activity charged by a person who is under the age of 18 years. In recent period these criminal activities are increasing rapidly due to many reasons and circumstance. In most of the places juveniles charged with serious crimes, such as robbery or murder which are transferred to criminal courts and tried as an adult. Sometimes prosecutors make this decision, or sometimes allow transfers require a hearing to consider the age and record of the juvenile, the type of crime, and the likelihood that the youth can be helped by the juvenile court. As a result of a get-tough attitude involving juvenile crime,

many counties have revised their juvenile codes to make it easier to transfer youthful offenders to adult court.

Academic experts have long recognized that crime is a young man's game. The typical criminal is a male who begins his career at 14 or 15 and continues through his mid-20s and then tapers off into retirement. The crime statistics denotes the disproportionate impact of those under the age of 18 on criminal activity; while comprising roughly one-sixth of the country's population, they make up a full one-quarter of all people arrested and account for nearly one-third of the arrests for



the seven crimes in the uniform crime index (homicide, forcible rape, robbery, aggravated assault, burglary, vehicle theft and larceny).

The statistics show that somewhere between 30 and 40 percent of children who commit crimes growing up in an urbanized area. Although they account for only a small proportion of the total population, the crime rates are increasing day-by-day. The current levels of crime in India are still lower than in most of the foreign countries, nationally the level of criminality has increased significantly during the transition period (Kury and Ferdinand, 1999). Some argue that 'political turbulence' combined with the 'growth in criminality' led to an increased fear of crime among the people, as well as growing feelings of scepticism and mistrust towards government bodies and the judicial system (Roberts and Hough, 2002). In addition, the sense of insecurity has been strongly influenced among public by the media, now free to report more and more crime 'dramas' on a daily basis. Indeed, there is evidence that the media exaggerate the extent of crime in the country, in particular juvenile delinquency (Haines and Haines, 2001). Therefore to the extent that the media influence public attitudes, these are likely to be based on stereotypes and inaccurate figures from unrepresentative reporting.

There is very little research into public attitudes towards juvenile delinquency. Previous studies are limited to measuring fear of crime activities amongst juveniles, public opinion about the death penalty (Keil et al., 1999) or about delinquency in general (Ionescu, 2000). However, there is no study investigating on the opinions about juvenile delinquency and its treatment in the country. Where public opinion is misinformed it can compromise the fundamental principles of justice (Walker and Hough, 1988). If politicians are to give greater consideration to the 'congruence' of public opinion and punishment practice, in particular to the level of public confidence in the administration of justice (Roberts and Hough, 2002), then the exploration of public knowledge about crime

and criminal activity issues becomes important. However, policy makers need to be aware of the extent and limitations of public opinion, the media's influence in shaping people's views about punishing and the methodological limitations of studies into this area. In this regard, Visakhapatnam city is likely accession to its fast development in all sectors, and the increasing in criminal activities at various circumstances especially by juveniles, research into public attitude on juvenile delinquency in Visakhapatnam city is of greater significance.

Much of the international research into public opinion regarding punishment has shown that public confidence in the administration of justice is low, due in part to the discrepancy between public beliefs and the reality with regard to punishments against crimes. The public consistently misjudges trends in both adult and juvenile crime, tends to underestimate the severity of punishment, and is generally uninformed or misinformed about criminal justice policy. The media have a significant role in shaping people's conceptions about crime because of the emphasis on reporting crimes of violence. Additionally, in contrast to what politicians might think the public support alternative punishment options when these are made salient, as well as rehabilitation and prevention efforts, especially regarding juvenile offenders. Although most of these findings emerged from studies of public attitudes towards crime and punishments in general, or studies focused only on crimes committed by adults, the lack of public knowledge about the criminal justice system is equally reflected in studies looking into public opinion about juvenile crime. Therefore, the present study aimed to analyse the public attitude on juvenile crime.

1. Methodology:

This survey was conducted in Visakhapatnam city. The study reports on 60 juveniles who are committed crimes and staying in Central Jail of Visakhapatnam city. A structured questionnaire was designed and collected necessary information from the



respondents by personal interview. The questionnaire was developed from an

analysis and assessment of crime studies conducted, and drew heavily on the similar works developed through crime surveys. However, the development of the

questionnaire was also influenced by the context in which the survey was to take place; respondents' feedback (via pre-testing and piloting); Visakhapatnam city's historical, political and socio-economic context, as well as contemporary practices within the juvenile justice system. Closed questions with tick-box and Likert-scale response formats were used in order to find out the following objectives.

1. To study the demographic profile of the respondents (e.g. age, sex, education, etc).
2. To study the knowledge and perception of respondents on incidence of juvenile delinquency psychological perspectives.

The pre-designed questionnaires were filled from the 60 respondents who are involved in criminal activities in Visakhapatnam city and put in Central Jail. The data was covered various categories of criminal activity involved juveniles where the distribution followed a purposive snow-balling non-probability design, with correctly completed questionnaires returned.

After collecting the necessary information from the respondents through the questionnaires the data was processed with statistical package SPSS and the required tables were drawn for the analysis. Hence, the following findings were derived from the sample data.

In common with most public opinion studies, findings here are presented mainly in the form of frequencies of responses. However, statistically significant associations in the data are explored, where possible. For example, relationships between demographic profile of the respondents and

opinions on juvenile delinquency, and also psychological perspectives by using Chi-square tests of significance.

2. The main reasons for criminal activity involved by juvenile delinquency

The results of this study show that there is public concern about law and order in Visakhapatnam city. However, in the eyes of respondents the most important social problem was not seen to be crime, but poverty. Over half (58.3%) of respondents surveyed expressed poverty is the most important reason, a finding very much in line with the reality of their lives. The choice of Illiteracy (23.6%) and unemployment (15.7%) as the next most important reasons (after poverty) confirms once again juveniles' dissatisfaction with their socio-economic conditions.

Table-1: Reason for juvenile crime

Reason for juvenile crime	Percentage
1. Poverty	58.3
2. Illiteracy	23.6
3. Unemployment	15.7
4. Other problems	2.4
Total	100.0

Juvenile delinquency and punishments

When asked about recent national juvenile delinquency trends, the majority of respondents (75.9%) believed that juvenile delinquency was on the increase. Only 16% of respondents were aware of changing the behaviour, while the majority (78%) thought that the number of juvenile offenders sent to prison had increased. These results illustrate that the psychological perspectives of the respondents on juvenile delinquency found imprisonment rates for juvenile offenders in Visakhapatnam city is increasing. But the behaviour of the juveniles is not changing. It is also found that most of the juveniles involved in violence followed by thefts.



Table-2: Opinions of the respondents on Juvenile Delinquency and Punishments

S.No.	Juvenile delinquency and punishments	Yes
1	Juvenile delinquency is increasing	75.9%
2	Number of juvenile offenders sent to prison had increased	78.0%
3	Juvenile offenders are changing their behavior	16.0%
4	Most of the juvenile delinquency involves violence	91.5%
5	Most of the juvenile delinquency involves theft	67.2%

There are a number of possible reasons why people's estimations of crime and punishing figures are so wide of the mark. Firstly, official crime statistics are inaccessible to the public and often out of date; lack of knowledge is therefore hardly surprising. Secondly, as the media are the main source of information, public attitudes are subject to influence by unrepresentative reporting. Thirdly, discrepancies between national and local crime rates could induce differences of opinions. Hence respondents living in such an area would have been influenced by the local experience of crime when answering questions about national crime rates. Poorer (low income or no income) respondents were more likely to overestimate the proportion of juvenile offenders engaged in violent crimes. Younger respondents tended to overestimate imprisonment rates for juvenile offenders and the elderly underestimated the imprisonment rates for juvenile offenders who had committed theft and burglary.

Table-3: Comment on punishments and their ability to deliver justice

Comment on punishments	%
1. Confidence in the courts	33.2
2. Somewhat neutral	33.2
3. More critical performance of courts	33.6
Total	100.0

A plurality of opinion emerged when the juveniles were asked to comment on punishments and their ability to deliver justice. One third (33.2%) of the juveniles expressed confidence in the courts, one third was somewhat neutral (33.2%) and one third was more critical of the performance of the courts. One could say from the data that only a third of the juveniles expressing negative views about the courts is a positive result. This indicates that the majority of the juveniles do not have confidence in the courts and this quite rightly should be considered a problem for a democratic country.

Table-4: Opinions of the juveniles in the administration of justice

S.No.	Public confidence	Yes
1	Juveniles should be treated differently from adults	71.0%
2	Judges respect the rights of juvenile offenders and treat them fairly	44.4%
3	Punishments cannot change the behavior of juvenile offenders	63.8%

An important aspect of confidence in the administration of justice concerns the way courts deal with juveniles. In this respect, the vast majority of the juveniles (71%) not only believed that juveniles should be treated differently from adults, but they also believed that the courts give full expression to this principle. Furthermore, almost half (44.4%) of respondents considered that within the punishment process, judges respected the rights of juvenile offenders and treated them fairly. It is also noticed from the juvenile opinions that above sixty percent of the respondents (63.8%) opined punishments cannot change the behavior of juvenile offenders.



Juvenile offender and their treatment

Regarding juvenile offenders and their treatment, a greatest proportion of respondents supported non-custodial punishments, such as community service (54.9%) or probation (31.9%). Only 13.2% favoured imprisonment. These findings demonstrate a considerable rise in the level of public support for non custodial penalties – particularly for minor offences such as theft.

Table-5: Juvenile opinions on their treatment

Non-custodial punishments	Percentage
Community service	54.9%
Probation	31.9%
Imprisonment	13.2%
Total	100.0%

The results indicated that people wanted more juvenile offenders to be sent to prison for violent crimes, burglary and theft. This latter result is not consistent with public support for non custodial penalties for a particular case of minor theft. One can argue that this inconsistency within people's attitudes reflects once again the fact that, when asked about punishment in general, people tend to think about worst case scenarios, even when theft is the offence in question.

Further contradictory results emerged when juveniles were asked other questions about juvenile offenders. In contrast with the traditional mode of punishment practice in Visakhapatnam city, which is based on a strict Criminal Code in which the sentence is based only on the offence and not the characteristics of the individual, the majority of the public (70%) thought that both the circumstances of crime and the juvenile offenders' personal circumstances should be taken into account in the punishing process.

A statistically significant correlation was also found between respondent's standard of living and their attitudes to punishing juvenile offenders: people with low incomes

were more likely to believe that sentences passed by the courts in Visakhapatnam city are too lenient. Interestingly, however, people with lower incomes and lower education were also more likely to favour 'restorative' options.

Age and education have an impact on the way of juvenile offenders. For example, older juveniles were more likely to support rehabilitation as a main punishment objective. The results indicated that juvenile with a higher level of education were more punitive towards young delinquents: the more educated were, the more likely they were to believe that retribution should be the primary aim of punishment.

3. Conclusion

This study has shown that it would be wrong to characterize the Visakhapatnam city as being highly punitive in respect to juvenile delinquency and punishing. Although Visakhapatnam city consider that sentences handed down by the courts are not tough enough, when they are provided with specific examples and questioned in more depth, they think more closely about an issue and their responses change. In contrast to judicial practice in Visakhapatnam city, there is juvenile favour for community based punishment alternatives for juvenile offenders, especially those committing minor offences. Moreover, the juveniles do not have a great deal of confidence in the ability of the courts to prevent crime. They believe that preventing juvenile delinquency is more a question of changing the family and school environment and increasing the chances of gaining employment and providing opportunities for young people to spend their spare time positively, rather than stressing more imprisonment or police on the beat. However, this does not mean the role of punishment in preventing crime. As results from this survey demonstrate punishment was perceived as a major factor in preventing juvenile crime. Interestingly, contrary to common practice in Visakhapatnam city courts, a large proportion of the juveniles are in favour of individualization within the



punishment process and restorative justice. A majority support elements of the restorative justice approach, such as reconciliation between victims and juvenile offenders.

Findings reported in this paper and elsewhere indicate that tend to be punitive towards crime and punishing issues mainly because, when asked about the adequacy of sentences in general, they have in mind more serious crimes. This is coupled with the mistaken impression that juvenile delinquency is increasing and the perception that the amount of violent juvenile delinquency is much greater than it actually is. In the psychological perspectives of the juvenile delinquency it shows the poverty, illiteracy and family disturbances are the main reasons for the criminal activities among young children, which need social change and government initiatives for structural changes in the family live and more reforms for development of education and employment in the society. Some even argue that punishments may not control the criminal activities among younger generation. Moreover, as the media tend to report violent spectacular cases regarding juvenile delinquency, public discussion of criminality focuses mostly on serious crimes, which clearly represent only a small minority of juvenile crimes.

4. References

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