

Rising Juvenile Crime in India: A Crime against society? Or Crime stemming in society ?

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Abstract:

The recent incident of Pune Porsche Case where a Juvenile was allegedly involved in killing Two IT professionals by rash driving allegedly in a drunken state, has yet again raised concerns over the rising Juvenile Delinquency in India, which is a complex social issues and requires a deep understanding of causative factors. Minor's actions are largely shaped by his surroundings, his family, peers, teachers and society at large, having deep impact on the upbringing of a child. An understanding of the factors contributing to rising Juvenility also help in forming the possible solutions to curb the rising / concerning issue in India. This Article examines the underlying causes and potential solutions to Juvenile Crimes in India .

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The recent incident which took place in Pune, where a speeding Porsche car, allegedly driven by an intoxicated juvenile, resulted in the instant death of two IT professionals on May 19, 2024 garnered national attention, particularly when the Juvenile Justice Board granted Bail to Juvenile by writing an essay on Road Safety. Thereafter, he was again kept in Observation Home and finally the Hon'ble High Court of Bombay granted the release of the Juvenile in the custody of her aunt, with the condition that the minor continue sessions with a psychologist. The incident has raised several questions involving social implications. Was it the lack of parenting which led to such criminal act by the young child ? or the peer influence which made him drive a luxury vehicle to flaunt in the society ? or the people at large who shaped his psychology and develop a carefree attitude towards law and human beings. The conduct of the juvenile's father also came under question as he allegedly involved in tampering evidence and witnesses, and gifting and letting Juvenile to drive a luxury vehicle, besides, Bar owners serving liquor to minors, all indicate that juvenile crime is a complex issue influenced by various socio-economic, familial, and systemic factors.

The questions are not just related to a single incident of Juvenile Crime in India, rather, In recent years, India has witnessed a disturbing rise in crimes committed by juveniles. This trend has sparked widespread concern and debate about the underlying causes and the most effective ways to address this pressing issue. Understanding the multifaceted reasons behind the increase in juvenile delinquency is essential for developing comprehensive strategies to mitigate it. This Article examines the underlying causes and the potential solutions to the above problem .

Introduction:

The increasing incidents of juvenile crime in India is influenced by a complex interplay of socio-economic, familial, and systemic factors. Understanding these factors is crucial for developing effective interventions to curb this alarming trend. It is important to delve into the primary contributors to rising juvenile crime, including the socio-economic conditions, family dynamics, peer influence, substance abuse, educational challenges, and the impacts of urbanization and technology, before exploring the possible solutions to mitigate these crimes.

A:

Factors causing rise in Juvenility

Socio-economic Conditions

Socio-economic conditions are a significant driver of juvenile crime in India. Poverty remains a pervasive issue, with many juveniles engaging in criminal activities to support themselves or their families. Economic hardship often leads to frustration and a sense of hopelessness, which can push juveniles toward illegal activities as a means of survival or financial gain. Children growing up in impoverished environments often face numerous challenges such as inadequate access to education, healthcare, and recreational activities. The lack of basic needs can push juveniles towards criminal activities as a means of survival or as a way to attain material possessions that they otherwise cannot afford. Furthermore, unemployment exacerbates the problem, as lack of job opportunities leaves young people idle and susceptible to engage in crime. Economic instability creates an environment where juveniles might see crime as their only viable option for survival. Unemployment among youth exacerbates this problem, leading to increased idleness and the temptation to engage in illegal activities.

Familial Factors

The family environment plays a pivotal role in shaping a child's behavior. High rates of family breakdown, including separation, divorce, and domestic violence, contribute significantly to juvenile delinquency. Broken families, characterized by high rates of separation, divorce, and domestic violence, create an unstable environment for children. Lack of parental supervision and guidance often leads juveniles to seek acceptance and direction from negative influences outside the home. Additionally, children who witness or experience violence at home are more likely to exhibit aggressive behavior and engage in criminal activities, as exposure to violence at home can normalize aggressive behavior, increasing the likelihood of juveniles engaging in criminal activities. Undoubtedly a child, learns his lifestyle first from home. When the family environment is such, that parents are engaged and addicted to phone, the child feels desolated and rather turns to phone to spend time, and when the virtual world attracts him more than the real world, it leads to psychological consequences and makes them vulnerable to all sorts of content, which parents are unable to foresee immediately. The value system running in the family is one of the first factor in shaping the child's psychology in his early childhood.

Peer Influence and Gang Involvement

Peer pressure and the desire for social acceptance are powerful motivators for juvenile behavior. Adolescents are particularly vulnerable to influence from their peers, and association with delinquent peers can lead to involvement in criminal activities. In urban areas, gang involvement is a significant issue, with juveniles being recruited into gangs and participating in various illegal activities, including theft, drug trafficking, and violent crimes. Peer pressure is undoubtedly a powerful force, especially in adolescence. The need for acceptance and belonging can drive juveniles to participate in inappropriate activities, perpetuating a cycle of delinquency within the community. One example of peer influence seen both in urban and rural areas now days, is the rise of making "Reels" or videos and putting it on social media websites, in order to obtain popularity amongst friends, this rising trend is undoubtedly dangerous, as it makes children anxious, when they do not receive the outcome/feedback or reviews they desire when putting it on websites and peer groups. Further the general acceptance among peers of young age in drinking alcohol, driving vehicles even if it is illegal as they are not having a valid license, is something palpable from the above Pune incident.

Substance Abuse

Substance abuse is both a cause and effect of juvenile crime in India. The rising availability and use of drugs and alcohol among young people contribute to an increase in criminal behavior. Substance abuse impairs judgment and increases the likelihood of engaging in risky and illegal activities. Additionally, juveniles involved in drug use often resort to crime to fund their addiction, perpetuating a cycle of delinquency. The problem of Substance abuse has been prevalent for past several years. Way back in 2012 Hon'ble Supreme Court observed in Union of India (UOI) v. Mohanlal and Ors.¹ as “7.....there cannot be anything worse than the society suffering on account of the greed or negligence of those who are entrusted with the duty of protecting it against the menace that is capable of eating into its vitals. Studies show that a large section of the youth are already victims of drug abuse and are suffering its pernicious effects. Immediate steps are, therefore, necessary to prevent the situation from going out of hand. We, therefore, consider it necessary to direct collection of the information from the police heads of each one of the States through the Chief Secretary concerned.” In 2021 the Hon'ble Kerala High Court, while taking suo motu cognizance of Reports regarding the efforts to be undertaken to curb rising drug menace² observed as:

“...Substance use and criminal behavior are interrelated. Greater the involvement in substance abuse, more severe is the violence and criminality. There is an increasing trend in serious crimes such as rape, murder/attempt to murder, and burglary committed by the juveniles. Drug - crime correlation has been noted with the consumption of substances such as cannabis with murder, inhalants with rape, and opioids with snatching-related crimes.”

Educational Challenges

India faces significant challenges in its educational system. High drop out rates leave many young people without the necessary skills or qualifications to find gainful employment, making them more likely to engage in criminal activities. Furthermore, lack of engaging programs in many schools fail to keep students interested and motivated. The situation is aggravated when a hostile school environment, including bullying, harassment, and violence, creates a climate of fear and anxiety in a child. Therefore a positive relationships with teachers are crucial for student success. However, overworked or under trained teachers may struggle to build these relationships, particularly in schools with high student-to-teacher ratios. Many children who start to show delinquent or aggressive behavior often experience mental health issues such as depression, anxiety, and behavioral disorders, however not many schools have Counsellors. Moreover there is often a stigma associated with seeking help for mental health issues, which can prevent students from getting the support they need.

Urbanization and Migration

Rapid urbanization and migration to urban areas contribute to the rise in juvenile crime. Many families migrating to cities in search of better opportunities end up living in slums and impoverished neighborhoods. These environments are often rife with crime and lack adequate infrastructure and support systems. Displacement and the resulting instability create conditions conducive to juvenile delinquency, as young people struggle to adapt to

1 (2012) 7 SCC 712

2 SUO MOTU PROCEEDINGS INITIATED BASED ON A REPRESENTATION SUBMITTED BY SRI. N. RAMACHANDRAN I.P.S. (RETIRED), REGARDING THE EFFORTS TO BE UNDERTAKEN TO CURB THE INCREASING MENACE OF DRUG ABUSE. WP(C). No. 9001 OF 2019(S) decided on February 10, 2021

new and often harsh urban realities. Very often young boys from remote villages in search of better opportunities and sometime order to achieve quick money at early ahenious ge, migrate far away from their homes in an alien land, which makes them more susceptible to adopt to illegal modes of earning money and which further pushes them to indulging in crime.

Technology and Social Media

The advent of technology and social media has introduced new forms of juvenile crime. Cybercrime, including hacking, online fraud, and cyberbullying, is on the rise among young people. The anonymity and accessibility of the internet make it an attractive platform for juveniles to engage in illegal activities. Additionally, exposure to violent and inappropriate content online can normalize aggressive behavior and desensitize juveniles to the consequences of crime. It is a common thing to see that young children be it from well affluent families or any strata of the society are getting addicted to mobile phones, and such tender age they do not have the sense of maturity to understand the contents which they should watch and is useful to them. Creating digital identity at a young age, when there real identity is not fully developed, leads to a conflict of identity of the adolescents who forget that the real life is more precious, which is to be lived and valued, than a digital identity which is only virtually existing.

A Lenient Law

It is often a subject of debate, whether to have law with totally reformative approach, or to have a law with some deterrent effect? While the law in India, adopts a reformative approach, having absolutely no deterrent effect can at the same time being counter productive. The Juvenile Justice (Care and Protection of Children) Act, 2015 replaced the earlier law and came into force on January 15, 2016. This Act was brought into force considering the increasing heinous crime, such as , rapes and murders committed by children in the age group of 16-18 especially in Nirbhaya gang rape case where the rape offense was committed brutally by a minor, and caused nation shocked / wide uproar. The new Act provided that in such heinous offense, the Juvenile could be tried as an adult. The Act, makes several provisions to deal with the crimes committed by a Juvenile sensitively, in stark contrast to a trial as an adult. To have a reformative approach is essential considering a child does not have an understanding as an adult , but to provide release of the Juveniles at the drop of a hat even in heinous cases, solves no deterrent effect on the Delinquent. A balanced approach which is child sensitive should be adopted considering the entirety of facts, for this it is also essential to see the manner in which alleged offense has been committed in homicide cases and sexual offences, which however as per the prevailing law is not to be seen at all at the time of release of the Juvenile in view of the legal provisions in the Juvenile Justice Act, 2015.

While rejecting the pleas of Juvenility of Accused in heinous Rape case, Hon'ble Supreme Court expressed the concerns of rising Juvenility in THE STATE OF JAMMU & KASHMIR (NOW U.T. OF JAMMU & KASHMIR) & Ors. versus SHUBAM SANGRA³ and observed :

“..Before we close this matter, we would like to observe that the rising rate of juvenile delinquency in India is a matter of concern and requires immediate attention . There is a school of thought, existing in our country that firmly believes that howsoever heinous the crime may be, be it single rape, gang rape, drug peddling or murder but if the accused is a juvenile, he should be dealt with keeping in mind only

3 CRIMINAL APPEAL NO. 1928 OF 2022 (ARISING OUT OF S.L.P. (CRIMINAL) NO. 11220 OF 2019) decided on November 16, 2022. 2022 Livelaw (SC) 965

one thing i.e., the goal of reformation. The school of thought, we are taking about believes that the goal of reformation is ideal. The manner, in which brutal and heinous crimes have been committed over a period of time by the juveniles and still continue to be committed, makes us wonder whether the Act, 2015 has subserved its object. We have started gathering an impression that the leniency with which the juveniles are dealt with in the name of goal of reformation is making them more and more emboldened in indulging in such heinous crimes. It is for the Government to consider whether its enactment of 2015 has proved to be effective or something still needs to be done in the matter before it is too late in the day...”

B. Suggestions

As Juvenile delinquency stems from various socio economic and familial factors, hence effective solutions require a holistic approach involving various stakeholders including families, schools, communities, and government agencies. Here are several potential solutions:

Family involvement- Broken families, or where parents are extremely busy to attend to the needs of the child are at high risk and susceptible to generating aggressive behavior in children, in such cases, a counseling of parents to address family issues and improve communication within the family unit, by the local authorities or schools at early age of children can help a long way in understanding and improving the behavior of children. A family support for a child generates a sense of security in him.

Intervention by school authorities is very crucial in alleviating juvenility. Implementing programs that teach social-emotional skills, conflict resolution, and provide academic support to at-risk youth is an effective way to deal with child delinquency. In fact schools can also take up the task of providing vocational training and job placement services to help youth gain employment skills and find meaningful work, to those who are less privileged, with the help of Non Governmental Organizations. Use of mobile / smart phones in the school should not be permitted and can be adopted as a preventive measure to avoid growing delinquency.

Engaging the children and the delinquents in community work and participation by the local residents associations also goes a long way in addressing the issue of Juvenility. The Resident Associations can engage children in after-school activities that keep youth occupied. For instance encouraging creative pursuits by organizing local competitions, fests and other participative programs.

The local government agencies, and medical boards should ensure that mental health services are readily available and accessible to young people. Implementing programs that address substance abuse, including prevention, treatment, and support for recovery in high risk areas is also of great significance.

The Juvenile Justice Boards should ensure that treats all youth are fairly, regardless of socioeconomic status, and all children are treated equally in the Observation homes, without discrimination. They should be heard of their problems faced in Observation homes and should never be felt deprived because of sense of lack of financial resources.

Being a social issue, there cannot be a straight jacket formula which can be adopted in all situations. Thus, implementing the above suggestions, a data driven approach that Use data to identify at-risk populations and tailor interventions accordingly can be adopted, thereafter Collaborative Efforts can be made which Foster collaboration among schools, law enforcement, community organizations, and families, and lastly programs which are

sustainable and can be maintained over the long term to have a lasting impact, should be adopted.

By implementing a combination of these strategies, communities can create a supportive environment that reduces the risk of juvenile crime and helps young people thrive.

Conclusion

The responsibility for preventing and addressing juvenile delinquency involving under-age drinking and driving is shared across various sectors of society. It requires a collective effort from families, educational institutions, law enforcement, and community organizations to create a safe and supportive environment for young people. By working together, society can help reduce the incidence of such cases and support juveniles in making better choices.

The tender age children and young adolescents need help from Parents, peers, teachers, and society at large, in shaping their wisdom and their sense to differentiate between right and wrong. A proper upbringing helps in tapping the potential of young generation who are assets of the nation. The rise in juvenile crime in India is a multifaceted issue that requires a comprehensive approach to address. Socio-economic conditions, family dynamics, peer influence, substance abuse, educational challenges, urbanization, and technology all play significant roles in contributing to this trend. Effective interventions must involve a combination of improving economic opportunities, strengthening family support systems, enhancing educational programs, addressing substance abuse, and implementing community-based initiatives. By understanding and addressing these factors, society can work towards reducing juvenile crime and fostering a safer and more supportive environment for young people.