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# Causes for Delinquency and Government Measures on Rehabilitation Centers

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## ABSTRACT

*This Paper talks about the juvenile crimes existing in India. It says the law established by the legislation to control the rate of criminal activities is not up to that extent and needs to be controlled. Juvenile delinquency is a serious offence which have recently increased and brought up as a major threat in the society. In our country it is a social order to protect our children form such harmful acts against juvenile crimes. There is an increasing trend in juvenile crimes world over, with involvement of more and more youth in violent and harmful crimes. Our country also shows similar trends of increasing rate of violent crimes committed by the juveniles. It is a serious concern for the nation as the problem needs to be sought carefully. Solution to such problems has to be framed to put an endor at least attempt to reduce the number of crimes. Our Indian legal system including the judiciary has responded to such trends and has brought few amendments in the laws pertaining to the juvenile justice in our country. This paper also aims at looking at the causes and reasons of juvenile delinquency and the explanations given by the jurists and scholars from different fields to explain and interpret the problem. The analysis of statistical data which is available at official sites depicts and indicates increasing involvement of the juveniles in heinous crimes. In order to restore and contain the problem of juvenile delinquency in India, the act relating to Juvenile Delinquency has been amended and recently trial of juveniles involved in heinous crimes are being held as adults.*

**Keywords:** *Juvenile delinquency, Government measures, Juvenile homes, Causes of juvenile delinquency.*

## I. BACKGROUND OF STUDY

The initiation of care for the children in conflict with law may be traced to the establishment of the first children's court in Chicago, United stateof America in the year 1898. It was based on the principle of **Parens Patriae expecting** the children's court magistrate to provide all the protection the child requires as the father of the child. Hence, the early children's courts did

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not secure the standard rights recognized in ordinary criminal courts like the right to a lawyer, right to cross examines, written records, right of appeal, etc. This model was followed in many countries. The second kind of special courts established for dealing with the conflict of law were established for dealing with children in conflict with law were pursuant to the principle of mensrea on the assumption that children did not have the same mental capacity to know the nature of their acts and their consequences like an adult and should, therefore dealt with differently and should not be subjected to similar punishments as adults.

In India children committing offences from the adults committing offences began with the apprentice act 1850 preferring training over imprisonment for child offenders below the age of 15 years committing petty offences or found to be vagrants. This limited exclusion of children from criminal justice system soon extended to the establishment of separate reformatory schools for children up to the ages more than 15 years but below the age of 21 years, found to have committed an offense, to keep them away from the prisons and from the company of adult prisoners

#### **(A) Scope**

Protection of children from all forms of violence is a fundamental right guaranteed by the Convention on the Rights of the Child and other international human rights treaties and standards. It is to protect the crimes against children by creating more awareness to them and sending them to reformatory schools.

#### **(B) Objective**

1. The main object of this research is that to find out how the government is giving benefits to children who are in juvenile homes
2. To find out what are the different issues faced by the children in the juvenile homes

#### **(C) Literature Review**

##### **Anubhav Pandey: ways to improve the juvenile justice system in India.**

The author says that the every person is equal whether it can be juveniles, adults or others which is guaranteed in article 14 of the Indian Constitution. This act punishes the children who commit these offences. It says there should be rehabilitation centers where they can change into a better human being.

##### **Chad R Trulson: Youth violence and Juvenile Justice:**

In the mentioned article the author says of the interdisciplinary in scope, Youth violence and Juvenile Justice serves a diverse audience of academics and practitioners in the fields of

criminal justice, education, psychology, social work, behavior analysis, sociology, law counseling, public health, and all others with an interest in youth violence and juvenile justice.

### **Nandini G Devarmani, Institutional treatments of juveniles in India**

In the mentioned article it describes about how should juveniles should be protected. What are the different roles of the police in juvenile justice and how shelter homes take care of the juveniles and what facilities they provide for the juveniles. And what also what are the different methods to prevent these crimes.

### **Abhimanyu Tewari, the logical problems with the juvenile justice act in India:**

In this article it says how juveniles are punished in the different countries and how they are treated in the juvenile homes. He says there is no proper logic of keeping a person in juvenile homes or the shelter homes for three years and committing a crime after he gets released.

### **Indian.com news desk**

In this news article which says that the main purpose of the juvenile homes or shelter homes or the rehabilitation for juveniles is that to protect them and to make them a better human being. But in these shelter homes it has become disastrous place for children where children are directed to different levels of sexual assault. These children are treated very badly for the juvenile homes.

### **(D) Research Problem**

The research problem is that on what ways juveniles homes are protected under the government and what are the different measures taken by the government for the victims who are in rehabilitation centers.

### **(E) Research Questions**

Whether the government of India is taking proper measures for the juvenile homes or rehabilitation centers to prevent the crimes in future?

### **(F) Research Hypothesis**

The situation in juvenile homes and what are the various steps taken by the government.

### **(G) Research Methodology**

This research is done through Doctrinal research from secondary and primary sources. We have looked into on web database for reading on articles and reports related to my topic. We have also referred books to get better knowledge.

## II. MEANING OF JUVENILE DELINQUENCY AND HOW IT IS EMERGING

Juvenile delinquency has become a cause of social concern all over the World. It Juvenile delinquency is also known as teenage crime. These crimes are committed by the young people before the age of 18 years. These are crimes are committed by the various reasons of many influential factors of friends, society and not a proper upbringing of the child. There are many rehabilitation centers in India to cure juveniles from committing these crimes in future. They are punished for the crimes they have done and kept in the juvenile homes. To give justice to these young offenders there are separate court all over India so that these crimes can be reduced in India.

In the present chapter an attempt is made to present the details about the emerging trends and patterns of juvenile delinquency. As we all have understood, delinquency trend in India, like in global scenario as pointed out in earlier context, has been changing nowadays. The passing of the juvenile justice (care and protection of children) act of 2000 is a land mark in the criminal justice administration in India. Not only the conceptual framework for the word delinquent has changed, but also the size, pattern and the rate of the delinquency has also been changing. The number of the juvenile in conflict with law in India, that is juvenile delinquency as traditionally called, is decreasing in rural areas and in district places. The delinquency rate is also clearly finding downward swing in recent years. But capitals of the country delinquency rate decreasing a bit.

Juvenile delinquency has become a cause of social concern all over the world. There is no society with having a pause a far misbehavior or crime by individuals, more so among the younger ones that is children. The nature of human behavior is such that violation of standards of behavior or actions are sometimes hardly kept intact, in tune with that of norms, regulation ,code of conduct, values etc. of the society. The problem of human misbehavior has been observed and felt throughout human world and at all levels of strata. There are considerable variations in the socio cultural, economic and psychological basis of causation of juvenile delinquency across the societies in the world. The changes in their economy lead to changes in every way those societies had been obtained earlier. Though industrialism was not a sudden development, it emerged as a resultant effect of mechanized production system due to scientific and technological innovations that were successfully followed in the western societies.<sup>3</sup>

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<sup>3</sup> Deepshikha Agarwal, *Juvenile Delinquency in India- Latest Trends and Entailing Amendments in Juvenile Justice Act*, RESEARCHGATE, (June 18, 2021, 10:40 AM) [https://www.researchgate.net/publication/322918203\\_JUVENILE\\_DELINQUENCY\\_IN\\_INDIA-\\_LATEST\\_TRENDS\\_AND\\_ENTAILING\\_AMENDMENTS\\_IN\\_JUVENILE\\_JUSTICE\\_ACT](https://www.researchgate.net/publication/322918203_JUVENILE_DELINQUENCY_IN_INDIA-_LATEST_TRENDS_AND_ENTAILING_AMENDMENTS_IN_JUVENILE_JUSTICE_ACT)

The phrase “**child in conflict with law**” means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence. There are two differences in this definition compared to the corresponding definition in the JJA 2000. First it has substituted the word juvenile with child. Second it has included within its ambit not only children alleged to have committed an offence as was the case in the JJA 2000 but also children found to have committed an offence. Even though substitution of the word juvenile with child is to minimize the stigma and social baggage that has got to be attached with the word juvenile, inclusion of children alleged to have committed an offence within this phrase still stigmatizes them in usual meaning of the term. If any child is introduced as a child in conflict with law, it will be understood as a child who has been found to have committed an offence unless the person is aware of the legal definition as given in the act. Prior to adopting the use of the term child/juvenile in conflict with law, the term in use was juvenile delinquent.

#### **(A) Causes of Juvenile Delinquency**

1. Hereditary causes
2. Environmental Circumstances causes
3. Belonging to the delinquent's own state of body and mind causes

##### **1. Hereditary**

It is admitted by most students of psychology that a criminal tendency is not inheritable. There are however some forms of abnormality which can be inherited, and it is these abnormalities which make resistance to temptation less easy. These abnormalities may be caused because of ill health of the body or of the intellect or emotions. At the same time given helpful circumstances for leading a normal life, such as a happy marriage, or congenial work, or interesting recreations, these abnormalities may not result in criminal actions.

##### **2. Environmental causes**

Environment is also a one of the biggest source for the delinquency and whatever may be the share of heredity in the fashioning of a criminal his environment will ordinarily be a far more potent cause.

##### **(a) Poverty and overcrowding**

Poverty is the main cause of juvenile delinquency. Thefts are prompted by hunger and encouraged by the parents who themselves are in need of food. This can be illustrated by a survey of the localities and the communities from which the greater number of juvenile

delinquents are drawn. It will be found that they will be those localities and communities in which the greatest poverty is found. Nevertheless compared with other factors it is probably not an important delinquency.

#### **(b) Lack of compulsory education**

This is an important factor in juvenile delinquency as thereby children are left to their own resources for long periods of the day especially in towns. In villages the children find more employment in the fields and gardens of their parents.

#### **(c) Gambling**

Betting and gambling form another cause of delinquency in adolescents in India as elsewhere. The attitude of mind which desires to gain money easily by gambling too often ends in stealing, to cover up the losses which are inevitable at some time or other.

#### **(d) Unemployment**

Lack of unemployment may be a cause of delinquency because of the excessive leisure so afforded to the unemployed person, and the lack of money which his companions in work possess, and also by reason of sense of failure and the despondency which failure produces. It may be doubted however if this is as potent a cause for crime in India, as it is in many western countries<sup>4</sup>.

#### **(e) Defective family relationship**

In the normal family the child possesses its father and mother living together in wedlock, and one or more brothers or sisters fairly near to its own age to be its playmates. It is therefore important to find out if the mother or father are dead or have been divorced, and if the child has a step mother or step father, or is an adopted child.

#### **(f) Companions**

There are circumstances in the environment outside the home which may also lead to delinquencies. Of these the external influence of companions is the most important. It sometimes happens, specially with boys that the child is attracted to a group of adventurous youngsters who take to crime out bravado. Every large town in India, as in other countries has its gang of young criminals<sup>5</sup>.

### **3. Causes belonging to the delinquents own state of body or mind**

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<sup>4</sup> A Study of Children's Rights and Juvenile Justice System in India, EUROASIAPUB, (June 18, 2021, 10:44 AM) <http://euroasiapub.org/wp-content/uploads/2017/06/8ESSMay-4934P-1.pdf>

<sup>5</sup> Youth, Crime and Justice: A Global Enquiry By Clayton A. Hartjen

**(a) Physical weakness**

Occasionally physical weakness or deformity may be a cause of delinquency. Any physical ill health weakens the power of resistance to temptation and moreover by resulting in poverty when sufferer becomes of an age when he should be self supporting, the temptation to crime increases.

The proportion of those who afterwards become habitual offenders who had their first conviction between the ages of 15 and 20 are very remarkable. It is true that this is the period when the youth first leaves school and often leaves home and thus becomes more exposed to temptation. At the same time the figures emphasize the importance of remedial treatment at this period and show the vital importance of well organized probation work and of a good borstal school and after care.<sup>6</sup>

**(b) Defects in intellect**

Much scientific study has been undertaken by psychologists in the comparison of the intellectual capacities and attainment of delinquent children, as compared with those of other children. Intelligence tests have been applied with great care and it has been found that, though there are cases where delinquent children are above the average in ability still the average mental ratio of the juvenile offender is below that of other juveniles.

**(c) Lying**

Lying is undoubtedly an accompaniment to other forms of delinquency. A single lie need cause no special misgivings. If the habit is however deeply eat it may result from some deeper trouble and the lying may be adopted to conceal this darker fault. Lying on the part of children gives much anxiety to parents.

**III. MEASURES TAKEN REHABILITATION CENTRES IN INDIA**

The department of women and child development has successfully has set up observation homes for the juveniles so that how the juveniles are progressing in their rehabilitation centers.

**(A) Steps taken by judicial proceedings**

The juvenile justice board is the main thing which is responsible for the adjudication of the cases and disposal of the cases concerned with juvenile delinquency. Every district has to set up the juvenile homes. The case maybe and social workers of whom at least one is a women. Every case brought before the juvenile justice board progresses in three basic stages the first

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<sup>6</sup> *Causes and consequences of juvenile delinquency in India*, RESEARCHGATE, (June 18, 2021, 10:40 AM) <https://updatepublishing.com/journal/index.php/rrst/article/view/1038>

summary inquiry, then investigation and at last disposition. The first summary inquiry is when the juvenile is placed before the board for the first time and board on the basis of the report presented to it by the police, decides whether the juvenile is to be released on bail or sent to an observation home. The child welfare officers in the police station are required to send the information of the juveniles and should main these records but the records are not maintained properly by the officials.

After the investigation the board determines that juveniles committed a offence or not.

The implementation of the juvenile justice act is on the ministry of women and child development for the entire country. The department of women and child is responsible for its implementation or to be more specific the child protecting unit. There is a new scheme of the government to prevention and control of juvenile maladjustment or juvenile justice.

The state governments are planning to extend the infrastructure of the juvenile homes and more services should be given to the children. The department of women and child development act is responsible for the developing the infrastructure right from the notification of juvenile justice act.<sup>7</sup>

### **(B) Present Scenario**

The Central Government is executing Integrated Child Protection Scheme (ICPS) to implement the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act), in which State Governments/UT Administrations have major role to play. The Ministry has been requesting the State Governments/UT Administrations from time to time to identify and register all Child Care Institutions (CCIs) including Observation Homes, Special Homes and Observation cum Special Homes under relevant provisions of JJ Act and set up functional inspection and other Committees to ensure that children in all the CCIs receive the best of care, and are not subject to any kind of abuse and neglect. The State Governments/UT Administrations are also required to ensure, through regular inspection and monitoring, that the institutions are run as per the provisions of the JJ Act and the Juvenile Justice (Care and Protection of Children) Model Rule, 2016 framed there-under.

The financial norms under ICPS were revised with effect from 1st April, 2014. Some of the key features of the revised Scheme are, increased maintenance grant for children in homes, from existing Rs. 750 to Rs. 2000 per child per month; enhanced cost of construction from existing provision of Rs. 600 per sq. feet to Rs. 1000 per sq. feet and flexibility in the staffing

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<sup>7</sup>Muncie J, Goldson B. Comparative Youth Justice. Sage, 2006.

pattern in service delivery structures, depending on the size and need of the State/UT.

### **(C) The situation in juvenile homes in India**

Juvenile reformatory homes in India which are carefully made to authorize assurance, recovery and reformative of juveniles appear to have turned. The juvenile homes have progressed toward becoming homes where prisoners, who are kids beneath 18 years old, are exposed to rape on various levels. These children are notwithstanding, compelled to live in barbaric conditions are dealt with gravely in these supposed juvenile homes. Additionally, there is no approved area for these adolescent homes and are arranged anyplace crosswise over India, be it a community or the national capital.

All youngsters get education and professional preparing like carpentry and sewing during there remain with the goal that they have in any event the base composition and reading skills. The kids are consistently given a restorative assessment by an administration approved specialist. This is explicitly done in instances of savagery that may happen during battles among the youngsters.

They are altogether instructed how to cook, and day by day a cluster of 10 of them set up the suppers for the remainder of the present kids. Their timetable is structured with the end goal that they are kept involved beneficially the whole day.

Their mornings start at 6 am sharp with exercise which is trailed by a healthy breakfast. The school starts at 10.30 am and goes on till 5 pm. Over the span of this, they are shown all the three dialects Hindi, English and Marathi and given physical instruction preparing too.

## **IV. CONCLUSION**

There is an increasing rate of juvenile crimes in India which the government has to look into where it has become one of the most concerning issue recently. Various legislations have been laid by the government but the present laws on the juvenile crimes are not being effective. It fails creating a deterrent effect on juveniles as a result it lacks in accomplishing its legislative intent. The juvenile crimes needs to be set in control or its increasing rates would not be fruitful for the society. Therefore the legislation established on juvenile crimes does not serve its purpose.

Many of us have argued that we have a long way to go before we come to a conclusion that juvenile justice is being 'child friendly'. Around the world there are many legislatures which are variable and inadequate legal frameworks that are not age appropriate and thus it lacks in laws to be strictly followed thereafter. There is a lack of specialist workforce, lack of age

appropriated services and establishments, leading to several challenges around training and supervision to work with this vulnerable population.

There is an opportunity to change through the empowerment of children by their human rights and dignity. This right is necessary of the growth and of our nation. The way we deal with the children speaks the volume of our own character and ensures in laying down a concrete foundations for the future to grow. The only responsibility for the safeguard and protection of our children is not alone for the government and NGO's working for it but it is also the collective responsibility of all the citizens of the nation. Every individual shall be sensitive towards working and safeguarding the rights of our Children.

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