

PREVENTION OF JUVENILE DELINQUENCY

Prevention of Juvenile delinquency

In order to prevent Juvenile Delinquents we have to deal not only with socially maladjusted children and youths who are involved in conflict with law, but also with those children who are creating disharmony in schools and streets while not violating the laws. Prevention is necessary for such children. If they are not prevented then they would become the habitual offender. They make mistakes and become excited and fail to behave according to legitimate expectations. First of all, we should identify such juveniles timely and thereafter provide them with proper treatment. They may convert into habitual offender if they are not timely identified and prevented from committing the offences. Juvenile delinquency has become a threat to our society and is day by day becoming an alarm to awaken those persons who are either victim of the disease or those who are likely to get struck into it. Over-crowding in the cities, increase in the rise of slums, cinema houses, smuggling, gambling and drinking are some of the contributory factors responsible for this ever growing problem of juvenile delinquency. This study is guided by a desire to gain an insight into the problem of delinquency and its statutory treatment in a remote developing region of this vast and ever growing country. An attempt has been made to know the various causes of delinquency and its nature in different areas and strata of society.

The most effective way to prevent juvenile delinquency has indisputably been to provide counseling and proper guidance to children and their families at an early stage. Numerous state programs attempt early intervention and prevention and independent groups in communities has taken initiatives to tackle the problem in new ways. The most effective programs share the following key components. Many provisions have been made by jurists and criminologists for the prevention of juvenile delinquency and some of these provisions are very useful for the welfare of the juveniles and their development.

Delinquency Prevention is a broader term for all efforts made at redirecting the youth and preventing from being involved in criminal activities, or other antisocial ailments. Nowadays, governments have recognized the importance of preventing delinquency at an earlier stage and therefore it has started allocating funds for its prevention. As it is quite difficult for states to provide the fiscal resources required for good prevention so all the organizations, communities, and governments are working more in hand to hand with each other to prevent juvenile delinquency. As development of delinquency in youth is being influenced by various factors, so there have to be a comprehensive approach in preventing it. Prevention services include activities such as education and treatment regarding substance abuse, youth mentoring programs, parenting education, emotional support, family counseling, and youth encouragement in their respective fields. Reductionism should rely on a psychosocial focus whilst neglecting potential socio-structural and political influences. This theory oversimplifies complex ideas and system by converting them into simpler parts.

Preventive Programmes of Juvenile Delinquency

There may be two kinds of programmes for preventing the juvenile delinquency;

- (i) Individual Programme- Individual programme involves the prevention of delinquency through counselling, psychotherapy and proper education.
- (ii) Environmental programme- Environmental programme aims of changing the socioeconomic conditions which are likely responsible for promoting delinquency. These two forms of preventive approaches are reflected in the following strategies, which are adopted in crime prevention programmes.

(i) INDIVIDUAL PROGRAMME-

(a) Clinical programme- Through clinical programmes Psychiatrists, Clinical Psychologists and Psychiatric Social workers are employed in different areas for understanding the personality disorders of the juvenile delinquents and give them proper counseling .

Taft and England¹ have listed the function of clinics as follows

- To investigate cases selected for study and treatment.
- To treat cases itself or to refer cases to other agencies for treatment.
- To interest other against in physiologically oriented types of treatment of delinquent behavior.
- To reveal community the unfulfilled needs of children.
- To cooperate in training of students intending to specialize in treatment of behavioural problems
- To participate in identification of pre delinquents.

Albee comments² “these clinics are treating the wrong people they are George

using the wrong methods, they are located in the wrong places and they are improperly staffed and administered”. England raised some relevant questions and feel that there is difficult to assess the child guidance clinic as a prevention agency.

(b) Educational Curriculum and Activities- The impact of educational is remarkable in the nations where the school going children ratio is very high. The preventive measures can be adopted in an efficient manner through the school curriculum and activities. Teacher should also participate in these activities and also adopt some measures which include

¹Talf and England, Criminology P. 524.

² George W. Albee : A Spectre is Haunting the outpatient clinic in Alan B. B. Tulipan and Saul Feldman (eds) Psychiatric Clinics in Transition (1969); pp. 1-24.

that, teachers shall not discriminate among their students; children should be treated equally and provide them moral education and social norms it will be very useful for the students for their future life goal. Moral education is an important aspect for the students, which form the basis for their future life.

(c) Mental Hygiene- Mental hygiene also plays a vital role in the prevention and treatment of Juvenile delinquency. Mental therapy helps in preventing mental conflicts and curing mental disturbances thus bringing adequate mental adjustment in childhood. Development of high sentiment and values in child also prevent Juvenile Delinquency. In October 1944, on occasion of inauguration of the Indian Council for Mental Hygiene Dr. K.R. Masani, the then Director of Indian Institute of Psychiatry and Mental Hygiene, said that “the application of mental Hygiene was wide and varied and in Education, Law, Medicine, Public health, Industry, mental hygiene played an important role in preventing the delinquency and crime”.

(d) Parent education- Parental education is very essential for the Juvenile from preventing them from being involved in any crime. It is the responsibility of the parents to provide their children such education that they keep themselves away from delinquent acts and also not get involved in criminal activities. Every community should ensure opportunities and educational programmes for parents which will help in improving family relationship and give them guidance for the proper education and care of children.

(e) Recreational programmes- The recreational activities also play a vital role in checking of juvenile delinquency. Recreation programs should be designed such as dancing, singing, sports, music, karate, art, rock climbing and such other activities which enable youths to mix up with and consequently will have more eternal effect other adults and children in the community and develop friendship. Such positive friendships may assist children in later years and also helps in their personality development and increasing self confidence.

(f) Removal of inferiority complexion- Inferiority complexion, fear and anxiety may sometimes be responsible for the child to commit offence just with the belief of proving himself.

Children need support to become confident and good character person. Discouragement and bad treatment pulls them behind in their life

(II) ENVIRONMENTAL PROGRAMME

(a) Community Programmes- The main objective of community activities/programme is to get in touch with the person in need of help instead of person who himself approaches the workers and ready to take participation in the local community activities/programme. Marshal B. Clinard has outlined the key supposition of these programmes as follows³ :

- Local people participation can change neighborhood conditions.
- Because they do not accept an adverse environmental conditions as desirable and favourable.
- Because self-imposed changes might have real impact on the resident⁴

(b) Publication/Publicity- The newspapers, magazines, radio, television, cinema etc. shall be present the juvenile delinquency with sincere perspective and must present real news about the various offences/wrong done by the juveniles and also show the effects of their wrong doing and also analyze the true causes. It is their duty to protect the juvenile against

³Quoted in Elmer Hurbert Johnson: Crime, Correction and Society. (1974). P. 553. ⁴ B.N. Mishra, Juvenile Delinquency and Justice System, p. 34.

false and misleading news and the actual reporting should be presented before the society about their delinquent behaviour so they can properly dealt by the society. Since a long time the question of publicity for Children's Court hearing has been a concern. Confidentiality of Court hearings has always been opposed by democratic nations. However, some limitation in this respect is placed in the Children Acts. Section 36 of the Children Act, 1960 provides as under; section 36(1) No report in any way, in any newspaper, magazine or news sheet of any enquiry regarding a child under this Act shall be disclose the whereabouts like name, address or school or any other particulars calculated to lead to the identification of child nor shall print any picture of any such child, otherwise be published. Provided that for reasons to be recorded in writing, the authority holding the enquiry may permit such disclosure if in its opinion such disclosure is in the interest of the child.

36(2) any person contravening the provisions of sub-section {1} shall be
5 punishable with fine which may extend to one thousand rupees .

Publicity of crime is clearly punitive in origin and is made that a criminal should receive a public condemnation of his wrong activities. The objectives of the Children Act are "to provide the care, protection, maintenance, welfare, Training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the Union territories".

If press or other sort of publicity is given to the juvenile delinquent the rehabilitation will become more difficult. Lesser the publicity in an individual case increases the chances of a delinquent child to get back to his normal social life thus preventing him from social stigma. The Rehabilitation does not go on the glare of publicity but through personal relationship of the delinquent with adult, non-delinquents and when needed through specialized case work or clinic services are sufficient. But
5Section 36 of the Children Act, 1960

sometimes, a different view of the secrecy of publicity has also been taken as it has been stressed that the secrecy of Children's Court proceedings is opposed as it may open the way for exploitation or injustice to the accused person. It is perhaps against the interest of other persons who would stand to lose or gain in prestige, power or finances according to the outcome of a trial. Press acts as the best watch dog for juvenile courts to protect the
6 interest of an individual .

(c) Parental Care, Love and affection- Children are always in need of their parent's care, love and affection. Children need unconditional love and care of his father and mother. The child may develop frustration and disappointment in their mind due to ignorance and neglect of such care and protection which might lead them toward offence/crime. So parental care, love and protection is an essential factor for the child to prevent them from being involved in offence/crime.

(d) Family Atmosphere- Family factors like lack of parent supervision, lack of parents disciplining, conflict between parents, parent reparation and the parent-child relationship also affect the child which lead a child to become criminal. Child grown-up by single parent are more likely victim of juvenility than those who reside with both natural parents. Children lacking parental support and supervision are more likely to cause offence. There is a connection between a lack of supervision and

offence. When parents generally do not know where their children are, what they are doing or are who their friends, children are more likely to absentee from school, have chance to fall in the company of delinquent children or have chance of chose the wrong path their life. Lack of control on children lead to poor relationships between children and parents. The children in conflict with are less willing to discuss their problem and activities with their

6 J.D. Caven, Functions of the Juvenile Courts,p.281

parents. Lesser the attachment of children with their parents greater are the chances of becoming prone to delinquency.

Role of Police

The role of police is considered very important in apprehending and protecting juvenile from being delinquents. Police is a separate agency which has to perform its duties under the guidelines of Juvenile Board/Court. Therefore to understand the behavior of police towards Juveniles, it is necessary for them to be aware of all the facts of the Juvenile Court.

In USA, the police have found a different approach towards delinquents and they get unique effect on Juveniles they arrested/contact. The delinquent who were contacted and arrested by the Police but only half of them were referred to the Juvenile Board/Court and remaining half were to be taken over by the Police. Here police make a decision which child will be sent to juvenile Board/Court and which child handled by them and how. As well as, police have many other informal functions and when they encounter with these juveniles on streets and in deserted condition here police play an important role and protect them from injury/harm also maintain law and order. In India also, police play a significant role for the protection of these children from injury/harm and for maintain the law and order . It is essential that these children should be treated with sympathetic care. The manner in which police treating/handling these juvenile determines the child's future behavior, in future whether they move to a right path or chose a wrong path.

Enforcement of Law

Enforcement of law is the basic function of the police. It is the responsibility of the police to scrutinize places illegal activities going on and which attract juvenile to be involved in these criminal activities, regular inspection of these area and places is only way to maintain law and order and check delinquency.

7 Ruth Shonle Cavan Theodore N. Ferdinand IV Edition P. 341

Constant scrutiny and inspection may decrease the crime and delinquency from the places/area.

Police is empowered by the juvenile justice act to arrest/apprehend the juveniles involved in delinquency and criminal activities.

Problems in Administration of Justice

There are a number of problems which are encountered during the effective administration of justice regarding juvenile delinquency. In the majority of the State, Juvenile Courts are not constituted in all the districts or yet to constituted under the Juvenile Justice Act, 2000. Authorities who are given powers by the juvenile board/courts are not having special knowledge to child psychology and child welfare is a drawback in the administration of justice towards juveniles. And another problem in this area is the approach of the authorities concerned with the justice system. There approach should be based on social and reformatory instead of penal for the better interest of children.

New Approach to Police Administration

The ordinary police officer is not adequate to deal with the problem of juvenile delinquency so there should be a special and trained police officer to deal with the same under the Juvenile Justice (Care and Protection) Act, 2000. For appropriate and effective dealing with juvenile delinquent, specially trained police force is required particularly with a view to preventing juvenile delinquency. In 1955, first U.N. Congress was held in Geneva on prevention of crime and Treatment of delinquents, which also resolved that the specially trained Police Officer should be appointed for this

purposes, police is the first point to contact for delinquents that's why a special training is necessary. Real report about the Juvenile Delinquents should be prepared by the Police, which generally not done. No facts should be concealed about

8 Ruth Shonle Cavan Theodore N. Ferdinand IV Edition p. 341.

them. This real and complete report about their family background should be submitted to the concerned authority, to deal with the juvenile delinquent more effectively.

The whole issue involved and requires:

(a) Special Juvenile Aid Police Unit.

(b) Special Training to Police.

(c) Socialization of the Police.

(a) Special Juvenile Aid Police Unit

India is a very big country with many states and union territories. All states and UT's people have different standard of living, culture and habits etc or having different problems so different ways and means are required to tackle this issue. This problem is more rooted in urban areas in contrast to rural areas. In many states, generally city police has special trained forces but in the rural areas such trained police is not available. For example, Bombay has got first Juvenile Aid Police Unit established in Oct. 1952 as a part of vigilance branch under the control of a D.C.P (criminal branch) must be headed by a lady inspector. This Police Unit deals with the cases of pre-delinquent, delinquent and victimized children and it is their duty to enforce the provision of Bombay Children Act. And apart from act a "Bombay Railway Juveniles Guide Service" was also established, especially for those boys who run away from their homes and picked up in the railway station.

On the basis of study on Juvenile Aid Police Unit it has been suggested that Big cities with the population of one lakh or more specialist units must be there, specially where the problem has already assumed significant proportions and where if feasible to have a body of specially trained officers engaged in this task on full time or permanent basis. The work of specialist units should be fully integrated with normal police work and it should be a part and parcel of the general police function at police station. The National Police

Commission supports a less aggressive approach while dealing with the children of tender age. It recommended that "juveniles becoming way-ward, taking drugs, pilfering objects out of bravado and smartness could be warned on record and their parents should be duly advised. Social welfare organizations could be involved by notifying persons in danger of falling into the clutches of criminals. Counseling and warning should be given by police as their duty is prevention of crime."¹⁰ The Commission further recommended that "the police must be trained and equipped properly with service oriented functions". Counseling of the persons in distressful situations is recognized as "service par excellence".

be made a start in the metropolitan cities with the activities of counseling". Therefore, a separate police force might be set-up for the enforcement of all social legislations in the interest of children.

For the proper enforcement of social legislation a certain operational approach and attitude of mind is required on the part of the enforcement personnel which could be brought about by specialization or training. The special police task force for metropolitan cities should be created which should function under the

The commission recommended that "police should supervision of the city Police Chief.

aid police on the recommendation of the commission, is considered suitable to deal with the cases of delinquent children and non delinquent children who needing police attention and care.

(b) Special Training to Police

The requirement of special unit of police is must in cities like Delhi, Bombay, Chennai, Calcutta etc where direct interaction takes place between the police

9 K.S. Shukla and P.D. Malviya, "Juvenile Aid Police Units", Police Research and Development, Quarter III & IV, 1972, p.17

10 Government of India, Second Report of the National Police Commission.

11Ibid, p.18.

12Fourth Report of the National Police Commission, June 1980, p.40.

The establishment of special juvenile and delinquent at the police station level. An Inspector of Police must have been there who deal or having special knowledge on the rights of child and child psychology. The characteristic of special wing training of "Liverpool Model" has been discussed and recommended by the Annual Conference of inspector General of Police of all states and in 1960 they recommended a committee for preparing the training courses.

(c) Socialization of the Police

(1) Nature of Police work- Kratcoski identify major areas of police dealing with Juvenile has been identified viz:- (a) Discovery

(b) Investigation

(c) Case disposition

(d) Protection of Juveniles

(e) Prevention of delinquency

Rather in India, major areas are:

(a) Mapping of delinquency area based on socio-economic situation of the locality

(b) Close surveillance on delinquency area to prevent it.

(c) Discovery and investigation of delinquency.

(d) Case disposition,

(e) Guarding the interest of Juveniles to avoid contact with criminals .

In India generally, juvenile delinquents are not arrested because and police took them in a lenient view considering them as children who are caught up in the commission of a petty crime. But the involvement of children in minor crimes should be taken care of in the start of participation itself.

The misconduct of a juvenile may be of a greater extent but if such Juveniles are
13 Kratcoski P.C. and Dractcoski. L.D., Juvenile Delinquency, 1979

left after warning and their parents cautioned, the juvenile would have been saved in the beginning stage.

(2) Juvenile's Impression toward police- The Juvenile's thought toward the police is not good. They thought that police behaviour is very furious; they would not understand their problem. So, there is need to change the perception of juvenile toward the police and the police should act as a friend. In a survey conducted at Burdwan regarding approach of the High School Boys toward Indian police and it was found that not more than 2% of High School boys had a feeling that police is acting as a friend. More than 60% felt that police is furious and remaining had no idea.

(3) Police approach toward the Juvenile- It is regularly being stated that a police should approach and deal with Juveniles in a friendly way. It means that police action toward the Juvenile should be sympathetic, lenient, good and not aggressive. There is a need to change the attitude of police toward juvenile, so they can approach police in case of need and protection.

(4) Police as a Preventive force- It has been considered that police acts a preventive force and it is their prime duty to prevent the crime and work for the welfare and development of the society. It is an also a duty of the police to stop criminal from committing the crime and maintain law and order in the society.

(5) Police as a detective force

Exposing of crime is main task of the police. The following are the primary functions of the police as a detecting force:

(a) Identification of the delinquents

(b) Detention and escorting

(c) Investigation.

(d) Referring Juvenile/child to the Juvenile Court/Board or to any other competent authority.

(6) Discovery and apprehension

In the West Bengal Children Act it has not been provided for the procedure of arrest but in other states it has been provided that “no Juvenile offender can be apprehended / arrested for the bailable offences”. The Madras Children Act and Hyderabad Children Act provided that “a child guilty of non-bailable offence can only be arrested”. The West Bengal Children Act also provide that the “Juvenile offender cannot be handcuffed”. The instructions and procedure varies from state to state. In Himachal Pradesh, handcuffs are allowed only in that condition when Juvenile is of the violent nature. In Gujarat for handcuffing they used rubber and leather straps. In Tamil Nadu “handcuffing is not allowed in any condition”. In Andhra Pradesh “it is avoided as much as possible” and in other states law does not provide specific instructions.

(7) Maintenance of record of History sheets

Record of History Sheets of Juveniles delinquent is necessary. But in Andhra Pradesh it has been barred. However, Juvenile Justice (Care and Protection of Children) Act, 2000 provides that “the records in respect of a juvenile shall be destroyed after a period of seven years”. Maintaining of record has both positive and negative effects like it helps in observing juvenile on the basis of record but some time it might work as stigma. Therefore it has been strictly prohibited.

(8) Social Report of Juvenile

The investigating officer should prepare his social report on apprehension of a juvenile delinquent. The investigating officer is required to conduct a probe about the juvenile delinquent. It is correct that “due to lack of skill it may not

be possible for the police officials to go deep into the socio-psychological circumstances under which the child is forced to commit crime but such information may be collected as possible by the probation officer”. Under Juvenile Justice (Care and Protection of Children) Act, 2000 “probation Officer is required to obtain details regarding antecedents and family background of the juvenile”. Therefore, it is seen that the police has play a vital role in the prevention and control of juvenile delinquency, as well as in the treatment, rehabilitation and after-care of delinquent children.

Principal functions of the police in relation to juvenile delinquency are:

1. On the detection of pre-delinquency it must bringing it into notice of parents, teachers and others timely in order to have must take some corrective measures to prevent it;
2. Identification of needy and neglected children and then referring them to institutional/ non-institutional care to avoid their misuse by adult criminals;
3. Organization of recreational programmes for the children who are residing in highly delinquent atmosphere, so that their mind is diverted towards such recreational activities like sports, music, art, dancing etc instead of indulging in criminal activities ;
4. Should ensure adequate safety measures to children from being exploited by adult offenders and adequate steps must be taken against people who exploit children; and enforce the legislation relating to juvenile, especially those laws which deal with children in conflict with law.

Shukla categorise the police functions in respect of juvenile¹⁴ :

1. At the Pre-delinquency Stage

K. S. Shukla, “Role of the Police in Juvenile Justice,” op. cit. , pp. 169-70.

- i. Location of geographical areas;
- ii. Patrolling at susceptible delinquency and other areas.
- iii. Identification of young persons in mortal danger;
- iv. Reclaiming 'strays' and 'runaways' for their restoration to the guardians or institutionalization, according to the judicial processes;
- v. Mentoring civic sense, traffic sense etc. to juveniles through lectures etc.;
- vi. Parent-teacher counselling and awaking parents cases of non-attendance, keeping undesirable company, small acts of delinquency etc. in time. Parents may be advised to consult child guidance clinics or a psychologist;

- vii. Organizing police recreational programmes like boys, clubs, sports clubs, youth camps, Bal Melas, excursions etc. ;
- viii. dealing sympathetically and smartly with all cases of juveniles who are uncontrollable, destitute, neglected, victimized, exploited etc. ;
- ix. Investigation of missing children and restoring them to parents/guardians.

2. With Delinquent Children

- i. Strict Implementation of all legislation on juvenile/children;
- ii. spotting and identification of offenders and rescuing juvenile delinquents from these criminals gangs of Kidnappers;
- iii. gave soft warning and held counselling for justice delinquents, instead of prosecuting them for petty acts of delinquencies;
- iv. investigation of cases of juvenile delinquent with special care and importance on need to:
 - a conduct investigations into social and home background of the juvenile delinquent;
 - b take the assistance from child guidance agencies like social workers, NGO, probation officers etc.;
 - c must place such background record before the juvenile board/court;
 - d use special techniques for handling juvenile delinquent/offenders after arrest;
 - e adopt sympathetic and human methods of interrogation with juvenile delinquent/offenders; and
 - f liberal bail provisions for juveniles.

3. Rehabilitation of Released Juvenile Offenders

- a helping and giving all possible assistance in the rehabilitation after released juvenile offenders;
- b maintaining benevolent and obtrusive supervision over the released juvenile offenders in the cooperation with probation officers as far as possible; and
- c Ensuring protection to the released juveniles, especially juvenile probationers, against threats and victimization by their erstwhile while dealing with the juveniles. It is must that a juvenile offender shall not be looked by the police as a hard core criminal but look at him like a child in need of love, care and protection.

Preventing Juvenile Delinquency

S.P. Srivastva, Juvenile Justice In India; Policy, Programme and Perspective,(1989), Ajanta Publications (India), Delhi,pp.160-162

associates in crime

In order to get effective implementation a new outlook is desired by police

It is believed that intervention in the beginning is the best approach to preventing juvenile delinquency. Individual and organizational efforts are required to keep children away from illegal and immoral activities. Some focus on punitive prevention required to frighten offenders by making clear in their mind that they would get severe punishment if they violate law and also describe them the result of their offence. Implement the development programmes with income generation opportunities, professional training and vocational education courses which could help and prevent them from association with wrong persons. NGOs and local community active involvement can also play a vital role in preventing the juvenile delinquency.

☑ Effective implementation of Juvenile Justice Act, with full public awareness and proper orientation and training to professionals and law enforcement agencies.

☑ Government should motivate the Juveniles to join main stream of the society and regain their self-confidence, which is almost lost because of the callous attitude of the society and this can be done through implementation of social and reformative schemes with the help of administration and NGO's.

☑ Advocacy for various legal provisions provided for juveniles.

☑ A proper mechanism to assess the needs and requirements of the juveniles and regular review.

☑ Reformative approach of police rather than penal. The object must be to reform the delinquents, rather than just to punish them.

☑ Application of UN rules and other International convention rules.

- ☒ State Governments and U.T administrations should provide support to voluntary organization to start or reformative juvenile programmes including community services.
- ☒ Active role must be play by community and voluntary organizations in the implementation of Government programs related to literacy, health, eradication of child labour, etc. shall help to a great extent to weed out delinquency.
- ☒ All the stakeholders should be properly coordinate to fulfil the aim and objective of juvenile justice through concentrated and co-ordinate functioning.
- ☒ Organization of recreational programme for the children so they could spend their leisure time in productive activities.