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Difficulties faced by the children attending regular school from the remand room under the Juvenile act.

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Abstract:

Juvenile delinquency also known as 'juvenile offending' refers to antisocial or criminal activity of the child below 18 years of age. According to International Law, a 'Child' means very human being below the age of 18 years. Today this is a universally accepted definition of child which comes from the United Nations Convention on the Rights of the Child (UNCRC). Delinquency is unwelcomed action of a child, which is socially not permitted in the society. A juvenile delinquent is a disorder which is defined as "a child acting like an adult". The action of the child may seem to be very foolish but actually it's a matter of serious concern. It is believed that delinquency is considered only when the behaviour of the child is harmful. Frederick B. Sussmann, who wrote a book on "Law of Juvenile Delinquency", presented a list of acts or conditions included in delinquency definition as "infringement of any law or ordinance, habitual absence, alliance with thieves, brutal or immoral persons, and beastly beyond authority of parent or guardian". Juvenile delinquency takes place at different places and it may vary in degree. The child being the future of the country should be given a good environment in which he/she can nurture himself/herself. This study aims at investigating the factors affecting juvenile delinquency and the difficulties faced by the children attending regular school from the remand room under the Juvenile act in Mysuru District.

Keywords: Child, Juvenile Delinquency, Juvenile Justice Laws in India, Remand room

Introduction:

The direction of the causal link between education and juvenile delinquency is fundamentally complex. Early aggressive behavior may lead to difficulties in the classroom. Such difficulties, in turn, may result in a child's receiving unfavorable evaluations from teachers or peers. These, in turn, might result in delinquency. Equally, delinquency could be another manifestation of whatever characteristics got the child into trouble with school authorities in the first place. Some studies have shown reductions in delinquent behavior when a teenager drops out of school. Others have shown increasing rates of delinquency following school dropout. In addition, many studies have shown that family and child characteristics predict both problems in school and an increased likelihood of delinquent behavior. Despite the ongoing discussion of the direction of causality, the evidence is clear that poor school performance, truancy, and leaving school at a young age are connected to juvenile delinquency.

Under the Juvenile justice laws in India:

- The Juvenile Justice Act, 2000 provides two main broad categories named as “child in conflict with law” and “child in need of care and protection”. It lays down that the “child in conflict with law” must be kept in observation homes and “child in need for care and protection” must be kept in the children home during the pendency of their proceedings.
- Child Labour (Prohibition and Regulation) Act, 1986. Section 2 (ii), ‘Child’ means a person who has not completed the age of 14 years.
- Child Marriage Restraint Act, 1929. Section 2 (a), ‘Child’ means a person who, if a male, has not completed twenty one years of age, and if a female, has not completed eighteen years of age.
- Immoral Traffic (Prevention) Act, 1956. Section 2 (a), ‘Child’ means person who has not completed the age of sixteen years.
- Children/Juveniles need care and protection (CCNP). According to Section 2 (d) of Juvenile Justice Act, a child in need of care and protection. Child who is found without any home or settled place or abode and without any ostensible means of subsistence. Child who is found begging or who is either a street child or a working child.
- Juvenile/Child in conflict with law (JICL). Section 2 (1) of the Juvenile Justice Act, 2000 has defined “Juvenile in conflict with law’ as a juvenile who is alleged to have committed an offence and has not completed eighteenth year of age as on the date of commission of such offence

Causes of Child Delinquency

Juvenile delinquency takes place at different places and it may vary in degree. The child being the future of the country should be given a good environment in which he/she can nurture himself/herself. Nowadays, juveniles are engaging in various serious offences like rape, murder, dacoity, theft, robbery. There are innumerable causes behind the psychic of a delinquent child which is further defined in two broad categories:

- Biological causes
- Societal and Environmental causes

I. Biological causes

- **Ocular Ailments-** It is a disease of retina which can result in the loss of vision. It leads to irritability and discomfort which will further hamper them in leading a moral life.
- **Hearing Problem-** deafness or incapability of hearing leads to the incapability to do any work properly which further leads to antisocial behavior.
- **Excessive Strength-** A child who is possessed with excessive strength and his mental trait being uncultured will lead to the imbalance in the body which will further encourage a child to do a crime.

II. Societal and Environmental Causes

- **Cultural Conflicts-** The urbanization and modernization have resulted in drifting of people who has further led to the conflict between the immigrants and the inhabitants. India also played as a victim of cultural conflict during the time of Indo-Pak partition in 1947, where the immigrants from Sind settled down in India and resulted into a massive increase in the crime rate.
- **Family Background-** *Sutherland* said that “the family background has greatest influence on the criminal behaviour of offender or Juvenile. The Children divert themselves towards criminal tendencies, if they find their parents or members of the family behaving in the similar manner. A child who is grown up in a hostile aggressive parenting atmosphere becomes an easy prey to criminality”

- **Socio-Economic Condition-** Nowadays, money is a parameter to judge a person's societal status. Everyone around is so busy in earning that the parents are not been able to look after their wards which further leads a child to indulge in illegal activities.
- **Neighborhood-** One thing leads to another, as the parents/guardians are busy in their own livelihood, the bad influence of neighbors also tend to destroy the genesis of a child.
- **Trend of Alcoholism-** it has become a fashion among the youth to have a shot of vodka. Generally, it is the reason for a fight amongst the Husband and the Wife, which leads a bad impression on the child. It is necessary to keep a discipline in the home for the proper upbringing and to create a friendly atmosphere for a child. The family should take care of child otherwise they might be indulging in commission of offence.
- **Cinema and Social Media-** cinema and social media plays an important role in the overall development of a person. What they watch on social media and television they try to do in their real life also. The parents must pay attention to their children, they should not refrain from watching any content but rather they should try to inculcate some moral values in the children.
- **Significance of School-** The school plays a significant role in the upbringing of a child; it is the school where the child has the closest relation with other children for such a long time. "School is usually thought as a constructive agency but when it fails) to perform its designated functions, it may become by virtue of its negligence, a main contributor to delinquency.

Objectives of the Study

- to understand the difficulties faced by the juvenile delinquents
- to understand the mind set of Juvenile delinquents
- to ascertain the main reason for their problems
- to understand the problems faced in the remand homes

Methodology:

This descriptive-analytical study is a cross-sectional one conducted on twenty children and they were randomly selected for the study. 10 boys and 10 girls were chosen. Each children were administered a questionnaire prepared by the investigator. The data collection tool is information form containing 45 questions related to personal and identity information and the objective questions were along with open and closed questions that were completed through interviews and reviewing their documents and records.

Results:

Table 1: Frequency distribution of the types of crimes committed by the children in the remand room studied

| Type of crime | Frequency | Percentage |
|--------------------|------------------|------------|
| Drugs | 3 | 15 |
| Theft | 5 | 25 |
| Evil doing | 2 | 10 |
| Mischief | 5 | 25 |
| Two or more crimes | 3 | 15 |
| Other crimes | 2 | 10 |
| | Total: 20 | 100 |

Total of 15% of delinquent juveniles were addicted to smoking, and 25 % were involved in Theft and Mischief activities respectively. Another 15 % were indulged in more than two crimes. In 10 % of the subjects under study, family members were addicted to Evil practices and other crimes.

Table 2: Age of the respondents

| Age | Frequency | Percentage |
|-----|------------------|------------|
| 9 | 1 | 05 |
| 10 | 2 | 10 |
| 12 | 3 | 15 |
| 14 | 5 | 25 |
| 15 | 5 | 25 |
| 16 | 3 | 15 |
| 17 | 1 | 05 |
| | Total: 20 | 100 |

Of the 20 respondent's maximum of five respondents were 14 and 15 years old. Followed by 2 being 10 years, 3 were 12 and 16 years, 1 respondent each being 9 and 17 years respectively. The youngest was 9 years and oldest was 17 years old. The mean age of the respondents was about 15 years

Table 3: Reasons for change of schools

| Reasons | Frequency | Percentage |
|----------------------|------------------|------------------------|
| Changed remand room | 2 | 10 |
| Financial reason | 5 | 25 |
| Part time work | 6 | 30 |
| Warden transferred | 3 | 15 |
| Room-mates not good | 2 | 10 |
| Unhealthy atmosphere | 2 | 10 |
| | Total: 20 | Percentage: 100 |

Of the various reasons quoted for change of schools by respondents, we can notice that a maximum 6 respondents were working part time and also attending the school. Here, we should understand that the children from the remand rooms are not allowed to go out to work. If this is the case it is clear that the children have been working before they get admitted to the remand room. Further 5 respondents stated that they changed school because of the financial reason.

Findings:

- The respondents are very different from each other. Children are of diverse nature.
- The children in the governments homes (remand rooms) are talented, they require all the encouragement
- Almost the entire are from a poor background. Most of the children belong to the economically weaker section of the society.
- Many of them don't have parents, some of the have been child laborers, a few more of them with single parents and few others are missing cases
- They don't have all the basic amenities; it's a necessity, especially for the girls.
- Provision of the basic requirements for the children of the government homes (remand rooms), they need to be treated as normal human beings. The efforts by the government machinery to make these children feel at home cannot be ignored.

Conclusion:

The problem of the juvenile delinquency is not new, it occurs in all societies at all times which are both simple as well as complex. In a developing country like India the problem of juvenile is neglected and delinquency is considerably low but gradually increasing according to the National crime record bureau report 2015. What is worrying is more is that the share of crimes committed by juveniles to total crimes reported in the country has also increase in last three years.

Considering the problem and issues involve, analysis indicates that the number of factors for neglect and delinquency are mostly common and interrelated, based on the socio-economic and psychological reasons. Poverty, broken homes, family tensions, emotional abuse, rural-urban migration, broken-down of social values and joint family system, atrocities and abuses by parents or guardians, faulty educational system, the influence of media besides the unhealthy living conditions of slums and such other conditions explain the phenomena of juvenile delinquency. The neglect of children by their parents, family, society and the nation create detrimental effect on their physical, mental growth and over all development. Needless to say that most of the factors causing delinquency are in plenty in the Indian context and any attempt to prevent and control them can be fruitful for the society. After all, the children represent the nation and the coming future of the country. Even international instance like UN Standard Minimum Rules, 1985 and UN Convention on the Rights of Child, 1989, are notable and has articulated the global consensus on giving special attention to the children who come in conflict with law. In the above context, this paper tries to highlight the growth and development of juvenile justice system in India, further, the difficulties hardships encountered by the children who are lodged in the Government homes and to take a brief look at constitutional provisions, juvenile justice act, 2000 and extent of delinquency in India

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