



ORIGINAL RESEARCH PAPER

Law

PATTERN OF OFFENCES COMMITTED BY JUVENILES IN KASHMIR

KEY WORDS: Juvenile crimes, Delinquency, conflict

Aasiya Farooq

Noida International University (LL.M Scholar)

Dr. Omair Aziz Wani*

Consultant IDSP Kashmir. *Corresponding Author

ABSTRACT

Juvenile is defined as a person who has not completed the age of 18 years. However, in recent times due to increase in the number of serious crimes committed by juveniles the definition has been amended for juvenile committing serious crimes. There is a trend of increase in Juvenile crimes not only in India but world over. India is increasing in the rate of juvenile crimes and it is a serious concern for the Nation and solutions to end this problem need to be sought carefully. **AIM:** To study the pattern of offences committed by juveniles in Kashmir. **Results:** Total 52 Juveniles inhabiting at juvenile homes Srinagar were included in the study. Age and previous history of committing crimes has a significant relationship with committing crimes

INTRODUCTION

In India prior to the passing of The Children Act, 1960 there was no consensus regarding the age limit of a juvenile offender and different states had their own definition as to who shall be considered a "Child". For example, in Haryana and Bombay, a juvenile was a boy who has not completed the age of 16 or a girl who has not completed the age of 18. In Andhra Pradesh "Child" means "a person under 14 years and when used to reference to sent to certified school applies to that child during period of detention notwithstanding that the child attains the age of 14 years before the expiration of that period"¹ This was later on metamorphosed by term juvenile and made universal to the entire country.

Juvenile is defined as a person who has not completed the age of 18 years. However, in recent times due to increase in the number of serious crimes committed by juveniles the definition has been amended for juvenile committing serious crimes. It's a vulnerable age because of mental, social, psychological, physical developments happening during these years.

In terms of law and research, two categories of people are important which are as follows:

1. Juvenile in conflict with law and
2. Juvenile in need of care and protection.

Juvenile in conflict with law: "Child in Conflict with Law" has been defined under Section 2 (13) of the Juvenile Justice (Care & Protection of Children) Act, 2015 as a child who is alleged or found to have committed an offence and has not completed eighteen years of age on the date of commission of such offence.¹

There is a trend of increase in Juvenile crimes not only in India but world over. India is increasing in the rate of juvenile crimes and it is a serious concern for the Nation and solutions to end this problem need to be sought carefully.¹²

Certain biological causes like feeble mindedness, physical defected etc and social causes like children of broken families, disturbed family conditions etc have been indicated as risk factors in development of juvenile delinquency. Other causes like urbanization and industrialization has also been to be associated with juvenile delinquency.

The youngsters between a certain age-group are easily attracted to the temptations of life and lend into criminality. As is often said, the child of today is the citizen of tomorrow. The criminal tendency in youngsters must therefore, be timely curbed so that they do not turn into habitual criminals in their future life.¹

SCOPE OF THE STUDY:

To study the pattern of offences committed by juveniles in Kashmir.

OBJECTIVES:

- To study the socio demographic profile juveniles committing crimes in Kashmir.
- To study factors associated with offences committed by juveniles in Kashmir.

METHODOLOGY

Research Design Observational study

Study setting: Randomly selected juvenile home in Srinagar, Kashmir

Study Subjects: All Juveniles inhabiting at juvenile homes Srinagar fulfilling our inclusion criteria

Study Duration: Two months

Sample Size: Absolute sampling

Inclusion criteria:

1. Juveniles who were willing to participate in our research study.
2. Juveniles above 13 years of age.

Exclusion criteria:

1. Juveniles with underlying illness

Data collection:

A proforma was prepared, and finalized. Juvenile home/children home/special home was visited, Records were acquired after obtaining permission from the concerned authority. Subjects/ cases were interviewed by one on one technique and the scope of study was be explained.

Data Analysis

Data analysis was done by using SPSS 20.0 statistical software. Qualitative data was expressed by using frequency and percentage. Chi-square test and Fishers exact test was used to correlate various variables with occurrence of SSIs. P-value <0.05 was considered as significant.

PROBLEM STATEMENT:

In recent past there has been 7.2% rise in the rate of crime among juveniles, which is a grave matter of concern.²

HYPOTHESIS:

Broken family leads to crimes like theft and drug abuse in

juveniles.

RESULTS & DISCUSSION

A total 52 cases fulfilling our inclusion criteria were considered in our study.

Of total 52 cases studied, 48 were males and 4 were females depicting an absolute male preponderance.

Similar observation was made by Park who revealed that the incidence of juvenile delinquency is 4 to 5 times higher in males as compared to the females.⁹

Fig 1. Sex representation of cases

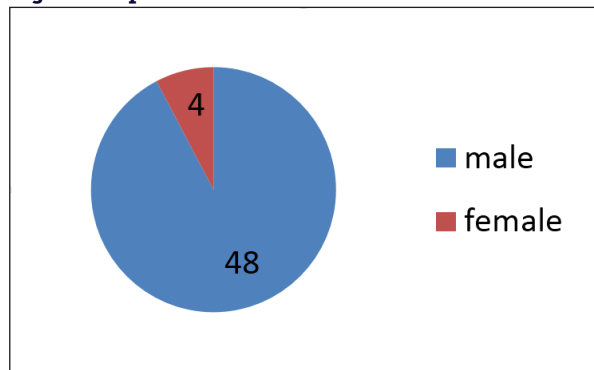


Table 1 reveals the sociodemographic profile of the juveniles who have committed crimes. Of total 52 juvenile cases, 42 (79%) cases belonged to the age group of 16-18 yrs and the rest i.e. 21% belonged to the age group of 13-15 yrs.

Similar observation was made by **Singh C et al**¹¹ who revealed that majority of the crime is committed by those who are in the age group of 16-18 years because of the negative influence of the peer groups or the surroundings.

B.G.Prasad's socioeconomic scale was used to classify cases for socioeconomic status.⁸

Our study revealed that majority of the juveniles who committed crimes belonged to the Socioeconomic class V (38%) followed by those who belonged to socioeconomic class IV (33%).

Table 1. Sociodemographic profile of cases (n=52)

Variable	NO.OF CASES	PERCENTAGE (%)
Age		
13-15	11	21
16-18	41	79
Socioeconomic status		
I	4	8
II	4	8
III	7	13
IV	17	33
V	20	38
Family type (Broken)		
Yes	30	58
No	22	42

Similar to our study **Aggarwal D** reveals that social factors such as poverty and low education are responsible for juvenile delinquency. Habits of substance abuse also make the youth vulnerable to offending.⁵

Singh C concluded that majority of the juveniles committing crime belong to the lower socio economic status.¹¹

Surong et al¹² reveals that as many as 83% of the children come from poor families and that most of the offenses

committed by the juveniles like Theft and Murder result from the urges for the three basic needs i.e., food, clothing and shelter and not to forget to mention about the jealous desires for luxurious life as well.

Broken family can be a risk factor for juvenile to commit crime. Our study noticed a higher proportion of cases (30) belonging to broken family as compared to 22 cases who did not belong to broken family.

Process of broken family is complex and may involve repeated disturbances and fights at home which can lead to social abnormality amongst family members especially children. This makes children mentally disturbed and may lead to delinquent behavior.

Similar observation was made by **Sadaf et al**¹⁰ who observed that violence in home is one of the largest contributing factors to delinquency. Children subjected to violent actions, or those who witness it to others, are more likely to act but their fears and frustrations. They often have a "don't care" attitude and this allows them to get into trouble more easily.¹⁰

Aggarwal D made similar observation revealing that broken families are directly related to higher rates of delinquency.⁸

Under the social factors it has been noted that the social environment has a strong impact on deviating tendencies of the juveniles. Amongst these neighborhood ties and social organization can be important determinant in the delinquent behavior of the juvenile.⁵

Singh C concluded that family plays an important role in upbringing of children as those children which are living under nuclear family are more prone to crime in comparison to the joint family and the reason behind this is that due to lack of supervision, they opt different methods to overcome their desires and due to lack of maturity they are not able judge good or bad.¹¹

Surong et al¹² revealed that adolescence phase or the emotional instability is another reason for the risk's factors in juvenile delinquency. A child's personality is rendered unbalanced through lack of love and affection, emotional insecurity, Emotional problems of jealousy, inferiority and being thwarted are very common during this period and because of this phase the state of mind inspires the child to commit an offense. This could be true for children belonging to broken families

Fig 2. Pattern of crimes committed by Juveniles

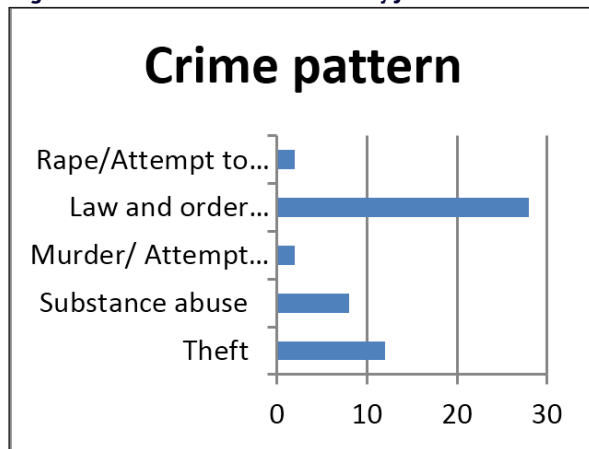


Fig 2. highlights the pattern of crimes committed by juveniles.

Majority (28) of the juveniles had committed law and order

violations in form of stone pelting on law enforcing agencies or were involved in other anti national activities.

The second major crime committed by juveniles was in form of theft (12)

Substance abuse was noticed in 8 juveniles who had committed crimes.

In concordance to the current study Sadaf¹⁰ observed that children who are exposed to substance abuse often do not have the necessities they need to thrive and are forced to find these necessities in other ways. Others, who become dependent on a substance, may also need to commit crimes to sustain their habit.

Contrary to our study Singh C et al¹¹ observed theft to be the major offence committed by juveniles.

The difference in the results of our study and study conducted by Singh C et al¹¹ on the major crime pattern could be that our study was conducted in Kashmir which is a politically disturbed area since three decades with law and order issues which can lead youth to indulge in law and order malpractices.

Surong et al¹² pointed out the fact that being in a bad company of friends or peer pressure is the major cause that leads to juvenile delinquency as children can easily be influenced.

Table 2 Relationship of juvenile crime with various factors

Crime history	variable	P value
Age	<0.05	
13-15	11	
16-18	41	
Previous crime history		
yes	29	
No	23	

able 2 reveals the statistical relationship between juveniles and various variables which may lead to crime.

Age has a significant relationship with committing crimes. Higher rate of crimes was observed in older juveniles as compared the younger ones.

Our study revealed a significantly higher proportion of crimes committed by juveniles who had previous history of crimes compared to those who committed crime for the first time.

REFERENCES

- Juvenile justice (Care and protection of children) Act 2015. Available from <http://cara.nic.in/PDF/JJ%20act%202015.pdf>. Accessed on 1/4/21
- Juvenile Delinquency in India. Available from <https://blog.forumias.com/juvenile-delinquency-in-india/>. Accessed on 1/4/21
- Tiwari S. Analytical study of juvenile delinquency in India. Journal of contemporary issues of law.Vol5(6),pp.101-118.
- Shukla P. Juvenile delinquency and juvenile laws in India. International journal of research and development. vol.3(7)
- Aggarwal D.The juvenile delinquency-Latest trends and entailing amendments in juvenile justice act. International journal of social sciences. Vol.3(3) pp 1365-1383
- Phogat K in Juvenile Delinquency in India Causes and Prevention in ignited minds journal, vol.13 issue 1
- Dhotre P in emerging trends of juvenile delinquency The International Journal of Indian Psychology ISSN: 2349-3429 (p) Volume 4, Issue 1, No. 76
- Prasad's socio-economic status classification- An update for 2020. Available from <http://journal.njrcmindia.com/index.php/njrcm/article/view/155>. Accessed on 09/06/21
- Park K. Leprosy. Park's Text Book Of Preventive And Social Medicine, 26th edition. Jabalpur: Banarsidas Bhanot publishers; 2021:671
- Sadaf et al. Juvenile delinquency: A critical analysis. International Journal of Research and Analytical Reviews. Vol 6 issue 1; 0267-263
- Singh C. A study on the Juvenile Delinquency and its Supporting factors. Available at <https://docplayer.net/125166436-A-study-on-the-juvenile-delinquency-and-its-supporting-factors-charu-singh-and-rajeev-singh-bhandari-abstract-juvenile-delinquency-is-the-term-used-t.html>. Accessed on 05/06/21

- Surong et al. A study on the causes of juvenile delinquency and its prevention by the community. The International Journal of Indian Psychology. Volume 8, Issue 4, Oct-Dec, 2020. Pg;1266-78