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SCORE  
115

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Topic: Juvenile Crime and Delinquency: A ✓  
growing challenge to Indian society.

Let Intro reflect the title  
as much as possible.

↑ PUT TITLE IN  
INTRO: TO WARM UP  
THINGS.

Juvenile crime is not a new phen-

omenon to India, <sup>n society</sup> even though it has

come to the ~~to~~ forefront of the national

debate only recently after the grotesque

Delhi <sup>gang</sup> rape case. (DEC, 2012). Special provisions and

laws have already existed for it from

the colonial times. However, thousands -

other rapes committed by the juveniles

apart from the Delhi rape, and their

growing number over the years, sadly

You  
are  
no. is  
in  
thousand  
✓?  
~~OK~~

- Form short, clear sentences. Short  
sentences are better.

VK.

remind us that even these special laws have failed to serve their purpose. The challenge is ever growing.

So for rest of the essay, we would first examine what do we mean by juvenile crime and delinquency and how is it growing. Then we would examine the reasons which make it a special challenge. We would then present and examine the existing national framework to deal with the issue. Then it would be followed by a critical analysis of the existing framework and how it is working to further aggravate the problem. Finally, we would dwell upon the debate surrounding amending

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- You write well; okay command on language.



the juvenile laws. we would examine both sides of the debate and then present some reforms which may help us in dealing with the growing challenge effectively - and humanely.

1. WHAT IS JUVENILE CRIME & HOW IS IT A GROWING CHALLENGE ?

← You may give the ? mark though it's not very needed.

Juvenile crimes may range from petty crimes (called delinquency) such as small thefts to big and atrocious crimes such as rape and murder - committed by "juveniles".

Presently, the legal age ~~to be~~ <sup>cut-off</sup> for this purpose is 18 years; so any crime committed by a person below 18 years of age at the time of the commitment of the crime would be a juvenile crime.

- Give 4 inch space after title of essay to make it look good and easy on eyes as in book chapters.

(4)

These may include cases of organised crimes as well where the gangs may use children to traffic drugs, beg, ~~contract killing~~ extortion etc. Sometimes, the radical anti-national forces may also use children to further their cause. <sup>F</sup>for eg., stone pelting in Kashmir to recruitment by nationalites or other armed insurgents.

Finally, it also includes crimes committed inside orphanages and juvenile homes, specially on minor girls or young small boys, by ~~other~~ other juvenile inmates. Daily <sup>N</sup>newspaper reports are full of such crimes.

Even a cursory look at the statistics tells us that these crimes

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- Write in a bit more compact handwriting.



have been growing at an alarming rate and have become a serious challenge.

The report on crimes released by National

Crimes Record Bureau (NCRB) reveals that juveniles

Using also the acronyms will help UPSE examiners read it with ease.

are involved in over 20% of all rape cases. especially in cases of minor girls and in orphanages the condition is extremely bad.

what is more, the inmates of the juvenile homes have no fear of even police and they harass other people, including women, at will. we will examine the reasons for this ~~in detail~~ later in the essay. ~~in section 4.~~ for now we move on to examine what makes it a "special challenge."

- essay is good.
- Subheadings work - continue to write in this style. Avoid sec 1, 4 etc. - ~~too~~ looks

technical.

⑥

## 2. WHY IS IT A 'SPECIAL CHALLENGE'?

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Juvenile crime is special and hence deserves special treatment because the nature of the 'criminals' here is so different from the <sup>regular</sup> adult crimes.

A child cannot be expected to understand the full gravity of his/her actions. Not for without reason, does our culture often compare the children with God. They are pure, they are innocent in the ways of the world.

A child can be swayed easily to do anything. Don't we hear of so many cases where children walk away with strangers for the love of a lollipop and are kidnapped, raped, abused? The mind of a child is malleable, his/her character has not taken final shape.

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Write some things on 'delinquency' too.  
Use the word in essay often.



Thus a child can be lured easily into organised crime, begging, anti-national activities.

Now, what of those children who commit heinous crimes 'out of their own free will'? They are not a part of any gang or were persuaded by anybody to commit the crime. Shouldn't they then be treated like ordinary criminals?

It is here that the larger, uncomfortable truth comes to front. All children, when born, have the same amount of innocence. Yet, if one takes up a pen and other takes up a dagger in his formative years, it shows the failure of the state and society in ensuring a good upbringing for every child. The child was a clean slate. We failed. Its our failure that we couldn't write good

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You may touch on degeneration of values etc  
TM.

⑧

things on the slate. Instead, we let some bad people, or harsh circumstances turn the child into the 'criminal' he became today. So again juvenile crimes need to be treated differently. ✓

Finally, there is the larger question of the net welfare to the society as well. A juvenile has his entire life ahead of him. He can be of immensely productive potential to the society, if reformed. And given the fact that these children didn't fully understand the gravity of their actions and have a malleable mind, it should be relatively easier to reform them. ✓

Thus, to summarise, juvenile crimes are special & hence need to be treated



differently because - a) Deterrence factor of ordinary laws cannot work here since the children can't fully understand the consequences; b) very often it is a product of society's collective failure; c) Reform is a very real possibility.

But there are additional challenges posed by the framework which we have setup for them, and we will deal with these in section 4, but for now, let us look into the special framework we have in place to deal with the juvenile crimes.

3. EXISTING FRAMEWORK TO DEAL WITH JUVENILE CRIMES

The juvenile crime framework needs to keep in mind the above 'special' factors.

And thus its focus has to be on reforms, giving the child another chance, and try not to compound, if it can't undo, the state failure which made a 'criminal' out of the child. ✓

Consistent with this philosophy, India signed the UN Convention on Child Rights and enacted the Juvenile Justice (Care & Rehabilitation) Act, 2000 ✓ which is one of the most progressive legislations in our history legislative history. ✓

Some of the salient features ~~of the act~~ of the act are guiding principles in treatment of juveniles

a) Juveniles can't be tried by ordinary courts. They have to be tried by a juvenile justice board only. ✓



- b) The Board will have, in its composition, a child psychologist and a woman.
- c) The maximum punishment that can be given by the Board would be 3 years. ✓
- d) Juvenile 'criminals' can't be treated like ordinary criminals. They can't be sent into jails. Instead special juvenile homes are created for them where they are kept with other juveniles. This is to protect them from hardened criminals and give reforms a chance. ✓
- e) Policemen can't manhandle or beat up these juveniles.
- f) These homes can also be run by NGOs.
- g) A juvenile's name can't occur in the

police records as a criminal. This is to ensure he can start his life afresh with a clean slate.

b) The protection of the Act is extended even if the juvenile crosses the 18 years age during trial.

i) protection of identity & non disclosure.

Thus, we can see, that the Act handles the juvenile case very delicately and tries to create very positive conditions so that these young men and women can return to the society as productive citizens upon their release. However, as we will see in the following section, how the Act and its poor implementation have created new complex challenges instead of solving the existing ones.



4. HOW THE EXISTING FRAMEWORK CREATES  
NEW CHALLENGES

The recent Delhi rape case highlighted one of the challenges in one of the most cruel ways. The "most brutal" of the rapists managed to get away with the most lenient of the sentences (3 years) while others were sentenced to death. And this was simply because he was a few days short of 18 on that dark night.

Is it justified? Is it scientific?

What changes in that magic moment when the clock strikes 12 and we turn 18 that suddenly before that we are taken as clueless, wisdomless children and suddenly we begin to understand full consequences of our actions? Clearly there is some deficiency in the law.

But this deficiency has given a virtual license to people below 18 to do as they please, commit whatever atrocities and yet walk away untouched.

This fearlessness encourages the criminal tendencies in juveniles as can be seen from

- a) the rising number of cases where the 'juvenile' is between 16 to 18.
- b) rising number of instances where the juveniles run away repeatedly from the <sup>juvenile</sup> homes and harass the people in the locality.
- c) the juvenile home inmates have become so fearless that they break all the discipline there, rape the girls and small boys



there, and even harass the policemen!  
 d) If caught, they allege mistreatment <sup>by</sup> ~~and~~  
 the hands of police. So even policemen  
 have become reluctant in intervening  
 in their cases!

Then the juvenile homes, which were  
 supposed to reform these children, seem ✓  
 to have failed miserably in this task.  
 Instead of reforming, ~~they~~ it seems they  
 have become the training grounds of new  
 criminals. The reasons for this are not  
 too far to seek. Institutional neglect &  
lack of resources means there is little  
<sup>constructive</sup>  
~~productive~~ activity inside these homes.  
 There is no accountability, no body who  
 cares about these homes & children  
 within. The newspapers are full of cases  
 of exploitation within these walls and

even some of the NGOs running these themselves are involved in child rackets.

Thus there is no reform and the children sent in fall in bad company and become worse. This coupled with the ~~less~~ lenient monitoring & provisions mean, these children indulge more into crime.

Finally, the framework does nothing to correct / prevent the original social failure which turned these children into 'criminals'. Thus thousands of ~~the~~ innocent children <sup>continue to</sup> fall prey to criminals or circumstances and thus the challenge posed by juvenile crimes continues to swell.

~~This brings us to the~~  
Having examined the nature &



reasons behind this challenge, let us now turn ~~to~~ to how to address this.

5. SO WHAT CAN BE DONE

Following the Delhi rape case, there has been a popular demand to do away with the lenient provisions of the juvenile Act. They mostly cite the arguments given in the early half of the previous section i.e.

- a) most brutal rapist getting the most lenient sentence. Later reports suggested it may not be true.
- b) arbitrary nature of the cutoff ~~of~~ (18 years).
- c) scientific and objective rationale behind having a cutoff altogether.
- d) existing provisions give them virtually a free hand license to do whatever they want; there is no fear.



while the merit of these arguments cannot be questioned, they suggest a way which is very regressive in character. They seem to miss out on a very crucial point highlighted in section 2 i.e. these children have been wronged by the society and that is why they are where they are instead of attending universities. Also, the 'us vs them' character of the demand is too hard to miss. Most of the juvenile 'criminals' come from the poor, deprived sections or are orphans. They are the chaiwallahs, sabziwallahs, rickshawallahs. How dare they harass the daughters of 'us' - the elite / middle class of the society, as in the Delhi



case! <sup>Most</sup> ~~These~~ people who demand stricter laws for juveniles never for a moment think that their own sons too could land up on the other side some day. They only see these juvenile <sup>'criminals'</sup> ~~children~~ as a 'menace' to the ~~see~~ 'civilized' society - dirty, filthy, scum, to be kept away.

Their own sons would never end up in such places because they would get all the care and a good upbringing. And ~~even~~ despite this, if they end up raping a poor hapless girl, these people know they can hire the best judges, bribe police and judges to keep their sons free. So children in such crimes are only 'they'.

By doing away the lenient provisions of the Act, we would only be compounding the wrong already done to these children. yet, juvenile crime is a growing challenge and we have to do something. ✓

Should we lower the age to say 14 or 16 years for at least the serious crimes? Well any age fixed would be arbitrary. All children don't have the same level of mental development by a particular age. And today if we yield to popular pressure and lower ✓ the age, what is the guarantee that tomorrow a boy of 16 may not rape a girl and then we would be forced to lower the age to 14, to 12 ... to where?

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- You may underline a bit more.



So lowering the age is as scientific and arbitrary as the original age itself. Instead we should look at the real reasons why the existing framework is failing. ✓

These juvenile homes were supposed to reform these children. Why are they failing? Institutional neglect, lack of accountability, lack of resources. Why can't we bring in more transparency and accountability in running these homes? Why can't we have social audits, more progressive teaching and vocational training work in these homes? Why can't we run these like the boarding schools giving sufficient autonomy to the home administration? And then public ✓

should realise that proper functioning of these homes is in their interest only, so a public awareness campaign should be carried out and greater citizen participation in these homes ensured. Finally, security ~~to~~ <sup>care</sup> ~~by~~ <sup>by</sup> of each boy and girl inside should be ensured. ✓

Once these conditions are met we won't have cases of repeat child offenders or home dwellers harassing general public and police. But to prevent them from becoming 'criminals' in the first place, we would have to directly address the wrongs which were committed to them by the society.



We should pay sufficient interest in the running of orphanages. We should install accountability & citizen participation reforms on the lines of juvenile homes. An orphan child should not feel he is alone.

Then we should tackle the general poverty, illiteracy, push migration to cities as well. These are the basic conditions which promote juvenile crimes. ✓

We have 8 years of RTE but the flaws in it are well known. We should fix these and also think what to do with children after 14 years of age. If they don't study, they would be forced to take up employment. and most likely

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-You may also do a lot of rough planning on back pages (if you didn't). Would help.

this would be in the shape of migration in the informal urban sector. why can't we keep them in the villages, in the schools? We need universal secondary education as well along with vocational training. We have a mid day meal scheme. why can't we extend it to 18 years / class 12 and make it two times a day. ~~Also~~ This would ensure these children stay in schools.

The MGNREGA, the National food security Act, the SHG-based models are so effective / promising in addressing the larger issues of poverty and push migration. why can't we put more administrative focus on it? AADHAR cards would give identity to millions of migrants.



why shouldn't we <sup>encourage</sup> ~~push~~ it in their interests? All these steps, once if implemented taken, would go a long way in preventing the conditions which lead these children into crimes.

There is always a question of resources. Best People (including most of those who argue for harsher sentences on juveniles) argue we don't have money for these reforms. No. we have the money. It's just a question of priorities. We can always cut the money going into the diesel subsidies running their cars or the LPG subsidies. We can always cut down on lakhs of crores of tax breaks, free land, subsidies we give to their companies. Our tax to GDP ratio is a

Watch  
Out:  
Essay  
is  
becoming  
a  
'cure-all'  
suggestion



dismal 10%. due to these exemptions as compared to over 30% in the OECD countries.

But no, for them, there is ~~also~~ <sup>this</sup> easier way out. Why disturb the flow of money to them and instead just let these children suffer. Who cares about ethics and social wrongs as long as its not their children they suffer.

Give a subheading 'Conclusion' where applicable

But as a society, we must take the right, ethical path. We must not fail these children. They are our children.

I am reminded of an advertisement I used to watch as a kid...

"In Jaanwar banna aasaan hai, magar kya insaan baney rehna itna mushkil hai?"

(Write a translation in English too).

Give two lines reflecting mood of essay after the rhetorical ending.