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## CHAPTER-8

### DISCUSSION

In this chapter the researcher has discussed in brief the findings of the research work.

In **Chapter-2**, the researcher has studied different anti-social or deviant or criminal behaviour of the juveniles which is harmful to the society. The researcher observed that in urban areas there are many problems which are always unattended by the Government as well as society. This type of environment is conducive for juveniles in becoming addicted juveniles and later on they involve in delinquency. Many delinquents today are coming out of the middle class and lower class. This may be accounted for by the increased size of the middle class, the failure of many homes to assimilate middle-class attitudes, behaviour patterns and values , lack of self-discipline, adolescent's inability to satisfy the expectations of their parents, especially those of the father and the fusion of much lower-class culture in the behaviour patterns of teen-age culture.

The researcher has found that delinquent juvenile in the study area is mostly of the age group of 10 to 18 years. It is evident from the Table No. 5. It is also observed that juveniles are involved in different kinds of offences such as theft, murder, attempt to murder, rape, kidnapping, stealing, burglary etc., but majority portion of the juvenile are involved in theft. This is evident from the Table No. 7 that 80.5% juveniles are committing the offence of theft.

The researcher has found that there is a close relationship between juvenile delinquency and lack of education of delinquent juveniles. It is evident from Table No.

6. Here it is found that 80.4% delinquent juveniles of the sample is either illiterate or studied up to class III to VII.

The researcher found that another important factor is the home environment of the delinquent juveniles. It has been observed that most of the delinquent juveniles are from broken family or family with disturbed background. It has been observed that delinquent juvenile's parent or family members are of the habit of taking drugs or alcohol. Most of the juveniles learn the habit of consuming drugs or alcohol in tender age. This is evident from Table No. 11.

In the research study it is found that there is a close relationship between the drug addiction or alcoholism and juvenile delinquency. It is evident from the Table No. 13 because this Table shows that 92.7% of the delinquent juveniles under study are having the habit of use of drugs and alcohol.

Similar opinion has also been pronounced by many scholars like Elliot et. al (1989), Harstone and Hanson (1984), Newcombe and Bentlar (1988), Tinklenberg and Ochberg (1981) that there is a relationship between drugs use and juvenile delinquency.

The researcher has found that drugs and alcohol contributes towards crime causation. It is observed that after taking drugs or alcohol the person becomes fearless and he loses his control over his emotions and it helps him or her to commit any crime. Datas collected by researcher also verify that most of the delinquent juveniles are of the habit of taking drugs or alcohol.

Similar opinion has been pronounced by many scholars like Giriraj Shah, Larry J. Siegel and Brandan C. Welsh who says that most of the delinquent juvenile are either alcoholic or drug addict.

The researcher has found that delinquent juveniles are used to take different kinds of addiction such as alcohol, drugs, gutkha, dendrite, cigarette etc. It is evident

from the Table No. 14 and most of them learn this habit from the peers and parents. It is evident from Table No.15 that 76.3% juveniles learn this habit from peers and 5.3% juveniles learn from the parents. Another important point is noticed by the researcher that most of the delinquent juveniles do not maintain good relationship with the parents. It is a fact that home is the backbone of the character of the juveniles. Juveniles always acquire the good habits from the parents. If the relation of the juvenile with the parents or family is not good then there is probability of them becoming delinquent. This is evident from Table No. 17 where it is seen that 61% juvenile do not maintain good relationship with the parents.

The research study reveals that delinquent juveniles are not aware about the consequences of taking drugs or alcohol and they have no realisation about the consequences of taking drugs or alcohol. It is evident from the Table No. 12 and 18. The researcher has found that most of the juveniles are used to take drugs or alcohol because of curiosity, peer pressure, frustration, broken home, parent's negligence, economic conditions and experimentation etc.

Similar opinion has also been pronounced by many scholars like Robert M Regoli and John Hewitt and N.K. Dutta in their work while dealing with the issue.

From Table No. 1 the researcher has found that juvenile delinquency in Assam is increasing year by year. In the year 2014 number of juveniles apprehended for delinquency was 108, in 2015 it was 115, in 2016 it was 48, in 2017 it was 192, and in 2018 it was 150 which show an increasing trend in juvenile delinquency. Different forms of juvenile delinquency where juveniles are involved are theft, drugs peddling, car lifting, chain snatching, murder etc.

From Table No. 2 which is based on Excise Department's data the researcher has come to know that production and distribution of illegal alcoholic drinks as well as

drugs is on the rise in Kamrup (M) district. The report regarding cases detected in the study area by Excise Department from June, 2018 to May, 2019, under section 53 (1) (a) of the Assam Excise Act, 2018 for dealing with unlawful intoxicants is found to be increasing. Total 75 No. of cases were detected by the Excise Department Within this period. This shows increase in unlawful production, import, export, possession, sale of illegal intoxicants in the district of Kamrup (M). Section 61(A) of the Assam Excise Act, 2018 prohibits consumption of liquor or intoxicants in public place. But 241 such cases were detected by the Excise Department during the period from June, 2018 to May, 2019. This proves the increasing trend of alcoholism.

Table No. 3 also shows that alcoholism and drug addiction contributes towards juvenile delinquency. 100% of the Police Stations visited by the researcher agreed that drugs and alcohol is one of the main causes of juvenile delinquency in the district of Kamrup (M).

Studies drug and alcohol addiction, reveal that the problem of drug and alcoholism is not confined to Kamrup (M) district but it is the problem of whole world. However, researcher has observed that in Kamrup (M) district mostly youth and students are affected. The modern process of development has opened floodgates of offences like drug offences which are no exception to this global phenomenon. It hardly needs to be stressed that alcoholism and drug addiction are the off-shoots of modern fast changing social patterns, hence these twin problems should be tackled in their socio-legal perspective. Undoubtedly, intensive surveillance on the border check posts and awareness among the public about the evil effects of drug and alcohol addiction will be helpful in bringing about a decline in drug trafficking.

Conforming with this the researcher has also observed that increase in cases/ incidence of juvenile delinquency in the study area has a positive connection with drugs

or alcohol abuse by juveniles. In the various researches made by sociologists and criminologists shows that there is a close relationship between the structure of alcoholics, drug addicts and criminals.

In **Chapter-3** the researcher has studied the law, procedure and treatment of delinquent juveniles. The research study reveals that consuming of drugs or alcohols by the juveniles are harmful to the society. If the juveniles use drugs or alcohol, they themselves fail to control their brain and destroy their health and ruin their family. For controlling the use, production, manufacturing, trafficking of drugs and alcohol the Central Government and the State Government has enacted different laws relating to drugs or alcohol. But the researcher has observed that substance used and abused are widely available among the juveniles. The study shows that despite the existence of several Acts like the Opium Act, 1878; the Dangerous Drugs Act, 1985; the NDPS Act, 1985 Government has been unable to stop the widespread availability of drugs to juveniles. This calls for greater co-operation from all stake-holders so that there can be a more effective enforcement of the legislation. The researcher has found that though there are penal provisions and regulations under these Acts they have very little impact on the drug or alcohol offenders and the addicted delinquent juveniles.

The researcher has found that the Narcotic Drug and Psychotropic Substances Act ,1985 was enacted to prohibit a person to produce, manufacture, cultivate, possess, sell, purchase, transport store and or consume any narcotic drug or psychotropic substance. This Amendment Act also increased the punishment as well as makes no distinction between a drug addict and a drug-trafficker in respect of punishment except sections 27 and 64-A of the Act. But the present laws relating to drugs and alcohol are silent if any juvenile is involved in such crimes. And if any juvenile is found involved in such crime how they are to be treated or punished it is also not provided under these

Acts specifically. Deterrence may come from effective implementation of the provisions of the statutes not by providing harsher penalties in the statute books.

The researcher has seen that the JJ Act, 2000, adopted child friendly system for the best interest of the child and child friendly approach in the adjudication and disposition of matters in the best interest of the children as well as rehabilitation. The Researcher while examining the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015 it has been observed that though there is provision for Special Juvenile Police Unit and Child Welfare Officer to deal with delinquent juveniles but practically in some police stations of the district of Kamrup (M), Assam this unit exists only for the name sake. There is no separate house and Police Officers or personnel dealing exclusively with juveniles. Child Welfare Officer being a Police Officer not below the rank of Sub-Inspector has to deal with law and order, security and cases of juvenile delinquency at the same time. Moreover police personnel are not properly trained to deal with such delinquents. This hampers in proper functioning of the system relating to juvenile delinquency.

The researcher has found that there is no Special Home in Kamrup (M) district. The Observation Home, where the delinquent juveniles of this district are kept, is situated at Boko, Kamrup (R) district i.e. another district. For proper reform and rehabilitation frequent interaction between the delinquent and family members is sine qua non. As these Observation Home and Special Homes are situated at a long distance from Kamrup (M) district, this hampers in frequent interaction between juvenile delinquent and their family members. Therefore, it may create problem in the process of reform and rehabilitation of the delinquent juvenile.

Section 93 of the JJ Act, 2015 provides that if any juvenile is apprehended who is of the habit of taking drugs and alcohol he or she is to be sent for proper medical

treatment. But practically researcher has seen that such juveniles are kept in Observation Home without any medical treatment to cure their addiction. This is clear violation of the statutory provision of the Act by the enforcement agencies.

There is no separate and exclusive legislation regarding delinquent juvenile. Both delinquent and neglected juveniles are taken care under one Act namely the Juvenile Justice (Care and Protection of Children) Act, 2015. Because the researcher has seen practically that destitute child are also kept in Observation Home with delinquent juvenile and they are also treated like delinquent juvenile.

In this study, it is found that only laws cannot solve this problem. In solving this problem family, community and school support are also important. It is observed that family play important role for prevention and rehabilitation of delinquent juveniles. Similar opinion has also been pronounced by many scholars like Jitendra Mohan & Meena Sehgal, Glueck, and Yogendra Sing dealing with the problem. It is found that children learn the social norms, behaviour and moral values from the family. But most of the delinquent juveniles are from the broken homes rather than cultured and good family background. Similar opinion has also been pronounced by different scholars like Merrill, A.A. Schneiders, Cyrill Burt, Sheldon and Elanor Glueck in this issue. Most of the juveniles learn the habit of taking drug or alcohol from families also. Therefore, to control the use of drug or alcohol by juvenile, firstly the family and home environment is required to be improved.

The study reveals that school and educational programmes helps to prevent and reform the juvenile delinquent but it is seen that our old education system is not able to control the juvenile delinquency and addicted juvenile delinquency.

Recreational facilities in the society help to control and prevent the problem of Juvenile Delinquency. But it is seen that there is scarcity of such recreational facilities

in the society, especially in slum areas where there are no playground, clubs, parks etc. The study also reveals that most of the delinquent juveniles are from slum areas. Similar opinion has been pronounced by different scholars like Cyril Burt, Sheldon & Elanor Glueck, Cameron, and MacDougall in dealing with the problem.

The researcher has also observed that there is importance of psychiatric clinic or medical attention to cure or prevent the problem of juvenile delinquency. Before becoming delinquent juvenile the prior stage is said to be pre-delinquent stage. This is a crucial stage because if proper attention and treatment is provided in this stage then a child can be prevented from becoming delinquent juvenile. Therefore, there is need and importance of such psychiatric clinic or medical care for such juvenile.

In **Chapter-4** the researcher has studied the police administration dealing with juvenile delinquency. Here it is observed that as per the Juvenile Justice Act to deal with the cases of juvenile delinquency there is to be Special Juvenile Police Unit in every police station. In field study conducted by the researcher it is found that all the police stations of the district of Kamrup (M) have this Special Juvenile Police Unit as per statutory requirement but these units are not properly trained and educated to deal with juveniles. They are not aware about child psychology and how to deal with juveniles. This can facilitate a delinquent juvenile to become a criminal in his adulthood. The researcher has observed that after apprehending a delinquent juvenile police most of the time releases the delinquent juvenile after giving them so called counselling. But it is seen that these police personnel who are providing counselling are not themselves trained properly to deal with delinquent juvenile. Therefore, it becomes doubtful how much successful will be the counselling provided by police to cure the delinquent behaviour. It is also found by the researcher that sometimes police deals with delinquent juvenile rudely. They are being seen kept in lock up and physically tortured. Proper



training is required to be imparted to police personnel so that juveniles are not treated like adult criminal. Similar opinion has been pronounced by N.K. Chakrabarty dealing with the issue.

It is also observed by the researcher that there is shortage of adequate police personnel to deal with increasing number of cases of juvenile delinquency. It also creates another problem. The researcher has also observed that there is communication gap among various stakeholder of juvenile delinquent like police, Probation Officer, Social Worker, Juvenile Justice Board, Community, Child Welfare Committee and family. This communication among stake holders is very essential to combat juvenile delinquency. For the proper discharge of these functions, it is essential that the police should reorient their approach while getting involved in the programmes for the prevention and treatment of juvenile delinquency. A systematic and planned effort to educate the rank and file of the police about their proper role in the location of pre-delinquent and delinquent children and the correct methods of dealing with them is now a pressing need. The Special Juvenile Police Unit should behave friendly with delinquent juveniles. Similar opinion has been pronounced by the Hon'ble Supreme Court of India in **Sampurna Behura v. Union of India**.<sup>1</sup>

In the **Chapter-5**, the researcher has studied the International efforts relating to prevention of juvenile delinquency and substance abuse. The problem of juvenile delinquency is not only a national problem but it has come to the attention at international level also.

The course of events and developments concerning juvenile justice in the international scenario has greatly influenced our country in shaping its juvenile justice regime. India has been signatory to and ratified many of the International Conventions

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<sup>1</sup> Sampurna Behura v. Union of India, (2011) 9 SCC 801.

relating to child rights. No doubt, efforts have been made in the past and continuing in the present also but the researcher has observed that these efforts are not fully successful to solve the problem. This is evident from the increasing instances of juvenile delinquency.

For the prevention, treatment and proper adjudication of the juvenile delinquency, international efforts have been taken through Beijing Rules, Riyadh Guidelines, Juveniles Deprived of their Liberty, United Nations Ten Point Plan and Vienna Guidelines.

Moreover, there are lots of international efforts such as International Opium Convention, 1912, the Hague, Geneva Conference, Protocol Annexed to the International Opium Convention, 1925, UN International Drug Control Programme (UNDCP) etc to control use of drugs, production, manufacture and drug trafficking

Different countries individually and jointly have taken efforts for fighting not only the menace of drug abuse, but also illicit cultivation, production, manufacture, trafficking and peddling of drugs and rehabilitation of addicted person.

Here, researcher has found that there is no specific obligation in the UN Single Convention on Narcotic Drugs, 1961 and other similar International Conventions and Treaties to make drugs use per se a criminal offence. Thus drugs use is not mentioned among the penal provision in the UN Single Convention on Narcotic Drugs, 1961 (Art.36) or in the 1971 Convention i.e. Convention on Psychotropic Substances 1971(Vienna, Art. 22), or in Article 3 of offences and sanctions of the 1988 Convention i.e. Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, Vienna. These treaties only establish a system of strict legal control of the production and supply of all the controlled drugs for medical and scientific purposes as well as introducing sanctions aimed at combating the illicit production and distribution.

Much has been done in International arena as well as in India also in line with the international efforts through various Conventions, Rules, Acts etc. but the problem of juvenile delinquency and drug abuse could not be solved completely. Therefore, it requires more serious efforts through stringent and effective law to control the problem of juvenile delinquency and drug-alcohol abuse.

In **Chapter-6** the researcher has studied about the role of NGO and Govt. Organization to combat juvenile delinquency. The researcher has found that NGO has played important role for rehabilitation of the addicted delinquent juvenile. The researcher has visited various NGOs situated at the Kamrup (M) district. These NGOs informed that for the purpose of purchasing drugs the juveniles commit various offences and they are involved in some unlawful activities. According to NGOs, it is not crime but it is a disease which is to be cured. For eradication of such kind of disease, multifaceted treatment is required. They informed that the drug addiction is the major serious problem not only in the Kamrup (M), district but also it is the problem of whole world. Drug addiction by juvenile has ruined hopes and dreams of thousands of families over their children all over the world. These NGOs informed that they are trying hundred percent for rehabilitating these kind of juvenile but the co-operation of the family and community are also required. Besides this, efforts to expand Government run de-addiction and rehabilitation centres for addicted juveniles is very essential so that poor people can take those treatments freely or at very low expense in large scale. The service provided by the existing de-addiction centre at the Guwahati Medical College Hospital for de-addiction of addicted person is not sufficient as it is working not as an independent department but as a sub-ordinate branch of Psychiatric Department. Numbers of beds for addicted patients are also limited.

NGOs have to perform a pivotal role in tackling the problem of crimes and anti-social activities of juveniles addicted with drugs and alcoholism. This concept is enunciated by the National Children Policy formulate in 1974.

Besides the NGOs, the Govt. Organization also play important role for rehabilitation of addicted juveniles. For the smooth functioning of the juvenile justice system, the State Govt. has entrusted the powers under the Juvenile Justice Act to some authority such as Probation Officer, Law enforcement Officers, Observation Home, Special Home, Children Home, Child Welfare Committee, House Father etc. These authorities play important role for rehabilitation of the juveniles.

But researcher has observed that though there are various Govt. authorities like Probation Officer, Child Welfare Committee, Child Welfare Officer, Special Juvenile Police Unit and Juvenile Justice Board but due to lack of knowledge, man power, training, co-ordination etc. these authorities sometimes fail to perform their duties efficiently for which juveniles have to suffer.

From time to time Indian Judiciary has pronounced guidelines for protection of juveniles but proper implementation of those guidelines in true spirit is not seen. Researcher has observed that sometimes delinquent juveniles are mal-treated by law enforcement agencies and even they are kept in lock up as adult criminals.

In **Chapter-7** the researcher has studied the various cases of the Observation Home, Boko under whose jurisdiction the research area falls. The researcher has observed at least 100 cases of the Observation Home from 2014 to 2018 of which 31 cases are mentioned in detail here. Here the researcher observed that gradually juvenile delinquency is increasing in Kamrup (M) district year by year. It is evident from Table No. 22. It has been found from the case studies that most of the juvenile offenders who commit crime in the study area are coming from outside Kamrup (M) district. These

juveniles are from poor family with disturbed family background. Most of them have either lost either or both of their parents. Some juveniles' parents have left them and they are ill-treated in the family. Either their parents are alcoholic or drug addict or if one of their father or mother dies then the other starts living with other male or female, neglecting their children. It is evident from Table No. 31 that 61.3% of juveniles are from the poor family background. For these reasons they leave home at tender age and become school dropout. For their livelihood they engage themselves in different illegal acts. Thereby they come in contact with bad people and gain the habit of taking drugs, alcohol, dendrite etc. and involve in different crimes like murder, rape, theft, chain-snatching, pick-pocketing etc. It is evident from Table No. 30 which shows that all the juveniles whose cases have been studied are involved in different forms of crimes. Table No. 30 shows that 52% of them are involved in different forms of theft and others are involved in crimes like rape, murder, drugs related crime, vandalism, extortion, fighting etc. The researcher has also observed that some of these juveniles commit crime repeatedly.

The researcher has found that Juveniles who live in unstable homes and social environments are deemed to be at risk of becoming a delinquent juvenile because of their vulnerability to detrimental influences. The unstable environments can induce anti-social behaviour in children, often resulting in criminally deviant behaviour later in life. The research shows that the juveniles have acquired the habit of drug addiction and alcoholism from their friends as well as from school environment. It is evident from Table No. 25 which shows that 90.3% juveniles have acquired the habit from peers. Most of the juveniles were not satisfied in their home environment as well as school environment and they came out of their home and stay with their friends and learn the habits of drug or alcohol and consequently they involve in various crimes.

The researcher has found that most of the juvenile delinquents whose cases have been studied are in the age group of 12 to 17 years. It is evident from Table No. 26. It also shows that 41.9% of the juveniles are of the age of 17 years. It is observed that there is no provision of segregating the delinquent juveniles, kept in the Observation Home, Boko on the basis of their different age group.

The research study has proved that broken home and overcrowded family to be conducive in the genesis of deviant behaviour. Besides these, defective discipline, immorality, drug, alcoholism and presence of criminal members in the family also play vital role in the making of juvenile delinquents. One cannot well ignore the influence of the home in any consideration of delinquent behaviour. A study of case histories of delinquents reveals again and again a picture of rejection, neglect, parent-child conflict, poverty, abuse and ill-treatment, psychotic parents, and social stress. Similar opinion has been supported by the different scholars like D.D. Sharma, Nilima Deka, Abha Mishra Chakraborty, Ranjan Sen and B.N.Mishra in dealing with the issue.