

A COMPRATIVE STUDY ON JUVENILE DELIQUENCY IN INDIA

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ABSTRACT

Juvenile delinquency is a serious offense and it is detrimental for the social order in any country. there is a trend of increase in juvenile crimes world-over, with more and more involvement of the youth in violent crimes. India shows similar trends of increasing rate of violent crimes committed by the juveniles. It is a very serious concern for the nation and solutions to end the problem need to be sought very carefully. Indian legal system and judiciary has responded to these trend and has brought some amendments in the laws pertaining to juvenile justice in India . this paper aims at looking at the causes of juvenile delinquency and explanation given by scholars from various field to explain the problem. the analysis of statistical data available at official sites in detects increasing involvement of the juvenile in beirous . to content the problems of juvenile delinquency in India, the act pertaining to juvenile delinquency has been amended and now trail of juveniles involved in heinous crimes is held as adults .

❖ INTRODUCTION

An offence which are done by a young person who are under the age of 18 or minor. Like, crimes ranging from disorderly conduct, minor theft, rape, murder and many 0.6% over 1977.

The term juvenile has been defined in section 2(h) of the juvenile justice act and the word delinquency has been defined in section 2(e) of the juvenile justice act, 1986.

The term 'juvenile delinquency ' has been differently interpreted by criminologist.

Generally speaking, the term refers to a large variety of disapproved behaviour of children and adolescents which the society does not approve of ,and for which some kind of admonishment, punishment or corrective measure is justified in the public interest.

Thus ,the term has a very extensive meaning and includes rebellious and hostile behaviour of children and there attitude of in difference towards society.

Juvenile delinquency is one of the most important serious problem of society.it is almost and out come of rapid urbanization and industrialization of modern times.

A large number of children moving from rural to cities or living in slum areas in cities are found to be highly vulnerable to this process.

This has almost became a universal problem in most of the industrialized countries.

❖ CAUSES OF JUVENILE DELIQUENCY

1. Family factor:

- Sutherland hold that out of all social process the family back-ground has perhaps the greatest influence on criminal behaviour of the offender.
- Broken family
- Lack of parental control
- Frequent quarrels amongst parents.

- Step motherly treatment with the child
 - Immorality of parents.
 - Parent continued long absence from home for sake of livelihood.
2. Poverty :
- Failure of parents to provides necessities of life draws their children to delinquency in a quest for earning money by whatever means.
3. Biological approach:
- Early maturity or low intelligence also account for delinquent behaviour
 - Example: today ,Bangladeshi girls attain puberty at the age of 12 or 13 while they still remain mentally in capable of conceiving about the realities of life.in result ,they fall an easy pray to sex involvements for momentary pleasure without ,however, realizing the seriousness of the consequences of their act
4. Psychological approach :
- Offenders lent into criminality on account of functional deviation and mental conflicts.
 - This mental conflicts is soar to apex at the time of adolescence's .
5. Law of imitation:
- Juvenile imitate the adult and indulge in crime.
6. Differential association :
- The juvenile coming in close association of a criminal from its crime.
7. Favourable circumstances:
- Children residing besides hat-bazar or cinema -theatre becomes delinquent.
8. Rapid change of society :
- Children are confronted with the problem of culture conflicts and are enable to differentiate between right and wrong.
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❖ JUVENILE CRIME IN INDIA

As per the 2018 crime in India report, about 85%of the apprehended juveniles lived with there parents, which clearly reflects an inherent failure of the system in term of nurturing the future generation. More over, 92%of juvenile cases were IPC related crimes. Almost 40% of the offence were related to affecting the human body, which included hurt and grievous hurt, rape and assault on women to out rage their modesty among many others. As per 2012 National Bureau of Crime Records, in 2012,27,936 juveniles were involved in serious crimes including banditry , murder , rape ,and rioting .from among those who faced Juvenile Justice Boards in 2012 ,66.6% were between 16 and 18 yrs ,30.9%were between 12and 16 years and 2.5% were even those from 7 to 12 years . there was an increase by 143% in rapes by juveniles,87 % in murders 500% in kidnappings of women and girls minors. These statistics can certainly not be ignored.

❖ JUDICIAL TRENDS ON JUVENILE DELIQUENCY

It is a primary duty and responsibility of the court that before convicting a person it must determine the age of such persons whether he is juvenile or

In smt. Prabhativ. emperor ,it was held that as far as possible such young children should be realized under the supervision and care of there parent or guardian . the court must have the clear evidence of the age of person before sending him /her to reformatory school . it was clarified that a child could not be send to reformatory school unless and order of instuitionalization ,that ,of imprisonment, was made .

❖ SUCH RELEVANT CASES OR LAND MARK JUDGEMENTS OF THE JUVENILE DELIQUENCY

- 1).Sheela Barse &Anr. V. Union of India &Ors.[1986 Air 1773]
- 1) Pratap singh v. state of Jharkhand & Anr.
- 2) Hari Ram v. State of Rajasthan &Anr. [2009 SCC1211]
- 3) Jitendra Singh @ Baboon Singh &Anr. V. State of U.P[Criminal Appeal No. 7630f 2003]
- 4) Sampurna Behura v. Union of India &Ors.[Writ Petition (Civil) No.473of 2005]

❖ REASONS BEHIND JUVENILE CRIMES IN INDIA

No one is born with the potential to be a criminal. Circumstances have shaped them into whom they are . the socio-culture environment, both within and outside of one' household, has a big influence on one's life and general personality. The cause of juvenile crimes , according to Healy and Bronner, are bad company, adolescent instability and impulses, early sex experience, mental conflicts, extreme social suggestibility , love of adventure, motion pictures, school dissatisfaction, poor recreation, street life ,vocational dissatisfaction ,sudden impulse, unphysical contions for various kind.

- A. Socio-economic reason
- B. Psychological reason
 - i. Mental illness
 - ii. Personality traits
 - iii. Individualized emotional issues .

❖ PENALTIES EXISTING FOR JUVENILE OFFENDERS IN INDIA

The Juvenile Justice (Care and Protection of Children)Act of 2000, which brought the country into line with the Child Right Convention of 1989,was the most important post- independence legislation governing juvenile crimes. Anyone under the age of 18 was deemed a minor under this rule, and they were never allowed to stand trail as an adult. This was the clause that sparked outrage in India “ Nirbhaya Delhi Gang Rape case”, an occurrence that shocked the whole country on Dec16, 2012. The supreme court had observed in the case of Gaurav Kr. V. State of Haryana(2015) that the Juvenile Justice Act of 2000 needed to be re-examined since it had failed to dissuade minors in the country from committing small as well as grave crimes. The participation of a person under the age of 18 in such a horrible crime as rape and the Apex court's perspective, drove the Indian legislature to pass new legislation, and so the Parliament passed the “Juvenile Justice (Care and Protection) Act, 2015”. This act repealed the previous Juvenile statues and made a few significant amendments. One of the most notable modifications was that if a child between the age of 16 and 18 was suspected of committing a tribble crime, they would be tried as adults.

❖ CONCLUSION

A child can became a criminal if being ignored by parents or lack of support or love by society or family or being in wrong company .

We as parents or society or family should always support and encourage the youngster's towards the right paths. This would not only enlighten their future but also make this world a peaceful place to live in