



Juvenile Delinquency

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Abstract

Juvenile is the period of life from birth till the person becomes major that means a person from birth to 18 years of age is a juvenile the basic meaning in a lay man language is child, and juvenile delinquency means that the juvenile practicing unlawful behavior as a minor or we can say that a child is involved in heinous crime let us take one example to understand better like a ball of mud we can give whatever shape we want we can make pitcher which satisfy thrust of many people or can become a stone which is useless and even can harm anyone same as in the case of a child when a child took birth it is like a ball of mud we can give whatever shape we want weather it becomes like a pitcher who satisfy the thrust of people or become a stone which harm people it totally depends up on the surrounding environment or upbringing of the child if the child if we give a child a healthy and a good environment then he adopt all moral vale which he need. But some time what happen is the child did not get the environment he wants may be due to lack of communication among parents or don't have a good friend circle then it leads to juvenile delinquency. We can find lots of reasons behind this here I am going to discuss about what is juvenile delinquency, reasons or factors behind it, discuss about leading cases, what can be done to improve this condition and at last conclusion and some learning points.

Keywords: Juvenile, becomes, birth, language, child

Introduction

Juvenile a stage of life in which our mind is not mature enough to understand the things around us easily or to interpret the ideology of every person around us. it is the time when we starts making connections with outsiders and we have no idea that what is going in their minds. As we know the world is not as good as we see. We all have heard this proverb "BHEAD KI KHAL M BHEDIA" and at this age we really don't have any idea who is "BHEAD" and who is "BHEDIA" particularly as we talk about a layman language the basic meaning of juvenile is a kid or a child from birth till the age of eighteen years but as we see the definition by law, according to THE JUVENILE JUSTICE (care and protection of children)ACT,2000, juvenile or child means a person who has not completed eighteen years of age, juvenile in conflict with law "means a juvenile who alleged to have committed an offence and has not completed eighteen years of age as on the date of commission of such offence. But after the amendment of 2015, JUVENILE JUSTICE (care and protection of children) ACT, 2015, in this act definition of juvenile is "juvenile" means a person who has not completed eighteen years of age. "Child in conflict with law" means a child who alleged or found to have committed an offence and who has not completes eighteen years of age on the date of commission of such offence. Now the second word comes is delinquency the simple meaning of delinquency is any wrong full act or the act which is unconstitutional or against the law especially among young generation, when we combine both of these words then it becomes "juvenile delinquency" which means any wrong full act or criminal behaviour done by a minor or the person below eighteen years of age, as per recent definition, the term "juvenile delinquent" or children in conflict with law refers to any children below the eighteen years who has come in contact with juvenile justice system

as result of committing a crime or being suspected of committing a crime". It must be kept in the mind that the number of cases recorded for juvenile delinquency till 2000, the age of juvenile boy and girl brought at par as below 18 years. Our government after the amendment classify the age category so that punishment can easily be decided, which is as follows the juvenile below 7 years of age there will be no punishment, the between 7 to 16 years should be treat according to juvenile and between 16 to 18 if involve in heinous crime then treated as adult.

Factors responsible for juvenile delinquency

"No One Is A Criminal From Birth" Take a minute and just think that only that particular juvenile is responsible for the act he has done. Did he know anything that what he is going to do or any idea from birth that he wants to kill that particular person or he has to rape in upcoming future, no absolutely not it is the environment in which he grows that makes him a criminal or a respected man. It totally depends up on the upbringing of that child if he has given a good and healthy environment he becomes a reputed person or if he brings up in a bad company he becomes a criminal. A child when took birth he is just like a ball of mud it is up to a potter that what he is going to make with it if he work hard on it then it becomes a pot or any other useful thing but if he doesn't work hard on it than it stay as it is and become a stone which can harm anyone if we think about the cause or the situation in which a juvenile put steps in the world of crime we can find n number of reasons it is not that particular child who is responsible for that happening it is the whole environment who is responsible which is around him. So let us go point by point to understand these reason in better manner, let us divide these reasons in four parts i.e. 1.Family, 2.Psycology 3.Socila 4. Others let us take them one by one:

- i. Family
 - i. Lack of understanding: lack of understanding among parents towards each other or towards their children, now let us first talk about lack of understanding towards each other there is one phrase in Hindi “Shadi Ka Laadoo Jo Khae Vo Pachtae Jo Na Khae Vo Pachtae ” but sometimes what happen is marriage needs sacrifice and understand if one of the partner shows some maturity and do sacrifice and adjustment according to other partner then marriage becomes successful but sometimes no one is ready to un distend the situation and no one is ready to do compromise for other then the marriage doesn’t work and it will directly affect the mind set of their children, children start going outside to find peace for mind and some other outsider took advantage from it and dispath the child and now the second part is lack of understanding towards children, it is the Indian psychology that “ BACCHE MAA BAAP KI GAGIR HOTE H” from the time of birth parent start imposing their decision from birth without asking them what they want, child is just like an air in container “ AAP US HAVA KO JITNA PRESS KRO G VO UTHI HI JOR SAE BHAR AAE GA” as a result the child goes in depression and chose wrong path due to pressure of parents although now a day6 due to modernisation we find very less cases in this domain.
 - ii. partiality among children: in India there is a scenario of classification of children “Y Bada Beta H Y Responsible Ho Ga, Y Chota Beta H Y Ladla His Sae Jayda Kaam Na Karvao” as we can see the elder son should be responsible because he is elder in the house but younger son can do anything because he is younger in house but sometimes children are not able to adjust with this situation and dispath the life and may join the wrong company. Sometimes step parent is not able to love and take care as the real parent so step child feel uncomfortable among parents
 - iii. lack of child among children: as we all know today no one has time to take rest everyone is running behind money, sometime what happen is in metropolitan city both the parent are working and no time for their child they go to office at 9am sharp and come back at evening 6 pm now the totally up bringing of child in the hand of maids and drivers so as we all know what they all going g to taught to that child.
- ii. **Psychology**
Psychology is most important factor that decides the future of child
 - i. Wants to gain maximum pleasure: in today society everyone wants to get fane and popular among their social circle, everyone wants to be in spot light and specially among teenager so juvenile starts taking drugs, intoxicants etc.
 - ii. Become rich: everyone wants to become rich everyone needs money, but as we all know it needs hard work but in fast and furious society no one wants to have patients and do hard work everyone needs shortcut for success so some teenager moves towards bad habits gambling, drug supply etc.
 - iii. Isolation: some child like loneliness they do not like more socialization, they sit quietly and separately they don’t like to shear their feelings, these kind of children are more dangerous and attract towards bad things easily.
 - iv. Physical problem: those kids who are physically challenged are point of attraction in society that they want more care and love so people and police are less bother abbot to check them so they can easily be useful in smuggling.
 - **Societal**
 - i. Bad company : as we all know human is a social animal, he needs a social circle to live in which he can share his views or his emotion as every coin has two faces one is good other is bad some time a teenager may join bad company which took him to such heinous crime
 - ii. No surveillence of the society: if we talk about twentieth century it was the time when cities are not so large and crowded and we have very small villages people live together like family a child belonging to other family was treated like our family, if any child of village found doing something wrong, the person saw him can punish him or he took to his parents but now a day’s specially in metropolitan cities no one is care about what is happening everyone is happy in their own world, in some cases people doesn’t know that who is leaving in their neighbour.
 - iii. Cast system : cast system as we can see it is the criteria of differentiating the people on the basis of their work or their stand red of leaving, in India we have mainly fore cast i.e. Brahmins, shatriyas, veshyas and last one is shudders and their work and standard of leaving is well defined in the society, no one is allowed to interfere each other’s work. As we can see shudders has given all low from other cast so as a result of discrimination they put step in world of crime for money and fame.
 - **Others**
 - i. Poverty: India a developing country and with highest poverty rate. Every person wants to earn money and increase their standard of living. Juvenile from backward section is easy to manipulate.
 - ii. Lack of education: after more than seventy years of independence more than twenty five percent of people are ill rate in our country. So these people can manipulate easily or can brain wash easily.

Types of Crime Juvenile Commit and the Top Staets in India

As we see by Indian prospective we mainly find the crime which is done by juveniles are rape, gambling, drug supply, steeling, acid attacks etc. as we know juvenile is the stage of life in which one sex attracts towards opposite sex and due to that aggressiveness they forgot their limits and may commit these kind of punishable, heinous offence. As we all know teen age is the age in which our sex organs starts growing and we all are so enthusiastic to use them but as an Indian kid no one tells us that how to use them and how to control feelings just tock one situation you are a boy of 13 or 14 years of age and you saw an ad of condom on TV now you go to your father and ask about it, then what is his reply, he will scold you and ask to be quite. There are very few parents who can openly talks about sex education with their children. But the question is still a question and it the age when we are so enthusiastic to know each and every thing

now your next step is you go outside and ask an outsider weather your servant, driver or any school peon, will he tell something which you have to know, absolutely not. It is the age when everybody wants fame in their social circle and taking drugs, gambling is a matter of proud for teen agers among their friend circle. In India we have top four states who are largely involve in juvenile delinquency these are Maharashtra, Madhya padres, utter parades, Bihar, as we see the prospective of MP, UP, and Bihar the main reason we find is the lack of education lager population, as we can see in UP there is a town name Amphora basically it is a backward area. In this town we can easily find one couple having twenty children with not enough earning to feed them properly and due to lack of intention these children may enter in world of crime but if we see the case of Maharashtra the first thing which comes in mind is "the city of dreams – Mumbai" Mumbai is the city where everyone wants to go and live and it is the city where all the reasons I mentioned above fitted on it.

Some Facts and Figures

It is the Indian mindset that those children who are homeless or under poverty line ore who don't have proper recourses do such kind of things, up to a limit it is correct but after that it is wrong. according to the 2016 report of National Crime Report Bureau only 3.5 percent of crime has been done by homeless children rest are done by the juvenile who has home and good environment and if we see according to education the juvenile who are 16 years of age or above and involved in crime 45% of people has done their primary education but not tenth pass. So education is most important factor in a growth of child. If we see the decades growth, in 2003 the total offence done by juvenile are four hundred sixty six and in 2013 it increases by seventeen hundred and thirty seven. In 2016 there are fourteen hundred and eighty five crime were recorded of kidnapping and abdication in which eight hundred and seventeen is done for marriage purpose. All these data is taken from the reports publish in daily national terbium likes The Hindus, times of India and from the sight of NCRB.

Laws Deals with These Types of Cases

The first legislation convening children which came in 1850 was the Apprentice Act which provided that children in the age group of 10-18 convicted by courts were intended to be provided with some vocational training which might help their rehabilitation. It was followed by Reformatory Schools Act, 1897. The Indian Jail Committee (1919-1920) brought to the fore the vital need for square trial and treatment of young offenders. Its recommendations prompted the enactment of the Children Act in Madras in 1920. This was followed by Bengal and Bombay Acts in 1922 and 1924 respectively. The three pioneer statutes (i.e. Acts concerning Madras, Bengal and Bombay) were extensively amended between 1948 and 1959.

In 1960 at the second United Nations Congress on the Prevention of Crime and Treatment of offenders at London this issue was discussed and some therapeutic recommendations were adopted.

The Central enactment, the Children Act, 1960 was passed to cater to the heads of the Union Territories. To remove same inherent lacunae of the above mentioned Act, the Children (Amendment) Act was passed in 1978. But the need of a uniform legislation regarding juvenile justice for

the whole country had been expressed in various fore, including Parliament but it could not be enacted on the ground that the subject matter of such a legislation fell in the State List of the Constitution. To bring the operations of the juvenile justice system in the country in conformity with the UN Standard Minimum Rules for the Administration of Juvenile Justice, Parliament seems to have exercised its power under Article 253 of the Constitution read with Entry 14 of the Union List to make law for the whole of India to fulfill international obligations. On 22nd August, 1986, the Juvenile Justice Bill, 1986 was introduced in the Lok Sabha. Then the next amendment is made in 2000 and we got juvenile justice act,2000 in which some age limit is fixed and punishment is fixed for particular crime, then the saddest news comes on December 16,2012 forum country capital that one girl is gang rapped by five people and one of them is minor, name Mohammad Afroz (Raju) who is few month left to become major, now the question arises is that he should be treated as major or minor because we all know that at that stage he is mature enough to understand the consequences' of what he has done, after a long wait of two and half year our parliament passed juvenile justice act, 2015. On 7th may,2015 Lok Sabha bill passed by Lok Sabha Sabah and on december22,2015 rajya sabha passed this bill and on January 15,2016 came into force.

- The basic difference between juvenile justice act,2000 and juvenile justice act 2015 are The law permits juveniles between 16-18 years of age to be tried as adults for heinous offences.
- Under new Juvenile Justice law, those in 16-18 age group will be examined by Juvenile Justice Board (JJB) to assess if crime was committed as child or adult.
- JJB with psychologists and social experts will ensure rights of juvenile are protected if crime was committed as a "child".
- After the passage of the bill, each district in the country will get Juvenile Justice Boards (JJB) and Child Welfare Committees.
- The first legislation on juvenile justice in India came in the year 1850 which required that children between the ages of 10-18 years, convicted in courts should be provided vocational training as a part of their rehabilitation process.
- This Act was further amended in 2006 and 2011 and is now known as the Juvenile Justice (Care and Protection) Act, 2000.
- In May 2015, a bill providing the trial of juveniles aged between 16-18 years, for heinous crimes under laws governing adults, was passed by the Lok Sabha.

Steps Taken by the Governments

- If we see the Indian prospective, Indian government believe in rehabilitation process, they don't believe to kill the criminal, they believe to kill in inner criminal of criminal by the process of rehabilitation and for make it enforce our government take save steps which are as follows:
 - Special children courts: special children courts are establish in every district of country to settle these kind of cases and also fix the punishment limit that is weather give warning to culprit in normal crimes or less heinous crime or if crime is serious than give punishment up to 3 years
 - Juvenile justice act,2015 : after Nirbhaya rape case our

parliament make amendment that these culprit between 16 to 18 years of age should be treated as adult and the culprit who are between 7 to 14 years of age there should be no capital punishment for them and also classify the age limits for juvenile justice which are as follows the culprit below 7 years of age there should be no punishment. After 7 to 16 years of age they should be treated leadingly according to juvenile justice act. Between 16 and 18 years of age if done heinous crime should be treated as adult.

- Rehabilitation center: also known as remand house or stimulation centre in which culprit kept for 24 hours and done all the investigation and cross questioning with culprit then presented in front of magistrate.
- Borstal house: only for 15 years of age, given industrial tanning, moral values, music, yoga and dance tanning
- Certified school: for 10 to 16 years and juvenile kept there for 2 to 3 years and done counselling there.
- Nutritional centre: only for less than 10 years and provided proper basic education and proper nutrition.

Loop Holes

- In India we have very less number of juvenile justice courts and a long process of trial we have to follow
- As we all know juveniles are not mature enough to deal with other criminal in jail and not so kind they will kept with under 16 years of age because if they kept with above 18 then they may dominate by other criminal and if kept with under 16 they will dominate them so kept in diff jails
- Borstal school are allowed to take admission up to 15 years of age so it should be increased and took admission from 15 to 18 years of age less than 15
- In these type of cases the whole things revolve around psychology so the judges who have good psychological skills promote in this area
- We cannot transfer case in adult easily, acc. To sec 15 we have to take permission from JJB

What can be done to change prospective

- Increase the number of courts and a speedy trial should be followed
- Age limit of borstal schools should be increased as the population of commuting crime is more between 15 to 18 years of age so it should be increased.
- Integration of self-help group and Ngo so that they can guide these kind of children and show them correct path proper rehabilitation and sincere skills so that when they go out they should no depend on other and can start new life and earn lively hood easily
- All the children from this age should kept away from sexual content as much as possible, only up to an limit
- Something has to be done in slum area like awareness programme etc.

Conclusion and Learnings

- A criminal is not a criminal by birth is the situation which makes him criminal, first we have to understand situation and then make some decision.
- Parents should understand the situation of their children and make communication with them and regular surveillance over them.
- Children should think and then decide their company and they should know what is good and what is bad for

them.

- There should be more strict rules so that some example should be set for the society.
- There should be no leniency in heinous crime as done in the case of Ryan International School.

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