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## JUVENILE DELINQUENCY IN INDIA

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### ABSTRACT

The following research paper specifically covers the current situation and scenarios prevalent in India related to the state and conditions of juvenile offenders broadly stated as juvenile delinquency. There is an important aspect of children that must be taken into consideration if a nation seeks to thrive and survive. This paper will then give a detailed study of the root causes and reasons that lead to the increasing ratio of offences committed by juveniles. Along with that, the paper will also discuss the latest amendments in the Juvenile Justice (Care and Protection of Children) Act, 2015 and will conclude by giving a few suggestions and recommendations to overcome the issues to a greater extent and for better implementation of the Juvenile Justice Act.

**KEYWORDS** – Delinquency, juvenile, minor, heinous, socio-cultural

### INTRODUCTION

Children are considered to be the most important determinant of any nation’s development and growth. The future of the country and of all the individuals rests upon the children or youth of the nation. Hence it can be rightly said that the countries where children are getting involved in horrendous crimes will suffer in a large amount. The downfall of those countries is inevitable in all spheres of mankind.

Unfortunately, there has been a tremendous rise and increase in the number of offences committed by juveniles of the country. Also, the ratio of offenders has witnessed a serious increment at an alarming rate.

Before starting off it is important to have the basic information about juveniles. A juvenile can be defined as a child who has not attained the age at which he can be held liable for his criminal acts like an adult person. Although there is a difference between the terms juvenile and minor in legal terms. The term juvenile is used with reference to a young criminal offender and the term minor relates to the legal capacity or majority of a person.

It is great unfortunately that recently juveniles have been seen to be the most active offenders in heinous crimes like murder and gang rape.

A general observation has been made throughout regions in which it is witnessed that criminal tendencies are seen most in the adolescent age group and it lowers down with growing old.

### MEANING OF JUVENILE DELINQUENCY

There are some ways for children to become involved in juvenile delinquency, the most common of which are either illicit acts or participation in illegal activities before they reach the age of 18. Juvenile delinquency has also come to mean the behaviour and cases of mischief that are committed by children who exhibit a consistent pattern of sinister behaviour, such as mischief or disobedience in such a way that they become considered a threat to their parental authority, resulting in legal action being taken by the system.

It is also called juvenile delinquency or juvenile offending. Every state has its own system for dealing with juveniles who attempt to break the law, and the following juvenile delinquency definition can help you better understand this concept. In the legal realm, Juvenile

Delinquency refers to a form of antisocial behaviour committed by a child, which is congruent with little to no responsibility. Juvenile Delinquency is the act of violating law by a minor. If a person reaches adulthood, he or she can be accused of committing crimes, because antisocial and criminal behaviour done by that individual is regarded as crimes by the law when committed at that age. Juvenile delinquency is, then, the adolescent and child of delinquency, while prodigious delinquency is the adult version of this crime.

### WHO COUNTS AS JUVENILE?

Although the term's specific definition can vary depending on the local jurisdiction, it is frequently used in educational materials to refer to a young individual who has been convicted of a crime. Although the particular causes of these discrepancies are not obvious, one possibility is that there is no accepted international norm.

In this context, the term "juvenile" refers to a person who is older than the minimum age for carrying out criminal responsibility but younger than the age of criminal the age of majority which is the age at which a person is deemed to be an adult legally. Internationally, the age for criminal responsibility ranges from 6 to 18 years, but the number of criminal majority is often 18.

Since the United Nations (UN) specifies "youth" as being between the ages of 15 and 24, someone older than 18 may occasionally be judged in a juvenile court and thereby remain classified as juvenile. Although elsewhere "children" are frequently described as being under the age of 18, the term "child delinquents" has been used in the context of youngsters under the age of 13 who have been involved in delinquent conduct. 'Young offenders' is a general word that can refer to criminals under the age of 18 or young people up to their mid-twenties.

### CAUSES

The socio-cultural environment around a child moulds him/her into a state where committing crimes becomes the easiest way out.

According to Healy and Bronner, the main causes of juvenile delinquency are-

- Bad company
- Adolescent instability and impulses
- Early sex experience
- Mental conflicts
- Extreme social suggestibility
- Love of adventure
- Motion picture
- School dissatisfaction
- Poor recreation
- Street life
- Vocational dissatisfaction
- Physical conditions of all sorts

However, if we take the case of India, the main or root cause behind this is poverty and the media. The causes may be broadly classified into two heads-

- Social factors- this includes several issues like broken homes wherein there are frequent conflicts between the guardians or family members of the child which makes him/her an easy victim of juvenile delinquency.

Poverty is yet another very prominent cause of juvenile delinquency. Since the children witness a lack of basic needs and opportunities they consider the path of crimes to be the easier one which can provide them with all the facilities. The root of juvenile delinquency is frequently beggarliness. Most children who beg come from either extremely poor families or unstable homes. The parents' necessary affection and love betray these youngsters. They come to understand that the only way they may satiate

their cravings and fulfil their aspirations is through illegal activities. Delinquents are the result.

- Personal and individual factors- It has been observed that a good number of delinquents are mentally deficient. Studies have revealed that there is a larger proportion of mentally defective children. It is very reasonable to presume that dumb, mentally challenged, or defective adolescents lack the requisite understanding to distinguish between "right" and "deviant" approaches and behaviours. These kids are frequently employed for nefarious purposes by the more intellectual kids in the gang or the adults. Delinquency is strongly influenced by mental health issues and emotional maladjustments. Children who behave badly sometimes struggle with feelings of inferiority and jealousy.

Juvenile Justice- The Juvenile Justice (Care and Protection) Act, 2000 is enacted as human rights legislation and it is now in force in all states uniformly, repealing the entire Children's Act enacted by states individually. This statute addresses the two categories of minors. "Juveniles in conflict with the law," as that term is defined in Section 2(1), and "child in need of care and protection," as that term is defined in Section 2(d). A person who has not reached the age of 18 is referred to as a juvenile or child under Section 2(k). The penal system must provide inmates with care, with the primary goals of reformation and social rehabilitation. Juvenile offenders must be kept apart from adults and treated in a manner consistent with their age and legal standing. In the case of *Sheela Barse v. Union of India* A committed social worker named Ms. Sheela Barse took up the matter of vulnerable youngsters under the age of 16 who were being held illegally in jails. She asked for the release of these young children from detention facilities, the production of information about juvenile courts, homes, and schools, as well as a directive that district judges ought to inspect detention facilities or sub-detention facilities under their jurisdiction

to guarantee children are properly cared for while in detention. The Court stated that juvenile offenders have a right to special treatment. Children should be given special consideration since they are a national treasure. The Court suggested the establishment of remand as well as juvenile prisons for kids. The Supreme Court stepped up to defend the privileges of the children in monitoring houses in *Sheela Barse v. Secretary Children Aid Society*.

### TRENDS IN YOUTH CRIME

The 1980s and 1990s in the USA saw a sharp rise in the number of young people being arrested for murder and other violent crimes; this period is also referred to as the "violence epidemic".<sup>16</sup> Although official statistics show a subsequent 20% decrease in court caseloads between 1997 and 2009 as a result of the ensuing moral panic, victimisation surveys have shown an ongoing trend in the prevalence of offending, which is consistent with an estimated rise in juvenile criminal activity between 2000 and 2006.

Australia's youth crime statistics show that there were 4% fewer juvenile offenders overall in 2013/2014, however, the total amount of violent crimes perpetrated by young people in Victoria's urbanised and highly populated region surged by 75% between 2000 and 2010.

Between 1994 and 2008, the Nordic nations saw a rise in the proportion of young people who follow the law. Between 1995 and 2005, Sweden saw declines in both objective measures of juvenile criminality and self-reported engagement with juvenile crime. In Finland, juvenile damage and violent crime is claimed to have declined over 1992 and 2013 despite varying trends in youth drug usage.

In conclusion, while regional and annual changes in juvenile crime are seen and anticipated, a global pattern marked by a decline in juvenile crime seems to have evolved in recent years. In fact, this conclusion is supported by UN information gathered from a sample of 40 nations, which show a decline in the percentage of children suspected of

committing crimes between 2004 and 2012 (from 10.9% to 9.2%) and those found guilty (7.5% to 6%).

### SUGGESTIONS

Many people in the community are currently calling for adolescents between the ages of 16 and 18 to be recognised as adults when it comes to their convictions for terrible crimes like rape, gang murder, sexual assault, dacoity, etc. The reason is that it has been discovered that minors between the ages of 16 and 18 are involved in significant crimes and are committing these crimes with full understanding and mature behaviour in several of the recent occurrences as detailed above.

youngsters' levels of maturity have changed from 10 to 20 years ago, and the influence of the internet and social media on today's sociocultural milieu causes youngsters to reach mental maturity earlier than they once did. To have a deterrent impact, such perpetrators in the age range of 16 to 18 must be punished as adults. This will allow victims to receive justice. Additionally, this perspective asserts that the child's involvement in such horrible atrocities is not solely their fault. But it is also the responsibility of society to explain why it has been unable to give children a healthy and happy childhood, why there have been so many social and economic injustices and deprivations that have driven children to commit crimes, and why the State has failed to care for and protect its citizens' children and has allowed them to become involved in criminal activity. As a result, there are strong opinions supporting and opposing the Juvenile Justice Act's modification or revision.

### CONCLUSION

Juvenile Delinquency has been faced by all societies, all over the world, however, in the developing world the problems are all the more dangerous. The process of development has brought in its wake a socio-cultural upheaval affecting the age-old traditional ways of life. As a result of the changing conditions, juveniles

can suffer adverse consequences relating to their education and their social development. However, at the same time, the traditional social control system that used to be used to prevent any antisocial activity is slowly deteriorating. The consequences of this are that juvenile deviance and antisocial propensity have begun to rear their ugly heads, putting an end to their lives. Separate shall be made following the crimes and offences committed by the juveniles. Such as in the case of thefts, smuggling or any small level of crime, the guilty should be pushed to Rehabilitation Centre for its grooming while serious assaults like brutal rape must be handled differently. This crime can be considered an exception, especially to punish them similar to what adults receive when they commit the same crime.

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