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Juvenile Crimes in India and the Law

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Abstract: In our society juvenile offenders are increasing day by day and juvenile delinquency crime is one of the burning issues in all over the world. So the purpose of the article is to reduce juvenile delinquency from the society. The article explains who is juvenile. The study focus on reasons behind juvenile offender. The paper argues that family problem, social environment, mantle torture, educational dissatisfaction and lack of legal provisions are also factors that constitute such offender. The paper reveals the historical development about the definition, legal provisions and Acts on juvenile offender. The article describes what step should be taken to improve their situation in the society.

Keywords: Juvenile Offender, Law, Juvenile Crimes.

I. Introduction

Children are treated to be precious gifts from God to any country and as a parent or guardian this is our great responsibility that children should be provided opportunity to grow up in a healthy socio-cultural environment so that they could become responsible citizens and healthy by all means. It is the duty of the Nation to provide equal favourable condition for development to all children during the period of their maturation. We are expected from Children that they must become a respectful and enrich with good quality in them but due to different reasons many of children not settled themselves moralization of legal environment and get involved in criminal behaviour which is known as juvenile crime.

Crime by juveniles is a disturbing reality of nation. Now a day's juveniles are found to be involved in most raunchy crimes. Many scholars have classified juvenile crime in six groups on the basis of offences committed by them for examples disobedience, staying away from school, burglary, destruction of property, violence against individual or community and sexual offences. Society as a whole is distressed by such criminal acts by children. Many experts believe that the present law is inadequate to deal with the situation and we need changes in it so that for heinous crimes juveniles may also be tried and punished as adults.

Meaning of Juvenile

According to the Juvenile Justice Act, 2000- "A juvenile is the person who has not completed 18 years of age and hence Juvenile Delinquency refers to anti social or illegal behaviour by the children. There are many reasons like family environment, mental disorder, social disorganization etc. because of which a child commits a crime and he is known as juvenile delinquent. "

The word juvenile delinquent is define as a young person who habitually breaks the Law, specially somebody repeatedly charge with the anti social behaviour thus those offence committed by adult and punishable which when committed by children under the age of 18 are denoted as juvenile crimes.

In India the juvenile are kept in special home and are not punishable like adults. They are not treated as criminals because we follow reformatory theory. Such children are kept in home and they are provided all their basic needs and also provided education.

Reasons for Juvenile Crimes

There is no single cause for the development of delinquent behaviour. According to research the main causes of juvenile delinquency are:

(1) Raunchy company (2) instability in teenage (3) early sex experience (4) mental conflicts (5) Live an adventurous life (6) Improper schooling (7) Poverty (8) street life (9) Shortcut Method Mentality (10) Carrier dissatisfaction etc.

Poverty is one of the biggest causes which force a child to get involved in criminal acts. A very large number of delinquent children come from poor homes. It is generally found in study that the juvenile delinquency a vast majority of delinquents come from the lower class. Due to poverty sometimes both of the parents to be outside from the home for a very long time to earn their daily need and these cause children will be uncared so that children may consciously or unconsciously join hands with other bad companies and become delinquent. Parental irresponsibility, unmanageable student-teacher ratio, lack of entertainment and sports facilities in schools, indifference of the teachers are also causes that many of child have no interest in school life and they involve in gambling, eve-teasing, pick pocketing, drinking ,smoking and drug habits. It has been observed that good number of delinquents is mentally deficient. Studies have revealed that there is larger proportion of mentally defectives in children. It is quite natural to assume that the dull and mentally handicapped or defective adolescents do not have the necessary insight to make distinctions between 'right' and 'deviant' methods and behaviour. Such children are often used by the more intelligent children of the gang or the adults for their criminal purpose. Theorists believe that family has a strong influence on development of delinquent behaviour. Economic condition and disputed married life of parents have a greater chance of engaging in delinquent behaviour than children from traditional families' Social environment also play a great factor to delinquent behaviour as young people are emotionally vulnerable.

II. History

In India, the first legislation treated those children committed crime was the Apprentices Act, 1850. It procure children under the age of 15 years found to have committed petty offences will be bounded as apprentices. After that the Reformatory Schools Act, 1897 formed which provided that children up to the age of 15 years punish to imprisonment would be sent to reformatory home. Thereafter with an aim to provide rehabilitation or protection to neglected or delinquent juveniles, our Parliament enacted the Juvenile Justice Act, 1986. It was an Act which brought uniform system throughout the country. Section 2(a) of the Act defined the term 'juvenile' as a "boy who has not attained the age of 16 years and a girl who has not attained the age of 18 years". Later on the Parliament enacted the Juvenile Justice (Care and Protection) Act, 2000 which raised the age bar to 18 years for both girl and boy.

Present Legislation

The Juvenile Justice (Care and Protection of Children) Act, 2000 is the primary legal framework for juvenile justice in India. The act provides for a special approach towards the prevention and treatment of juvenile delinquency and provides a framework for the protection, treatment and rehabilitation of children in the purview of the juvenile justice system. This law, brought in compliance of the 1989 UN Convention on the Rights of the Child (UNCRC), repealed the earlier Juvenile Justice Act of 1986 after India signed and ratified the UNCRC in 1992. This act has been further amended in 2006 and 2010. In the wake of Delhi gang rape (16 Dec 2012), the law suffered a nationwide criticism owing to its helplessness against crimes where juveniles get involved in heinous crimes like rape and murder. In 2015, responding to the public sentiment, both the houses of parliament in India further amended the bill that lowered the juvenile age to 16 and proposed adult-like treatment for juveniles accused of heinous crimes. The lower house, i.e. Lok Sabha passed the bill on 7 May 2015 and the upper house, i.e. Rajya Sabha on 22 December 2015. The bill was approved by President Pranab Mukherjee's assent on 31 December 2015.

Step to prevention juvenile crime

As society is not static, it is dynamic. Its need change with time to survive. It is correct to reform the according to need of society, however we should not send a signal in society that a person below 18 years of age can commit any kind of heinous acts and still get away with a minor penalty. So, need is to take into account mental maturity age of person and chronological age while deciding the case. As legally 2 main components of any crime is "Actus Rea" and "Mens Rea" and when both elements are proved by the court of law then any individual is only convicted. Now in case of juvenile, the Actus Rea part of his offence is protected under the juvenile law Mens Rea part is never taken into consideration, as there are no parameters to judge the same. Having no parameters about the physical or mental maturity of juvenile, it has been like given a license to all mature, cruel type of persons under the age of 18 years to commit any crime.

In India the definition of child does not have any uniformity as- Convention on the Rights of Child, 1989, Article 1, says that a child means every human being below the age of 18 years. In India majority age is 18 but a child labour age is of below 14. The Constitution of India, the age is of below the 14 years; a person can have consensual sex at 16 but can marry only at 18 and consume alcohol only when he/she turns 25. Beside it laws should be reformatory to improve them. Thus there is great need of change.

Constitutional Provisions

The visionary Constitution makers had realized that the Children being vulnerable are in need of special protective treatment and the greatest social care. Special Constitutional Provisions for children include the following: Article 15(3) enables the State to make special provisions for children Right to free and compulsory elementary education for children (Article 21 A) Right to be protected from any hazardous employment (Article 24) The Directive Principles of State Policy further prescribe that the state shall direct its policy towards securing that the tender age of children are not abused and forced by economic necessity to enter

occupations unsuited to their age or strength (Article 39(e)) and that the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment (Article 39 (f)) In, *Satto v. State of U P*, 1979 AIR 1519 V.R Krishna Iyer J. , speaking for the bench observed “Correction informed by compassion, not incarceration leading to degeneration, is the primary aim of this field of criminal justice. Juvenile justice has constitutional roots in Arts.15 (3) and 39(e) and the pervasive humanism which speaks the super parental concern of the State for its child citizens including juvenile delinquents.

The penal laws of India, in tune with the reformatory strategy currently prevalent in civilised criminology, has to approach the child offender not as a target of harsh punishment but of humane nourishment. This is the central problem of sentencing policy when juveniles are found guilty of delinquency. A scientific approach may insist on a search for fuller material sufficient to individuate the therapy to suit the criminal malady.

Conclusion

It conclude that juvenile child need of care and protection by catering them their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child friendly approach in the best interest of children. Whatever changes be made in the Act, it should be the interest of juvenile justice. Therefore while debating the amendment in Parliament it must be discussed that whether we as a society want to have a justice system based on retribution and punishment or a system which is reformatory and assimilative for the juvenile offenders. The State as well as the society has a responsibility towards our children in the sense that they would not become wayward and remain in the social mainstream; hence, ‘care and protection’ must be the main motto.

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