

JUVENILE DELINQUENCY IN INDIA

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ABSTRACT

Children are the most important factor in the development of each nation. They are the future decision-makers of the world and the torchbearers of society and are the foundation of human civilization. It is easy to expect the future of the country to be in jeopardy because of the children who are involved in crime. In India, child abuse is a major problem that has ruined the lives of many young people. Juvenile delinquency and related problems have different effects on children, their families, and society as a whole. This problem affects not only the victims of crime but also the family of young men, their future and the community at large. The level of child abuse is rising at an alarming rate in India that is disruptive and endangers public interest. It is therefore urgent to find solutions to the threat of child abuse. In India, the level of child abuse is rising at an alarming rate, disruptive and in the public interest. It is therefore urgent to find solutions to the threat of child abuse. In this paper we will learn about child abuse, who is a teenager, what is child abuse, the causes, features and different laws and practices related to child abuse in India.

INTRODUCTION

A person under the age of 18 faces a criminal charge, which is a criminal offense. Due to various circumstances and circumstances, these illegal activities have increased dramatically in recent years. Most locals send children charged with serious offenses, such as robbery or murder, to criminal courts and try as adults. Prosecutors sometimes make this decision, and in other cases, there is a hearing on the child's age and record, the nature of the case, and whether it is possible for the youth to be assisted by a juvenile court. In simple terms, child abuse refers to children who engage in illegal activities. A rebellious youth is a person under the age of 18 who commits a crime that would be prosecuted and tried as an adult. Thus, while juvenile delinquency is not found in all youths, it is evident that it is part of all the behavioral changes that take place in a person's life as he or she goes through a difficult period of adolescence. The severity of a crime varies from person to person, and it is usually not apparent until a certain act becomes a public concern. Youth violence is a serious crime that has a devastating effect on the world order. Youth crime is on the rise worldwide, with a

growing number of young people taking part in violent crime cases. India sees a similar increase in the number of young people committing violent crimes. It is a matter of national concern, and solutions must be carefully considered.

WHO IS A JUVENILE ?

Prior to the passage of The Children Act, 1960, there was no agreement in India regarding the age limit for a minor offender, and each country had its own definition of who should be considered a “Child.” The Juvenile Justice Act of 2015 defines “child” as “a child under the age of 18,” while the JJ Act of 1986 sets the age limit for boys and girls aged 16 and 18, respectively. In the case of serious cases, however, the situation is aggravated by the fact that the child is 16 years old so that he or she can graduate.

The Juvenile Justice Act of 1986 defines a “Child” as a person who, in the case of a boy, is not yet 16 years old and, if a girl, is not yet 18 years of age. In fulfillment of its international obligations, India repealed the Act and replaced it with The Juvenile Justice (Care and Protection of Children) Act, 2000, which eliminated the age difference between a boy and a girl and established the age of the child for alleged criminal violations. 18 years at the time of the crime.

WHAT IS JUVENILE DELINQUENCY?

Juvenile delinquency is a crime against a young adult who can be sentenced to death or life imprisonment. Juvenile delinquency is a violation of the law on youth who have not been punished with death or life imprisonment. It is the behavior of young people who, because it is beyond the control of their parents, are exposed to unethical behavior and therefore may not be prosecuted. The “absurd” and “youth crime” laws are being drafted and reviewed. Rules were adopted. A young person is defined as a person from birth to majority who is defined as a person from birth to the majority. It is the behavior of a child marked by inappropriate behavior in society and therefore should be subject to disciplinary action because it is beyond the control of the parents. The laws governing the “mindless” and “child criminals” have been revised. A young person is defined as a person between the ages of majority and most, defined as a person between the ages of majority and majority.

CAUSES OF INSURANCE PASSING

According to available statistics, worldwide there is a shortage of 10.2 child offenders per person. The number of juvenile delinquents recorded in India amounts to between 0.9 and 1% of all crimes. Youth crime is one of the most devastating problems in the world. This article is designed to look at the causes, impacts and variations of juvenile delinquency. The sample was deliberately selected and methods for collecting public surveys are used. Research shows that there is no specific cause of juvenile delinquency – for this reason there are various reasons for this.

According to Healy and Bronner, the following factors contribute to juvenile delinquency: (1) bad company, (2) teen instability and habits, (3) early sexual experience, (4) psychological conflicts, (5) high social pressure, (6) self-sacrificing love, (6) 7) animation, (8) school dissatisfaction, (9) inappropriate entertainment, (10) street life, (11) dissatisfaction at work, (12) sudden mood swings; and (13) phthisis.

The causes of youth violence are divided into three categories.

Social element

As a result of cultural decline and frustration, children can create a hostile culture (Albert Cohen, 1955). They often adopt distorted styles because of peer pressure. Walter B. Miller (1958) reports that some young people (especially those of the lower class) are changing the culture that is familiar to them. They abandoned anything that society normally owned that was precious and beautiful and replaced it with a polar value opposite value system. The vast majority of criminals come from low-income families. As members of a criminal gang, they are committing their crimes. 83% of teens come from low-income families, according to a study by Uday Shankar. Poverty forces both parents to work outside the home for long periods of time in order to earn a living. No one will take care of the children. Such children may, unknowingly, be involved in gangs and become criminals. This is most common in areas and areas where many people come from employees. Friendships also play an important role, as a child grows up, joining a play group or a group of peers in his or her neighborhood. He may become a criminal if he joins a gang or gang that fosters prostitution. Bad associations can lead to crime. Unusual behavior, academically, is done in groups. In his 1928 Illinois Crime Survey, Shaw surveyed 6000 boys involved in crime. He found that two or more boys were involved in 90% of the cases. According to a survey conducted by Uday Shankar in India, only 23% of people have committed criminal acts because of an unpopular company. However, it is unthinkable that simply being with someone would lead to crime.

Psychological aspect

There are a number of risk factors identified by child abuse. A young person who is not getting the right kind of education is less likely to be a bad person. All the dangerous things are moral behavior, uncontrolled anger, and failure to delay rewards. Negative social and economic conditions, parental indifference, contempt, indifference, and a host of other things can all contribute to the psychological problems of various kinds in children and adolescents. Examples include depression, fear and problems, extreme anger, etc. This can lead to a child's sin. A large number of migrants are already suffering from mental illness. Children, according to studies, have a higher rate of mental illness. It is common to think that youths who are stupid, mentally ill, or inactive do not have the necessary knowledge to discriminate between "good" and bad habits. Children of gang members or adults often exploit such children for illegal purposes. Law enforcement is exacerbated by mental health problems and emotional insecurity. Feelings of inadequacy and jealousy are common among rebellious children. According to psychology, "rebellion is the act of rebelling against one another in order to harm, destroy, or destroy." This rebellion is largely driven by the social and economic conditions that beset human rights and the fulfillment of basic human needs.

An element of biology

Humans are influenced by nature. They are not enslaved to the technology of biology, but they are prone to crime. The hasty and rebellious behavior of young people is due to their hormonal changes. Environmental, economic and environmental factors all play an important role in the lives of young people. However, these mutations are often a combination of child crime. The scope of genetic, biological, and environmental disorders has been linked to aggressive behavior, with the focus of new studies on common pathways where many organisms lead to violent behavior. Anger caused by diseases such as allergies, dermatitis, and genital herpes are also important factors in promoting a rebellious attitude. Headaches can irritate people easily, and in rare cases, can lead to outbursts. A person with excessive physical activity and having an unused and distorted mental attitude has a higher chance of committing a criminal act.

SIGNS OF JUVENAN PASSING

Boys commit more crimes than women, which means that girls commit fewer crimes than boys. Until 1987, about 6% to 7% of girls were involved in child crime. This unexpectedly exceeded 13.4% in 1988 due to a change in the definition of children, now involving only girls between the ages of 16 and 18. If we use the numbers from previous years to calculate the percentage of girls for a certain age group, we get 13.1 percent, which would be compared to 13.4 percent in 1958. As a result, the current data (from 1994) include an average arrest of 4.5 boys for every girl.

Juvenile delinquency is the highest crime rate (12-16 year old age group). If we calculate the average five-year period from 1989 to 1994, about two-thirds of robbers (66.9%) fall in this age group of 12-16 years from the new definition of child abuse in 1988. Earlier (between 1978 and 1987), it was found that the majority of terrorists (71%) were in the age group of 18-21 (adolescent group), 15% of the 16-18 age group, 9% of the group of 12-16 years, and 5% in the 7-12 year group. Ratings for age groups have now changed. About 21.5 percent of the population is between the ages of 7 and 12, and 14.3 percent are between the ages of 16 and 18 (Ibid: 198). Because the 18-21 age group has been completely removed from youth thinking since 1988, the proportion of 12-16 year olds has increased from 10% in 1978-87 to 64.3% in 1994.

Child abuse is more common in cities than in the countryside. Small towns and cities produce more youth criminals than large cities (more than 10 lakh people). In India's 23 major cities, about three quarters (74.7 percent) of the 1,362 cases committed under the IPC in 1994 were made in seven cities: 16.6 percent, 12.5 percent in Delhi, 10.7 percent in Bangalore, percent 14 in Ahmedabad, and 10.7 Percent in Pune. Nagpur (5.6%) and Hyderabad (5.2%) are the two most populous cities in India.

Children living with their parents or guardians are more likely to commit crimes against children. In 1994, they found less than three-quarters (71%) criminals living with their parents, about one-fifth (20.2%) and their guardians, and less than one-tenth (8.8%) were homeless at the time of arrest (Ibid: 207). This highlights the importance of the domestic environment in promoting youth crime.

The most important factor in crime is lack of education. In 1994, less than a third of children (29.9%) were found to be illiterate, about two-fifths (43.6%) completed primary school, one-fifth (21%) completed middle and high school, and a very small percentage (5.5%) completed high school (Ibid: 207). As a result, the majority of apostates come from uneducated or illiterate history.

Another major factor in youth crime in India is the poor economic environment. This shows that child abuse is a major problem in the workforce. Almost all research into child abuse and its relationship to the socio-economic situation in our country has shown that those with the lowest socioeconomic status have the highest rates.

More than four out of five juvenile delinquents are first-time offenders, with only 10 percent of them being repeat offenders or repeat offenders. According to 1994 statistics, 88.4 percent of offenders were first offenders.

There are not many crimes committed by gangs. Shaw and McKay found in their study in the United States that 90% of children had partners in their crimes.

Although some crimes are committed by gangs, the number of juvenile delinquent gangs with the help of organized criminals in our nation is small.

IMPORTANT RULES FOR JUSTICE BELIEF

Youth Justice Act, 1986

With the adoption of the United Nations Convention on the Rights of the Child, India became the first country to implement its own framework in accordance with the principles set out in this document. Other objectives included the establishment of a common legal framework for Juvenile Justice, advancing a particular approach to preventing and controlling child abuse, defining resources and the framework for the Child Action Program, and establishing standards and measures for the Child Justice Organization. It provides for the care, protection, treatment, development, and rehabilitation of neglected and rebellious children, as well as the issuance of decisions on specific criminal matters. In this system, girls and boys were not referred to the same age; for boys, it was 16 years, and for girls it was 18 years. Similarly, both neglected and rebellious teenagers were housed in a watch house until the completion of their investigation, competent authorities into the Juvenile Welfare Board for neglected children and juvenile offender courts. Both types of children were also advised to be placed in foster care homes. After Beijing's laws introduced the term "child justice" for the first time in international law, the word "justice" was incorporated into the main law.

Youth Justice Act (Child Care and Protection), 2000

The JJ Act of 1986 required that the previous framework established for the enactment of existing Children's Laws be revised. Besides, due to the absence of a national agreement within the time frame for such a reconstruction, the methods used by a large part of the State Government were still too small for the declared objectives. The Government of India has also enacted the Juvenile Justice (Care and Protection of Children) Act, 2000, to promote and regulate youth equity in accordance with the key provisions of the Indian Constitution and international obligations in this regard. A working group was formed to deal with this.

The Juvenile Justice Board has been established under this Act to bring justice to children who have broken the law. The board is authorized to allow the child to return home after counseling and counseling [Section 15 (1) (a)], directing the child to participate in group counseling [Section 15 (b)], performing community service [Section 15 (c)], instructing the parent or the child himself, if he is over 14 years of age and earns a fine, pays a fine [Section 15 (d)], orders the child to be acquitted of misconduct and placed under section 15 € , making an order directing the child to commit to a special

home [Section 15 (d)] 15 (g)], and reduce the duration of stay in a special home [Section 15 (1)] that respects the nature of the case and the circumstances of the case.

The law establishes a Child Welfare Committee to deal with cases involving children who break the law. The Act ensures that children are cared for, protected, treated, developed, and rehabilitated, and that their basic needs are met and that human rights are protected [Section 31 (1)]. Provisional care, care, protection, training, development and rehabilitation of children in conflict with the law during the course of the investigation and shelter for children in need of immediate assistance are also mandated by the Act. The Act also establishes a Special New Police Unit to improve police or child policing, as well as youth or child welfare officer in all competent police stations and training required to deal with children in co-operation with the police.

Youth Justice Act (Child Care and Protection), 2015

The Child Justice Act (Child Care and Protection) Act of 2000 was repealed and replaced by the Juvenile Justice (Care and Protection of Children) Act, 2015, which came into effect on January 15, 2016. Legal. Other important provisions include: a gradual change from “adolescence” to “child” or “child in violation of the law,” in addition to the Act to eliminate negative content associated with “youth”; consideration of a few definitions for example “lost”, “release and donate to youth”; nor is it insignificant, “the real and tragic crimes committed by children”; to have the powers, powers and responsibilities of the Juvenile Justice Board (JJB) and the Child Welfare Committee (CWC); specify case studies requested by the Juvenile Justice Board (JJB); separate arrangements for serious cases filed by children over the age of sixteen; separating the new adoption category to facilitate the selection of isolated, abandoned and committed children; the introduction of new cases against children; and compulsory registration of Child Care Centers.

Special measures have been taken under Section 15 to deal with offenders of 16- to 18-year-olds who commit serious crimes. After conducting an initial assessment, the Juvenile Justice Board has the opportunity to refer cases of serious crimes committed by these children to the Children’s Court (the Court of Time). The regulations provide that children are kept in a “safe place” during and after the trial, up to the age of 21, during which the Children’s Court will conduct a child’s examination. After the test, the child is released on probation or sent to prison for the remainder of the sentence if he or she does not change. The law will serve as a stumbling block for minor offenders who commit serious crimes such as rape and murder, and also protects the rights of victims.

LEGAL PROVISIONS UNDER THE CRIMINAL PROCESS

Section 27 of Cr.P.C. regulates Youth Courts in India. This section of the law creates jurisdiction, according to the old Children’s Act of 1960. If the offender commits an offense under the age of 16,

he or she may be tried by the High Court of Justice or any court established under the Children's Act, 1960 in any case punishable by death or life imprisonment committed by any person under the age of 16 when appearing or brought before a Court. In addition, the Criminal Procedure Code allows for an eviction order based on good behavior or discipline. "If any person under the age of 21 or any woman convicted of a crime could be sentenced to death or imprisonment for the rest of his or her life, and no previous sentence was imposed on the offender, if he or she appeared in court the forerunner of the offenders' case, and the circumstances in which the offense was committed, if it appears in the Court where he was previously convicted, based on age, the character, the Court instead of immediately convicting him of any punishment, ordering his release on bail, or without bail, appear and receive a sentence when summoned to that period (not exceeding three years) as the Court may also order in the meantime to maintain peace and good conduct. "

The suspects in the case of Somabhai and the State of Gujarat killed a 10-year-old girl for speeding and reckless driving, and there was no relief. According to the Supreme Court, the test benefit was not granted to the defendant except in the circumstances of mitigation. The court did not apply Section 360 of Cr. P.C. in a case where the defendant had no previous criminal record and was under the age of 21, deciding that he was fit for trial. Children and children are subject to another law, Section 448.

LEGAL PROVISIONS UNDER THE CURRENT CURRENT CODE

Various sections of the Indian Penal Code (IPC) work with children.

There are several caves for children, including the fact that they cannot be punished if they are under the age of IPC. Sections 82 and 83 of the Indian Penal Code provide for protection from persecution. Offenders under the age of 18 are given criminal fines. This protection can be seen in the context of child justice.

Article 82: Law for a child under the age of seven: No action for a child under the age of seven is an offense.

Article 83: The law on a child over the age of seven years but under the age of 12 years who is not mature enough to understand the consequences of his or her actions and behavior in the event:

Protection for minors under 18 years of age

If a child commits a crime and is known as an adult, he or she bears the full responsibility and responsibility, according to the Indian Penal Code. However, the child is free to respond until the age of 18, or 16 in the event of serious offenses, according to the Juvenile Justice Act 2015. In the history of India, many laws have been passed to properly care for and protect the child. In addition, instead of spending time in prison, young people are sent to rehabilitation centers.

Bihar Empire v. Mesh Singh Arvind Singh is the only defendant in this case. He was still young when the crime was committed. He was charged with murder under Section 302 read by 149 of the IPC, as well as injuring with a firearm under Section 324 read with section 148 of the IPC and using

unlicensed firearms under Section 27 of the Arms Act, 1959. He was 13 years old at the time of the incident. The juvenile criminal was tried alongside adult defendants, and the court found them guilty of the crime. During the trial in 'Trial Court or High Court,' the issue of the juvenile's trial under the Cr. P. C. was not raised.

JUVENAN COURTS

The children's court, often referred to as the children's court, is responsible for dealing with children who have been a criminal, neglected or abused person. Court hearings should be conducted freely with the father so that the child is treated in a pleasant and friendly manner. Under the Juvenile Justice Act and the Criminal Code Procedure Rules, children should not be brought before ordinary criminal courts; the purpose of the special court is to social and legal reform and reform instead of punishment. The children's court considers two types of cases: civil cases involving the care of an abandoned child or a child whose parents cannot care for them, and criminal cases involving child misconduct. When it comes to courts for children, the Juvenile Justice Board will try them if they are found to be under 16 years of age. Magistrate or Chief Magistrate of Justice. The first-ever magistrates do not belong to the Chief Metropolitan Magistrate or Chief Justice. The two social workers are a female social worker for at least seven years' health, education or welfare, and are psychological, psychological, social or legal. There could be a maximum three-year sentence.

Second, if young people are 16-18 and have committed a serious crime in terms of the Youth Justice Act, 2015, the child will be prosecuted as an adult in the Children's Court. A children's court can be an existing child-related court or a special court designed to deal with cases in terms of the JJ Act. And it could impose sanctions for up to three years, but not death or imprisonment. If a young person is found guilty of an offense, he or she is sentenced to a prison term until the age of 21 years. The People's Justice Act of 2015 also requires the establishment of all sections of the Juvenile Justice Boards and Child Care Committees.

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