

CHALLENGES OF JUVENILE DELINQUENCY IN INDIA

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ABSTRACT

The issue of juvenile delinquency is notably low but steadily growing in a developing nation like India. The issue of Adolescent delinquency is becoming worse in India. However, compared to rural regions, metropolitan areas have a greater incidence of adolescent delinquency. Juveniles have been more often involved in severe crimes like murder and rape in recent years. The rising rate of juvenile delinquency in India. The issue of juvenile delinquency is one that the government takes seriously, and as a result, new juvenile legislation is periodically enacted.

Key Words - Juvenile, Delinquency, Crime

INTRODUCTION

Juvenile crime has been an ongoing issue for quite some time. It happens in both basic and sophisticated cultures. The rate of juvenile delinquency in India is relatively low but, on the rise, as is the case in many other developing countries. Even more concerning is the fact that the share of crimes perpetrated by children relative to the total number of crimes reported in the country has been increasing over the last several years. According to the data, there is a complex web of interconnected socioeconomic and psychological elements that contribute to juvenile delinquency. Juvenile delinquency can be attributed to a number of factors, including economic hardship, family strife, emotional abuse, rural-to-urban migration, the breakdown of social values and the joint family system, atrocities and abuse by parents or guardians, a subpar educational system, the corrupt media, the unsanitary conditions of slums, and so on. In the Indian setting, most of the causes that contribute to criminal behavior are locally rooted, therefore any effort to avoid and regulate these elements might have positive social outcomes. Children, after all, stand in for the country and its future. Notable international examples, Convention on the Rights of the Child (1989) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (1985) have established the worldwide agreement on giving children who are in dispute with the law particular consideration.

Although the root reasons of juvenile misbehavior are relatively recent, the predicament of children is as old as humanity itself. How a culture treats its children reflects its underlying moral, political, and religious values. The decline of feudalism, the advent of industrialism, colonialism, migration, and urbanization are only some of the recent socioeconomic shifts that have affected how civilizations see children. Catastrophic events, such as pandemics, wars, depression, and the

dissolution of the family, have also had a role in shaping these perspectives.

CONCEPT OF JUVENILE DELINQUENCY

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Although the phrase "juvenile delinquency" has been given a number of various meanings throughout the years, it typically refers to a wide range of youth actions that are frowned upon by society and for which reprimand, punishment, or preventative and remedial efforts are necessary. It is important that whenever the term "juvenile" is used, it is understood to relate to a specific legal categorization that is rooted in cultural and societal norms. 1 To omit is the literal translation of the Latin word delinquer, from whence we get the word delinquency. The word was coined by Roman and describes a person's inability to carry out a job or responsibility that was placed in their charge. A juvenile delinquent is a young person who regularly gets into legal trouble, often for acts of vandalism or other antisocial conduct. Juvenile offenses are defined as those that would be considered crimes against adults if committed by an individual under the age of 18.

The ancient adage about juvenile delinquency was "Boys will be Boys." Juvenile delinquency is the recognized label for this behavior pattern today. Officially classified criminals tend to be male. Acts like eye-teasing, obscenity, cruelty, mischief, etc. are more common among boys, whereas sex involvements, running away from home, truancy, and stealing are more common among girls. It's also worth noting that guys have a considerably greater delinquency rate than girls do since they tend to be risk takers and survivors.

Albert Cohen, while discussing the issue of juvenile delinquency, made the observation that any definition of delinquency must tie the action in question to a set of standards. The rules themselves are a mishmash of many codes. Some are widespread throughout all societies, while others are exclusive to certain groups.³ Caldwell wants to keep the terminology nebulous, and his definition include any behavior shown by a kid that leads to that youngster being considered a ward of the state.⁴

In the Juvenile Justice (Care and Protection of Children) Act, 2000, "delinquent juvenile" was changed to "juvenile in conflict with law." 5 Similarly, the term "neglected children," which was used in the now-defunct Juvenile Justice Act of 1986, has been renamed "children in need of care and protection" to reflect the broader definition of "vulnerable children," which now includes children who are "incorrigible," "uncontrollable," "destitute," "orphaned," and so on. The Juvenile Justice (care and protection of Children) Act was signed into law on December 30, 2000, and its provisions began applying on the same day. An individual under the age of eighteen is considered a juvenile or a child.

NATURE AND EXTENT OF JUVENILE DELINQUENCY IN INDIA

The issue of adolescent delinquency is particularly severe in India. However, metropolitan regions have a greater rate of juvenile delinquency than rural ones. It makes sense, given that a city's industrial infrastructure provides more venues for illegal behavior. Despite the fact that it

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has been said that the issue of adolescent delinquency is not as serious in India as it is in the West. Still, the issue has taken on new dimensions as a result of widespread exposure to it. Children on the cusp of maturity, between the ages of 16 and 18, have been shown to have a greater propensity for criminal behavior.

According to the National Crime Records Bureau, the rate of juvenile offenses has been rising substantially over the previous decade. The 2004 juvenile crime rate was 1.77 per 100,000 young people. By 2013, it had reached a new high of 2.58. However, the number of juveniles engaging in serious crimes is on the rise. Even while the overall rate of increase in crime is far faster than population growth, the increase in "cognizable" offenses has been quite modest. 7 The Juvenile Justice (care and protection of children) Act of 2000 created special procedures for vulnerable youth in need of care and protection. The Child Welfare Committee handles these situations. 8 A youngster who is "in need of care and protection" is one who A kid who is psychologically, physically, or terminally sick; who is homeless; or who lives with an adult who has perpetrated juvenile injustice. whose inappropriate parent puts them in danger of abuse, torture, or exploitation. Who has been victims of war, civil upheaval, or natural catastrophe; who is at danger of being murdered; who is vulnerable to being enticed into drug usage.⁹

CAUSES OF JUVENILE DELINQUENCY

Despite extensive rehabilitative interventions and unique procedures for dealing with the issue of juvenile delinquency, the frequency of juvenile delinquency has increased significantly. The main causes of these unprecedented increases in the incidence of juvenile delinquency are as follows.

As a consequence of the country's rapid industrialization and rising standard of living, India's cities have become more congested and expensive to live in, forcing many women to seek employment outside the home in order to make ends meet. This results in their children being left at home unsupervised. Also, young people are tempted to use illegal measures to get the contemporary comforts that they want. There has been a dramatic rise in metropolitan areas of adolescent delinquency as a result of all these variables. Another factor contributing to the rise of adolescent delinquency is the breakdown of families and the relaxation of parental oversight. Mr. Butter, the British Home Secretary, previously claimed that a lack of parental authority, insecurity, and love and care for children are all natural outcomes of a dysfunctional family and hence contribute to the development of juvenile delinquency.

Divorce and other marital conflicts are at record highs, further undermining family harmony. The influence that men formerly had in the home is quickly eroding nowadays. The psychological toll of bullying, bullying among children, or stepmotherly treatment of children is substantial. Once a youngster begins to feel abandoned, he is more likely to wander away from the right path and find comfort in a life of crime. 10 Therefore, the youngsters need parental love, care, and instruction and must be treated with extreme caution. Instead of focusing on rehabilitation after the fact, we should be doing more to prevent people from engaging in criminal

behavior in the first place. The parents and other adults in the family have a responsibility to ensure that their children have the resources they need to grow and flourish, including access to quality early childhood development programs and educational opportunities.

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Young people, in particular, have a hard time adjusting to the ever-shifting norms of contemporary society. In the face of cultural differences, they are unable to determine what is morally acceptable. They might be inspired to break the law by this.

Juvenile criminality may also be explained by biological reasons like precocious physical maturity or inadequate IQ. Lombroso argues that criminals have distinct physical traits from birth, including a sloping brow, prominent jawline, and wide, handlebar-shaped ears. These outward characteristics were formerly supposed to be linked to amoral, uncaring, and guilt-free character qualities. 11 Girls are entering puberty three to four years earlier than they did in the past. Nowadays, puberty hits Indian girls at the age of 12 or 13, when they are still too young cognitively to grasp the realities of life. As a result, individuals are vulnerable to engaging in sexual activity just for the sake of short-term pleasure, although being completely oblivious to the long-term repercussions of doing so. This is why it's important for parents to talk to their kids—especially their daughters—about the risks associated with engaging in sexual behavior that is against the law. Girls need further safeguards against sexual exploitation and exploitation for prostitution.

Young males who are abandoned and left without resources often end up in slums, where they are exposed to prostitution, illegal drug trade, and bootleggers. So, they finance the criminal underworld while being unaware of the law's prohibition on doing so.

Being poor might sometimes put kids on the wrong path. In the absence of parental support, children are more likely to engage in criminal behavior in order to get the resources they need to survive. Parents would sometimes look the other way for the sake of little financial advantage.

PSYCHOLOGICAL CAUSE

It has long been believed that criminal activity originates in the human psyche. Deficits in IQ and personality disorders were central to the first psychological explanations for criminal behavior. Some of the first psychologists were also firm believers that genetics play a significant influence in determining IQ, therefore they may be seen as advocates for both schools of thought. According to Goddard, if a significant number of people with mental defects were removed from society, there would be fewer criminals and other undesirables. In an effort to counter Lombroso and the positivists, Goring argued that a person's lack of intellect and personality traits were the root of criminal behavior. As we said before, studies on the link between low IQ or learning impairments and criminal behavior are ongoing. The validity and reliability of IQ tests and personality assessments, as well as other methodological problems, continue to plague this field of study.¹²

It's important to point out that adolescent male criminality is fundamentally different from female

delinquency. Boys are more prone to engage in theft, pickpocketing, gambling, eye-teasing, obscenity, cruelty, mischief, etc., whereas girls are more likely to get engaged in sex-related crimes like running away from home, truancy, and shoplifting. The delinquency rate is much higher for boys than for females because boys are more likely to take risks and make it through tough situations.

LEGISLATIVE FRAMEWORK

When it comes to children, Indian law has always followed the British model. As the nineteenth century came to a close, India began to follow the English model of institutionalizing juvenile criminals in a separate facility. The Apprentices Act of 1850 is the first piece of law to deal with the subject of vocational education for low-income youngsters. A kid under the age of seven is immune from prosecution under any criminal statutes (Sec. 82). Children under the age of 12 and those under the age of 7 who have not reached mental maturity are likewise excluded. The next major piece of law regarding the treatment of juvenile offenders was the Reformatory School Act, which was passed in 1876 and revised in 1879. It gave the municipal administration the authority to set up a reformatory institution. The sentencing court, under the legislation, may order the placement of a boy in such an institution for a term of 2-7 years. Juvenile criminals had more protections under the law in the 1898 Code of Criminal Procedure. The law also provided for good behavior probation for criminals up to the age of twenty-one and allowed for the commitment of juvenile offenders up to the age of fifteen to reformatory institutions. The Child Act of 1960 was enacted but was not universally implemented. To deal with these issues, Congress passed the Juvenile Justice Act in 1986. This regulation was in place in every single state. Meanwhile, the Beijing laws and the United Nations Convention on the Rights of the Child herald significant alterations in the approach, philosophy, and methodology of juvenile justice. Because of this, in 2000, lawmakers drafted the Juvenile Justice (Care and Protection of Children) Act, which was significantly revised in 2006 by Act No. 33.

Innovation in juvenile justice has been sparked by constitutional provisions. Some explicit provisions for minors may be found in Articles 15(3), 23, 24, 39e, and 45. The Indian court plays a crucial role and has issued many landmark rulings protecting children's rights. In *Sheela Barse v. Union of India*¹³, the Supreme Court ordered the State government to establish juvenile courts and observation houses for minors who have been accused of a crime.

Recent years have seen a rise in the number of cases when minors commit particularly serious crimes like homicide or rape. On January 15, 2016, the Juvenile Justice (Care and Protection of Children) Act, 2015, which amended the Juvenile Justice (Care and Protection of Children) Act, 2000, entered into force. The Juvenile Justice (Care and Protection of Children) Bill, 2015 was first passed by the Lok Sabha on May 7th, 2015, then by the Rajya Sabha on December 22nd, 2015, and finally by the President on December 31st, 2015.

The JJ Act of 2015 provides broader safeguards for children in need of care and protection as well as children involved in legal disputes. To remove the stigma associated with the term

"juvenile," the Act's nomenclature has been changed throughout to read "child" or "child in conflict with the law"; new definitions have been added, including those for "orphaned," "abandoned," and "surrendered" children, as well as "petty," "serious," and "heinous" offenses committed by children; the roles of the Juvenile Justice Board (JJB) and the Child Welfare

Certain measures have been put in place to deal with juvenile offenders between the ages of 16 and 18 who commit particularly serious crimes (Section 15). The Juvenile Justice Board is authorized to perform an initial evaluation and then refer cases involving serious offenses committed by such minors to a Children's Court (Court of Session). Children are to be placed in a "place of safety" before to trial and until they become 21, at which point the Children's Court will perform an examination. If the youngster is found to be reformable, they will be released on probation; otherwise, they will serve the remainder of their sentence in a juvenile detention facility.

CONCLUSION

Indeed, the prevalence of adolescent misbehavior in India is cause for grave concern. The government takes the issue of juvenile delinquency very seriously, and new juvenile laws are periodically enacted to address the problem. However, the primary problem lies in the improper application of the legislation. The juvenile justice system suffers from a lack of coordination among its many organs and a scarcity of properly competent professionals, especially among those assigned with magisterial, treatment, and rehabilitation tasks. When it comes to serious crimes like rape and murder, it is our sincere hope that the new legislation would serve as a deterrence to young perpetrators.

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