

## JUVENILE DELIQUENCY IN INDIA

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### ABSTRACT:

Children constitute the center of mankind on the planet. Children are the life veins of this society and also for future country, pillars of the dynamic country, solidified energy put away stores of the nation and the developers without bounds world. They are the preeminent resources of any nation and henceforth every endeavour should to be made to give them equal opportunities to their improvement . In any case, with the approach of modernisation and urbanization, one of the different issues of social disruption that is juvenile delinquency needs most prominent concern in the upkeep of social and cultural system of any nation. In India, the concept of Juvenile misconduct is kept to the violation of normal penal law of India so far as the ward of the juvenile court is concerned. The present law which administers the juvenile who will be conflict with law and who need care and insurance is called as Juvenile Justice (Care and Protection of Children) Act, 2000. This law has replaced the before law known as Juvenile Justice Act, 1986 in which the terms juvenile, and dismissed juvenile have been particularly characterized. The problem of human misbehavior has been observed and felt throughout human world and at all levels of strata. However, the cause of delinquency, nature and increasing of juvenile delinquency, genesis of delinquency, forms of delinquency and patterns of delinquency vary from time to time, place to place and well with in a community, society, region and national society etc

**KEYWORDS:**

Juvenile, human behavior, socio-cultural, false age, misbehavior.

**AIM:**

To know about the concept of juvenile delinquency in india and its causes

**OBJECTIVES:**

1. To find out the reason for juvenile delinquency.
2. To examine the efficacies of government measurer.
3. To determine the juvenile in conflict with law in age group of 16-18 year.
4. To know about trends of juvenile delinquency in India.
5. To know about the present legislation

**HYPOTHESIS:**

H0: Juvenile delinquency is not an cause of social concern in India.

H1: Juvenile delinquency has become an cause of social concern all over the India

**RESEARCH METHODOLOGY:**

Only secondary sources have been referred for this study .the primary sources includes interviews with people were not possible .secondary sources include books related to juvenile delinquency and research articles on the juvenile justice .law websities and blogs have also been referred for the study

**RESEARCH QUESTION:**

Whether preventive measures and awareness is enough to prevent juvenile delinquency

**INTRODUCTION:**

Delinquency has became most reason of social concern all over the country. in the sense that it is found in all human groups. Perhaps there is no society with having a pause as far as misbehavior or crime by individuals, more so among the younger ones that is children. The nature of human behavior is such that violation of standards of behavior or actions are sometimes hardly kept

intact, in tune with that of norms, regulations, code of conduct, values etc. of the society.. The dynamics of juvenile delinquency is very interesting to be considered for enquiry to understand analytically and to develop accounts about the changing pattern of behavior as well as misbehavior among people, more specifically among children which is a new development which has come about with the changing social, economic, political and cultural arrangements in human groups due to rapid industrialization and urbanization all most over the world. There are considerable variations in the socio- cultural, economic and psychological bases of causation of juvenile delinquency across the societies in the world. The economic growth trends as well as levels and the changing pattern of human behavior are quite observable. With the changing economic structure, as viewed in Marxian perspective, there would be change in the socio-cultural arrangements leading to inconsistent behavioral pattern among people during such transitional times. Changes in basic constitutional arrangements like in the family, are quite expected due to economic upheavals. Industrial way of life, that is industrialism, crept into the 20th century society in Europe and Northern America. The changes in their economy lead to changes in every way those societies had been obtained earlier. Though industrialism was not a sudden development, it emerged as a resultant effect of mechanized production system due to scientific and technological innovations that were successfully followed in the western 2 societies. The overall changes in those societies could be seen in the rapid transitional growth of communities into the modern typical industrial- urban ones.

."Child"-Interpretation -When plea is raised on behalf of an accused that he was a "child" within the meaning of the definition of the expression under the Act, it becomes obligatory for the Court, in case it entertains any doubt about the age claimed by the accused, to hold an inquiry, itself for determination of the question of the accused or cause an enquiry to be held and seek a report regarding the same, if necessary, by asking the parties to lead evidence in that regard. Keeping in view of the beneficial nature of the socially oriented legislation, it is an most important duty of the Court to examine a plea is raised to the plea with care and caution then it cannot fold its hand without returning a positive finding regarding that lea, deny the benefits of the provisions to an accused. The court must hold an enquiry and return a finding regarding the age, one way or the other.

"Age"-Determination of-In actual life it often happens that persons give false age of the boy at that time of his admission in a school so that later in life he would have an advantage when

seeking public service for which a minimum age for eligibility is often prescribed. The court of fact cannot ignore this fact while assessing the value of the entry and it would be improper for the court to base any conclusion on the basis of the entry, when it was alleged that the entry was made upon false information supplied with the above motive.

In the case on the hand the Principal Magistrate, Juvenile court has admittedly not conducted enquiry under Section 32 of the Juvenile Justice Act, (Section 49). The petitioner has filed a copy of the voter list of Assembly Election, wherein the age of accused has been shown as 20 years. Therefore, the impugned order held not sustainable.[1]

#### REASONS FOR JUVENILE CRIMES

Nobody is a born criminal. Conditions make him so. Socio-social condition, both inside and outside of home, assumes noteworthy part in shaping one's life and general identity. The absolute most normal causes which are related with juvenile crimes are: Poverty; Drug Abuse; Anti-social Peer Group; Easy accessibility of guns; Abusive guardians; Single-parent kid; Nuclear Family; Family Violence; Child sexual mishandle and Role of Media. In any case, the extent that India is concerned, it is Poverty and the impact of media, particularly the social-media which make adolescents more slanted towards criminal exercises. Poverty is one of the greatest causes which force a juveniles to get associated with criminal acts. Additionally, pretended by social networking today which is having a more negative than positive engravings on youthful personalities. Others factors are additionally there which require more noteworthy examination and investigation at a later time([National Research Council et al. 2001](#))

#### ATTACHMENT TO PARENTS:

In Control theory assumes that the affection for conventional persons is a most deterrent to crime. The stronger this bond, the more likely the person is to take it into account when and if he contemplates a criminal act. The ability to take something into account, however, suggests the corollary ability to do face of strong attachments to conventional others. Yet the attached person, by his greater efforts to avoid detection and by his unwillingness to take the risk the unattached freely takes, proves the potency of his attachment even as he commits the crime. In fact, when detection is certain, the attached person may hit upon unusual means for preventing those whose opinion he values from gaining knowledge of his act: "I intend to kill my wife after I pick her up from work. I don't want her to have to face the embarrassment that my actions will surely cause

her.” A persistent image in delinquency theory is that of a child *already* without a family -at least without a family whose unhappiness is of concern to him. Like most such images, this one contains much that is true. Since most delinquent acts are committed outside the home, since few delinquencies are commuted parental urging, and since most detected acts cause parents embarrassment and/or inconvenience, it is not surprising that an image of the delinquent is not only physically but emotionally free of his parents has developed. ([Akers and Phillipson 1975](#))

#### ATTACHMENT TO THE SCHOOL:

Between the regular family and the ordinary universe of the work and marriage lies the school, a prominently traditional organization. Seeing that this foundation can order his connection, association, and the responsibility the Juveniles presumably able to move from childhood to adulthood with a minimum of delinquent acts. Since the school is manifestly middle-class institution and delinquency has long been considered predominantly lower-class phenomenon, the major level for prying open the secrets of the school in the production of delinquency has been to assess its impact of the lower-class child. This approach has taken two major forms. On the one hand, the lower-class boy's day-to-day experience in the school is shown to be unpleasant, degrading, and demoralizing. Although she might wish to do otherwise, the middle-class teacher tends to punish the fidgety, unambitious, and dirty lower-class boy. Furthermore, children from classes above him dominate extracurricular affairs, refuse to date him, and refuse to admit him into their cliques. To the degree that all this matters to him, the lower-class boy is held to face a problem of adjustment: “To the degree to which he values middle-class status,”) ([Nirmal 2016](#))

#### ATTACHMENT TO FRIENDS:

Most delinquent acts are committed with companions; most delinquents have delinquent friends. The meaning of those simple facts is a matter of wide dispute. However, before addressing the controversy over their interpretation, let us ascertain whether the present data are consistent with previous research on the extent to which delinquent's associate with delinquents. In one view, then, the companionship factor is a central cause of juvenile delinquency. In another view, companionship with delinquents is as incidental by-product of the real causes of delinquency. There are many variations on these basic, if extreme, positions. In some forms of differential association theory, the child has no particular propensities to

delinquency prior to his association with delinquency.. Other statements of differential association theory grant that children differ with respect to their delinquency potential but appear to argue that this potential is realized mainly or largely through companionship with delinquents. The relationship between school failure and criminal behaviour is a recurrent theme in theories of delinquency. Eventual dropouts have been found to have considerably higher rates of delinquency during high school than do graduates, a finding consistent both with conventional wisdom and most theories of delinquency. Although these theories offer contradictory predictions about the relationship between dropping out and delinquency, both enjoy some degree of empirical support. The most influential investigation of the relationship between dropping out and delinquency, Elliott and Voss's panel study, is clearly supportive of strain theory. However, other studies which extends the follow-up period until subjects are in their mid-20s report findings more consistent with a social control perspective. Polk et al. report that during the early 20s dropout have consistently higher rates of criminality than do graduates. ([Chopra 2015](#))

#### HISTORY OF JUVENILE CRIMES IN INDIA:

In India, the main enactment which dealing with children in conflict with law or youngsters carrying out wrongdoing was the Apprentices Act, 1850. It had made that children below than 15 years found to have conferred frivolous offenses will be limited as apprentices. even after the Reformatory Schools Act, 1897 became more effective which given that children up to the age of 15 years condemned to detainment would be sent to reformatory cell. After the Independence, with a mean to give mind, security, improvement and recovery of ignored or reprobate juvenile m framework all through the nation.

Sec 2(a) of the Act characterized the term 'juvenile ' as a "boy who has not accomplished the age of 16 years and a girl who has not achieved the age of 18 years". Later on the Parliament sanctioned the Juvenile Justice act [2] which raised the age bar to 18 years for both girl and boy

#### Present Legislation:

The Juvenile Justice (Care and Protection) Act, 2000 sets out that in conflict with law or Juvenile guilty parties might be kept in a 'observation Home' while children should provided with care and protection should be kept in a children Home' and in the pendency of procedures before the authority.. An Juvenile can be detained time of 3 years regardless of the gravity of offense submitted by him and he will be remanded to 'special Home'. The Juvenile Justice (Care and

Protection) Act, 2000 gives the child who had committed offence is under 18 Years of age at the time of the commission of the charged offense from trial through Criminal Court or any discipline under Criminal Law in perspective of Section 17 of the Act. The reason for this new Act was to rehabilitate the child and assimilate him/her in standard society. The justification is that child still has the likelihood of getting transformed because of his/her young age and absence of development and it is the obligation of the State to secure and change the youngster.

Proposed Amendment in Juvenile Justice Act, 2000:

As of late because of real shout out in the open against the increasing number of crimes being conferred by the juvenile , the Government has chosen to show the proposed change in law in the present Parliament itself. This amendment would have expansive consequences for our criminal equity framework. In a word real changes are as per the following: The proposed enactment would replacing the current Juvenile Justice (Care and Protection) Act 2000. It has clearly characterized and classified offenses as petty,genuine and grievous. It has been seen that the expanding number of genuine offenses being conferred by Juvenile in the age gathering of 16-18 years. In this manner, in acknowledgment of the privileges of the crime close by the privileges of juvenile, it is recommended that such terrible offenses ought to be managed in unique way. In this manner, it has been recommended that if an egregious wrongdoing is carried out by a man in the age gathering of 16 to 18 years, the Juvenile Justice Board will initially evaluate if the said crime was submitted by that individual as a 'child ' or as a 'grown-up'. The Juvenile Justice Board will have psychologists and social specialists in it which would ensure that the privileges of the juvenile appropriately secured if the crime was submitted as a children. The trial of the case might continue based on Board's evaluation report that whether the concerned juvenile carried out the crime as a children or as a grown-up adults([Ganesan and Watch/Asia 1996](#))

**CONCLUSION:**

The result provides the duration of delinquent friendships operates a suggested, the priority of delinquent friendships acts in precisely the opposite fashion: Recent rather than early friends have the greatest effect of delinquency. This finding may surprise some, but it is surely more consistent with modern social learning theory, with its emphasis on reinforcement, extinction, and modelling or imitation.

In recent years, children and their problems have been receiving attention of both government and the society. But it has been seen that the problems are enormous and never ending, thus resulting in lack of everything that has been done till today. If these problems are not curbed soon then the growth of the children will be hampered giving a dark future to our country. The amendments that have been raised should be implemented in such a manner that the fruitful result is achieved. The social, economic and other factors which have been the root causes of Juvenile Delinquency needs to be dealt with at the very initial stage. Every society must, therefore, devote full attention to ensure that children are properly cared for and brought up in a proper atmosphere, where they could receive adequate training, education and guidance in order that they may be able to have their rightful place in the society when they grow up.

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[1] mohan das vs state of rajasthan ,1996,CRI.LJ 1412

[2] the Juvenile Justice (Care and Protection) Act, 2000

