



JUVENILE CRIMES IN INDIA AND THE ROLE OF A STATE, SOCIETY AND FAMILY IN PREVENTING CRIMES

Law

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ABSTRACT

Juvenile crimes in India has seen a significant spike in the last decade. It is the responsibility of a state, society and family in preventing juvenile crimes. A child raised with proper and necessary care, love and protection can become a responsible citizen of a Country in the future.

KEYWORDS

Juvenile, juvenile delinquency, prevention of juvenile crimes, Juvenile Board.

INTRODUCTION:

A child is an asset for the country and if children are raised with care and protection, they are well capable of bringing about change in the very structure of the society. Children make up to 45% of India's population and it is the duty of the Country and the State to safeguard their interest.

The children who are deprived of education, health and care are more prone to commit crimes in order to survive. Children who are abandoned by their parents are at greater risk of being exploited.

The crimes committed by children are increasing manifold in the last decade.

The term 'juvenile' originated from the word 'juvenis' which means young. Juvenile Justice refers to the laws governing the children, below 18 years but in some cases 16 years committing crimes.

Juvenile Laws in India:

The first legislation for the children was enacted in the year 1850 i.e., Apprentices Act, before independence.

The Reformatory Schools Act, 1876 was enacted by the British Government and under this Act, a juvenile who commits crime was admitted to Reformatory School.

After independence, a uniform law throughout the Country was necessary and Juvenile Justice Act, 1986 was enacted. It aims to provide care, protection and rehabilitation of juveniles committing crimes.

In Juvenile Justice Act, 1986 the word juvenile in Section 2 (a) is defined as 'boy who has not attained the age of 16 years and a girl who has not attained the age of 18 years'.

Later in the year 2000, Juvenile Justice (Care and Protection) Act was enacted and the age limit was set to 18 years for both boys and girls who commit crime.

The gang rape in Delhi on December 16, 2013 which shocked the entire nation, a minor was involved in the crime. After public outcry and demand and amidst controversy, Juvenile Justice (Care and Protection of Children) Act, 2015 was passed by the Parliament of India wherein it is held that children between the age of 16 to 18 years may be treated as adults in extreme cases.

Reasons for a child to commit crime:

Increasingly, high rates of juvenile crimes are a great problem to the society. The main causes for a child to commit crime are listed hereunder:

1. In India, major and topmost reason for a child to commit crime is poverty.
2. Peer group influence and bad company.
3. Parental criminality.
4. Mental illness.

5. Drug and alcohol abuse.
6. School exclusion.
7. Exposure to media.
8. Certain physical conditions.

The said reasons are also attributable to certain factors which a State, Society and Parents can address and change the course of a child. Parents play an important role in the upbringing of a child and it is the duty of parents to never let a child choose a path that is harmful to him/her. The various roles a State, society and parents play in preventing juvenile crimes are stated below.

Role of a State in preventing Juvenile Crimes:

As the study is limited to Karnataka, the various rules governing the juveniles and the roles to be played by it are taken into consideration.

The Karnataka Juvenile Justice (Care and Protection of Children) Act, 2002 was enacted on 26th September, 2002 for protecting and rehabilitating the children who commit crimes thereunder.

The roles to be played by the State to decrease juvenile crimes and to protect their interest are listed hereunder:

1. It is necessary for a State to create public agencies or private to prevent a child from recommitting crimes.
2. Proper training to the staff of the Homes who attend to a children to bring about change in them.
3. Proper treatment for a child with mental disability and guidance as to handling a child who is suffering from mental trauma.
4. Organization, Homes and Board must help the parents in realizing the importance of giving attention to a child.
5. Under privileged and abandoned children must get proper care in order to make them more viable towards a society as re-committal of crimes among those children are spiking.
6. Children in slums are to be given importance and organization must be created to educate a child and also educating parents to send their child to a school.
7. Child begging should be completely curbed as it is practiced in certain places and the people who are influencing them to beg should be punished as there is high percentage of those children becoming delinquents.
8. The state must take necessary precaution in curbing drug abuse by children as the easy availability of drugs to children has become problematic.
9. The cases in Juvenile Justice Board are to be disposed of more quickly and the accessibility of records are to be provided.
10. More child friendly rights are to be implemented.
11. Rehabilitation of children should be given more importance so as to see that a child's self-esteem should not fail and to ensure their social reintegration.
12. School dropouts are becoming antisocial and it they are to be handled carefully.

Role of a State in preventing Juvenile Crimes:

Society has a major role to play in prevention and treatment of juvenile crimes. It is always best to intervene early in order to prevent juvenile

crimes. It is the collective effort of an individual, group and society to refrain a child from committing crimes. Identifying the environmental risk factors for a child to involve in crimes and curbing it or strengthening resistance to it can impact a child in a positive way. School environment and group influences should be monitored in order to prevent onset of a criminal activity by a child. Community support and intervention at right time can change the course of upbringing of a child. Youth recreation programs, school training and helping a child to tackle academic vulnerability and developing about a more positive approach about life can promote competence and preventing crimes.

Role of a Family in preventing Juvenile Crimes:

Family is a primary institution for a child and plays the most important role in preventing juvenile crimes. Love and affection from parents should not be deprived and it is duty and responsibility of parents to safeguard a child from venturing into wrong path and committing crimes. Moral and traditional values are to be instilled in a child for better understanding of situations and circumstances and dealing with it accordingly. To some extent traditional principles and beliefs are to be rooted in the children which the elder generations had as independent youth are committing crimes without realizing it. To make a child a better citizen of the Country, it is the duty of parents to protect their interest and not to deprive them of love, care and protection. Proper socialization of a child also prevents a child from committing crimes as it helps a child to future role, responsibilities, participation and partnership of young persons in society¹

CONCLUSION:

Determination of how much attention our society pays to the issues of juvenile crimes can significantly change the value of the next generation. Government, Juvenile Boards, society and family have a role to play in solving the issues. Prevention is always better than cure as juvenile crimes are to be curbed and the future citizens of our country i.e., children of today are to be guided in a coherent way. The juvenile crimes in India are less compared to the other countries and there is vacuum to fill in and ensure that the children get adequate care, love, affection, care and protection to refrain themselves from criminal activities. Support and strengthening of vulnerable children can take them a long way and uplift their resistance. Child friendly laws and proper and effective care by Juvenile Boards are to be implemented. Let the children of today be guided become a good citizen tomorrow whom the nation appreciates.

REFERENCES

1. Juvenile Justice Act, 1986.
2. Juvenile Justice (Care and Protection of Children) Act, 2000.
3. Juvenile Justice (Care and Protection of Children) Act, 2015.
4. The Children's Code by V.R. Krishna Iyer.
5. Juvenile Justice (Care and Protection of Children) Act, 2015: Critical Analyses by Ved Kumari.
6. United Nations Guidelines for the Prevention of Juvenile Delinquency.
7. United Nations Rules for the Protection of Juveniles Deprived of their Liberty.
8. 2013 (3) SCC (Criminal) 686.
9. 2011 (15) SCC 232
10. 2009 (1) R.C.R (Criminal) 112.
11. 2016 (1) Recent Apex Judgments (R.A.J) 18.
12. 2013 AIR (SCW) 2116.
13. 2009 (2) R.C.R (Criminal) 878.
14. 2017 AIR SC 2161.