

Offence Against Child

JUVENILE CRIMES IN INDIA AND THE LAW

- Children are considered to be gifts from God and are greatest personal as well as national assets. We as individuals, parents, guardians and society as a whole have a duty that children should be allowed and provided opportunity to grow up in a healthy socio-cultural environment so that they could become responsible citizens, physically fit, mentally alert and morally healthy.

- It is the duty of the State to provide **equal opportunities** for development to all children during the period of their growth which would reduce inequality and ensure social justice.
- Children are expected to be obedient, respectful and have virtues and good quality in them. However, due to various reasons certain percentage of children do not follow settled social and legal command.
- Such children are most often than not get involved in criminal behaviour which is known as juvenile delinquency or juvenile crime.

- Crime by juveniles is a harsh reality in India. In recent times juveniles were found to be involved in most heinous of the crimes such as murder and gang rape. It's a disturbing trend and society as a whole is painful 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.

WHO IS A JUVENILE?

- Juvenile means a person who is very young, teenager, adolescent or underage.
- In other words, juvenile means children who have not yet reached the age of adults in the sense that they are still childish or immature. Sometimes the term “child” is also interchangeably used for the term “juvenile”.

Legally speaking

- A juvenile can be defined as a child who has **not attained a certain age** at which he can be held liable for his criminal acts like an adult person under the law of the country.
- Juvenile is a child who is assumed to have committed certain acts or omissions which are in violation of any law and are declared to be an offence.

In terms of law

- A juvenile is a person who has not attained the age of eighteen years.
- It has a legal significance. As per the Juvenile Justice (Care and Protection) Act, 2000,
- a juvenile shall not be treated as an adult even if he/she is involved in any criminal acts for the purpose of trial and punishment in the court of law.

DIFFERENCE BETWEEN A JUVENILE AND A MINOR

- Though in common language we use both the terms interchangeably but ‘juvenile’ and ‘minor’ in legal terms are used in different context.
- The term juvenile is used with reference to a young criminal offender and
- the term minor relates to legal capacity or majority of a person.

Juvenile Crimes in India

- Petty crimes in general and heinous crimes in particular are being committed regularly in India by children.
- Crimes such as **theft, burglary, snatching** which are not so serious in nature or crimes such as **robbery, dacoity, murder and rape** etc which are relatively serious are on the rise in whole of the country.
- And the unfortunate thing is that all types of these crimes are also being committed by children below the age of 18 years.

Statistics

- The statistics also show the number of juveniles found to be in conflict with law under the IPC
- 13.6% and 2.5% respectively in 2013, as compared with 2012.

- The recent inhuman gang rape of a young girl on December 16, 2013, shocked the collective conscience of the nation. The brutality with which the heinous crime was committed was most shocking; it was later found out that among five accused, one was minor and he was the most barbaric one.

REASONS FOR JUVENILE CRIMES

- No one is a born criminal.
- **Circumstances** make him so. Socio-cultural environment, both inside and outside of home, plays significant role in shaping one's life and overall personality.

- Some of the most common causes which are associated with juvenile crimes are:
- Poverty;
- Drug Abuse;
- Anti-social Peer Group;
- Easy availability of firearms;
- Abusive parents;
- Single-parent child;
- Nuclear Family;
- Family Violence;
- Child sexual abuse and Role of Media.

In India

- **it is Poverty** and the effect of **media**, especially the social-media which make juveniles more inclined towards criminal activities.
- **Poverty is one of the biggest causes which force a child to get involved in criminal acts.** Also, role played by social media today which is having a more negative than positive imprints on young minds.

"child in need of care and protection" means a child

- who is found without any home or settled place how to check all transactions in bhim pnb app how to check all transactions in bhim pnb app or abode and without any ostensible means of subsistence,
- who is found begging, or who is either a street child or a working child, [
- who resides with a person (whether a guardian of the child or not) and such person-
- has threatened to kill or injure the child and there is a reasonable likelihood of the threat being carried out,
- has killed, abused or neglected some other child or children and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person.

- who is mentally or physically challenged or ill children or children suffering from terminal diseases or incurable diseases having no one to support or look after,
- who has a parent or guardian and such parent or guardian is unfit or incapacitated to exercise control over the child,
- who does not have parent and no one is willing to take care of or whose parents have abandoned or surrendered him or who is missing and run away child and whose parents cannot be found after reasonable inquiry,.

- who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse or illegal acts,
- who is found vulnerable and is likely to be inducted into drug abuse or trafficking,
- who is being or is likely to be abused for unconscionable gains.
- who is victim of any armed conflict civil commotion or natural calamity;