



FAMILIES & CRIME

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Abstract

Studies show that Family Anatomy is of great significance in demonstrating criminality among adolescents. Juvenile Delinquency is one of the consequential problems of deviation which the striplings of almost all the contemporary societies of the world are facing in the present era. This research paper will confer about Families and Crime under Criminology and Criminal Injustice. The research findings in the paper would be divided into six sections, initiating by linking Parenting to Delinquency, which is a most widely obtained finding in Criminology, explaining that the family comprises of the basic ecology in which the child's conduct is manifested by way of positive or negative reinforcement. Additionally, the paper will discuss about the Corporal Punishment Controversy, i.e. deliberately causing physical pain to someone, often practiced on minors, predominantly at home or at an educational institution. Further, listing the Effect of Poverty and Neighborhood Conditions, which signify the disorderly effect on classification of parenting and being a reason for a child's atypical behavior. This paper will also talk about connecting Childhood Delinquency and Adult Crime, which can be briefly summarized as the correspondence between childhood conduct complications and adult antisocial etiquette. Adding to the above mentioned information, this paper will classify points regarding

Marital Rape and Violence, discussing the punishment under Protection of Women from Domestic Violence Act, 2005 (PWDVA). Moreover, this paper will confer to Child Maltreatment which is a very recurrent topic of argument for the scholars in the 21st Century. Forbye this, the paper will be terminated with a conclusion affirming that we have acquired knowledge from it. Hence, the research has been confined to a finite perspective.

Keywords: Delinquency, Criminology, Adult Crime, Violence, Adolescents.

INTRODUCTION

Present day theories pay high attention to personal attribute to justify the wrong doing and in what means a human can deliberately maltreat others. The criminal mind has always been in search for new chances to carry out crime – often un-precedented ways so as to get away with the law, making crime a spirited event. This is the every time situation that the abnormal conduct is initiated and the measures to intercept the conduct by ratification of legislation to punish, follows behindhand. Criminology, as the name suggests, as a technological discipline in India, has evolved remarkably in a twenty years time span. The number of organizations contributing in Ph. D courses are multiplying, with the standard of yearly meetings of the Indian Society of Criminology (ISC – Established 1970) is ameliorating and hence forth the degree of international commitment in these meetings is enlarging with every event. Also noting, the emergence of the South Asian Society of Criminology and Victimology (SASCV – Established 2009), a decade ago, has affected the Indian Society very significantly. The



society works in encouraging Criminology and Victimological education in South Asian countries. It being the youngest society of Criminology in India, has come up with expanding paths for publishing professional facts and also in developing the institution of peer-reviewed seminars on areas of Criminal Justice and Crime in South Asia. Domiciliary Violence or Family Crime has been acknowledged as a serious issue worldwide and one which not only has multiple damaging effects on family members, but also “expensive for women, the society, and the country as a whole”.

HISTORICAL PERSPECTIVE

Understanding the current state of the system of Juvenile Justice in India, it requires a look to be taken back at History. It is difficult for Scholars and Historians to come to same terms on the legal basis for the new Juvenile Court. According to some, it can trace its beginnings to High Chancery's English Federal courts. The Juvenile Justice system in India, which originated during the British rule, was the direct result of Western ideas and innovations on prison reforms and juvenile justice. The changes made to deal with delinquent juveniles by Britishers in India were not confined to those practiced in England alone. Under the Madras Children Act, 1920, the Juvenile Court was nothing different from the English Children Act, 1908. Nevertheless, subsequent Children Acts dispensed with the involvement of attorneys in accordance with the lines of the *Parens Patriae* model of the American Juvenile Courts. Throughout ancient civilizations, Corporal Punishment has been a popular form for punishing criminals. Not only on children, but also on adults, it has melted out. Its history can be traced back to

the Middle Age until the nineteenth century, when it was handed out as a punishment for minor crimes and illegal acts. Flogging was a common practice in the British Army and Navy, a form of corporal punishment where a person is whipped with a rod or whip. It was scrapped as a disciplinary measure from the Army and Navy in 1874. Like other forms of sexual assault, Marital Rape, was considered a private trouble not a public issue. The assault was defined by early rape laws as a property crime against the husband or father whose wife or daughter was "defiled." Under this framework, marital rape was an oxymoron as a wife was legally the sexual property of a husband. Taking into consideration, the historical perspective of delinquencies, the phenomenon of child abuse and maltreatment is deeply rooted in our cultural and religious history. It is as old as civilization itself. Yet the fact of child abuse has remained largely hidden and suppressed. Reform movements that have pointed out the horrors being committed upon children and attempted to provide some protection have occurred at intervals, but in time the shocking facts of mistreatment seem always to have been avoided or forgotten.

LINKING PARENTING TO DELINQUENCY

Parenting techniques differ from societies to societies. The Earth is a massive place consisting of a diversity of people having various ways of livelihood. Whereas, culture is the most important ingredient. The economic condition and degree of lifestyle as well, has an effect on parenting. By the time there are familiar set of morals in various cultures like Integrity and Honesty, the moral structure maintains division on some of the vital angles of parenting, epitomizing the



comparison of the Indian technique with that of the west.

There is substantial proof to propose that a family plays a vital role in the evolution of adolescent delinquent behavior. Family works as a successful representative of socialization. The operation of socialization starts from the initial days of a child's birth, with a primary source being the parents. Studies have proved that if the connection between the parent and the child is weakened, then the possibility of risky functioning increases. Furthermore, if the emotional bond is strong enough, the risk of problematic functioning in a family decreases. Hence, parental connection firmly puts down adolescent action in delinquency. This, caring, loved and responsible parenting connection comes up with strengthening adolescent-parent bond and decreases the possibility of delinquency being involved. The more powerful this attachment bond gets, the more the possibility of the adolescent to take into account when the person considers a criminal act. The truncated levels of emotional closeness to parents foretells participation in delinquency. In any case of race/ethnicity, class, caste or peers delinquency. Thus, a massive agreement of investigation has paid emphasis on the significance of adolescent's connection with parental figures in bringing down the possibility of delinquency or crime as a whole.

With a couple of years that have passed by, a large number of studies have found out and revealed that parent-adolescent communication is emphatically related to adolescents' academic attainments, self-esteem, and mental health, as well as inversely linked to adolescents being lonely and depressed, consumption of drugs and

alcohol, and various others factors and abnormal behaviors. It has also been noticed and taken into consideration that family disclosure skills between parent and adolescent, specifically in socioeconomically disadvantaged families, play an important role in the upbringing of different varieties of psychosocial adjustments among children and adult youth.

PREVENTION OF JUVENILE DELINQUENCY

In order to put a stop to Juvenile Delinquency, we have to come to terms with socially maladjusted youth and kids who have been a part of conflict with law, and also with those youngsters who are generating disharmony in educational institutions and roads, while not violating the law. Safeguarding is thus a necessity for such youth. If this youth is not safeguarded, then they would become the persistent wrongdoer. The children make blunders, and get excited and fail to behave with respect to legitimate expectations. Firstly, we must identify the young criminals timely and further come up with genuine and proper treatment. This youth, which is identified, might change to persistent wrongdoers if they are not recognized on time and prevented from committing the crime.

CORPORAL PUNISHMENT

Corporal Punishment or physical abuse punishment is penalizing, proposed to cause bodily pain to a human being. It is mostly practiced on minors, specifically in homes and educational organization settings. Common methods consists of spanking or paddling. It has also in the previous years been reckoned that it is used



on adults, particularly on prisoners and enslaved people. Corporal Punishment of youth- most frequently known to people as ‘any punishment, which includes physical abuse or causing pain or discomfort to a human being forcefully’- is now extensively known as a difficult form of regulation. Youth put through the Corporal Punishment at home are at much higher risk for a diversification of mental health issues and trauma as well as settling parent-adolescent relations in accordance to a current meta-analytic response. For example, the youth and adolescent that are quiet often hit by their parents, tend to evolve with a behavior of aggression towards people and reflect symptoms of anxiety, depression and various other disorders which affect one’s mental health. The pessimistic relations with parental Corporal Punishment have been duplicated in scores of studies with millions of adolescents, even though, the consequences sizes rely upon the result of the variable and study pattern. In spite of the wealth of research studies, which addresses organizations between Corporal Punishments by parents and the functioning of the child, there is scarcity of empirical proof on the clash of educational institutions’ Corporal Punishment on the students. Furthermore, kids and adolescents are most oftenly slapped, paddled or physically caused harm by the teachers and professors and educational administrators in a large number of countries, across the globe. Thus, school Corporal Punishments carry on to be legally sanctioned in 73 Countries.

There is national and international analysis about the consequences of Corporal Punishment upon adolescents, and its innuendos for their volume to benefit from educational institutions, even though

Corporal Punishment is still vastly used in educational organizations all around the globe, in spite of being banned in national legislation in most countries. Nonetheless, the subject matter is still under-researched and lacks more detail studying in developing countries. In India, Corporal Punishment is practiced in schools and even in higher educational platforms such as colleges. Most specifically these punishments are given to adolescents to teach them moral values and social manners. These practices have been happening in India culturally for a relatively long time.

Parents and adolescents in variety of cultural gatherings may interpret Corporal Punishment as either a suitable and effective discipline strategy or plan of action, or not relying on the norm of Corporal Punishment within their group. Although Corporal Punishment is more often than not related to more behavioral issues no matter any cultural group, this alliance is not strong enough in countries where Corporal Punishment is the rule. Still philosophies in which Corporal Punishment is the norm, also have increased standards of societal brutality. The United Nations Convention, on the Rights of the Child has changed global attention to removing all forms of brutality and violence against adolescents and kids, including parents' use of Corporal Punishment, and the United Nations and the World Health Organization are functioning very hard to bring change to traditional rules about the appropriateness of Corporal Punishment and thus to execute and put into action, the parenting programs formed to decline parents' usage of such brutal punishments.

CASE STUDY 1: Lavanya



A school going girl's cry made the entire institution cry as an aggressive professor punished her extremely badly

Lavanya, a grade 5th girl was maltreated severely by her belligerent Professor Shalini in Global Girls' School, Hyderabad. One day the Professor asked Lavanya, to write Math numericals in a traditional way on a banana leaf, with a wooden pencil. Lavanya failed at doing her assigned work due to some problem at her house. The Professor then began to beat her in an inhumane way that Lavanya began to bleed. Children of the school and classmates of Lavanya, helplessly cried and shouted in the classroom. The Professor left the class, but the condition tend to become serious and worse as from each and every class, girls came out to see Lavanya. No person carried out being silent there. All of the children started crying while watching Lavanya's blood-flowing wounds. Finally each girl of the school came out of the property and cried terribly. The condition got worse and got out of hands. The Professors and faculty in the school criticized the situation, which was a result of the violent behavior of their colleague. Some of the outside people came into the school and demanded that the belligerent Professor must have to leave the school.

The issue was taken into consideration to the notice of the higher authorities and the Professor was suspended for a time span three months.

The action taken by the authorities against the Professor was quick. The children did whatever they could to list a protest. The public played its part in a small way. This must have sent an indication in an indirect way that Professors must not beat the children and the youth. The interrogation arises whether a Professor like Mrs. Shalini

in our educational institutions, ever give such Corporal Punishment? No teacher would, if a person's acts of giving Corporal Punishment are deplored by each and everyone who has been a part of such an incident or someone who has even heard about it. A strong reaction will help the other Professors as well as the parents to understand that there is no necessity for Corporal Punishment. There needs to be an understanding on our part as Professors and parents to save the youth from physical abuse, emotional un-stability and mental trauma.

PREVENTION OF CORPORAL PUNISHMENT

Researchers and Psychologists who are against the use of Corporal Punishment refer to their studies that the teachers at educational institutions should thrust non-physical regulatory measures as an alternative to thrashing. They put forward a study that teachers need children to write down a declaration which explains the pessimistic results of their behavior to say sorry for their wrong doings in front of their classmates. Trainers can need the disobedient adolescent to sit on a chair or a mat at the back of the classroom and to retrospect about his/her wrong doings and of the various techniques to ameliorate his/her behavior.

The National Commission for the Protection of Child Rights (2008) provided a set of instructions on "Corporal Punishment" and directs the education departments of all the States to ensure the following: -

1. All children are to be brought to notice through campaigns and publicity drives that they have the Right to Speak against Corporal Punishment and bring it to the notice of the



higher bodies. They must be given confidence to make complaints and not accept punishment as a 'normal' activity of the school.

2. Every school, including hostels, JJ Homes, shelter homes and other public institutions meant for children must have a forum where children can put forward their views. Such institutions could take the help of an NGO for facilitating such an exercise.

3. There has to be a monthly meeting of the PTAs or any other body such as the SEC/VEC to review the complaints and take action.

EFFECT OF POVERTY AND NEIGHBORHOOD CONDITIONS

In a primarily agricultural society, being predominantly a rain-fed economy, economic growth is carefully tied to agricultural output. Intense weather conditions, which result in drought or flood, are put together with poor harvesting and complete crop destruction. With such results, loss of a year's harvest, aside from leading to about near-famine situations, can effortlessly compel farmers into extreme poverty conditions.

Poverty has long been a topic of interrogation and of great interest within a vast variety of subjects. Multiple scholarly regulations, which include Economics, Political Science, History and Anthropology, have deeply been studied and reported that poverty and crime go hand in hand. The literature marks differences between *Absolute* poverty (i.e., lack of material necessities for existence) and *Relative* poverty (i.e., utmost income inequality). A great deal of past studies has

recorded that absolute poverty is linked with greater property crime rates, while relative poverty has been associated with the outpour of hostility and brutal crime.

In basic economic study of delinquency, originally brought forward, said that individuals are more probable to get jumbled in delinquent pursuit when they get exposed to a pessimistic income shock. This form of judgment is enclosed in expression of an *opportunity cost model*; as income levels decrease as a consequence of adverse situations, getting involved in crime becomes more favorable relative to engaging in increased "peaceful" economic activities. As far as the theory of foundations of poverty and crime is concerned, it has been well accepted on the factual basis for such an argument is given thought to being speculative at best. One reasonable clarification for this being left out is the endogenous bonding between poverty and crime: economic conditions decreasing at a high rate may approve criminal activity, since a large number of people are probable to get involved in delinquency, as a substitute source of money earned, whilst increasing standards of delinquency may erode the economic stability, investment, and productivity.

Violent delinquency also has an extraordinary sturdy role in explaining neighborhoods. A research of neighborhoods in 22 cities signals that standards of brutal crime in a neighborhood, specifically robbery and exasperated physical attack, strongly tells about residents' ability to see crime, whereas property crime has hardly any outcome. An arrangement of research further suggests that violent delinquency diminishes neighborhood property values more than property crime does. View points also differ



among various groups of societies. People residing with adolescents and longer-term residents, for instance, perpetually recognize higher standards of crime and imbalance than do their neighbors. Commitment on where to move thus reflects concerns about safety and security. People with housing choice vouchers, for example, consistently rate a comparatively safer environment as their top priority.

International institutions also blame delinquency – which includes corruption, for laying down Africa's risk at chances of expansion and enlargement in the present days. The same goes for Latin America. Crime has this volume to give rise to vicious cycles being the cause of unemployment, economic deterioration and instability. Poverty and delinquency amalgamated together leave people with two choices: either to get involved in delinquent undertakings or attempt to make findings of legal but pretty limited sources of money inflow- when there are any obtainable at all.

PREVENTION OF POVERTY AND NEIGHBORHOOD CRIMES

At this point unemployment is already spread across the whole economy, except this time poverty and delinquency are marked by brutality in view of the fact that these adolescents lack sense of the most basic and simple social regulations and behaviors. One solution for Clear is to renovate societies with community policing game plans so that justice works in accordance with the public instead of going against them, and furthermore hoping that conviction in the structure can moderately be escorted back in.

Finally, increased standards of welfare backing are powerful enough to be linked delinquency reduction. Now that may seem disputable to some, but it's not. Basically put together, countries that amalgamate social welfare in their "war on poverty" and declare that it has been pointless disregard the certainty that the war was at no time, properly fought. Outcome of it, the results are biased and strategies highly inefficient in view of the fact that lack of monitoring and development of the various policies that were tested. A failure does not every time mean that the idea was bad, but sometimes that you must just improve the system step-by-step. That's how we, humans, gain an understanding of it.

Coming to blows with poverty should be more of a long-term communal justice plan, but welfare backing has been disproportionately lower. In many scenarios, weakly designed welfare policies has caused harm to the very concept of welfare and has led many countries to turn one's back on welfare strategies to bring down poverty and delinquency. And thus, researches have proved that the link between poverty and welfare reduction is inconvertible in many cases. Given the entire connection between poverty and delinquency, any strategy serious about handling crime has to take poverty reduction strategies into consideration.

CHILDHOOD DELINQUENCY AND ADULT CRIME

Childhood Delinquency means taking part of minors or the youth in illegal affairs. Different legal systems across the globe have adopted important techniques to deal with juveniles who are criminals such as Juvenile Justice Courts, Observation Homes, etc. A child delinquent in India is a person who is



below the age of 18 and has been a part of a criminal act, which is banned under the Indian Penal Code, 1860 and otherwise would have been imposed with the delinquency if they have been adult. Depending upon the seriousness of crime and the condition of his/her mind of the juvenile while performing the act, it is quiet feasible for people under 18 years of age to be tried as an adult.

Crime on its own is socially unacceptable and inadequate adjustments on the part of a person to problematic situations. The elements that go to make up these problematic and difficulty causing situations, combined with the mental and physical condition which influences a person's capacity to alter, account for the causes of crime. Each adolescent delinquency is the result of a complication of causes, some of whose beginnings date back to years before the act of committing crime or the offense and others whose origins are more evidently and straight away lined with the act of crime. It has been proved that a variety of causes are a part in each individual scenario. It is therefore out of the question to state the causes, which will every time have an outcome in any particular offense.

The community has gone through enormous change when it comes to ideologies, view-points and its moral and ethical backgrounds. Something that was taken into consideration as immoral, about 10 years ago is no more seen the same way in the same light. The longing for a good life, superior chances and comfort has indeed opened new paths for growth and development. Even now, the same aspirations have guided us into a rapidly moving way of life with a slighter

time for ourselves and individual self-analysis.

Currently, around 42% of India's economic population is below 18 years. The modern times have observed some of the most violent and horrendous delinquencies being committed by the adolescents. Some of the infamous crimes are as follow:

1. *The Nirbhaya Case*—On 16-12-2012, the capital of India, New Delhi, observed the most atrocious crime in the history, whereby a student pursuing physiotherapy was brutally gang raped in a moving bus in which she was travelling in with a male friend. One of the offenders was below the age of 18. This was one of the well-known cases that brought out the imperfection of the then juvenile system.
2. *Hatigaon Rape case*—In September 2013, a gang of five boys (juvenile) in the age group classification of 12 years to 16 years; raped a 12-year-old minor female, by pulling her forcefully to a stranded place and started raping her all night. These men were neighbors with the victim minor girl.
3. *Mayur Vihar Murder case*—In November 2013, a group of five under age people allegedly murdered a jeweler's wife in New Delhi's Mayur Vihar and ran away with jewellery and money.
4. *Minor "Rape and Murder" case*.—In April of 2015, Chandigarh Police apprehended a juvenile for the abduction and assassination of a minor female.
5. *Mercedes Hit and Run case*—In July 2016, it was the initial case post the ratification of the new JJ Act, 2015 whereby the offender,



charged was tried as adults. The offender, 17 years and 11 months old, ran over a 32-year-old retail executive while driving his father's Mercedes.

6. *Jhabua Murder case*—On 1-3-2017, the very initial case after the amended JJ Act came into action, two minors — aged 17 and 16 years respectively, were sentenced to life imprisonment. The two accused offenders stabbed the deceased (teenager) over a matter of 800 rupees.

PREVENTION OF ADULT CRIME AND CHILDHOOD DELINQUENCY

A number of India's implementations make noise of a fondness for social instead of judicial advances in scheming juvenile crime. The elimination of juvenile delinquency is a very important subject of total crime precaution in the community. It is astronomically believed that the initial-phase of involvement signifies the finest advancement in having precautions for juvenile delinquency. Precaution needs personal, group and institutional attempts which have a goal for keeping adolescents from breaking the law. Various countries use varieties of techniques to dispirit delinquent and criminal behavior. A few pay attention on penalizing precaution deliberate to frightening potential accusers by being sure of the fact that they understand the probability of occurrence of severe punishment, or action may be considered to prevent current delinquency, which comprises of explanation of the pessimistic aspects of a crime to a delinquent and participating to reunite offenders and their victims.

Some preventive measures inside the economic sector, professional development programs are being established to lay out legal substitutes for money inflow generation. Contributing adolescents and young people with increased and high economic opportunities, advanced training and education, new work environments and help in organizing businesses can assist in preventing youth involvement in criminal activities. Educational programs are being of great support, teaching young people learn how to be a part of a positive self-appraisal, deal with disputes, and control anger and rage. The programs uncover the mythology of group glamour and assist young people in finding substitute ways to illegal behavior. A few work with troubled young people and to help them evolve the social and cognitive skills needed to prevent disputes and to control anger.

MARITAL RAPE AND VIOLENCE

Marital rape or spousal rape is the move of sexual intercourse with one's spouse without the person's consent. The absence of consent is the most important factor and need not involve physical violence. Marital rape is taken into consideration as a form of domestic violence and sexual abuse. Even though, in the past times or a few decades ago, sexual intercourse within marriage was considered as a right for spouses, being a part of the act without the spouse's agreement is now extensively considered by law and society as a wrong doing and as a crime. It is considered as rape by a number of communities across the globe, rejected by international conventions, and increasingly criminalized.

The problem of sexual and domestic violence within marriage and the unit of



family, and more importantly, the problem of violence against women, have come to developing international attention from the second half of the 20th century. Presently, in many countries, marital rape either remains not included in the criminal law, or is illegal but widely tolerated. Laws are hardly being enforced, due to factors varying from unwillingness of authorities to pursue the crime, to shortage of public knowledge that sexual intercourse in marriage without consent is an illegal act.

Domestic violence in India's economy consists of any form of violence suffered by an individual from a biological relative, but generally, it is the violence suffered by a female by male members of her family or relatives. As per the terms of a general National Family and Health Survey in 2005, complete lifetime prevalence of domestic brutality was 33.5% and 8.5% for sexual brutality amongst females from the age group of 15–49. A 2014 research in *The Lancet*, reports that the noted sexual brutality rate in India is amongst the lowest in the world, the massive number of population of India signifies that the brutality affects 27.5 million females over their lifetimes. Thus, a survey had been carried out by the Thomson Reuters Foundation, which has ranked India as the most threatening country in the entire world for females.

According to the National Crime Records Bureau report of 2012, India states a noted crime rate of 47 per 110,000, rape rate of 3 per 110,000, dowry homicide rate of 0.6 per 90,000 and the rate of domestic cruelty by husband or his relatives as 5.8 per 90,000. These noted numbers are remarkably lower than the reported intimate partner domestic brutality rates in many countries, such as the United States of America (580 per 90,000) and noted assassinations (6.2 per

100,000 all over the globe), delinquency and rape example rates per 100,000 women for majority nations tracked by the United Nations.

In the present years, courts have started to acknowledge a right to refrain one's self from getting into sexual intercourse and to be free of unnecessary and not needed sexual acts that are set out in these wide variety of rights to life and individual freedom. In *The State of Karnataka v. Krishnappa*, the Supreme Court of India held that "sexual violence apart from being a dehumanizing act is an unlawful intrusion of the right to privacy and sanctity of a female." In the exact same judgment, it was held that a non-agreed sexual intercourse results to physical and sexual brutality. Later, in *Suchita Srivastava v. Chandigarh Administration*, the Supreme Court of India identified the right to make decisions related to sexual activity with rights to individual freedom, privacy, nobility, and powerful honesty under Article 21 of the Constitution.

PREVENTION OF MARITAL RAPE AND VIOLENCE

In India, marital rape exists *de facto* but not *de jure*. While in other countries either the law making bodies have criminalized marital rape, or the judiciary has played its part and an active role in considering and acknowledging it as an offence. In India, however, the judiciary appears to be functioning at cross-purposes. Even though marital rape is the most usual and repulsive form of showing malice in Indian society, it is concealed behind the iron screen of marriage. The Honorable Supreme Court of India, the very last aspiration for ameliorating the outdated advancing towards marital rape after Parliament had hung up its boots, said



that India is not ready to take in marital rape as a crime. It is clearly visible that the makers of law have a very varied view point and trust the fact that marital rape cannot be applied in the Indian circumstances in cause of the factors like "level of education and illiteracy, poverty, social customs and religious beliefs".

Section 375, the provision of rape in the Indian Penal Code (IPC), makes noise of very obsolete point of views, touches upon its exception clause- "Sexual intercourse by man with his own wife, the wife not being under 15 years of age, is not rape."

Section 376 of IPC provides punishment for rape. As per the section, the rapist should be penalized with imprisonment of either explaining for a time period which must not be less than 7 years but which may increase to life or for a time period extending up to 10 years and may further be liable to fine until and unless the female who has undergone rape, is his own wife, and is not under 15 years of age, in which case, the husband shall be penalized with imprisonment of either explaining for a time period which may be increased to 2 years with fine or with both.

CHILD MALTREATMENT OR SEXUAL ABUSE

Adolescence is explained as the age group of 10–19 years and is subjected and differentiated by rapid changes in the biological, physical and hormonal characters of the human being, resulting into her/his behavioral, psychological and sexual maturity. In the year 2009, there were 1.2 billion adolescents across the globe and a massive majority of these, round about 88%, resided in the developing countries. India is

liable for the most numerous, national population of adolescents and children, i.e. 243 million, in the whole entire world.

Adolescence is distinguished by an extraordinary augmentation in the generality of a number of threats to adolescence, including brutality and abuse. By the year 1999, the World Health Organization Consultation on Child Abuse Prevention explained adolescent abuse or maltreatment as 'any form of physical or emotional/mental maltreatment, sexual abuse, failing to care for the person or negligent treatment or other ways of misuse, resulting in real or potential physical suffering to the kid's health, survival, involvement or dignity in the condition of a relationship of authority, trust or power.' This wide-spectrum specifies and covers ill treatment by parents and caretakers or guardians as well.

In the scenarios of both emotional and physical trauma, the immediate impact is instantly felt. However, it can also have an outcome in forever lasting physical and psychological distress.

PREVENTION OF CHILD ABUSE

1. The role of parents: Parents must teach their children about sexual advances or warnings and save them from abuse through the facts of not acceptable "bad touch". This way of communication must be frequent, friendly, and frank, and explain children how their sexuality works so that they do not unknowingly harass other people.
2. Donate money to NGOs: NGOs like 'Save the Children' have devoted services fighting adolescent sex abuse, and providing rehabs to victims who have been a part of an abuse. It conducts pan-India programs, engaging



parents, professors, societies, communities, and even children about sexual abuse. Adolescents are involved in vast number of projects on Sexual and Reproductive Health.

3. Reporting situations of child abuse: a.) Online systems for the youth to report sexual abuse. The Ministry of Women and Child Development's 'e-box', is an online portal system which enables children to file incidents and complaints of indecent touching and molestation, anonymously if they choose to do so. The mentioned reports are taken into consideration by the National Commission for Protection of Child Rights. b.) Report it to police. Police officers legally have their hands tied to address child abuse complaint. Furthermore, the POCSO (Protection of Children from Sexual Offences) Act makes it unlawful to observe such a thing and not report the suspected child abuse. The POCSO Act has gained numerous by bringing the cases to trial.

CONCLUSION

India, for all we know, is the only country across the globe, which has the doubtful contrast of having numerous number of laws to manage a country and the conduct of a society. It is thus the only nation where more or less all aspects of human behavior are sought to be governed by laws instead of through an education system or innate enlightenment which is the preserve of every egalitarian society.

In this rapidly and drastically changing world where evolvement of science and technology keeps us on the run with fast occurring incredible changes that affect our livelihood, we can't stay happy and satisfied, being confined in a straitjacketed idealist

frame of laws which have no posture on the present day condition. We have to be practical about the fact that the researcher is of the view point aiming that humans should adopt a more practical and realistic approach rather than being biased with the kind of idealism which is hardly operative in this modern time.

The researcher would like to conclude by stating a view point by saying that the general public and the people of India should take a serious initiative and have a strong belief to take a serious view of the changing trends of behavior amongst the children of our nation, which has effectively made age as too superfluous and an irrelevant factor determining who really is a Juvenile in real sense and who is not and tailor out a socio-legal plan to govern their performance in such a way that they get full opportunity to evolve their faculties without losing the bliss of their childhood such as innocence, naughtiness, playfulness, which are the basic attributes of childhood and finally turnout to be good human beings. As per the researcher's view point, the main goal of juvenile justice should be that any reaction to juvenile offenders should always be in proportion to the situations of both the offender and the offence. Only then can the people of India proudly say that their children are the main assets of the nation on whom India can stake it's bright future otherwise they would become a liability to not only the parents but to the society as a whole.

-Kaylor, 201
