

JUVENILE DELINQUENCY : ITS TREMENDOUS IMPACT

Sujata Dahiya
Research Scholar
Department of Law,
Kurukshetra University,
Kurukshetra.

Abstract

Juvenile delinquency is a heinous offence & it is harmful for the society as well as for our nation. More & More involvement of youth in crime become a serious concern for the whole nation. Children are the asset of every nation if we lost our assets then there is no existence of us at all. A child who has not completed 18 years of age is called Juvenile. Juvenile delinquency involves wrong doing by a child or by a young person who is under an age specified by the law (for the time being in force) of the place concerned. Nautiness becomes nauseating only when it cross the limit of tolerance & becomes such an anti-social element in the society that is not only cause disturbance but prove injurious to every living as well non-living creature. After Nirbhaya Murder case (16th December 2012), the law face Nationwide criticism due to its ineffectualness against crimes when Juvenile get involved in such serious offence like Murder & Rape. The Juvenile Justice Bill 2014 was passed by legislature in Dec 2015, & it become Juvenile Justice Act 2015, it come into force from 15th January, 2016. Juvenile crimes are drastic reality to reduce it act must be efficaciously implemented along with lot of consciousness. The paper try to show the causes of Juvenile delinquency & its tremendous Impact on the society along with it, also discuss the constitutional provisions enacted by legislature for the proper growth, development, care & protection for the children.

Keywords:

Doli incapax, Juvenile Justice system, Child rights, Juvenile Delinquency.

1. INTRODUCTION :

"I am the child, all the world waits for my coming.

All the earth watches with interest to see what I shall become,

civilization hangs in the balance, for what I am, the word of tomorrow will be.

I am the child, you hold in your hand my destiny,

you determine, largely, whether. I shall succeed or fail,

Give me. I pray you, these things that make for happiness.

Train me, I beg you, that I may be a blessing to the world.¹

-Maine Gene Gole

In the last few decades, crime rate by the children under the age of 16 years has increased. Increasing crime rate of children become a serious concern for the whole of the nation because children are the rock

¹ M.C. Mehta vs. State of Tamil Nadu, AIR 1997 SC 699.

every nation on which future of nation built if we destroy our assets then no Existence of nation possible. Under the Indian Laws, Section 2 (K) of the Juvenile Justice (Care & Protection of Children) Act, 2015 Juvenile is a person who below 16 years. Before Juvenile Justice Act of 2015 age bar for Juveniles was 18 year. In fact, the age of Juvenile under the Indian legislation has taken variation in temporal and spiral perspectives. It varies under 14 to 18 years under different Indian law and state. Juvenile children are entitled to the take care, even after hundred mistake. Children nature and solicitude are responsibility. Children programme should find a prominent part in our National plans for development of Human resources, so that our children grow up to become robust citizens, physicals fit, morally Healthy, Mentally alert, endowed with the skills and Motivation needed by society. Equal opportunities for development of all children during the period of growth should be our aim, for this would serve our larger purpose of reducing inequality and ensuring social justice.² A juvenile delinquent may be regard as a child who has allegedly violated some law, under which his / her act commission or omission becomes an offence.

2. Meaning and Concept of Juvenile Justice:- (Justice to children)

Justice to all children below the age of definite age as prescribe by law is Juvenile Justice. Juvenile Justice has wider scope and include Justice to all children those need of care and protection, child in contact with Law and in conflict with law.

2.1 Juvenile in Conflict with Law:

Sec 2 (1) of Juvenile Justice Act 2000, say that a Juvenile in conflict with law means a juvenile who have alleged to committed on offence. According to this system juvenile cannot be kept in Jail or lock up in any situation. Observation home should be provided to delinquent Juvenile for their reformation. The aim of these system is to inquire whether the Juvenile can be restored society. The Juvenile Justice board as an appropriate authority to deal with Juvenile punishment is not the motive of the system.

2.2 Child in Need of care and protection :

Section 2(d) of JJA 2000 defines child in need of care and protection to mean a child who is being or is likely to be tortured or exploited for purpose of sexual abuse or illegal act under this system child and welfare committed is constituted to provided care and protection to child its depend upon the committee to make appropriate order for the purpose of Juvenile social rehabilitation, social reintegration through adoption, sponsorship etc and also provide them opportunity to keep them in rehabilitation centre until they complete the age of 18 year.

2.3 Child in contact with Law:

Section 2 of JJA 2000 define "child in contact with Law is child who is deprived from using their fundamental right, abused for criminal activities and victim of crime. The main object of this system to provide protection and security to aggrieved child and give harsh punishment to perpetrator of offence and child must be protected from humiliation after commission of alleged offence.

² AIR 1984 SC 469, Lakhni Kaut Randey v. Union of India.

3. What is Juvenile delinquency?

Delinquency occurs in a child when his anti-social tendencies appear so grave that he becomes or ought to become the subject of official actions."³

Juvenile delinquency involves wrong doing by a child or by a young person who is under an age specified by the Law (for the time being is force) of the place concerned.⁴

4. Factors responsible for Juvenile Delinquency:

In every society and in every nation, the man and crime are the two parts of the same coin. But the nature, cause and solution of this crime become more painful when Juvenile offenders is connected with crime.

Juvenile offenders are big blemish on the reputation of our society as well as country because in this age when youngster should think about their education and carrier instead of thinking it they make their involvement in wrong and anti-social acts which prove injurious to themselves as well as for society and to children those who are neglected by their parent mostly become the victim of Juvenile delinquency.

There are several factors which are responsible for Juvenile delinquency.

4.1 Psychological Factor - Psychological - Factors may be divided in to following step :-

a) Psychopathic Child :

These children are considered as some type of mental illness. Their behaviour is not normal and there are not easily adjustable in the society and their behaviour also remain out of control.

b) Emotional Conflict and Instability

When the children are ignored and neglected by their parents and they feel that no body loves and care them. Then they move to in the bad society and do such act which are against the norms of the Law and society (anti social activities), become Juvenile delinquents.

c) Mental Deficiency

Only cause of crime is only feeble minded because of deficiency the man doesn't have the knowledge of right or wrong. It is also considered the main cause of crime. Feeble minded persons may be provoked to crime.⁵

4.2 Sociological Factor

We also discuss sociological factor given below :-

a) **Association :** It is considered as most powerful weapon which encourage the children to enter into delinquency which prove detrimental to them as well as for the society if the child join the bad society than obviously he will do wrongful act and by doing this he will become Juvenile.

³ According to Civil Burt

⁴ The view of Dr. M.J. Sethna about Juvenile delinquency.

⁵ Goddard views about delinquent children in criminology.

b) **Humorous Literature:** Now a day modern Literature become cheap and crazy and attract our young generation in these literature in the sake for getting sex education they go in the dark and lost their character and indulge themselves in the crime like Rape and outraging the women modesty and become Juvenile delinquent.

c) **Motion Picture :** Cinema also play powerful role recreation for announcement but it effects goes in negative way on our youth the dirty dressing sense, song and movie of cinema creates bad impression on the mind of our new generation and facilitate them to move on the path of crime.

d) **The Newspaper :** Today newspaper also play a vital role for increasing crime rate by children. Now a day's newspaper has become professional with a motive to earn more and more money. Today crime are published in a such way to give wrong message to the delinquents by reading this type of news they are unable to control their emotions and indulge themselves in anti social activities.

4.3 **Physical Factor they are also responsible for Juvenile delinquency :**

a) **Permanent weakness :** Any physical deformations ailment which makes a permanent weakness in the child when the child looks his friend to play and move but finds himself unable to do so because of physical weakness he moves toward the path of delinquency.

b) **Physical Deformities :** Physical deformities also play a vital role in increasing crime rate. The doctrine of Lombroso is very helpful in discussing this factor. The blindness dumbness, handicappers or some other type of ugliness of children make them far from normal children and facilitate the path of crime.

Transitory weakness and physical development also considered as part of physical factor.

4.4 **Economic Factor :**

Economic factor also consider the root of Juvenile delinquency given below :

a) **Poverty:** Communities which are economically and socially lower automatically increase the rate of crime due to poverty man is not able to purchase even necessary things which are necessary to move his life and feels complex and become juvenile delinquent.

b) **Starvation:** The most economic condition is starvation. In this situation it is not possible to get appropriate food result of this worst situation thief, robbery and other crime. "Hunger and starvation tempt to bread the easy and devious path of crime."⁶

c) **Unemployment:** Due to lack of employment man is unable to maintain his life a living standard according to society and feels complex in himself and moves toward illegal act and become Juvenile delinquent.

d) **Business Cycle:** Maternal well being generally executes the vital instincts, increase alcohol consumption and their fore, increase crime against moral.⁷

e) **Residential factor :** like family disorganization, criminal parents, criminal siblings and clashing temperament also play vital role in moulding the life of good and decent child in to Juvenile delinquent .

⁶ Haikerwall, p. 87, the causes of crime.

⁷ Wankan, p. 86, the causes of crime.

5. Historical background of Juvenile justice legislations in India

Prior to coming of British in India, Juvenile delinquency was governed by customary Laws. At that time there was no specific legal provisions for Juvenile delinquent. They used to be governed under certain Hindu ethical codes concerning the treatment of children.⁸ Apprentice Act (1850), code of criminal procedure (1861), and Reformatory school Act (1876 and 1897) was such Legislations for the protection of Juvenile was passed during British rule.

under the apprentice Act, 1850 convicted children between the age of 10 to 18 year work as apprentices to employers and also enacted some provision for controlling the relations between such Juvenile delinquent and the employer Section 82 of the Indian Penal code 1860, also exempted children below the age of 7 year from any kind of criminal liability it contain in general exceptions of the IPC. Section 83 also contain the similar provision but with a little difference which state that if the child between the age of 7-12 year committed an offence but immature to understand the consequences of his/her act then he/she not liable but the person who instigated or aided the child, shall be liable for abetment of that act.

After that code of criminal procedure 1861, enacted special provisions for separate trial of persons younger than age 15 and focus on reformatory philosophy rather than penal provision and also contain provisions of prohibition of young person.

After that reformatory school act 1876 and 1897 was the landmark enactment contain provision relating to treatment of Juvenile and also putting the delinquents in reformatory school for a period of two to seven year. However, as they attained 18 years of age they were shifted to adult prisons reformatory act 1897 also contain certain provision for treatment and rehabilitation of young offenders. After Independence, certain constitutional provisions also enacted for the upliftment of children.

International covenants such as UN convention on right of child and Beijing rules or UN standard minimum role for administration of Juvenile Justice also provide platform for policy of Juvenile Justice system in India. Juvenile Justice Act 1986, passed by central govt. of India in 1986 which aim to work for care, protection treatment and rehabilitation of delinquent children. Juvenile court and Juvenile welfare boards also created by this Act. After that Juvenile Justice (care and protection of children) Act was passed in 2000 and the main object of this act no child up to 18 year should be put behind the bar and again amendment take place in this act in 2006 and in 2010. Now a day, latest Act Juvenile Justice Act 2015 prevail all over India for protection, security and upliftment of Juvenile delinquent.

6. Constitutional Provisions for the care and protection of children after Independence:

Part III and Part IV of the constitution contain certain article and upliftment for the children.

Article 15(3) : It allow the state of make special provisions for children and women.

Article - 21-A The state shall provide free a compulsory education to all children of the age of sex to fourteen years.

Article 23 : Prohibits traffic in Human being and forced labour.

Article 24 : Prohibits the employment of children below and the age of fourteen years in factories, mines and other hazardous employment.

⁸ UN: comparative survey on Juvenile delinquency, Part IV, Asia and Far East, P-5, (1953).

Article 39 (e) it direct the state to safeguard the tender age of children from entering in to avocations unsuited to their age or strength.

Article 39 (f) Directs the State to give oppurnities and facilities for the healthy development of children and to protect childhood and youth against exploitation and moral and natural abandonment.

Article 45 : The state provide early childhood care and education to below the age of six years.

Article 47 it is the duty of the state to raise level of nutrition and standard of living and to improve health.

7. **Tremendous Impact of Juvenile delinquency**

If a child lives with a society or his parents in which any member of his society or of the family is habitual in abuse than Automatically is comes in his nature to abuse others and then he tries to show that behaviour in the society which is not accepted by the society members, then he becomes puzzle and ashamed by seeing that his behaviors which was the boon to him from his elders is the stur on his reputation in the society. So he is not accepted by the society some child acts like an adult and tries to drive a car, addresses a servant in an authoritarian manner or tries to show of like an adult, but such out of norm continued behavior is not commendable. This is really not normal crime in that illegal act which give impact on everyone whether directly as a victim or Indirectly through social and economic costs. So Juvenile delinquency creates a lot of problems for the family, society, community as well as for the nation. Due to Juvenile delinquency. We face many problem in sphere of life whether it is economical, political, physical, sociological & in monetary field also. Impact of it given below:

- By Juvenile delinquency, rocks of our nation (child) on which our nation built is at the stage of demolish.
- Children can't think about their education:-

Carrier & improvement of their personal behavior & it became also obstacle in the path of progress of children.

- Moral degradation of the child.
- Proves dangerous for the society.
- Disregard the social value.
- The child become insensitive to the pain & suffering of others.
- Become drug addicted.
- Face problem of unemployment in future
- Doesn't remains trustworthy.

8. **Conclusion :**

At last I can say that Juvenile delinquency is a pure reality and if it remain in continuity that no existence of nation is possible. For it eradication, Juvenile Justice Act must be properly Implemented. There are several factor such as psychological, biological, physiological, physical disability, dissatisfaction from society. Family is one of the most important unity of society and also responsible for socialization of child family specially parents are the role model for a child. which makes or breaks a child a character wit motive to reduce the Juvenile delinquency personality of every delinquent must be studied personally, educational

and professional guidance and suggestion must be delivered, environment of schools and houses must be satisfactory and for the delinquents 'special residential schools must be situated where reformatory trails must be provided on the psychological basis. By implementing all these suggestion we can control the tendency of doing crime in our new age youth and our society may be declared the educational and forwarded society.

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