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Socio- Legal Issue: Juvenile Delinquency- Priya Ghosh¹**Abstract -**

History says that in ancient time childhood was precise. Even at that time joint family consisted with many children at a time (siblings, cousins etc). They were treated equally so most of them had grown up in very positive manner. They played together, studied together thus they got in touch of peers in a positive manner even for every single purpose. Hence the scenario was related to child progress gradually. But in modern era the scenario has been quite changed. Mostly all families split into nuclear families even society became isolated from each other communication. Thus the child does not get proper mental care i.e. how to behave towards society due to lack of proper guide, and handcuffs of luxury world towards them, that makes them greedy to be luxurious like others. They basically forget their duties, their childhood and even by influencing through social media or any devices they behave like an adult by forgetting playground, friend and so on. Thus they become easily addicted towards such pleasures knowingly or unknowingly which activities are related to offences. This article is going to analysis such socio-legal issues regarding such offences done by children and legislative view over it. The main objective of this paper is to bring those issues under the light of proper solution for removing the darkness of society.

Keywords-Juvenile, Juvenile delinquency, Child Labor,

¹ Student at Kingston Law College, West Bengal State University, Kolkata, WB

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Introduction –

Juvenile Delinquency is contemporary issues in society.

According to Oxford Dictionary the “**Juvenile**”² means young people or animals or child. In other view a “Juvenile” or “child” means a person who has not completed the age of eighteen years.

According to International Law, a ‘Child’ means every person below the age of 18 years. Basically this is a universally accepted definition of a child which is coming from ‘**UNITED NATIONS COVENTION (UNCRC)**’³.

Legal meaning of Juvenile/Child under various national legislations-

- Under Section 2(ii) of Child Labor (Prohibition and Regulation) Act, 1986 the “child” means a person who has not completed the 14 years of age.
- According to Child Marriage Restraint Act, 1929. Section 2(a), “Child” means, a person, who is male, has not completed the age of 21 years and a person, and who is female, has not the age of completed 18 years.
- According to **Juvenile Justice Act, 1986** stated that the offender below age of 16 years for male and age of 18 years for female shall be treated as juveniles in conflict (Care and Protection).

After the amendment the Juvenile Justice Act, 2000 which has been brought uniformity in age of 18 years irrespective of genders⁴.

In 2015 the act has been amendment again and juveniles are brought between the age bracket of 16 and 18 years but if alleged to have committed heinous or grave offences shall be treated as adult.

What is Juvenile Delinquency -

According to Oxford dictionary "**Delinquent**"⁵ means tending to commit crime. In legal view

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1. *Oxford English Mini Dictionary*.304, Catherine Soanes. (Oxford; Oxford University Press, 7th ed, 2007)
 2. ‘United Nations Organization’ available at [http://spuwac.com/index.php?option=com_content&view=article&id=272&Itemid=221#:~:text=A%20%22Juvenile%22%20or%20%22Child,of%20the%20Child%20\(UNCRC\).](http://spuwac.com/index.php?option=com_content&view=article&id=272&Itemid=221#:~:text=A%20%22Juvenile%22%20or%20%22Child,of%20the%20Child%20(UNCRC).) (Last visited on 21.04.2021)
 3. Ratanlal &Dhirajlal, *The Code Of Criminal Procedure*,46 (LexisNexis Publication, Gurgaon - 122002, Haryana, India, 23 rd end, 2020)

⁴ *Oxford English Mini Dictionary* 143, Catherine Soanes. (Oxford; Oxford University Press, 7th ed, 2007)

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the word "Juvenile Delinquency" refers to the antisocial or criminal activity of a juvenile or child under age of 16 and 18 years for male and female respectively.

In case of **DeokiNandanDayma v. State of Uttar Pradesh**⁶ the court held that during entry in the register of school this is mandatory to mention the date of birth of student to get admission as evidence in determining the age of juvenile or to prove that whether the accused is juvenile or child.

➤ **Few causes of Juvenile delinquency –**

There are some causes for juvenile crime, which are usually found in society as a social institution, social groups and organizations, and interpersonal relations and so on.

❖ **THEOROTICAL CAUSES–**

• **Disorganization in social life:-**

Though the joint family system is moving towards an end whereas new modern trend has evolved that both of the parents are working and as a result the children are neglected from parental guides and pampers. This kind of isolation is leading the children to commit wrongful acts.

• **Bad Company:-**

One of the major reasons which are responsible for children who are entering into the worlds of crime is because of their bad companies. With a bad company the children having or without having knowledge of indulgent in severe criminal activities. Thus bad company plays a big role to influence them to commit crime.

❖ **EXTERNAL CAUSES –**

• **Home Atmosphere –**

Every individual may have certain problems within his home which may lead him to the wrong society. For example – treatment of step mothers, effect of television or internet or other media, poverty etc. Even such cases are mostly observed with children who do not have such person in their life who can look after them when they need or also excessive disciplines are exercised on

⁶ This case law is available at <http://www.legalservicesindia.com/article/626/Juvenile-delinquency.html> (Last Visited on 20.04.2021)

them by elders.

- **Neighborhood⁷:-**

Neighborhood is that part of the society which may affect the each and every act of an individual at large. If one finds gamblers, quarrelling couples, drunkards around him, this is all that the children fall into and finally end up as a criminal.

- **Behavior of Guardian:-**

Here Guardian denotes as parents, grandparents, relatives, teachers and other caretaker that the child may come across in his daily life. The behavior of all of the above said persons towards the children should be ideal, at the same time these persons should understand the needs and problems of the children to prevent him from indulging into crimes.

- **Lack of financial stability –**

Due to poverty or lack of job or lack of financial instability children think that they are not getting adequate life expenses they need more like others who are well established in society. Even if in a poor family if earning members are lesser or limited then parents compel their children to earn. That is why they often involve in such activities which are not good and which leads them to be an offender.

Child Labor –

In most of the time financial instability produces child labor in the society. Any children who are under 14 years of age engage in any job for earning this is known as child labor. This age period is very much precious. In India according to **Article- 21A of the Constitution of India**, everyone has right to get free education and compulsory for all irrespective of poor-rich, dark-fair, any caste or religion. So, **Article 24 of the Constitution of India** provides that any child who is under 14 years old shall not be employed under any factory or something like that which can be hazardous to health. Hence to prevent such issue like child labor which is a curse to a society can be prevented by **Child Labor (Prohibition and Regulation) Act of 1986**.

Related case laws –

“Laborers Working on Salal vs. the State Of Jammu And Kashmir, 25 April, 1984”.⁸

⁷ This topic is available at <http://www.legalservicesindia.com/article/626/Juvenile-delinquency.html> (Last visited on 21.04.2021)

⁸ This case is available at <https://indiankanoon.org/doc/1186576/#:~:text=vs%20State%20of%20Jammu%20And%20Kashmir%20on%2025%20April%2C%201984&text=JUDGMENT%20P.N.%20Bhagwati%2C%20J.,a%20result%20of%20judicial%20i>
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“M.C. Mehta v State of Tamil Nadu and Others, 10 December 1996”⁹

➤ **Few solutions to prevent juvenile delinquency:-**

The most important effective solution or way to prevent juvenile delinquency has undoubtedly been to assist children and their families early on. Numerous State programs and federal funding for community initiatives has allowed independent groups to handle the problem in modern ways. Such as -

• **Legal Aid camp –**

The constitution of India ensures that the free and compulsory education to every children under 14 years of age. Not only the Constitution of India But also the **Article 28 Para 1 of the Human Rights by the Convention on Rights of the Child** provided the protection Right to Education. Hence, different programs have assisted children and their families by providing them with information about how to raise a good health of children, even also teach children about the effects of drugs, sex, gangs and weapons and have to form **free legal aid camp** to make rural people aware about such Constitutional rights. All these programs provide awareness to the youths.

• **Parent-Child Interaction Training Program¹⁰ –**

The “Parent-Child Interaction Training Program” takes around 14 weeks to teach parenting skills for the parents of 2-7 years aged children who exhibit major behavioral problems. The program places parents and children in interactive situation.

• **Connection with children--**

A strong relationship between children and guardian can be made by spending much time and efforts to care and support the children from maltreatment.

➤ **Measure taken by legislature to prevent delinquency-**

ntervention (Last visited on 23.04.2021)

⁸ This case is available at <https://indiankanoon.org/doc/212829/> (Last Visited on 23.04.2021)

¹⁰ This program available at <https://www.impactlaw.com/criminal-law/juvenile/prevention> (Last visited on 19.04.2021)

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- **Punishment of juvenile delinquency -**

According to the Juvenile Justice Act, the maximum tenure of punishment on delinquency which can be given to the juvenile offenders is three years whereas the said punishment is valid for heinous crime also. In case of an adult offender, the maximum punishment is 7 years of imprisonment or life imprisonment or death penalty. But in the case of Juvenile offenders this Act believes on reformation of juvenile as much as possible by sending juvenile to Rehabilitation Centers, Juvenile Schools or making them involve in various programs which are headed by government or NGO's.

In the present scenario, there is no need to take such kind offense light for a heinous and harsh offence just because of age determination or age factor. Like Rape is Rape, such a hateful and heinous crime, so no one will be spared by giving excuse of age factor or mental incapacity or mental unfitness.

- **Juvenile Justice Board¹¹-**

Juvenile Justice Board is the institutional body constituted under section 4 of Juvenile Justice Act, 2015. The power and function of this Board to deal with the cases related with the "child conflict with law" which has been defined under section 2(13).

- ◆ **Members of Juvenile Justice Board -**

Under section (4) of the Juvenile Justice Act the Board shall consists of a Metropolitan Magistrate or a Judicial Magistrate or Chief Judicial Magistrate with the experience of at least two years and two social workers are selected as per direction.

- ◆ **Functions of Juvenile Justice Board -**

After commission of wrongful act by a Juvenile should not be treated as an adult so they should need a special care for their mental health and to guide them for their better future, by the court, Juvenile Justice Board. After proper proceeding if board thinks fit, may send the Juvenile offender for their rehabilitation.

¹¹ The Juvenile Justice (Care and Protection of Children) Act, 2015 10 (Tax 'N Law, Kolkata, 2016)

FEW IMPORTANT RELEVANT CASE LAWS REGARDING JUVENILE DELINQUENCY –

- **Nirbhaya Case -**

Mukesh&Anrvs State For Nct Of Delhi & Ors on 5 May, 2017¹² this case is known as Nirbhaya Case. This case was related to commission of gang rape but in that gang there were a boy who was juvenile a in December 2012(the person was having few months away from completing age of 18 years). He was sent to Juvenile home. This case was leading to the passage of Juvenile Justice Bill, 2015.

In December 2016, he has completed 22 years of his age, according to report Hindustan Times, who was a cook at roadside eatery in South India.

- **14 years old kills his elder brother over 40 rupees in Aurangabad¹³ -**

A 14 years old boy killed his elder brother in Aurangabad in 2019, where two brothers had a tussle for 40 Rupees of money.

CONCLUSION -

The issue of Juvenile Delinquency is one of the most serious issues in recent scenario, which needs more attention since it determines the value of next generation. According to **International Labor Organization (ILO)**¹⁴, 211 million children between the ages from 5 to 14 work in developing countries. Thus this proves that the Government along with all other agencies and associations who plays a major role in solving these issues does so and with a lot of diligence. Juvenile delinquency should be prevented before it exudes over to a level whereby it will be too late to take some actions or to do something about it. Different programs should be developed so as to ensure that the Juveniles are rehabilitated according to highest expected way. Along with it new technologies and correction procedures should be invented to confirm that the diagnosis of the issue is done early on. If any disorder has been discovered in a child, must be corrected. Thus this process will ensure that the number of juvenile delinquency reported cases will reduce completely. But sometimes it also can be seen that a child is mentally mature by knowing the act deems to be a crime instead of knowing everything he or she commits so,

¹² This case is available at <https://indiankanoon.org/doc/68696327/> (Last visited on 22.04.2021)

¹³This case is available at <https://zeenews.india.com/maharashtra/14-year-old-kills-twin-brother-over-rs-40-in-aurangabad-2183785.html> (Last visited on 21.04.2021)

¹⁴ Dr. H.O.Agarwal, International Law & Human Rights, 864,865 (Central Law Publications, Allahabad, 22ndedn, 2019)

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then the matter must be taken under consideration based on their mental maturity with proper investigation.



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