

JUVENILE DELINQUENCY: INTERNATIONAL PERSPECTIVE

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ABSTRACT

When anyone says the word 'Child' or 'Children', the first thing that comes to our mind is innocent and sweet beings upon whom a nation is built continuously as they also have their own thought process. Children are the Pillars of a Nation's Economy. When anyone hears the words 'Child' or 'Children', everyone thinks of 'Pure Souls'. All the Children in the world deserve Compassion, care and love.

But, a lot happens in a society that in some way or the other affects the minds of these Innocent Beings. As a result, Children indulge in activities that are wrong and morally not right in society. The research paper deals with the treatment of juvenile in conflict with law and whether the law established by the legislature is adequate as per the needs of the society.

INTRODUCTION

'**Juvenile**' is a person whether boy or girl who is below the age of eighteen years and especially who is involved in a crime. Juvenile is simply a word originated from Latin word 'Juvenis' which means 'a young person'. But, when it comes to Law the word Juvenile has a whole new and very wide meaning.

On the other hand, '**Juvenile Delinquency**' is the habitual committing of certain acts by Juveniles that are morally wrong in a Society. These certain acts are committed mostly by teenagers which is a very concerning matter. Juvenile delinquency also refers to Anti-social activities committed by human beings below the age of eighteen years.

One may argue that when the bar of the age is set at 18 years for juvenility by the various conventions and recognized all over the world then the crime committed by the child must not be considered to determine juvenility on any ground. However, under the Juvenile Justice (Care and

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Protection of Children) Act, 2015, the legislature has specified its intent that if the juvenile performs any deplorable which are so heinous in nature such as rape, murder, etc. then the juvenile must not be provided a blanket protection from law. This is done to cover the dilemma, which arises when such an act is done which provides a threat to the humanity and peace if the child in conflict would be set free under the immunity of the act.

Indian penal system works on the deterrent theory, which states that a person who is guilty of the offence must be punished in accordance with law. Any case brought before the court of law, under the Juvenile Justice (Care and Protection of Children) Act, 2015, will consider all the relevant facts; age and the understanding of the juvenile to make held him guilty of the offence. This must be done with carefully scrutiny because once the juvenile is convicted; it may hamper his overall future development if he was innocent and unaware of the circumstances. Hence, the physical condition, mental capacity, brutality of the offence must be taken into consideration together to draw any inference.

INTERNATIONAL LAW AND JUVENILE PROTECTION

Several international laws are being laid down for the protection of children who are subject to brought up in extremely tough conditions and further requires special consideration. India has known in good books when it comes to implementation of the international treaties in the state. Following are the conventions and rules which are ratified by India:

CONVENTION ON THE RIGHTS OF THE CHILD, 1990

The convention was laid down for the protection of children who were subject to harsh conditions are further may turn out against the law and society. Hence, this convention lays down the duty of the state to make sure that effective steps are taken to secure the rehabilitation of these children.

Article 2 of convention states, “1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.”

Article 3 of convention states, “ 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.”

THE COVENANTS OF 1966

The covenant of 1966 on human rights was ratified by almost every country and served as a milestone stating all the basic human rights which would be provided to every individual all over the world. It states that such rights must be provided without any discrimination or differentiation such as race, gender, etc.

- ***International Covenant on Civil and Political Rights***

- a) **Article 23 of the covenant states,** *“(4) States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.”*
- b) **Article 24 of the covenant states,** *“1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.*
- 2. Every child shall be registered immediately after birth and shall have a name.*
- 3. Every child has the right to acquire a nationality.”*
- ***International Covenant on Economic, Social and Cultural Rights***
Article 10 of the covenant states, *“The States Parties to the present Covenant recognize that:*
- 1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.*
 - 2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.*
 - 3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.”*

UNITED NATIONS STANDARD MINIMUM RULES FOR THE ADMINISTRATION OF JUVENILE JUSTICE ("THE BEIJING RULES")

The United Nations in the year 1980, held its Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Caracas, Venezuela. The UN under the same year adopted the Beijing rules, which broadly states about the subject matter related to juvenile in conflict with law. The rules states the protection and privacy provided to every juvenile and further the extent up to which the juvenile could be held responsible for its act. Further the rules state that all the preventive measures must be taken and a special investigation team must be there in order to make sure that the justice is achieved effectively and the juvenile is not subject to any mental trauma.

CAUSES OF JUVENILE DELINQUENCY

Causes of Juvenile Delinquency are found in the Society irrespective of caste, sex, religion, region etc. Juvenile Crimes can also occur by various changes in the body like Hormone changes, Puberty etc. Following are the main causes of Juvenile Delinquency:-

- **Poverty**

Poverty or poor Economic conditions can also lead to crimes as some people who want to earn money quickly or who want to change their conditions can resort to crimes very easily.

- **Family**

Family is very important factor as it is the place where a child learns or gets aware about the morals or values of the society. A family has huge amount of influence on child's mind.

A child gets involved in crimes when there is lack of discipline, emotional instability, Violence in homes, poor economic conditions of a family, abusive environment etc. Also, children who see Physical Violence in their homes sometimes become either aggressive or violent and they are not taught how to control such aggression.

Parenting is also divided into following:-

- a) *Neglectful Parenting*: Where there is lack of monitoring, discipline and parents has no knowledge of child's activities.
 - b) *Authoritarian Parenting*: Where there is harsh discipline without any sufficient need for it.
- **School**

School is a place where person learns everything about everything. It is a second place that tells a child what is Right and what is wrong, first being the Family. Although certain types of problems are using bad language, cheating, lying, petty thefts etc. This can later turn into serious crimes if the mindset of a child is not changed. Also, Children who perform poorly at school they have low attachment towards education, school and are not interested in what is taught in school.
 - **Peer Groups**

Peer Groups are as important as Family for a child. A particular child spends half of the day with them after Family and School. These groups are formed spontaneously through interactions and sometime young children talk about certain things with their peers which they cannot do with their family.

Forming of Peer Groups is very important in life and forming right Peer Groups is much more important because if a child is a part of a Peer Group that are indulged in wrong or criminal activities or Bad Company, i.e., the company which is unhealthy for a person and does not guide him in a good way, then it can affect a Child in a bad way and there is a chance that child also gets involved in such crimes. Also, Peer Rejection affects the child's behaviour in society and it can lead to him/her either being depressed or violent.
 - **Slums**

Generally, parents in slums are away from their homes and children to earn a living; as a result, children are under no discipline throughout the day and also parents have no knowledge of their child's activities. Also, many people from various places in India come to Metropolitan cities like Delhi in order to earn and live in these slums. As a

result, young children are also exposed to different people with different mindsets. They may be exposed to various things like drugs, alcohol, cigarettes, prostitution etc.

PREVENTION OF JUVENILE DELINQUENCY

The purpose of Delinquency prevention is to prevent Children or Youth of our country from getting involved in Criminal Activities. Preventive Measures include:-

1. Education about crimes, violence, drugs in Schools and also to make children innovative and creative.
2. Family counselling so that parents are aware and can guide their children away from such activities.
3. Improving Social Environment of slums, market areas etc.
4. Setting up of Rehabilitation homes to rehabilitate a child when he is involved in Bad Company but before he has committed any crime.

CONCLUSION

In recent years, Children and their problems have received the attention of both Government and Society. But, these problems are enormous and never ending. If these problems are not curbed soon, then there will be no growth of Children and future of our country will be dark.

In order to prevent Juvenile Delinquency, Children are to be dealt with love, compassion and proper but not harsh discipline at very Initial stage. Therefore, every society must devote its full attention to ensure that Children are properly cared and brought up in a healthy atmosphere. Also, Family and Schools must together work in harmony to curb the misbehaviour of Children with love and compassion and not harsh discipline.

In sum, Juvenile Delinquency in India or anywhere else is much serious and severe which requires proper mixture of care, love, compassion, prevention and even rehabilitation of Juvenile, so they become acceptable by Society at large.