

The Concept of Juvenile Justice Before the Onset of Delinquency- Analytical Study

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Abstract:

Delhi incident of 2012, in which India witnessed juvenile committing heinous crime like rape and was brutal among other six offenders, which raised a huge concern all over the Country. This trend of juvenile crimes in India is a matter of grave concern of legality and desirability of Juvenile Justice itself. Subsequently there was a bill passed for amendment of Juvenile Justice (Care and Protection) Act, 2000. This article analysis whether amendments enough for preventing Juvenile crime. This paper deals with Juvenile Justice before the onset of delinquency and factors that contribute in prevent delinquency in youths. What are duties of parents, schools and community and contributions of State thereby; juveniles are prevented from being a delinquent.

Key words:

Juvenile delinquency, Family, Education, Community, Justice, Law.

INTRODUCTION:

It has for long being debated that State has a duty to act as parents thereby, intervening on their behalf in acts of children and young. Development of Juvenile Justice System is to deal with young offenders. Juvenile Justice System, therefore, has been designated to respond to the needs of young offenders. The term 'juvenile' means a child below age of eighteen. Concept of Juvenile Justice varies with time, place, culture and resources. Juvenile Justice before the onset of delinquency reflects a desire to provide social justice to children for their overall development.

This concept of social justice for children not only includes to develop physically but, also psychologically, intellectually, morally and socially so as to realize their full potential. Factors like harmful surroundings, role of family, role of education system, role of community and State can intervene before onset of delinquency.

The word delinquency is derived from the Latin word "delinquere" meaning "de" i.e. away and "linquere" i.e. to leave thus, meaning to leave or to abandon. In present scenario it is applied to children who indulge in wrongful and harmful activities thereby becoming a Juvenile delinquency. This paper deals with Juvenile Justice before the onset of delinquency and factors that contribute in prevent delinquency in youths.

i.ROLE OF FAMILY:

Family unit is regarded as an effective instrument or agent of social control, family influences the life of young minds. Concept of family has undergone a rapid change in India. From traditional joint family system to a nuclear family. There are various studies that suggest that alternative family form such as single-parent families, blended families, cohabitating families, and gay and lesbian families fail to instill traditional values in children. They believe that the traditional family is the foundation for strong values, norms, and an overall healthy society. In developed countries the role of family has decreased and factors like broken homes, social disaster, poverty, lead to weakening of family control there by ignorance to needs of children. International conventions on Economic and Culture Rights have attributed particular importance to family which is considered as basic unit of society and is protected by law.

The importance of the family in delinquency prevention is by way of strengthening the family with an aim to instill in each child a sense of responsibility, security, belief and confidence. Factors like urbanization, industrialization, voyage, divorces, as possible conditions for weakening the family ties thereby creating possibility of leading to delinquency. These factors affect children in growing years thereby contributing in delinquency. In light of the circumstances which have a negative impact on children, assistances to children in need of care and protection is likely to have the greatest impact if provided through family unit. The family is considered to be the first and most essential unit of social organization.

It is the first institution of children's socialization and it is considered to be the most influential environmental determining the formation of personality development of the child. Family influence delinquency through child rearing and parent-child interaction. Studies and investigations have also shown that the family environment is an important and influential factors in the development of child delinquency. This can be achieved by stabilizing and strengthening the role of family in delinquency prevention which is likely to have impact if provided through family unit. There is a duty cast on the parents to strengthen the role of family thereby improving the chances of proper social adjustment by children.

ii.ROLE OF EDUCATIONAL SYSTEM:

Educational institution represents an important element in children's development which determines failure or success of children to their full potential. In fact education institution is a place where most delinquency can be identified and corrected by teacher. Children spend maximum time in schools thereby duty is cast on teachers to identify signs of stress, discouragement, violence and aggression displayed by students thereby controlling their deviant behavior. There are instances where school environment fail to serve as an effective agent of socialization and inability to adjust and adapt to changing circumstances. Schools curriculum should included and fulfill the Individual needs of special children or slow learners thereby ensuring reinforcement of positive behavior. Studies suggest that student's continuous failure leads to developing negative self-image.

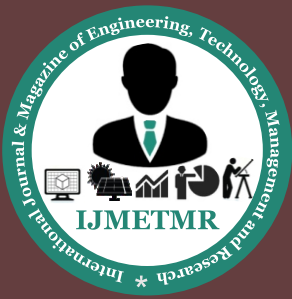
Therefore there is a need to redesign a curriculum that will make children aware of law thereby, making them aware of the consequences of the deviant acts. There is a duty cast on the schools authorities to determine reasons for schools dropout and bringing back children to schools by talking to parents and help of NGO's. Schools and teachers should be made aware of Right to Education Act, 2009, is enacted to provide free and compulsory education to children. This further brought amendment in Constitution, education is a medium by which early deviant acts can be identified and prevented. There are increase incidents of teachers displaying violent behavior towards school children thereby effecting child mentally and emotional. There is an urgent need for teachers to be sensitive towards need of child.

iii.ROLE OF COMMUNITY:

The role of community is not much discussed as it is less effective in the present scenario. Community is inclusive of role of family and school. There is a need for developing an integrated community services for preventing delinquency. Community should organized programmes to strengthen the role of parents and children in the family focusing responsibility of both. Community should arrange regular meetings and discuss duty of parents in monitoring the behavior and being sensitivity towards their needs. Community should organized programmes that concentrate on developing children and making them law abiding citizens of India.

iv.ROLE OF STATE:

The government of India through its National Policy for Children stated that their nurture and solicitude are State responsibility. Equal opportunities for development to 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. Despite the Constitutional vision of a healthy and happy child protected against abuse and exploitation, and a National Policy for Children, the majority of children in India continue to live without a cared, protected and meaningful childhood. The juvenile justice system as aims at providing care, protection, treatment, development, and rehabilitation of delinquent and neglected juvenile. India is a signatory to UN Declaration on The Rights of the Child, 1959 which defined and recognized various Rights of the children namely: The right to health and care, the right to protection from abuse, the right to protection from exploitation, right to protection from neglect, right to information, right to expression and right to nutrition etc have been defined as basic rights of children by the Convention of the rights of the child. Accordingly, India has adopted a national policy on children in 1974 for achieving the above said rights for its children. The National Policy for Children has reaffirmed the Constitutional provisions for adequate service to children both before and after birth and through the period of growth to ensure their full physical, mental and social development. The Government of India for effective action to review the National and State legislations and to bring them in the line with the provisions of the Convention, has developed appropriate monitoring procedures for assessing programme in implementing the Convention on the Rights of the child.



India has also become a party and signatory to the world Declaration on survival, protection and development of children, 1990. The Central Children Act, 1960 recognized importance and the protection of children saying that Children are the most vulnerable group in any population and in need of the greatest social care. On account of their vulnerability and dependence they can be exploited, ill-treated and directed into undesirable channels by anti-social element in the community. The state has to difference of affording proper care and protection to children at all times.

CONCLUSION:

Family and school contribute a very important role in nurturing adolescence into decent and responsible adults. There is a need to identify vulnerable children in the society and to prevent them from committing crime. Duty is cast not only on the State but, equal responsibility is on parents, family & teachers who nature young minds. Further society has responsibility of preventing juvenile crimes by identifying, involvement of such children and controlling them. If these issues are taken into consideration society shall prevent children from converting into Juvenile Delinquents and future offenders.

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