IS JUVENILE DELINQUENCY A NEW NORMAL FOR POST PANDEMIC SOCIETY

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INTRODUCTION

The age old saying is that children are the creatures of god and are blessed. But in the recent times the crime rate by children is no less and is persistently increasing over a period of time. Each individual go through the phase in his life when he has to face the situations where he has to choose between right and wrong the day he chooses wrong over right he goes on the wrong path which leads to activities that impact badly his future. These children become the offenders which ruin their life, their family's life, society people's life and on a large scale the country's people life. To understand the topic "Juvenile Delinquency" it is important to understand the two terms individually first. Juvenile is a person who has not attained the age of majority i.e. considered 18 years and is an offender. Delinquency is the involvement of children in crime or a minor committing a crime. Hence juvenile delinquency is derived as behavior of the young person which is categorized as a criminal according to law. Delinquency includes starting from petty offences to serious offences committed by juvenile such as theft, trespassing, violence and hostility, eve teasing, sexual offences, rape, homicide, drug abuse, accident etc. Many theories regarding juvenile delinquency have been given which gives the reasons for the behavior they perform. Strain theory which tells that a juvenile commits crime because he has nothing productive to do and has no one with them to listen to their grievances and sorrows and due to their loneliness they do all sorts of things to distract themselves which turn out to be wrong in the eyes of law. The social bond theory tells that lack of love and affection and care from loved ones make them long for it and they have no bond left due to which they do not fear of doing anything wrong. All of the evils are connected towards each other which led the innocent children to commit a crime for which they have to pay in the long run. Hence it is high time that we pay

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attention to the activities of our youth. These children will be the future of our country and we should try to help them in every way possible so that they can prosper and would not be called a juvenile delinquent.

CAUSES OF JUVENILE DELINQUENCY

There are number of causes that would turn an innocent child into a criminal. It should be kept in mind before thinking that a child alone is not responsible for becoming an offender as a man is a social animal throughout his life he lives with his parents, society and other people around which led him to live his live. A child cannot be solely blamed for a crime committed by him. Partly the society is also responsible. From further described below there are reasons stated for the juvenile delinquency:

Individual factors: these play a major role in understanding a crime committed by children as every child has traits from the day on which he is born. A child lives with these traits which may be good or bad and how he deals with them. The bad traits such as inability to control the aggression, to react negatively to the external environment in which events take place in an anti-social behavior . Children lose the ability to think in the right direction leading him to involve in corrupt practices eventually leading to commit a crime. The adolescent age is a very tender one in which one is bound to choose between the right and wrong path in his life.

Family factors: The family members are the ones who start to take care of a child even before he comes into the world. They are supposed to see if a child is on the right track or not. When a child has no one to talk to he eventually gets to the bad company leading him to do a wrong. When a child feels he is unloved his mind starts to feel lonely which thinks him to do things which he has never done before which lead him to sometimes in the indulgence of wrong practices. The family plays a great role in modeling the life a child to see that he does not become a criminal. Joint family is a boon as the grandparents can take care of a child in absence of parents. The divorce of the parents also imposes a bad effect on the mental condition of the child's mind.

Society based factors: the child's mind is influenced by the ones around him be it in his neighborhood or his friends with whom he spends his time. The peer group pressure takes over a child's mind which forces him to take a wrong step. Hence in the neighborhood no anti-social

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element should be present which leads to a bad company for the child. The friends should also be of right mind who do not indulge in wrong companies as a man is known by the company he keeps.

Economic condition: this is a major factor which is to be taken into consideration as a criminal as we see is mostly from a poor background. If we try to see the psychology behind this it would be very clear that when a child does not get what he gets he has no choice but to try other means to get that thing and sometimes they lead to doing wrong things. Sometimes the basic things of a child are not fulfilled because of lack of resources and money which lead him to commit a wrong for example theft.

Education: if a child is better educated then he would be able to well differentiate between the right and wrong so that he would not commit a crime. He would be more aware about the world and would not have limited access to resources.

Drug abuse among children: it can also be a recent reason as the drugs have the power to devastate a child mind to such an extent in which he would not be in his senses to perceive the end result of the act which he is committing hence leading him to be criminal.

Money: as we all know too much of everything is harmful likewise access to too much money leads child to use them in wrong things or for wrong things which makes them a criminal.

JUVENILE JUSTICE SYSTEM

Now if there is a problem of juvenile delinquency then there must be a solution also to it which comprises of the juvenile justice system in the Indian society. Starting from a police officer to the juvenile justice boards all consists at each level the administration as how to stop the juveniles from ruining their lives and shaping their future so as to make them good humans. The legislations have been enacted keeping in mind the juvenile as they are not considered as adults. Juveniles still have their lives left so they should rather be reformed. They should not be treated as fully fledged criminals as it would impact their minds in a wrong way and maybe they would instead of changing in a good way would lead to change in a bad way. Many legislation have been passed for the benefit of juvenile.

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The very first step taken was in 1960 which was Children Act 1960 which was repealed in the year 1986 by The Juvenile Justice, 1986. The Juvenile Justice, 1986 focused on the system of juvenile justice in the country and mainly was concerned about the development and rehabilitation of the juvenile delinquent offenders. Then Juvenile Justice Act 2000 was passed which was amended twice which focused on the care and protection of children. But this was also not effective in the administration. The Nirbhaya case[3] proved that there is a need to amend the act. The new act which is presently applicable in the legal system is The Juvenile Justice Act, 2015. The main objective of the Act is welfare of the child. The Juvenile Justice Act, 2015 is twin based factor are that child in conflict of law meaning who is an offender and child in need of care and protection meaning who need to be cared so that they may not grow to be an offender. For the children in conflict of law rehabilitation centers, observation home, child welfare committee etc have been made. For the protection and care of children foster care, adoption, non – governmental organizations have been made. Every help possible is being given to them as needed by the children. A special juvenile justice board is being made which consists of Principle Magistrate and two social workers and one should be a woman. Juveniles are not to be kept in jail or lockup and no harsh punishment to be imposed on them and facility of bail and probation should be granted to them. The Justice System is to work on the reformative theory rather than penalizing the juvenile so that they do not have to live their whole life with the tag of a criminal.

- **Other provisions**

Many constitutional provisions also contain special conditions for the children. Article 45 states to give children free and compulsory education till 14 years. Article 47[4] states to give a standard of living. Article 24[5] which prohibit the child labor till age of 14 years. Article 15(3)[6] tells that State can make special laws for the betterment of children and women, Article 39(e)[7] to protect from being abused by any adult. Section 82[8] and 83[9] of Indian Penal Code state about the child

[3] Mukesh and Ors. Vs State for NCT of Delhi and Ors, AIR 2017 SC 2161
[4] INDIA CONST. art. 47.
[5] INDIA CONST. art. 24.
[6] INDIA CONST. art. 15(3).
[7] INDIA CONST. art. 39 (e).
[8] The Indian Penal Code, No. 45 of 1860

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below age of 7 years a “doli incapex” and is immature to understand his actions. The Section 27[10] of the Code of Criminal Procedure tells that no strict or harsh punishment to be given to the juvenile or below 16 years of age and the sentence should be commuted on the basis of good behavior during the sentence. Hence these all provisions are applicable for the betterment of the child.

- **International Concerns**

Even the United Nations have made laws for the protection of children such as Article 34 of the United Nations on the Rights of Child is about taking measures to prevent child from indulging into any unlawful sexual abuse. Article 35 of the UN on the Rights of Child prohibits sale or trafficking of children. Article 36 of the UN on the Rights of Child protects children from any exploitation.

In UK, The Criminal Justice Act 1948 is enacted for the protection of young offenders by sending them to remand home.

In USA, the Juvenile Courts are there so that young offenders are not tried as adults.

These are some of the international concerns all around the world.

EFFECT OF PANDEMIC ON JUVENILE DELINQUENCY

As we know that juvenile tendency to become delinquent has increased with time because exposure is increased and there are many ways in they can communicate with outer society. The way in which they communicate sets a impression of the outer world for them. Earlier we have discussed factors which are responsible for juvenile delinquency. We will study how pandemic has affected these factors:

1. **Individual factors**

   As we know that many countries imposed lockdowns in their region to prevent the spread of this deadly disease. People are staying at their home due to which juveniles are not in contact with any anti social element or a bad person. we have seen that behavior of a child depends on the company of child , with whom he / she is spending their time with

[9] The Indian Penal Code, No. 45 of 1860
[10] The code of criminal procedure, 1973

and what they are doing in their free time. Due to pandemic parents are now giving more attention to their children which plays an important role in child's life. Environment plays an important role in juvenile's life and due to this restrictive movement of people in society their environment is refined because now they are spending a lot of time with their parents by doing various activities together. Parents are giving life lessons to their children and telling them how society works. They are telling them the difference between good and bad, right and wrong. Altogether children are getting a perfect environment for their upbringing. Due to this they have less amount of time to indulge themselves in corrupt practice and due to increase supervision of parents they are now leaning the lessons for life.

2. Family factors

Family plays an important role in a child's life. One of the major reasons for juvenile delinquency is that first contact of a child is bad i.e. we can say the first impression of human being is made by parents of a juvenile. A juvenile is affected by his/her parents in every possible manner. Due to various reasons parents didn't give proper attention to their children and he/she finds he/she lonely and tries to find out a person who listen to them and talk to them. In this search sometimes they find a person which is not good for them and actions of that person matters a lot for the child. This is why we said that company of a child matters a lot. A joint family is considered as a "*wardan*" for a family because in that family children get attention of family members. Grandparents play an important role in framing of character of a juvenile. They will teach him the difference between right and wrong, good and bad and will give him/her life lessons which will help them in future. As in this period of pandemic children are spending most of their time with parents chances of being delinquent is reduced by many times. They are finding that their parents are now listening their problems. Parents are giving more attention to their children.

3. Society based factors

Society plays an important role in framing of character of a juvenile. Juvenile reflects what he gets from the society to the society at later stages of his/her life. In present time

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COVID-19 has restricted the number of people in juveniles' life. What is society? a society comprises of people around the juvenile. For him/her the person which is surrounds him /her is the face of the society and it will play an important role in their life

As we know that due to pandemic juveniles are now spending more time with their parents and parents are giving more attention to their children so that they can know what their child thinks or do in their day to day life because at that time parents are not able to give proper attention to their children. Now parents are involving in their life tries to know what present generation thinks about society and what is the difference between their thinking and their child's thinking. They are playing a very important role in juvenile's life which lead to better development of child and it reduces chances of delinquency.

4. Economic condition

If we talk about economic conditions of family in current time then we all are of same opinion that it is not good. Due to pandemic a situation of recession is created and parents are losing their jobs. This is creating a bad impact on juvenile's mind because they are seeing their parents jobless and a situation of panic is created in many families. But if we see the positive side of this situation, juveniles are now getting to know that how their parents are earning and how hard their parents work for their future or to pay their fees. This is creating a sense of responsibility in them that they have to work hard to live a good life and that's why they are not going on wrong path. This situation taught them they have to think before wasting their life, time and money. This will lead and motivate them then they have to value their resources and how much they are privileged that they are sleeping in house and eating on dining tables. Post pandemic situation will be different in terms of their hard work and their thinking about the society.

5. Education

Our education system plays an important role in development of a child. The ethics and moral which are taught by our teachers are irreplaceable. When we talk about our school life everyone gets nostalgic and want to relive the moment in any manner. But as we know that due to pandemic face to face teaching system is replaced by online education

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system. When we talk about delinquency illiteracy plays an important role, juveniles are not aware of consequences of their actions. Difference between right or wrong, good or bad can be taught in school. Education is a privilege in our Indian society but it should be a necessity in present time. Pandemic has shaken our orthodox teaching methods and forced higher authorities to re structure education sector to fulfill the demands of present time. Delinquency rate can be decreased by educating juveniles. Pandemic has reveled various flaws of our education system and now government is trying to overcome these problems and loop holes.

6. Substance abuse

It is one of the prominent reasons of crime in India and gradually juveniles are participating in these activities. At this tender age a child can't differentiate between right and wrong. People such as peddlers use them as a drug carrier so that they can do their business and due this juveniles get exposure to drugs, in pandemic restrictions were imposed on movement of goods and individual due to which availability of these substance is decreased. Juveniles are staying in their parent's supervision which restricted the use of the same. Drug peddlers and consumers find it difficult to arrange substance for them. Pandemic has created a rehabilitation situation for all of them and due to family attention juveniles are not indulging in this activity.

7. Money

In present society parents can't give proper attention to their children. Due to bad company child gets influenced and chooses a wrong path for success. As we know that money plays an important role in our life and there are various types of ways to earn money, good or bad, right or wrong. When we look this thing from a juveniles perspective they only know about money and they want earn money only. Way of earning doesn't matter for them. More over due to lack of supervision no one is telling a juvenile about the importance of money in their life. So because of that reasons to earn money no matter what is the way they choose wrong path and method and tries to commit offence. In pandemic situation parents and children are sharing a friendship bond and juveniles are telling them about what they think and what they want. Due to this thing

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parents are now able to teach value of money to juveniles and what is the correct way to earn money and respect. Life lessons from elders are playing an important role in juvenile's life.

We can say that COVID-19 has destroyed many things but it is helping humans to re think about their values of life and what they are doing in their life. From juveniles perspective it is golden period because they are getting attention of their parents. Families are giving time to each other. Everyone gets a vacation from their hectic life schedules moreover earth is healing, but we can't ignore how COVID-19 is taking happiness of many families.

CONCLUSION

From the above discussion we can conclude that juvenile delinquency is a emerging problem for current society. More and more juveniles are choosing wrong path in order to become successful in their life. They are neglecting the fact that they are harming themselves by doing such illegal acts. Environment plays an important role in upbringing of a juvenile. It helps to shape the character of a child and will lead his/her future. States are now taking this problem very seriously because it is found that more and more juveniles are now engaging themselves in illegal crimes. Juveniles are now doing heinous crimes and in order to curb this state is now taking various steps. Various laws were enacted so that a juvenile can be punished and an example for the society is created that if child will do such heinous offence then they will be punished strictly. Pandemic also affected this area and we can say that pandemic has shown a positive impact on this issue because now juveniles are staying in parent's supervision and anti social elements of the society can't affect them. Lockdowns were imposed to restrict the movement and to protect the spread of COVID-19. Because of which only essential movements were allowed many studies shows decline in involvement of juvenile in illegal activities. Juveniles are now staying with their parents in protection home too juveniles are now released earlier in order to vacate houses because they are crowded and it is harmful for juveniles to stay in such places. Pandemic has shown many colors to us but some of them are positive too. Families are spending time together, children are getting more attention and supervision from parents etc. we can say that we are taking a step forward to educate our juveniles for future and this should be continued. We will see a decrease in rate of Juvenile delinquency in post pandemic society.

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