

*Original Article***Juvenile Delinquency in Consonance with Reformatory Theory in India****Rimpy Bhardwaj****Author Affiliation**

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Abstract

Juvenile crime has become an international issue. This is commonly shared by federal, state, local government officials and by the public in all over the world. In India, the problem has drastically increased which has raised many brows. As a result many states has started taking serious legislative steps against Juveniles. Juvenile delinquent behavior can be seen in criminal offense, taking drugs, drinking, smoking, violation, free sex, abortion, riot, extortion, theft , rape, etc. Earlier it was thought that juvenile crimes mainly occur in big cities. But the worst form of it can be seen even in remote areas. Poor educational standards, Violence in home, Violence in their social circles, Peer Pressure, Socioeconomic factors, Substance abuse, Lack of moral Guidance are some of its main causes. With the advancement of technology, they come to know about the things at a very early and tender age, they are supposed to know at mature level. The juvenile is not hard core criminal so while awarding punishment to these offenders, the main purpose should be to draw out all the anti-social qualities out of them and make them a responsible citizen. The Reformatory theory is the most effective for young delinquents for the welfare of the society as well as for their own welfare.

Keywords: Crime; Juvenile; Delinquency; Violence; Reformatory methods; Punishment.

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Introduction

Juvenile Delinquency and criminology cannot be separated from each other since one reason for crime and its continuance into adult life is the ineffective control and treatment of juveniles. Juvenile delinquency is contributing to be breeding center of criminals the word 'delinquency' is derived from Latin word 'delinquere' meaning 'de meaning to leave or abandon'. Which original mean that referred to parents who do not properly care and neglect and abandon their Children. In present the word delinquency use for the Children who are defaulters and are involved anti-social activities. Juvenile is a child who is not considering being responsible for his criminal acts. Juvenile term is used for a young criminal offender and minor is decided b his legal capacity.

Meaning of Juvenile

An individual who is under an age of eighteen years would be charged for a criminal act called the Juvenile. A child as a person who not attained the age of eighteen years is called the Juvenile. A Juvenile who is alleged who have committed an offence but has no completed eighteen years of age. Under section 2(h) says that "a person who has not completed eighteen years of age and a Juvenile means that is alleged committed an offence."

Meaning of Delinquency

Delinquency is a multifaceted issue to understand that we examine the behavioral activities of youths, but we must consider that which type of working

by the police, Juvenile Courts and NGO's and other social control by the society to influence it. Delinquency mean that a Juvenile who has been found to be guilty or committed an offence.

Meaning of Juvenile Delinquency

A Child or a young person who is wrong-doer who is under an age specified by the Law called the Juvenile Delinquency. A statute may also include that a Delinquent Child who is habitually disruptive child. And a Child or a young person, consummating or living in outrage or contacted with thieves, robbers or inferior nature/temperament or various other persons or a Child who visit with a stake person. Or that person who absents himself from his home without parents' permission may be called as a delinquent Child.

Meaning of Reformatory Theory

The Reformatory means that theory of punishment which is prominence on Reformatory offenders through the method which is based on individual person. Reformatory theory is known as rehabilitation sentencing. The purpose of that reform the offender as a person so that they become as lawful member of the community.

The Concept of Juvenile Delinquency

In India, the conception of Juvenile Justice came into existence after the Juvenile Justice Care and Protection Act, 2000, which is replaced by the Juvenile Justice Act, 1986 and it, is essentially reported to give the effect to the provision of UN Convention on Right of Child Act, 1989 and rectified by India in December 1992. Juvenile means a Child who has not completed 18 years of age. This act provides that the uniformity of age for the Boys and Girls under the Juvenile Justice Act, 1986, there was different age for Boys and girls, but the same has been amended now the Juvenile Justice Act, 2000 Provision to the Justice required by the two types of Children. First is "Juvenile in conflict with the Law" and "Children in need of Care and Protection". Juvenile is conflict with Law and Children who are need of Love and Protection for the Juvenile Justice Act, 2000. The working of the Juvenile Justice Act, 2000 about from five years showed that some of the provision of this act required for the reconsideration. This Act was amended in 2006 with a view to adopt a Child friendly approach in the examine the nature

of matters in the best interest of Children and for their rehabilitation and development.

Juvenile Justice Act, 2015 which has been passed by Parliament of India. It aims that to replace the existing the Indian Juvenile Delinquency Law which covers under Juvenile Justice (Care and Protection) Act, 2000 with the conflicts with the law in age group of 16-18 who involved in heinous crime or can be tried as adults. The Juvenile Justice Act, 2015 came into existence in 15th January 2016, which is amended after the gang rape (Nirbhaya Gang Rape). Because the minor involve in horrible Delhi Gang Rape as activated debate for the Judiciary to recommend that the lower age of a Juvenile is 18-16 years in the serious crime.

Juvenile Justice Related with the Constitution of India

The Constitution of India is considered as the fundamental law of India. The Constitution provides Rights and Duties to every citizens of India. Constitution in Part III has provided to every citizen of India. Fundamental Rights and as in its Part IV it has provided the Directive Principles of State Policies (DPSP). This acts as the general guidelines to framing the government policies. Constitution has also provided some basic Rights and Duties to the welfare of the Children.

For example: a) Under Article 21A of the Constitution which provides the Right to free education for their Children, who is under the age of 6 to 14 years.

b) Under Article 24 Right to be protected under the age of 14 years from any hazardous employment.

c) Under Article 39 Right to be protected from human trafficking and forced bounded labour system.

Therefore there are many laws which are provided to Children, that the Law makers while drafting the Juvenile Act, 2015 has considered that all the necessary provisions which are laid down by the Constitution which are protected to a Child. Under the Chapter IV of Juvenile Justice Act, 2015 laid down the provision for the betterment of the Juvenile and has focused on Reformatory and Rehabilitation of Juveniles.

Factors Affecting Juvenile Delinquency

Uncongenial Homes: The Juvenile delinquency in some cases of uncongenial homes environment.

The behavior of the parents with the children's and the behavior of parents and themselves is wider concern in molding the child psychology since the very childhood. The families where the parents follow virtues path with the children. The parents include in undesirable activities like use of contaminated words, arguments sameness, drugs and alcohol addiction smoking, gambling corrupt practices in their official function have undesirable corrupting impact on the immature mind.

Broken Families

Unprecedented increase in divorce cases and matrimonial disputes is one of the major causes of juvenile delinquency. A step another treatment which child also has a bad psychological effects on youngsters. One time a child feels the neglected he moves on the long path and this furnishes a comfort ground for juvenile delinquency. The children need affection, protection and guidance at that place and therefore they have to be handled very carefully.

Poverty Factors

Poverty is another cause of juvenile delinquency. Failure of the parents to provide and fulfill the necessities of life such as food, clothing, education etc of their children. Children to delinquency are a gest for earning money by that means.

Drug Addiction

Drug addiction is found in a majority of cases of juvenile delinquency. In the Drug addiction identity the two trend in regard to substance abuse and minors. About the ten years ago juvenile is use the more powerful drugs which is harmful to them. The use of drugs illegally motivate young people to commit crime to obtain money for drug and alcohol.

Biological Factors

Biological factor is such as early fetus on directly on the role of the biological characteristics in plays a important role of the criminal behavior among the juveniles. The age of puberty among girls has gone down by three or four years on an average. Today Indian girls attain puberty at the age of

12 or 13 while they still are mentally immature in life. In result their involvement for economic fulfillment without realizing the seriousness of the consequence of their acts.

Rational Dissension

Mental distress and pschycologically confused are strong factors in delinquency. Some children may not be mentally prepared to go to school and earn the things taught their and parents force them to go to the school. Some children became non-attended pass there. School time at some other place in these days poor schooling is also responsible for the boys to think that there is no going to school. They may the develop the delinquency behavior also.

Mass Media Related with Technology

Parents have try to protect their children from the negative nerve and non-appropriate media, is almost impossible as a teenager are exposed to everything through social media, computers etc. These days the movies and TV serials are dominated by the theme of sex violence.

Criminal Justice Related with Reformatory Theory of Juvenile

Indian Legal System is a legal framework which provides justice for juvenile under this system. The system promises to give a special treatment and protection to juvenile delinquency. Juvenile crime is increasing day by day there is debatable issue arise for everyone. The most of the most important factor is age which determines the maturity level of accused. No juvenile offender who comes in a definition of "child with conflict with law" that defines by all itself.

Under the juvenile law in India consider the age determination as most important to find out whether the offender fall under the juvenile justice act or not.

According to this act the maximum punishment which can be given is three years imprisonment and this punishment is valid also for heinous crime.

In the case adult offender maximum punishment which can be given for seven years imprisonment. The reformatory theory is involve is case of juvenile. Sending juveniles to rehabilitation centers , juvenile schools and various schools and programmes headed by the Government or NGO's.

In present scenario minor punishment of only three years is not sufficient and harsh offence just because of the age factor. The age factor is not creating a deterrent effect on the Anti-social behavior of youth in existing law. Juvenile offender is committing heinous crime no issue will get away on the basis of reformatory theory. In reformatory theory of punishment is adopted then undue advantage is given to the juvenile to commit crime without facing any problem. Reformation is good but not always. If law takes the responsibility of the juvenile offenders so that they can have the better life in future. Then law should consider the rights of the victim. Justice first came to the victim. The theory of reformation helps juvenile to reform but it does not provide justice to victim at all.

Statutory Provisions Deal with the Juveniles

There are some statutory provisions which are dealing with juveniles who is commit the crime but there are same presumption of Dolly-incapax that the child is not competent to commit the crime under Section 82 of Indian penal Code 1860 say is that child who is below the age of 7 years and involve the criminal liability but a child who is more than 7 years but below 12 year of age of immunity shall extend if he has not attained sufficient degree of maturity of understanding to judge the nature. Under Probation of offenders Act 1958 U/s 6 a person who is under the age of 21 years found guilty of having committed an offence punishable with imprisonment cannot be sentenced Court can leave him on probation of good conduct. Under the prison act 1894 section 27 says that provision related for the separate confinement adult criminals and females Prisoners this act aim to prevent contamination of juvenile and provide for the safeguard.

According Reformatory School System

The reformatory school was enacted empowering the state government to establish reformatory School under section 399 of Criminal Procedure Code read the provisions of reformatory school for youthful offenders. Juvenile Justice Act, 1986 under section 9 of this act state government established the Juvenile homes section 10 and 11 state government may establish the Juvenile homes and remand homes for juveniles.

Conclusion

The Juvenile Crime in India is increasing day by day and need to be focused on this problem. Our Government has laid down many rules to stop the Juvenile Crimes. These are not creating effective results and fail at the accomplishment of the true intention of the legislature.

As a general rule, we use reformatory theories of punishment while dealing with Juveniles offenders. Such theories aim at reshaping the personality of the offenders as opposed to inflicting harsh punishments on young minds. This way the legal system ensures that these young offenders are restored back into the society as responsible citizens. As a part of the reformation, the legal system aim to provide basic education including awareness about laws of the Country: as well as some skill development, to help them earn their livelihood once they are out of observation homes.

As a concluding remark it is important to understand that in order to combat this issue of increasing Juvenile delinquency, a joint effort on the part of Government, society and mass media is required. Government has to ensure eradication of poverty and illiteracy: society has to provide the necessary care and affection to its young members and lastly, yet most importantly, the mass media can play important role by promoting good / moral values amongst its adolescent users.

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