ABSTRACT

Children, the supremely assets, are the future of the nation. They are flowers of the garden of India. However, because of the indifferences of our society in all spheres, this future flowers wither away in the buds before they bloom which leads to child delinquency. Child abuse and juvenile delinquency is an alarming increasing problem causing a source of concern in all over the world. This problem is being faced not only by the developing countries but also by the developed countries. Almost all the countries have developed juvenile justice system to deal with their young offenders. Abraham Lincoln quoted that, if you want to improve the nation, improve the child. The family is the institution where child learns his/her first lessons in life. It is an institution which is meant to nurture, mold and protect the child from the moment of birth till the time the child is able to function independently. However, unfortunately, for many children, because of the abuse they experience in this place, this very institution becomes a source of trauma, stress, guilt and fear. Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. In Sathyavan Kottarakkara Vs. State, AIR 1997 Ker 133at 137: (1997) 1Ker LT 130(1996)2 Ker LJ 576, it has been observed that any exploitation of children in any form which has a tendency to exploit them either physically, mentally or otherwise is objectionable. An attempt in this direction so as to exploit children should be put to an end, to achieve the goal enshrined by Indian Constitutional makers, which are reflected in various provisions of the Constitution of India, particularly Articles 21, 39, 41, 45 and 46 of the Constitution. Since ages, children have been victimized by one abuse or the other. It is not wrong to say that they are neglected a lot. For children there has never been a golden age. Throughout the history of our society, children have been bought, sold, enslaved, exploited and killed. They have been abandoned, severely beaten and physically abused. Ironically, the children have hardly even enjoyed complete protection from the adults in society. Truly speaking,
the victimization starts from the birth of a child itself, for instance, the
practice of infanticide or the willful killing of new born babies was widely
accepted among ancient and prehistoric people as a legitimate means of
dealing with unwanted children. Abandonment was another ill treatment
noted to children. It has been practiced in Europe, Africa and India. Sexual
exploitation is another abuse which children have faced over centuries, out
of lust adult would molest them to their appeasement. Poverty and illiteracy
has played great role in facing children to be exploited in order to earn their
meal. Children have been used as slaves and bonded laborers in all
societies. The census of India considers children to be any person below
the age of 14 as do most government programs considers. Biologically
childhood is the stage between infancy and adulthood. The Definition of
child allows the individual countries to determine according to their own
discretion the age limits of a child in their own laws. But in India various laws
related to children define children indifferent age limits. According to Indian
Penal Code, 1860, the child below 7 years of age can never be held
criminally responsible for an action (sec.82 IPC). In case of mental disability
or inability to understand the consequences of one’s actions. The criminal
responsibility age is raised to 12 years (Sec. 83 IPC). A girl must be of at
least 16 years of age in order to give sexual consent, unless she is married,
in which case the prescribed age is no less than 15 years. With regard to
protection against kidnapping, abduction and related offences the given age
is 16 for boys and 18 for girls. Finally the J.J. Act has fixed the age as below
18 years for the juveniles.

The present study has been undertaken with a view to examine the
correlation between the Child abuse and Juvenile delinquency. The study is
focusing on the juvenile justice system in India with regard to its meaning,
historical background and various laws passed by the parliament from time
to time for safest protection of the juvenile delinquent in India. This is a
doctrinal study in which important cases decided by the Apex Court and
some High Court have been thoroughly analyzed. Attempt has been made
to synthesize the latest judicial trends on the various laws passed by the
parliament from time to time. On the basis of the study undertaken finally some suggestions have also been given.