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## **A Critical Analysis on the Pocso and Juvenile Justice Act in the context of the Growing Problem of Juvenile Delinquency in the 21<sup>st</sup> century**

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### **ABSTRACT**

While every child has the right to protection, some children are more vulnerable or deprived than others and need special care and adequate attention. These children include homeless children (children living on the streets, displaced, dependent, etc.), children migrating, children wandering, children with disabilities, orphans or abandoned children, children at work, children of prostitutes, girls involved in prostitution, Children who have been trafficked, children who have been victims of conflict or conflict, children who have been victims of natural disasters, children who have been infected with HIV / AIDS, children suffering from life-threatening illnesses and children of Scheduled Castes and Scheduled Tribes. The government has recognized such children as victims of difficult situations. Who need special care, protection and assistance due to their specific social, economic, geographical and political situation.

**Keywords:** -Pocso, Juvenile Justice Act, juvenile delinquency

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### **INTRODUCTION**

Some events become "mile-age stones" that have shaken the psyche of a society or a nation. In the case of the Delhi gang-rape case in December, 2012, in a moving bus, where six persons, one of whom was under 18 years of age, gang-raped a 23-year-old college student. Accordingly, the accused juvenile was produced before the Juvenile Justice Board and sent to the Juvenile Correctional Institution for a term of three years. The irony of the law is that even after committing heinous crimes of rape and murder, including putting an iron rod in the victim's private parts, the teenager was allowed to roam freely in society.

More often through the press it has been found that juveniles released from observation homes and special homes were found to be committing more heinous crimes. Thus, a question naturally arises as to whether this reformatory house is capable of the purposes for which these houses were established.

The logic method of research leads to "more general than more precise". The general belief of the people is that when a juvenile between the ages of 15 and 18 is more involved in heinous crimes like other adult offenders, then the punishment should be the same as that of an adult accused. Due to which special amendments were made in this law in the year 2015.

'Child protection' means protecting all children up to the age of 18 from all the dangers that may arise in their life now or in the future. Simply put, protecting children from dangerous situations by paying attention to their safety.

Ensure that no child is subjected to violence, harassment, neglect and exploitation and that children who have been victims of such a situation receive adequate care, protection and assistance. Under normal circumstances and during emergencies - children should be protected in all such situations. So that they can enjoy their right to life, development and well-being. So that they can enjoy their childhood without any fear.

There are three important aspects to child protection. First, the absence of any form of violence. That is, a situation in which no child is exploited, harassed, neglected, or placed in any position that is physically, mentally, emotionally, or otherwise dangerous to the child. Second, to create a protective and positive environment for children, including building processes and structures that are positive for them. Third, to establish an effective response system. This means that if any kind of violation occurs, there should be proper arrangements to take care of the long term and urgent needs of the children whose rights have been violated. The combination of these three aspects ensures child protection.

For the development of the society and to bring stability, it is very important to control the practices, customs and beliefs within the society according to the social need and justice and observance of law is necessary in the society.

Every citizen of the society prefers to live with dignity and security. Laws are enacted covering all the rights and guiding principles enshrined in the Indian Constitution. But in society and the state system, problems often arise due to errors in the law and when the solution to the problem is not done from a humane point of view, it is tried to be controlled by law where the constitutional rights and administration of the state justice system.

The administrative system works harmoniously with the system and tries to solve it but often when this task becomes difficult, a lot of action is added.

In Indian criminal proceedings, settlement of a claim and compensation to the accused are helpful in reducing the number of criminal cases as well as expeditious disposal. When a person is convicted of a crime, Article 21 of the Indian Constitution requires speedy justice and compensation to the plaintiff by the criminal courts as compensation through civil proceedings is a long and arduous process and delayed justice is a denial of justice. .

If we talk about juvenile delinquency in the 21st century, a child is considered to be the embodiment of God from birth. He learns to show it to the world and is taught it, and that is how he implements it. In other words, if the child is given good manners by his parents, then his behavior should also be good. Thus his behavior depends on the type of situation in which he lives and grows up.

The crime rate among adolescents is increasing and the rate of rape and physical crimes against girls is increasing day by day. If we talk about the state of Gujarat, Gujarat has got a place in the educated state. Such cases are found in very high quantities on a daily basis.

At the same time due to the situation at home or for any other reason a teenager who is under 18 years of age and more than 18 years of age according to the new rules but does not have the ability to fully understand the crime or many children under the age of sixteen. The number of people who have become involved in crime due to lack of adequate facilities is increasing day by day.

The researcher will try under this research to find out both the root law parties and juvenile justice in relation to the growing problems of juvenile delinquency in the state of Gujarat.

The law is about how children can be protected from such abuses.

The States Parties shall make every effort to protect and protect all types of children from sexual exploitation and sexual abuse. To this end, the States Parties shall take all appropriate steps through national bilateral and multilateral efforts.

Measures should be taken to prevent child sexual abuse or other forms of illegal sexual exploitation.

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## OBJECTIVES OF RESEARCH

1. To study of the growing problems of juvenile delinquency in the 21st century.
2. To Study of children's status and legal provisions in juvenile delinquency.

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## MAIN FACT

The main purpose of the above objectives is to study the level of knowledge and awareness of juvenile delinquents and how and to what extent they are protected under the Juvenile Justice Act and the Poxo Act and some of the shortcomings in this Act.

Children are the mainstay of our country. If we want to achieve the development of our country, we must first protect them. Therefore, our government has enacted special laws applicable to children and adolescents in our country. The government has long considered youth. This is an improvement in the history and progress of the Children's Act.

India is a developing country, should focus on the sensitive issue of Child Sexual Abuse (CSA). CSA is one of the most serious problems to be dealt with seriously.

Juvenile delinquency expresses the impulse of juvenile delinquency. Whether a child's specific behavior or behavior will be abnormal depends on various factors and will vary from country to country and from time to time. Juvenile delinquency is also defined as "a child who tries to behave like an adult." The child's typical behavior may be considered normal childish pranks, but in other specific contexts, it can cause anxiety and worry. The distinction between juvenile delinquency and normal juvenile delinquency is sometimes very vague, and the point of interest between juvenile delinquency and juvenile delinquency is its relationship to the person concerned. In fact, there is a vague and chaotic fog around the definition of juvenile delinquency, and no single definition that is acceptable to all. The first juvenile delinquency law, adopted by Illinois in 1998, provided for many specific violations other than the rules covered by the Criminal Code.

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## CONCLUSION

The law provides for the protection of sexual assault, sexual harassment and obscenity and provides for the establishment of special courts for the trial of such offenses and matters connected therewith or related to it. " With the competent statutory authorities enacted the POCSO Act 32 of 2012. The Constitution of India 15 (3) states that "nothing in this article shall preclude special provision for women and children." In 1992, the Government of India also adopted the Convention on the Rights of the Child adopted by the General Assembly of the United Nations, which sets out a set of standards to be followed by all state parties to protect the best interests of the child.

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