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**ADOPTION AS A MEANS OF PROVIDING RIGHT TO FAMILY TO THE
JUVENILES : LOVE,NOURISHMENT AND CARE TO LEAD A
CIVILISED LIFESTYLE**

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ABSTRACT

“Children need love, especially when they do not deserve it.” As said by child psychiatrist Harold S Hulbert. Childhood is considered as a “golden age” that is synonymous with innocence, freedom, happiness, play and joy. It is that phase of human life which is free from any worries, tensions, anxiety, rush, competition and struggle for the sustenance and survival. It is indeed a period in a person’s life during which he or she is neither expected nor allowed to fully participate in any social activity. Children are wholly dependent on their parents. Since children, being vulnerable, need to be cared and protected in the present competitive and exploitative world. It is mostly the parents that shoulder the responsibility of care and protection of their children to meet their day to day requirements for their all round development. They serve the best interest for their children with an attempt to shelter them under their hands from the harshness of the outside world. So, by way of adoption these needy children are ensured right to family to develop themselves as love and care develops a person while hatred breakdowns them.

Introduction

India has the largest number of children in the world. Children resemble the fragrant flower of the universe. They have the right to flourish, they are gift of the god. Today’s child is tomorrow’s citizen. Child is future human capital. Human society perpetuates through its children. Their number, location, circumstances and education mark the level of progress and development today, the shape the world of tomorrow. Infact they are the legacy of past and present and bridge of the future of a nation. Children are the hopes of tomorrow. The significance and importance of the child lies in the fact that the child is the universe. It is assumed that the child is not able to make serious decisions , So,legally they must always be under the care of a responsible adult. Children are considered as a person of lower level of maturity needing adult protection, love and maturity. The legal definition of child generally refers to a minor, otherwise known as a person younger than the age of majority. S-2 (12) of JJ Act 2015 defines child as a person who has not completed 18 years of age.

Every child should be given proper nourishment and taught spiritual values by family members at home itself as parents are the first teachers. But with the advent of technology people have inclined more towards the materialistic world wherein the norms, mores and values of the

society are becoming talks of the primitive civilisation and there is an increasing number of delinquent behaviour characteristics seen amongst the children, which also gives rise to the responsibility of the State in increasing the number of facilities like shelter homes, observation homes, to reintegrate and rehabilitate them into the society.

The growth of technology has changed our lives in multifarious ways as we are totally dependent on " e - commerce" nowadays to avail all the facilities just at the click of the icon on our I - pods and android phones. It was a time when computers were viewed as a luxury icon 30 years ago. At that time men, used to rely upon television, radio and newspapers as primary sources of attaining information as there was no such existence of cables or online platforms.

With the advancement of time, we see that technology has marked its presence in every aspect and need of human life. The peer group of youngsters and teenagers are keen to use internet every now and then. Many million kids are surfing online nowadays and there have been incidents when they fall prey into the hands of terror organisation unknowingly or we can very well say unfortunately with an idea of exploration or adventure generally, kids do trust on advertisements or spam e- mails due to their innocent nature and this lands into a trouble, lack of parents control and supervision is the ultimate factor which leads the child into anti- social activities. Most of the cases have been reportedly showing that "Online - friendships " are a greater cause for the child to become a victim into the net of the predators which may also attract them towards child abuse, trafficking, sexual exploitation and lots more. There is a constant decline in the healthy and safe environment, due to the virtual- world.

According to S-2 (35) juvenile means a child below the age of 18 years. He is generally a person below the age of responsibility and above a certain minimum age, who is held to be punishable for breaking the law. The instances are - violates any law, habitual truant associates with the thief or immoral persons, goes beyond the control of parent, guardian, growing up in idleness and crime, immoral or indecent conduct, uses vulgar language in public, visits house of ill-repute, wanders about railway track, jumps train or enters car or engine without authority, wanders streets at night, begging, addicted to drugs, makes indecent proposals, loiters ,engages in illegal occupation , immoral conduct in school or public places , smokes cigarettes or uses tobacco in any other form, uses intoxicating liquor, runs away from state or charity institution , found on premises used for illegal purpose , given to sexual irregularities , operates motor bike or car so rashly under the influence of liquor which seems dangerous to public , attempts to marry without consent in violation of any law, any heinous crimes linked to person or property etc.

Thereby a minor who cannot be controlled by parental authority and commits antisocial or criminal acts like violence or vandalism and such a child characterised as juvenile delinquent.

It can be observed that neglected children and juveniles fall an easy prey to criminality. It is because of their dashing nature, lack of foresight, uncritical enthusiasm, physical strength, endurance and desire for adventure. On the other hand ; noxious surroundings , neglect of basic needs, bad company and other abuses and temptations would spoil the child and likely to turn him a delinquent. We are guilty of many errors and faults, but our worst crime is abandoning the children, neglecting the foundation of life. Our needs can wait but the child cannot because it is the time when his bones are being formed , his blood is being made and his senses are being developed. So he needs our attention `today` itself and not `tomorrow`. Also it is true that in the modern civilised countries a criminal is not looked upon as a sinner or a bad person, rather as a mentally diseased individual or one who has been victimised by the surrounding situations. There was a time when small children were severely punished if they had committed some criminal act. But with the advent of time ; the psychologists proceeded to improve and rehabilitate the children instead of punishing them . So, every nation today is making efforts to correct the juvenile delinquent, rather than to punish him. In order to make the deviant once again a healthy and responsible citizen of society ; reformatory schools, probation and other measures.

Before we proceed to study in detail who is a juvenile, what is juvenile delinquency and its causes? We should have a look upon the difference between a criminal and a juvenile delinquent:-

1. The main difference between them is one of age ; but both indulge in anti-social activities.
2. Working of both of them is subversive and hindering of social relationships.
3. If a criminal is below a certain age group, he will be designated as a juvenile delinquent.
4. Criminals and J. D. also differ in respect of crimes committed by them.
5. A juvenile is unaware of objective of his own actions and a criminal acts with the intention to gain something.
6. The J.D. does not commit a crime on a pre- planned and well organised basis and a criminal is more inclined to plan his motives and organises crime with a certain show of skill.
7. A juvenile commits a crime with the intension to enjoy himself and indulge his sense of humour , like :- breaking car glasses , pushing people into a pond etc.

But a criminal does not find this a suitable mode of manifesting his sense of humour.

There are various causal factors behind juvenile delinquency and not a single factor. Many surrounding situations around an individual leads him/ her to become a delinquent. A person who is left alone and not allowed to fulfil his passions and desires cannot lead a happy life and therefore will not let others lead a normal life even, so it is our duty to take care of every member of our society so that he is not left astray and does not lead an abnormal life since every individual is an asset of the nation.

There are social cause for juvenile delinquency like:- Defects in family wherein situations are broken families, character and conduct of parents, effect of criminal relatives. A family where relationships are severed there no attention is paid upon kids as love and affection flies away with wings. Also if elder brothers and sisters in family manifest criminal tendencies the youngsters are influenced by it . If the character of parents have taken a wrong path , then child will have little hesitation in following the same path.

Disregard on the part of parents induces feelings of insecurity in the children with the result that they develop mental complexities. If parents try to conceal many facts of their own life from children the tendency towards crime is only aggravated.The child who gets among the bad company progress towards crime, while the child who gets into good company progress to become an able and useful member of society.

Sometimes it is also noticed that there are psychological causes of the phenomenon like:- Intellectual weakness ,mental disease , characteristics of personality , emotional instability etc. The intelligence quotient is found to be low due to which the children are not able to guess and understand the nature of the act being committed by them. Psychopathic children are born in families where there is complete absence of love, affection and control. These type of children are very unsocialised , irritable, cruel, suspicious, lonely self- centred full of feeling of revenge , backward and uncontrolled in their sexual behaviour . A normal child is well - behaved, less explosive, peacable , obedient and social , while a juvenile delinquent is found to be naughty , explosive , disobedient and unsocial. He is found to take much interest in the works of dangerous nature like :- cigarette , smoking , gambling , staying away from home, breaking things and travelling without tickets etc. There are various other factors which inspires the child to criminal behaviour if there is lack of love and affection, emotional insecurity , very strict discipline, feeling of insufficiency and inferiority and reaction of revolt.

The economic necessities easily lead a person to commit crimes and associate into bad company or we can say that it acts as an incentive to crime. A low family income compels the children also ,to share the burden and to neglect their education. Girls working in hotels or restaurants are easily lured into sex crimes since their wages are low , their residences are dirty , hours of work are long and there is no shortage of individuals who want to lure them to a life of crime. In fact , children

in poor families have many desires that remain unfulfilled , and to satisfy them they turn to crime . Poverty makes such persons feel dissatisfied and inferior and thus lead them to criminal tendencies.

Thus, a child becomes criminal through the cooperation of many causes , social and individual ,familial ,psychological and economic.

This is all due to deviant behaviour which is defined as a behaviour or an attitude hat some people in a society find offensive and which generates amongst people an attitude of punishment or disapproval towards the actor or poser . because in every society the behaviour of individual members is regulated by a set of social norms.

All societies provide certain standards of human behaviour which are called ` norms´. Butno society completely succeeds in getting all its member to behave in accordance with social norms. Some of them fail to conform to all these norms. Failures to conform to the customary norms of society is known as "deviant - behaviour ".

Definition of juvenile

A child who commits an offence such as begging, disorderly conduct, malicious mischief and ungovernable behaviour is called as juvenile.

A delinquent is a person under age who is guilty of anti - social act and whose misconduct is an infraction of law.

Sociologically, juvenile delinquency is a type of behaviour of children which is injurious to society and therefore; is prohibited.

ADOPTION

As per Sec 2(2) of The JJ Act 2015, it means the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to biological child.

There is guardianship or other system for the care of the young, while adoption is intended to effect a permanent change in the status and requires societal recognition either through legal or religious sanction.

Adoption provides a loving home and environment for children who are destitute or orphans. It is extremely important for a growing child to have a safe and loving environment in his/her early development years. The adoption process not only provides such children with a safe space but also helps the prospective parents who are looking to expand their family and welcome a child to nurture. In India this process is guided by process under The JJ Act 2015, as it lays down extensive procedures for in-country as well as intra-country adoption, regulated by a statutory body of Government of India called as CARA.

A prospective parent can make an application at their state's adoption coordination agency which is an agency appointed and certified by CARA in every state. This adoption agency prepares a detailed study of the family assessing eligibility of the prospective adoptive parents, including pre-adoptive counselling, which is valid for 3 years.

The prospective parents can list their preferences at this stage. Once the agencies have identified a suitable child, they can arrange for the prospective parents to meet the child. If the match is met, they can take the child in pre-adoption foster care after signing the foster care agreement.

Meanwhile, the Specialized Adoption Agency and the prospective parents file an application with the district court as co-applicants within ten working days of matching. Section 61(2) of the JJ Act, stipulates that all the proceedings shall be held in camera and disposed of within 2 months of filing. However, data with the Ministry of Women and Child Development shows a huge number of pending adoption cases in the civil courts of India, for more than stipulated time given under section 61(2) of the JJ Act.

Necessity of Adoption-

- Biological children are blessed and fortunate to have their parents since birth. But the oppressed and abandoned are waiting for adoptive parents fate and circumstances.

- Genuine love for children.
- A couple with two or more children of the same sex.
- To control the population.
- For the joy without the labour.
- People involved in their careers.
- To help out a friend or a relative.

Justice P.N Bhagwati in a case¹ held that-

- Children have right to love.
- Suitable parent should be searched in country first.
- Welfare of the child is of prime importance.
- Marriage certificate with recent photograph.
- Income suitability with documents.
- Undertaking of the parents to upbringing the child.
- Intimating the court the progress of the child.

Ten Celebrities who have Adopted a child-

- Sushmita Sen
- MithunChakravarty
- Salim Khan
- SubhashGhai
- Dibakar Banerjee
- Shobhana
- RaveenaTandon
- Nikhil Advani
- Kunal Kohli
- SandipSoparkar

Conclusion

The Orphan or the abandoned children thus, get a loving home and environment as it is important for a growing child to have a safe and loving environment in his nascent stage of development. As adoption is not a bar to a person's capability to procreate, so this practice should be promoted and adopted amongst the member's of the society to share their means with a helpless child to enable him/her to live a dignified life. Enough ways and measures have been brought forth by the act to enable the children to get right to family like biological children are blessed and fortunate to their parents and all relatives since birth. Leaving behind social taboos even celebrities have adopted kids which is a good sign of humane love and affection to be followed by people in general. Ultimately, Adoption is for the welfare of the child as it is an important measure for the rehabilitation of children in need of care and protection by ensuring family care to them.

¹L.K Pandey v. Union of India AIR 1984 SC 469 (India)