

JUVENILE JUSTICE SYSTEM IN INDIA

-SWETA¹

ABSTRACT

“Treat the cause and not the symptoms.” A juvenile is a child or a young person who is not yet old enough to be regarded as an adult. Juvenile justice is a legal framework which defines justice for juvenile under the Indian legal system. Every society needs a problem solving mechanism for juvenile justice, be it complex or simple. The government of India has time and again worked for the juvenile justice. Special laws have been enacted to help cure this problem. The juvenile justice system is the largest machinery in India with two notable groups of ill-protected children:- children without family and children who commit the crimes. The prime center is to change the degenerates and give consideration to the unprotected children. To the extent practicable, a child to be rehabilitate and reestablished to the family. The juvenile justice act has subsumed provisions concerned to children from the Indian constitution, the United Nations guidelines and Child Rights principle. The backbone of the paper will be juvenile justice system in India. The paper shall also deal with the need for the enactment of juvenile justice act, stages of evolution of juvenile justice act, 2015, what is juvenile delinquency, a comparative analysis between juvenile justice act, 2000 and other amended act. Further an attempt will be made to compare punishments for juvenile in other democracies as well

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Introduction:

Legal system is a procedure for interpreting and enforcing the rules and regulations

Who is a juvenile? According to section 2(35) of the juvenile justice act 2015, a Juvenile is a child below the age of 18 years. Therefore, it can be said that any person who has not attained a specific age will be treated as a juvenile.

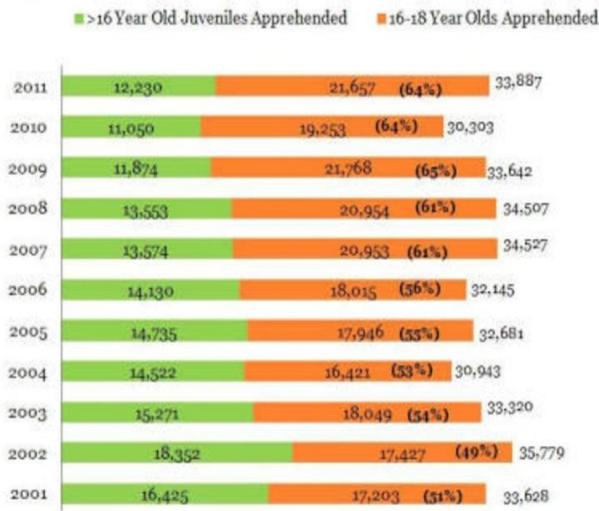
What is crime? The easiest way to define is to call it a specific act which is prohibited by the legal system and is backed by the sanction from the society. This also includes not doing any act which was required by the law specifically.

Evolution of Juvenile Justice in India

Starting in 1850, explicit laws were passed in India that secured youthful lawbreakers that rather centered around an apprenticeship program. On the off chance that a minor carried out a peaceful and non-genuine wrongdoing, than that youngster was put into an apprenticeship with an expert (like a tailor, metal forger, rancher, and so forth.) and was trained an expert expertise to utilize once they finished their recovery. The Indian government trusted that apprenticeship was better than direct discipline or restriction since it would prevent future offenses and enable youthful lawbreakers to secure positions after they had completed with their apprenticeships. Notwithstanding, information demonstrates that after the law produced results, adolescent wrongdoing rose radically. To represent this ascent in youthful hoodlums, India passed The Whipping Act of 1864. Around then, India was under British control, and Great Britain rather chose to supplant physical discipline like whipping with a prison framework increasingly like the American procedure. In doing as such, every locale of India, through the span of numerous years, created unique and clashing lawful procedures for youthful offenders. In 1960, India passed The Children Act, which made a uniform procedure for adolescent courts to pursue. At last, in 2000, India overhauled their court framework with the Juvenile Justice (Care and Protection of Children) Act. This law, which was later revised in 2006, re-presented the possibility of professional projects and apprenticeships that were increasingly adjusted to the cutting edge world. Since 2006, volunteer associations have been permitted to work with youthful offenders to furnish them with work openings, professional training, and instruction. In 2015, the law was again changed to take into consideration 16-multi year-old to be attempted as

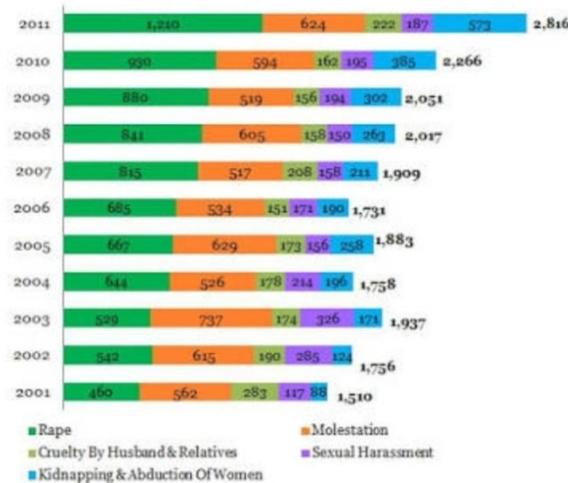
grown-ups whenever blamed for genuine wrongdoing like homicide or outfitted theft. **Need for Juvenile justice system in India**

Total Juveniles Apprehended Over Last Decade



Source: National Crime Records Bureau

Male Juveniles Apprehended For Crimes Against Women



Source: National Crime Records Bureau

CRIMES BY JUVENILES

2.5% Murders | **5.4%** Rapes

REPEAT OFFENDERS

	2011	2012	2013	2014
Adults	6.9%	6.9%	7.2%	7.8%
Juveniles	11.5%	11%	9.5%	5.4%

Crime Committed by Juveniles (IPC+SLL) - 2014-2016

S. No.	State/UT	2014	2015	2016	Percentage State Share To All-India (2016)	Rank Based on Incidence/ % share (2016)	Mid-Year Projected Children Population (in Lakhs)#+ (2014)	Rate of Total Cognizable Crimes (2016)++	Rank Based on Crime Rate (2016)
1	2	3	4	5	6	7	8	9	10
STATES:									
1	Andhra Pradesh	883	1015	809	2.3	13	156.7	5.2	22
2	Arunachal Pradesh	81	66	57	0.2	26	4.7	12.1	10
3	Assam	487	624	436	1.2	17	118.9	3.7	25
4	Bihar *	4371	1658	2335	6.5	4	447.8	5.2	21
5	Chhattisgarh	1691	1914	1953	5.4	7	100.5	19.4	4
6	Goa	64	28	21	0.1	30	5.2	4.0	24
7	Gujarat *	4380	1577	1681	4.7	8	206.8	8.1	16
8	Haryana	1041	1098	1186	3.3	10	92.8	12.8	9
9	Himachal Pradesh	272	195	204	0.6	18	21.6	9.4	12
10	Jammu & Kashmir	102	181	198	0.6	19	45.0	4.4	23
11	Jharkhand	150	124	140	0.4	20	131.5	1.1	33
12	Karnataka	412	446	453	1.3	16	195.9	2.3	29
13	Kerala	1203	1398	628	1.8	15	93.4	6.7	20
14	Madhya Pradesh	6512	6583	7369	20.6	1	300.8	24.5	2
15	Maharashtra	5407	5693	6606	18.4	2	378.5	17.5	5
16	Manipur	23	17	10	0.0	33	9.6	1.0	34
17	Meghalaya	125	111	84	0.2	24	10.0	8.4	15
18	Mizoram	44	41	53	0.1	27	3.7	14.3	7
19	Nagaland	10	17	18	0.1	31	6.7	2.7	27
20	Odisha	838	934	994	2.8	12	140.4	7.1	19
21	Punjab	277	111	117	0.3	22	87.7	1.3	32
22	Rajasthan	2309	2203	2273	6.3	5	285.4	8.0	17
23	Sikkim	19	41	27	0.1	28	2.0	13.5	8
24	Tamil Nadu	1549	1814	2217	6.2	6	202.0	11.0	11
25	Telangana	931	1252	998	2.8	11	111.7	8.9	13
26	Tripura	64	37	25	0.1	29	12.4	2.0	30
27	Uttar Pradesh	1397	1006	1438	4.0	9	885.8	1.6	31
28	Uttarakhand	123	127	124	0.3	21	38.5	3.2	26
29	West Bengal *	1566	562	709	2.0	14	293.7	2.4	28
TOTAL STATE(S)		36331	30873	33163	92.5		4389.6	7.6	
UNION TERRITORIES:									
30	A & N Islands	14	13	12	0.0	32	1.4	8.6	14
31	Chandigarh	116	100	96	0.3	23	4.0	24.0	3
32	D&N Haveli	6	17	0	0.0	-	1.3	0.0	-
33	Daman & Diu	2	3	7	0.0	34	0.9	7.8	18
34	Delhi UT	1969	2366	2499	7.0	3	56.0	44.6	1
35	Lakshadweep	1	0	0	0.0	-	0.2	0.0	-
36	Puducherry	16	61	72	0.2	25	4.7	15.3	6
TOTAL UT(S)		2124	2560	2686	7.5		68.4	39.3	
TOTAL ALL INDIA		38455	33433	35849	100.0		4458.0	8.0	

Note : i) '#' Estimated Mid-year population of children(Below 18 years of age) of the year 2014

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due to non-availability of such figures for the year 2016.

ii) + Population Source: Ministry of Health & Family Welfare estimated population of 2014 based on 2001 Census.

iii) '++ Crime Rate is calculated as Crime per one lakh of population.

iv) Rank is based on Incidence Share (Col.7) as well as on the Crime Rate (Col.10). Both should be considered simultaneously.

v) No ranking for States/UTs where figures are '0'.

vi) *Data for the year 2014 is under clarification (Bihar, Gujarat, West Bengal)

With an increased rate of crime and criminals the need for a system to treat the problem arose. This problem has only increased many a folds.

Evolution of Juvenile Justice in India

Starting in 1850, explicit laws were passed in India that ensured youthful crooks that rather centered around an apprenticeship program. On the off chance that a minor carried out a peaceful and non-genuine wrongdoing, than that kid was set into an apprenticeship with an expert (like a tailor, metal forger, rancher, and so forth.) and was encouraged an expert ability to utilize once they finished their recovery. The Indian government trusted that apprenticeship was better than direct discipline or repression since it would hinder future offenses and enable youthful offenders to secure positions after they had completed with their apprenticeships. In any case, information demonstrates that after the law produced results, adolescent misconduct climbed radically. To represent this ascent in youthful hoodlums, India passed The Whipping Act of 1864. Around then, India was under British control, and Great Britain rather chose to supplant physical discipline like whipping with a prison framework progressively like the American procedure. In doing as such, every locale of India, through the span of numerous years, created unique and clashing lawful procedures for youthful lawbreakers. In 1960, India passed The Children Act, which made a uniform procedure for adolescent courts to pursue. At long last, in 2000, India upgraded their court framework with the Juvenile Justice (Care and Protection of Children) Act. This law, which was later corrected in 2006, re-presented the possibility of professional projects and apprenticeships that were increasingly adjusted to the cutting edge world. Since 2006, volunteer associations have been permitted to work with youthful lawbreakers to give them work openings, professional training, and instruction. In 2015, the law was again altered to take into consideration 16-multi year-old to be attempted as grown-ups whenever blamed for genuine wrongdoing like homicide or equipped theft.

Causal specialists:

The components which work to turn a youngster's conduct one way instead of another might be dark, numerous so far are past the discovery of master sociologists, therapists and others. It frequently creates the impression that very extraordinary offenses are the aftereffect of a similar

gathering of causes, yet further examination demonstrates that still different elements are available for each situation which decides the kind of misconduct.

It very well may be said that one of the fundamental causal operators is the societal components. This factor incorporates different others causes that can prompt it. Society assumes a critical job in the improvement of a person. The general public shapes the identity of a tyke. The earth in which the kid lives forms the passionate conduct also. It is imperative to bring a kid up in a sound situation which is sufficient of all the fundamental and basic components essential to bring up a kid. Society frequently plays a major event changer in the inside and out advancement of a kid. An ordinary sound tyke can be brought up in a domain which is free of any unlawful, corrupt action. A sound society yields a solid tyke.

Numerous multiple times it is seen that the adolescent delinquents originate from a foundation where they grow up encountering direct a wide range of violations.

Since the arrangement of the United Nations just centered around tyke training, ailing health, assurance from war like savagery or casualties of deplorable human dealing. For a long time the UN did not see the delinquents. In any case, just in the later piece of the twentieth century the United Nations started concentrating on youngsters who were in struggle with law. The assembled countries have taken numerous endeavors to bring together the adolescent equity framework around the world. Countries keep on proposing their very own structure of law for it. The cutting edge thought of adolescent equity framework is a nearly new idea. Presently days the adolescents are attempted in shut courts and sent to office focuses or restorative focuses.

The absence of training has just been referenced as a causal specialist for some societal violations. In this period where everybody is contending, fundamental information in specific parts is an unquestionable requirement. At the point when a tyke does not have that, it brings societal disgrace, sadness, envy and a sentiment of retribution. This additionally can be a result differential child rearing. The childhood of a kid says everything.

Numerous multiple times the companion weight winds up tyrannical and powers an individual to transform into a misguided course. Adolescent wrongdoing isn't an issue that is found in kids from undesirable, poor foundation. It has become much more awful in the more extravagant areas of the general public. As recently referenced, a general public shapes or demolishes the

identity of a person. Friends are a piece of the general public who intentionally or unconsciously influence the attitude, conduct, formative example and cause different furor in the tyke. This is seen at a beginning time where the interest for everything and anything is seen. This is trailed by an interest for increment in pocket cash or spending recompenses. The satisfied requests are treated by a positive thank you however unfulfilled ones are treated with animosity, foul words, outrage, and obliteration. This is by and large idea to be a fit of rage of the high school years or a work of over fondness on the child. In any case, this is really a dread in the brain of the kid that the companion gathering will dismiss his/her essence. Roughly 45% of the grown-ups express that their dependence on smoke, medications and liquor was a companion strain to attempt it once in their adolescence. .

To satisfy this interest the youngster regularly attempts to take from their own home or from their relatives or companion.

Adolescent Delinquency

In 1967, two noted sociologists, Travis Hirschi and Hanan Selvin, saw that hypotheses of wrongdoing propose a "grouping of ventures through which an individual moves from honest conduct to . . . wrongdoing." Criminological speculations attempt to distinguish and portray the key causal variables that make up this "arrangement of steps" prompting reprobate conduct. In doing as such, speculations of wrongdoing stress certain variables as being causally imperative and after that portray how these components are interrelated in delivering reprobate conduct. Expressed basically: "a hypothesis is a clarification."

Like other logical hypotheses, speculations of wrongdoing are made out of two essential parts: ideas and recommendations. Ideas confine and order highlights of the world that are believed to be causally imperative. Distinctive hypotheses of adolescent misconduct consolidate and underscore diverse ideas. For instance, the hypotheses of wrongdoing incorporate ideas, for example, identity attributes, knowledge, routine exercises of young people, relationship ties (called connections), relationship with reprobate companions, and social disorder of neighborhoods. Ideas require definition. Definitions serve two capacities: they clear up ideas and give normal comprehension, and they portray how ideas will be estimated with the end goal of

research. Suggestions tell how ideas are connected. Logical hypotheses use recommendations to make articulations about the connections between ideas. A few recommendations infer a positive direct relationship in which the "ideas increment or abatement together in a generally straight-line style." For instance, a few speculations offer the suggestion that the quantity of reprobate companions is emphatically identified with reprobate conduct: as the quantity of reprobate companions increments, so does the probability of misconduct. In a negative straight relationship, the ideas shift in inverse ways. For example, one hypothesis offers the recommendation that dimension of connection and wrongdoing are adversely related: as connection builds, reprobate conduct diminishes. Connections between ideas may likewise be curvilinear. Here, as well, the ideas fluctuate together, either emphatically or contrarily, yet subsequent to achieving a specific dimension, the relationship moves the other way. For instance, specialists have discovered that parental order is identified with wrongdoing in a curvilinear manner. Reprobate conduct is most incessant when parental control is either missing or over the top, yet it is least regular when dimensions of order are moderate. In the event that you consider parental control as a continuum, wrongdoing is most astounding on the two finishes of the order continuum, when discipline is remiss or unreasonable, and least in the center, when discipline is moderate. A hypothesis of misconduct is a lot of legitimately related suggestions that clarify why and how chosen ideas are identified with reprobate conduct. A hypothesis offers a sensibly created contention that specific ideas are critical in causing reprobate conduct. The motivation behind hypothesis is to clarify adolescent misconduct

Hypotheses of wrongdoing work at three distinct dimensions of clarification: individual, miniaturized scale social, and full scale social. On the individual dimension, hypotheses center around qualities and attributes of people, either inborn or realized, that make a few people more probable than others to participate in reprobate conduct. The small scale social dimension of clarification considers the social procedures by which people become the "sorts of individuals" who submit reprobate acts. Criminologists have underscored family relations and reprobate companion bunch impacts at this dimension. Some smaller scale social speculations likewise point to the significance of the auxiliary setting of social cooperation.

Race, sexual orientation, and social class, for instance, impact social connection inside families and companion gatherings, however in basically all social settings. Therefore, the qualification

between social procedure and social structure isn't in every case clear, nor is it constantly valuable as a methods for ordering hypothetical clarifications. At the large scale social dimension, societal attributes, for example, social class and social cohesiveness are utilized to clarify bunch variety in rates of misconduct. For instance, neediness, together with the nonappearance of network social control, is fundamental to a few clarifications of why pack misconduct is increasingly normal in lower-class territories.

Singular dimension clarifications will in general fuse natural and mental ideas.

Juvenile justice systems in other democracies

The Unites States has drawn a straightforward refinement between adolescents as casualties of Associate in Nursing lethargic culture and individuals who are totally aware of the savagery of their wrongdoings. The enactment of the nation allows in beyond any doubt cases, remembering the brutality of the wrongdoing submitted, to embrace adolescent guilty parties as grown-ups. The avocation offered behind this discharge is to perceive the inborn and each one important rule of arranging or shame.

Another support offered is that the prime duty of the State to shield society from such wrongdoers. By postponing its purview the court perceives that the transgressor is on the far side the extent of adolescent restoration and legitimizes the arrival of locale as a method for defensive society at huge from the miscreant.

Australia also pursues a framework practically like the UK. Returning to Asian nation and in this way the Juvenile Justice Act 2000, it's direct to take note of that rather than have adaptable techniques for condemning we've selected an inflexible and clearing one. this is frequently a framework inside which the most extreme amount of sentence served by a reprobate WHO state shares in heist in order to bolster himself is that the equivalent in light of the fact that the one given steadfast a sequential criminal or killer; with incredible consideration long each are beneath eighteen years obsolete.

In Latin America the adolescent equity framework did not start until the twentieth century with the importation of the U.S. demonstrate in 1919. There was no experimental evaluation of results, and adolescents under 18 were systematized in secure offices. This is a notice of the

American frontier framework, under which a youngster could be executed or bound to a jail. South Africa's adolescent equity framework is an outgrowth of its politically-sanctioned racial segregation framework, under which minorities had no legitimate rights.

Japan and South Korea's legal frameworks were impacted by the United States and experienced comparative administrative changes. These topographical districts have a shared characteristic of impact from an outer power and are entering another zone of mindfulness.

Related Case Laws

- A 3 decide Bench call of Supreme Court just in case of Umesh Chandra Vs. State of Rajasthan, control that: - “As regards the final relevancy of the Act, we tend to be clearly of the read that the relevant date for the relevancy of the Act is that the date on that the offence takes place. Juveniles Act was enacted to shield young kids from the implications of their criminal acts on the footing that their mind at that age couldn't be aforementioned to be mature for imputing men's space as within the case of associate adult. This being the intendment of the Act, a transparent finding has got to be recorded that the relevant date for relevancy of the Act is that the date on that the offence takes place...We are clearly of the read that the relevant date for relevancy of the Act up to now as age of the defendant, United Nations agency claims to be a toddler, worries, is that the date of the prevalence and not the date of the trial.”
- In 2000 there seemed to be a shift within the read of the Hon'ble Supreme Court it discovered within the case of Arnit Das Vs. State of province, that: “So much because the gift context worries we tend to be clear in our mind that the crucial date of crucial the question whether or not someone may be a juvenile is that the date once he's brought before the competent authority”.
- This important issue was another time thought of by a 5 decide Bench just in case of Pratap Singh Vs. State of Jharkhand and it absolutely was control that:-“The reckoning date for the determination of the age of the juvenile is that the date of the offence and not the date once he's made before the authority or within the court”.
- Navin Pawar v State chance of repetition of crime isn't any ground to reject bail.

- Gurudev v State Custody of kid bimanual over to father United Nations agency was a govt. servant not withstanding rejection of bail by lower courts on the bottom of ethical, physical or psychological danger.
- Master Abhishek v State what's going to quantity to “defeating the ends of justice...”
- Shashi Immanuel Kant Saini v State, the observations in created in SIR is a fabric thought for grant of bail.

Conclusions and Recommendations

In recent years, a number of social forces have changed both the landscape of family and community life and the expectations for young people. A combination of factors have weakened the informal community support once available to young people: high rates of family mobility; greater anonymity in neighborhoods, where more parents are at work and out of the home and neighborhood for long periods, and in schools, which have become larger and much more heterogeneous; extensive media exposure to themes of violence and heavy use and abuse of drugs and alcohol; and, in some cases, the deterioration and disorganization of neighborhoods and schools as a result of crime, drugs, and poverty. At the same time, today’s world has become increasingly complex, technical, and multicultural, placing new and challenging demands on young people in terms of education, training, and the social and emotional skills needed in a highly competitive environment. Finally, the length of adolescence has extended to the mid- to late twenties, and the pathways to adulthood have become less clear and more numerous. In addition, many youth are entering the labor market with inadequate knowledge and such skills as the ability to communicate effectively, resolve conflicts, and prepare for and succeed in a job.

Concerns about youth are at the center of many policy debates. The future well-being of the country depends on rising a new generation of skilled, competent, and responsible adults. Yet at least 25 percent of adolescents in the United States are at serious risk of not achieving “productive adulthood” and face such risks as substance abuse, adolescent pregnancy, school failure, and involvement with the juvenile justice system. Depending on their circumstances and choices, they may carry those risks into their adult lives. Public investments in programs to

counter such trends have grown significantly over the past decade or so. For the most part, these efforts have targeted specific problems and threats to young people. Substantial public health investments have been made to prevent teen smoking, sexually transmitted diseases, and other health risks. Major funding has been allocated to the prevention and control of juvenile delinquency and youth crime.

This report has explored the research and evaluation on adolescent development and community programs for youth. This chapter presents the committee's primary conclusions and recommendations. We had the task of considering various aspects related to community programs for youth—from developing a general understanding of adolescent development, the needs of youth, and the fundamental nature of these programs, to critically examining the research, evaluation, and data instruments they use. We have organized the conclusions and recommendations around two primary themes: (1) policy and practice and (2) research, evaluation, and data collection.

POLICY AND PRACTICE

The committee began its work by drawing up a set of core concepts about adolescents that serve as a foundation for this report.

Some youth are doing very well. The good news for many young people is that many measures of adolescent well-being have shown significant improvement since the late 1980s. Young people are increasingly graduating from high school and enrolling in higher education. Almost half of the high school seniors participate in community service. Most young people are participating in physical exercise. Serious violent crime committed by adolescents, some illicit drug use, and teen pregnancy are down.

Some youth are taking dangerous risks and doing poorly. Some social indicators suggest continuing problems, particularly for minority youth living in poor communities and youth living in poor, single-parent