

Juvenile Delinquency: Indian Juvenile Courts and Juvenile Justice

Som Dalal

ABSTRACT

One of Fredrick Douglass' well-known sayings is "It is simpler to develop strong children than to rehabilitate broken men," and I'd want to start with that. Let's first examine what a juvenile is. According to Section 2(k) of the Juvenile Justice (Care and Protection of Children) Act of 2000, a juvenile is a person who has not yet reached or gained the age of 18. Also, a juvenile is a young person who has not attained the legal age of majority in their country and who does not otherwise resemble an adult who is capable of bearing legal responsibility. A juvenile is also a young person who has not attained a specified age as set down by a nation's legislation, who furthermore does not resemble an adult, and who can yet be held legally responsible and liable for his or her illegal conduct and offenses. Moreover, youth are considered to be one of a nation's most significant resources. The future of a nation is unlikely to be bright if its populace is not well-groomed and polished. In order to offer a secure environment for all children to study and grow in, our society has a moral and ethical duty that must be upheld. In addition, juvenile crime is not something that a child is born with; rather, it develops through time as a result of his environment and upbringing, his own foolish behaviour, or a lack of discipline and a good education. In this article, the juvenile justice system and juvenile courts in India will receive special attention. The causes and consequences of juvenile delinquency in India will also be highlighted. To reduce adolescent delinquency in our culture, certain proposals and recommendations has been given toward the end.

INTRODUCTION

A definition of juvenile delinquency is the participation of minors in criminal activity. A person is referred to as a delinquent when his or her behaviour differs from the usual course of his or her social life. To put it another way, a juvenile delinquent is a person whose behaviour poses a threat to himself, to society, and to others. Some of the more well-known instances of juvenile delinquency include running away from home, using improper or obscene language, and committing sexual offenses.

As a juvenile is defined as a person who has not reached the age of 18 in Section 2(k) of the Juvenile Justice (Care and Protection of Children) Act, 2000. The fundamental goals of juvenile justice are that it is primarily founded on children's rights and that it also applies the notion of restorative justice, which goes beyond just punishing offenders and further strives to restore the balance of a situation upset by crime. The best interests of the kid are given priority in this system. Also, the main objective of this system is to put a strong emphasis on preventing crimes and injustices against young people. Juvenile offending is another word for juvenile criminality.

Aspects Of Juvenile Delinquency's Behavior:

Although children's behavioural habits change over time, the behavioural part of juvenile delinquency is quite significant and clearly present. A minor with poor intelligence who has not obtained a sufficient education is more likely to participate in delinquent behaviour, which is also known as the individuality factor. In addition to these traits, impulsive behaviour, excessive hostility, and the inability to delay satisfaction may also be present in a juvenile offender. Additional mental Health-related issues are also personal factors. The mental health of a person is crucial since it affects his social behaviour. As a result, these elements may encourage a young person to engage in dangerous, unlawful, or destructive actions.

Adolescent-Stage Juvenile Crime

Between the ages of 13 to 19, the teenage stage is characterized as a time of transition during which physical and psychological changes occur. Adolescence is characterized primarily by biological change and development, an ambiguous status, increasing decision-making, increased demands, and the search for oneself. Teenagers also have a greater concern for their appearance throughout this time, some may become angrier and more aggressive, and a small percentage may also desire freedom and independence. It can also be described as a phase in a child's development when they are susceptible to influence and may start to walk in the wrong way, which may push them to engage in unlawful activity.

Juvenile Delinquency's Causes

Juvenile delinquency has a variety of theoretical, internal, external, and psychological factors, some of which are given below.

The family engagement component includes things like raging family conflicts, abuse, neglect, and a lack of effective parental monitoring. The same attitude may also be ingrained in and displayed by children whose parents or guardians do not respect the law and social norms of the nation. Due to bad family grooming, youngsters who also exhibit the weakest relationships to their families also seem to be the same young people who participate in inappropriate activities.

1.The factor of substance abuse-

Substance abuse is one of the most significant factors that contribute to juvenile delinquency since it can lead to minors engaging in criminal behaviour through smoking, drinking alcohol, and using high-strength narcotics. Moreover, A child is more prone to engage in disruptive, hazardous, and unlawful activities while heavily intoxicated, which further impairs his mental and psychological health.

2.Theoretical Cause of Rational choice-

A youngster does any delinquent conduct because his or her particular mind tells him or her to do so, according to psychologists' behavioural research on juvenile offenders. Additionally, he acts in this manner because he feels compelled to do so by his own free will. As these kinds of crimes give the offenders a great deal of satisfaction, they don't perceive anything wrong with committing them.

3.Social Disorganization-

As the idea of the nuclear family system, where both parents work, is replacing the joint family system, where children were raised with morals and discipline, the child is left unattended and this isolation causes the youngster to engage in wrongdoing.

4.Bad influence and company (peer Association)-

This is one of the main causes of juvenile delinquency, where minors engage in criminal activity either consciously or unconsciously as a result of bad influence and company. Furthermore, they are inspired to conduct crimes by this awful company. Additionally, it results in labelling, where a youngster who commits a crime is classified as a criminal, which furthers the psychological imbalance in the child's head and encourages him to commit additional crimes.

5.External cause of atmosphere at home and neighbourhood-

Family, is the first institution that a child interacts with after being born into a specific household. So, a family's lack of love and affection can further encourage a youngster to engage in illegal activity. Children who commit crimes may do so due to poor living conditions, poor treatment by stepmothers or stepfathers, harmful effects from television, the internet, or social media. These situations typically include youngsters who have no one to care for them after school and who also experience either too little or too much discipline from the family's elders.

A person's neighbourhood is that segment of society that can have an impact on their overall behaviour. It indicates a person's capacity to manage delinquency. If one is surrounded by intoxicated people, fighting couples, and gamblers, he will eventually become a criminal and engage in illegal activity.

EVOLUTION & HISTORY OF JUVENILE DELINQUENCY IN INDIA: Different Stages Of Legislations

According to legislative changes in the Indian legal system, the history of juvenile delinquency in India can be divided into various historical periods.

Apprentices Act Of 1850

It was the first law ever created in India during the colonial era that dealt specifically with minors who had broken the law and were therefore considered to have committed a crime in the eyes of the law. According to this specific act, children who have committed minor offenses are instead treated as apprentices, which is defined as a person receiving a course of training in industry or under any establishment, rather than being sent to prison.

In terms of how the Indian Constitution stands today, Articles like Article 15(3), Article 39(e) and (f), and Articles 45 and 47 of the Constitution of India 1949 all put a vital responsibility on governments to ensure children's basic needs and protect their fundamental human rights. Also, in November 1989, the General Assembly of the United Nations approved the Convention on the Rights of the Child, which further outlined the standards that each and every state in India was required to uphold in order to ensure the welfare of children.

The following is a list of laws that provided particular provisions for delinquents' institutionalization and rehabilitation:

Both the Criminal Strategy Code of 1861 and the Indian Penal Code Act, 1860, treat children in various ways using various systems and methodologies. Some of the unique provisions given to delinquents are Act XIX of 1850, 1876 Reformatory Schools Act, The Borstal School Act, Children's Act of 1920, and other state-specific legislation like Bengal Children's Act and Madras Children's Act to treat neglected and deviant children.

The Juvenile Justice Act, 1986:

The Juvenile Justice Act of 1986 was the first national law on juvenile justice to offer this kind of uniformity for the entire nation. The parliament passed this particular law to provide for the development, protection, care, and treatment of neglected and delinquent young people. The Juvenile Justice (Care and Protection of Children) Act, 2000 replaced this specific law once it was repealed.

The Juvenile Justice (Care And Protection) Act, 2000:

By prohibiting the death penalty and life in prison for juveniles, this act aims to strike a balance between the rights of children and the demands of justice. This particular act covers the entirety of India, and it also concentrates on the three categories of juvenile or kid concerns described below:

a child who has broken the law.

Kid in need of protection and care.

The child's rehabilitation and social reintegration.

The Juvenile Justice Act, 2014

The juvenile justice (care and protection) legislation of 2000 had been replaced by it. Further allowing teenagers between the ages of 16 and 18 to be tried as adults for severe crimes, this particular bill. Also, any 16 to 18-year-old who commits a less serious offense may only be tried as an adult if he is found after turning 21. Each district will also establish Juvenile Justice Boards (JJB) and Child Welfare Committees (CWC).

To determine whether a juvenile offender should be sent for rehabilitation or tried as an adult, the JJB will first undertake an investigation. The CWC will look into institutional care for kids who need care and protection in more detail. Further, the main goals of this act are to guarantee that every child has access to their rights, to continue protecting and caring for children without harassment or abuse, to ensure that anyone found to be in violation of the law is quickly and productively reintegrated into society, and to streamline the central adoption agency.

The Juvenile Justice Act, 2015

The 15th of January 2016 saw the implementation of this specific law. The Juvenile Justice (Care & Protection of Children) Act of 2015, which establishes criminal responsibility, also states that anyone who commits a severe crime has reached the age of criminal majority when they are between 16 and 18 years old. This likewise carries a minimum sentence of 7 years in prison. The Juvenile Justice (Care & Protection of Children) Act, 2015 also prohibits the death penalty and life in prison for children.

When it comes to the organization's main goals, it seeks to change the law in relation to juveniles who are thought to be or are discovered to be in violation of the law as well as children who need care and protection by meeting their basic needs through proper care and nourishment, protection, treatment, social integration, trainings, and also by using a child-friendly approach.

The Juvenile Justice Act of 2015's key highlights include changing the definition of "adolescent" to "kid" or "kid in strife with the law," eliminating the negative connotations associated with the term, and incorporating a few new definitions, such as "stranded, deserted, and surrendered kids," "negligent, genuine, and egregious offenses conferred by kids," to name a few.

The Juvenile Justice (Care and Protection of Children) Amendment Bill, 2018, which also aims to reform the Juvenile Justice (Care and Protection of Children) Act, 2015, was introduced in the Lok Sabha.

HIGHLIGHTED CASES: Related To Juvenile Delinquency In India

Nirbhaya gang-rape case:

A well-known landmark case that affected the Indian judicial system was the 2012 Delhi gang-rape. In this case, one of the rapists was a child. Because he was 17 at the time of the crime and was being tried as a child, the sixth defendant's name cannot be disclosed legally. He is now of legal age. The maximum penalty a child can receive is three years in a reform centre after being found guilty of the crimes of both rape and murder.

In addition, he was freed from a prison on December 20, 2015, despite objections and legal issues. His identity has been changed, and there will be no trace of his crime in the media. The infamous Delhi gang-rape case (Nirbhaya Case) in 2012 sparked public outcry, which led to the modification of the 2000 statute. because a minor was one of the culprits in the case. Furthermore, by preventing juveniles from receiving the death penalty and life in prison, the law aims to strike a balance between children's rights and justice.

The accused in the case of Gopinath Gosh v. State of West Bengal stated that he was far older than the age limit for being considered a kid. In this particular case, the court additionally sent the issue to the sessions judge so that the accused's age could be established in addition to allowing the plea of juvenile status to be raised for the 1st. time. In Rajinder Chandra v. State of Chhattisgarh, the Supreme Court endorsed this strategy and further established that the bar of proof for age determination is degree of probability rather than proof beyond a reasonable doubt.

Statistics

According to the reports, from 1.2% in 2013 to 1.18% in 2014, the proportion of juvenile offences to all cognizable crimes decreased somewhat. Moreover, the total number of crimes rose from 26.47 lakh in 2013 to 28.51 lakh in 2014. The reported rate of crime against children in India in 2019, according to state, the union territory of Lakshadweep had the highest reported crime rate against minors in 2019 with over 144 instances, which was followed by the capital territory of Delhi with 139 cases.

JUVENILE COURTS IN INDIA

Let's examine the juvenile courts from a wider and more comprehensive perspective in order to comprehend the juvenile justice system in great depth.

When a youngster is suspected of committing a crime, proceedings typically end up in juvenile courts. Instead of being criminal, the proceedings are civil. As a result, young offenders are accused of performing a delinquent behaviour rather than being charged with a crime. In addition, a juvenile case often begins with the filing of a civil petition by a prosecutor or probation officer accusing the minor of breaking a law and requesting that the court declare the minor to be delinquent.

Juvenile offenders are subject to the court's extensive powers if the allegations are proven and delinquency is determined. The juvenile court has the power to take any action it deems to be in the juvenile's best interest at that specific time.

Regarding the juvenile courts' readability requirement, the age limit is 17. Furthermore, not every case handled in juvenile court is a delinquent case (those involving the commission of a crime). Dependency cases and status violations are two other categories of cases. Also, the juvenile court is a legal institution that stands out for its particular approaches to dealing with young people.

It differs from the typical adult criminal court in many ways and expresses the idea that a misbehaving youngster needs to be protected and should be given the opportunity to be rehabilitated rather than having to defend himself in the contentious adult criminal justice system.

DIFFERENCE BETWEEN A CHILD & A JUVENILE:

A person who is under the age of legal obligation and responsibility—or, more specifically, who is under the legal age of 18—is recognized as a minor. While a juvenile is defined by law as being between the ages of sixteen and eighteen, a child accused of a crime is not tried as an adult and is instead transferred to a child care centre for adequate psychological and mental treatment and care.

JUVENILE CRIMINAL COURT & ADULT CRIMINAL COURT: the difference

Adult offenders are first prosecuted for their crimes, whereas juvenile offenders are first prosecuted for their delinquent conduct. Additionally, the court system may opt to charge the child as an adult if the delinquent activities are exceptionally serious in nature, such as murder. In this case, they would be tried in the adult crime system in accordance with the legal system.

Second, whereas in the juvenile court, the child is accused with a document called a Petition, the defendant in the adult court system is charged using a document called a Complaint.

Finally, in a juvenile court, a kid is declared delinquent even if the criminal is found guilty in an adult court.

Fourthly, juvenile court in this situation is considerably more concerned with the child's best interests and working to ensure that they are rehabilitated before becoming adults. Treatment, counselling, education, and the promotion of moral and ethical principles are given much greater weight than punishment.

In contrast, juvenile criminal system courts are far more informal. Adult crime system courts are much more formal. As a result of the juvenile justice system is significantly more lenient in rules and regulations; and regarding the acceptance of evidence.

Speaking more specifically about the Juvenile Justice Board, it strives to handle these kids who are in trouble with the law in the best and most responsible way possible so that they can eventually be reintegrated into society as valuable contributors.

SUGGESTIONS & RECOMMENDATIONS-to prevent juvenile crimes (juvenile delinquency):

For such delinquent youth, who are readily drawn into criminal activity due to both internal and external influences, prevention is essential and crucial. Finding these adolescents is the first and most crucial step, followed by giving them the necessary therapy and care. In addition to this these adolescents become habitual criminals if not timely stopped and given appropriate treatment and aid.

Also, helping children and their families from the start has unquestionably been the most successful and efficient strategy to prevent juvenile criminality. Also, the state's early intervention programs allow a variety of groups to approach this issue in different ways. Several lawyers and criminologists have also proposed various laws to stop adolescent delinquency.

Some of them include, first, individual programs that involve counselling, psychotherapy, and appropriate education as means of preventing delinquency, and, second, environmental programs that involve the use of techniques to alter the socioeconomic conditions that are most likely to encourage delinquency. Several field-programs are also to be included because they further offer practical knowledge and experience along with necessary demonstrations.

'Delinquency Prevention' is aimed to prevent youth from getting involved in criminal & other antisocial activities which not only harms the 'society' but also the 'offenders' themselves. Various governments are recognizing the importance of allocating resources for the prevention of 'delinquency' not only in India; but also, in other parts of the world.

Additional prevention services include initiatives like substance abuse education and programs, treatment and protection programs, family counselling programs and reports, youth mentoring, parenting education, educational support for young people in shelters, psychological and moral therapy, and family counselling programs and reports.

The Juvenile Justice (Care and Protection of Children) Act emphasizes the involvement of volunteer social workers and community services for the benefit of minors at different times and stages while discussing the role of social workers and non-governmental organizations. Additionally, this calls for the involvement of social and community workers from non-governmental groups in the admission, decision-making, community placement and organization, institutionalization, and rehabilitation of abused and neglected children.

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Regarding the function of the family, school and peer associations, parents and other family members should instil moral principles and ethical principles in children from an early age. They should also ensure that children receive a proper education and training so that they can use their developing minds in the direction of knowledge and later develop into responsible citizens of their respective countries.

In addition, schools ought to include value education classes where the value of both religion and education is emphasized. In order to give young people a better future, additional sponsorships should be offered for their education. There should be courses for personality improvement where students can reflect on themselves and continue to develop their personalities.

Schools should also offer value education courses that emphasize the importance of both religion and education. More subsidies for young people's education should be made available in order to provide them a better future. Courses for personality development should be offered so that students can examine themselves and keep developing their personalities.

Further, Section 8 of the Juvenile Justice Act of 2000 permits the state government to create and maintain observation houses in each district or group of districts. Section 9 of the Juvenile Justice Act of 2000 permits the state government to create and maintain special homes in each district or group of districts. Section 37 of the Juvenile Justice Act of 2000 creates shelter homes for children who require immediate assistance.

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CONCLUSION

Due to the current, western way of life, youngsters are more easily drawn to harmful influences and engage in criminal activity that is offensive in nature, whether it be underage drinking and driving or committing horrible crimes like murder.

Children should be taught the difference between right and wrong from an early age to help prevent this and encourage them to act morally, behave appropriately, and follow the right path in their lives. This will help them grow up to be respectable and responsible citizens of their respective countries.

Also, a secure environment for the kids must be established so that they can learn and internalize positive values from their elders and subsequently put them into practice throughout their lifetimes.

In addition, I would like to draw attention to the fact that kids are often captivated or influenced by their parents, therefore it is our job to set an example for them that promotes morality and logical thought.

I would want to end my research paper on a positive note by stating that every decent citizen contributes to the development of their country, which is why youngsters who put in effort to learn; are further recognized as excellent and responsible members of their society or nation.

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