

Juvenile Justice and Legal Implications

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Abstract

"A legal structure known as juvenile justice was created to address crimes committed by kids, usually those under the age of 18. Instead of punishing young offenders, its goal is to assist them with intervention and rehabilitation. Three kinds of juvenile allegations were established under the Juvenile Justice (Care and Protection) Act of 2015:"

(i) Minor offences

(ii) Serious offences

(iii) Heinous offences.

"Implications of Juvenile Delinquency"

Parents may feel stressed and like they are failing in their job as educators, and the reputation of the family and school is tarnished. Furthermore, security disruptions in the neighbourhood brought on by juvenile delinquency might make locals feel unsafe. There are several forms of juvenile delinquency, including situational, organised, group-supported, and individual. One youngster doing an act on their own is referred to as individual delinquency, and it is said that family issues are the root cause of the delinquency. Other scholars who wish to conduct research in this area may find this research article to be very helpful.

Key Words

Juvenile, Delinquency, Rehabilitation, Spike, Psychotropic testimony, constitution deterrent, parental nurturing, abandoned, rehabilitation.

I. INTRODUCTION

"It you want real peace in the world, start with the children." Mahatama Gandhi.

"Since there is no denying that a teenage brain is not an adult brain, juvenile justice is likely the area most in need of reform in the liberal sense of the word. Sapdky, Robert."

"The word juvenile originated from a latin word 'juvenis', which means young."

"Section 2 of the Juvenile Justice Act of 1986 defines the term "Juvenile" in India under clause (b). According to clause (b), "Juvenile" refers to a male who is younger than sixteen or a girl who is younger than eighteen. Section 2 of the Juvenile Justice Act of 1986 defines "delinquency" in clause (c)."

"(e) A juvenile who has been determined to have committed an offence is referred to as a delinquent juvenile. A youngster may commit crimes for a variety of reasons, such as mental illness, social disarray, familial dynamics, etc. When a child commits the same offence again, he is considered a juvenile delinquent. Since a juvenile was involved in the rape case of the Nirbhaya Gang, which rocked the country in December 2012, juvenile delinquency, or criminal conduct by juveniles under the age of 18, has been a major topic of discussion. An average of 85 cases were reported per day. juvenile, but in these cases, over 100 were placed on hold. Surprisingly, 31,756 of the total prisoners lived with their parents. 2,191 people were homeless, while 3,496 people lived with a guardian. Murder accounts for 89.80% of all cases that are reported."

Data shows that the system has been a huge failure despite the nation's continuous attempts to channel the youth, as evidenced by the rise in juvenile crimes. Another Delhi is feared when the horrific Nirbhaya Gang rape near eleven occurs. The horror of juvenile crime raises a number of concerns about the legislation pertaining to young offenders. In its most recent report for 2021, the "National Crime Record Bureau (NCRB)", which compiles and analyses crime data nationwide, revealed a startling increase in juvenile offences. Approximately 30,000 cases were filed against minors during the year, and 37,444 of those instances resulted in arrests. Of those arrested, nine out of ten were found guilty in these cases. Surprisingly, 2,191 of the total prisoners were homeless, 3,496 lived with a guardian, and 31,756 resided with their parents. Murder accounts for 89.80% of all recorded cases.

"Drugs and substance misuse are the main causes of violent tendencies in children, according to a 2016 study from the Institute of Human Behaviour and Allied Sciences, the psychiatric department of Dr. Ram Manohar Lohia Hospital, and the Pushpawati Singahnia Research Institute."

“According to this study, which involved over 500 adolescent offenders, over 87% of them had an addiction. In addition, psychiatric drug use was prevalent among those convicted of violent crimes such as murder and rape. Additionally, the study found that youngsters who play violent internet games exhibit violent inclinations. According to a 2019 study on 220 kids published in the American Medical Journal's JAMA Network, youngsters who play violent video games are more likely to use a gun. Following the December 2012 Nirbhaya Gang rape case, in which a juvenile was implicated among other perpetrators, the Juvenile Justice Act of 2000 was amended. A person 16 years of age or older will be tried and treated as an adult for serious crimes, according to the Act. In a case in November 2021, at approximately 11.15 p.m., a 16-year-old youngster fatally stabbed a young person in the welcoming area of Janta Mazdoor Colony in Northeast Delhi. Robbery was the cause of murder. The victim was initially strangled by the boy, and after he passed out, the accused repeatedly stabbed him before taking him of his money, which was approximately Rs. 350, according to the deputy commissioner of police (DCP). The attacker is shown on camera performing a macabre dance while standing over the motionless victim as the unsettling video comes to a close. According to an officer with knowledge of the evidence, the youngster was apprehended while eating biryani at a stand away from the crime scene in November 2023. According to the NCRB's 2018 "Crime in India" report, 31,591 juvenile crimes were registered in the country. Of these, 19% occurred in Maharashtra alone. According to NCRB, the number of juveniles in conflict with the law is a reflection of the number of crimes that are allegedly committed by minors under the age of 18. In 2018, Maharashtra reported the highest cases under this category, making up about 19% of all cases nationwide. MP was responsible for 16.6% of the offences, so they are not at the back. By the way, MP reported the most of these occurrences in 2017. In 2018, the top 10 states together accounted for 81.7% of all cases, with Delhi ranking third with 8.6% of cases.”

“According to our data, the bulk of juvenile violations were those that had an impact on property and human health. IPC-related offences accounted for 92% of the cases involving minors. The highest percentage of cases, comprising both IPC and SLL, was acts against the human body (37.70%), which included rape (13%) and assault on women to cause indignation and modesty (12%), among many other offences.”

“Of all the crimes committed by minors, 37.6% were related to property. 70% of these offences were theft-only, with burglary making up 16.8% and robbery accounting for 10%. According to the Posco Act of 2012, robbery accounted for 45.4% of cases ordered by SLL. A youngster may commit crimes for a variety of reasons, such as mental illness, cultural background, social disarray, etc. When a child commits the same offence again, he is considered a juvenile delinquent. The most widely accepted explanation for why young people commit crimes is their upbringing and education. According to 2018 data, 91% of the juveniles engaged in these cases had completed at least basic school, and at maximum, 45% had completed between matriculation and higher secondary. Of these, roughly 21% had completed schooling, while 9% were illiterate. According to the NCRB research, a juvenile's familial background is the environment in which they lived when over 85% of them were arrested. Just 6% of children were homeless, 8% lived with guardians, and the majority stayed with their parents. Another starting point is that about three quarters of the adolescents involved in these incidents were between the ages of 16 and 18, and 99.3% of the juveniles involved were boys. 382 minors in all, or almost 10% of the total, were younger than 12 years old. The amount of crimes perpetrated by minors has climbed by almost 65% in the last 15 years. Juvenile offences peaked in 2016, but since then, the number has been declining by 6% annually. The goal of the juvenile justice system is to safeguard and advance each young person's human rights. This area of law deals with minors who have been accused of crimes or who have experienced parental neglect or abandonment. Unlike adult criminal justice, it is more focused on the rehabilitation of its charges.”

“The constitutional mandate granted under Article 15 of the Indian Constitution, which ensures special attention to children through required and unique laws and policies that preserve their rights, significantly governs the country's juvenile policy. Article 14 provides equality, Article 21 protects life and personal liberty, and Articles 14, 15, 16, 21, 23, and 24 enshrine the right against exploitation. These fundamental provisions also serve as the foundation for the policy. Our constitution places a strong emphasis on the state's obligation to protect children from exploitation and advance their welfare. The foundation of the juvenile system is the idea of *Doli incapax*, which states that a child cannot acquire criminal intent. Thus, it had created a new kind of justice system in terms of its process and facilities, such as how police question children, how judges view the decision of guilt, how prison staff handle the lawyers, the living, societal, educational, recreational, and safety conditions, as well as the rehabilitation and reintegration program.”

“Why Juvenile Justice System In India.”

- to make juvenile offenders answerable for their deeds.
- to defend the community and its residents against crimes perpetrated by juvenile offenders.
- To offer individualised evaluations in order to rehabilitate and stop more delinquent activity by fostering the development of basic life skills, social emotional intelligence, occupational skills, and education that allow young people to mature and flourish.

•To give fair hearings where legal rights are acknowledged and upheld to young people and all other interested parties.

“The primary issue with India's juvenile justice system appears to be that it has little impact on preventing young people from engaging in antisocial activity. Concerns about recidivism have grown, raising doubts about the legitimacy of India's juvenile justice system as young offenders believe that committing horrible crimes is not a problem because they will get away with it with little to no punishment in the name of reformation and the justification of their immaturity. This research paper provides an overview of the Indian juvenile justice system, presenting, analysing, and discussing it critically in order to broaden my understanding of the system as a whole. This essay challenges the Indian juvenile law, re-examines it, and takes a fresh look at it.”

“Reasons for Juvenile Delinquency”

“Juvenile delinquency cases are handled by judges and special courts, and the court system handles crimes committed by minors differently. Children are shielded from the harsh realities of adult court and sentencing by this measure. The judicial system believes that minors who commit crimes are not fully conscious of what they are doing.”

“Some of the reasons are for Juvenile Justice:”

1. “Family risk factors.”
2. “Individual risk factors.”
3. “Mental Health risk factors.”
4. “Substance abuse risk factors.”
5. “Sexual abuse factors.”
6. Ocular Ailments
7. Hearing problem.
8. Excessive strength.
9. Cultural Conflicts.
10. Socio- Economics condition
11. Neighborhood
12. Cinema and social Media.
13. Significance of school.

“The legal implications of Juvenile Delinquency Litigation”

“The legal implications of Juvenile delinquency litigation are complex and far reaching. Juvenile delinquency is a serious problem that can have long term consequences for the individuals involved and the community as a whole. It is important to understand the legal implications of Juvenile delinquency litigation in order to ensure that justice is served and that the rights of all parties are respected.”

“Parental Responsibility for Juvenile Delinquency”

“Parental Responsibility for Juvenile Delinquency is a legal concept that has been established to hold parents accountable for the any criminal activities they engage in parents are expected to provide safe and nurturing environment for their children and to ensure that they are provided with the necessary guidance and support to make good decisions. If support and guidance, they may be held liable for any criminal activities their children engage in.”

“For Juvenile delinquency parental responsibility is an important concept in the legal system. It is designed to ensure that parents are held accountable for the actions of their children and to provide a deterrent to juvenile delinquency. By holding parents responsible for their children's criminal activities the legal system is able to reduce the incidence of juvenile delinquency and create a safer and more secure environment for all members of society.”

The Impact of Sentencing and Disposition on Juvenile Delinquency-

“Sentencing and disposition have a sufficient impact on Juvenile delinquency litigation. The disposition and sentencing of juvenile delinquents can determine the future of a young person's life. It is important to consider the various factors that influence sentencing and disposition when making decisions in Juvenile delinquency cases.”

“Sentencing and disposition are two separate components of Juvenile delinquency litigation. Sentencing is the legal process of determine the punishment for a crime that has been committed. This can include incarceration, fines, probation community service or other sanctions. Disposition is the process of deciding what should happen to the Juvenile delinquent after sentencing. This can include rehabilitation diversion or other alternatives to incarceration diversion or other alternatives to incarceration.”

The consequences of sentencing and disposition can be important incarceration can lead to a decrease in educational and employment opportunities as well as an increase in recidivism. These both can have a major effect on Juvenile Delinquency Litigation.

Importance of the Juvenile court in Delinquency litigation-

When it comes to delinquency litigation, juvenile costs are crucial. It is a unique court with unique authority, which has the authority to hear matters involving juvenile delinquency and render a decision. The purpose of the juvenile court is to safeguard the rights of minors. The court may place the juvenile in a juvenile detention facility and apply various sanctions, such as probation counselling and other forms of treatment, if it determines that the juvenile has committed a delinquent act. Additionally, the juvenile court has the power to transfer some cases to the adult criminal court; in these situations, the juvenile is handled as an adult. The Juvenile Court is in charge of providing a venue for adjudication, hearing arguments, rendering decisions, issuing orders, determining suitable treatment, and promoting rehabilitation. The juvenile may also be required by the court to take part in educational and counselling programs.

The use of evidence in Juvenile Delinquency Litigation-

In Juvenile Delinquency litigation evidence is used to establish the elements of the offense charged. This includes evidence of the juvenile's age, identity and any other relevant facts. The evidence may include witness testimony physical evidence and documentary evidence. Witness testimony is often used to establish the facts of the case. Evidence of the juveniles amenability to treatment may include school records, medical records, and other documents that may be relevant to use case.

Important Cases

“In the cases of Kulai Ibrahim V/s State of Coimbatore”

“The court decided that even after the case has been decided, a juvenile has the right to raise the question of juvenility at any point throughout the trial. in compliance with a provision of the Juvenile Justice Act of 2015. In the Salil Bali v. Union of India and Others (7) case, it was argued that the current juvenile justice system should be altered to decrease the age from 18 to 16 and to require adult trials for children who have committed major crimes like rape. The Supreme Court dismissed the argument, ruling that the Juvenile Act is founded on good principles and complies with the Indian Constitution. A number of international instruments, such as the Beijing Rules and the Riyadh principles, which permit distinct criminal justice systems for minors, also acknowledge the rights of children.”

“Even in the State of Delhi v. Mukesh and Others case. The top court declined to impose a more severe punishment in the infamous "Delhi Gang" rape case due to the heinousness of the behaviour. Though there are extremely few examples, there are some instances where a child develops criminal tendencies at such a young age that it becomes nearly hard to reintegrate them with other members of society. Instead of placing kids in the jail alongside the seasoned offenders, it is preferable to try to reintegrate them into society.”

“In Munna V/s State of U.P.”(8)

The Supreme Court issued some guidelines pertaining to youngsters incarcerated. The SC ruled that a youngster should not be harmed even if he is found guilty of a crime. When people go to jail, their basic rights should not be restricted.

“In Bhoop Ram V/s State of U.P.”(9)

In this case, the Apex Court upheld the ruling in Jayendra v. State of U.P., which found that a person's age might be determined by the length of time it took to commit an offence.

“In Raj Singh V/s State of Haryana”(10)

The court overturned the Supreme Court's ruling that the age of the boy or girl at the time of the offence must be established.

“In Arnit Das V/s State of Bihar”(11)

“According to R.C. Lohoti, J., it is important to remember that neither the definition of juvenile nor any other provision in the act specifically specifies the date by which a boy or girl's age must be ascertained in order to determine whether or not (12) they are a juvenile. The Apex Court ruled that the age of the boy or girl must be ascertained at the time of their purchase before the appropriate authority. The court cites the reasoning that a large number of juveniles have been placed in adult prisons due to a lack of documentation proving their age.”

“Justice Verma Committee Report on Juvenile Justice Laws in India”

“The Juvenile Justice Act has utterly failed to protect the nation's youth, according to Justice Verma Committed's report on "Amendments to Criminal Law" (13).”

“We cannot hold the child responsible for a crime before providing to him/her the basic rights given to them by the Indian constitution, The report looked extensively on the children homes and found them lacking in basic infrastructural requirements, where they are forced to grow and becomes the prey.”

“Sexual offences The juvenile homes are unable to provide the basic constitutional rights which are mentioned for the children under the Indian constitution. The emotional, nutritional, mental requirements are so low that they often not be able to cope up and contribute to the society.”

“Recommendations”

“With all due respect to the existing law, the following recommendations are made.”

- “The goal of the Juvenile Justice Act should be achieved by giving more authority to international treaties and the Cr.PC. and BNSS than to the state in enacting laws pertaining to the JJ Act.”
- “Instead of taking a positive approach to child delinquency, the court ought to take a reformatory one. In order to reintegrate the offender into society, the state ought to make an effort to establish such an atmosphere.”
- “Given the significance of the Juvenile Justice Board, both the magistrate and the members of the JJB should undergo specialised training in child psychology.”
- “In order to finish the inquiry within four months, the magistrate should not be working on any other projects outside juvenile cases.”
- “In order to assist the board's inspection procedure and the surprise visit, the children's homes should be monitored by CCTV.”
- “Children's homes are intended for both "children in need of care and affection as well as children in dispute with the law."Both on paper and on the ground floor, it is crucial to have distinct dwellings for the two types of youngsters.”

Other Recommendations

“The states ought to clearly define how JJA relates to other laws that have an impact on the lives of the children it covers.”

“In addition to being more affordable, probation and other community-based programs have to be chosen because they have the ability to guarantee better treatment and rehabilitation for young people.”

“We ought to make an effort to shape our society such that no young people commit crimes.”

“Strict enforcement of the statute is necessary.”

“To prevent misunderstandings, protective custody should be defined in JJACT.”

“The proceedings should take place on working days, and the juvenile justice board shall be operational on all working days.”

“It should be noted that the JJACT, 2000 does not distinguish between male and female children.”

“The phrase life imprisonment should be changed to expression and imprisonment in Section 16[1] of the ACT.”

“Regarding whether a minor involved in a TADA\POA\NDPS statute case can be built out under section 12, the statute is silent. must provide the kids with prompt relief and prevent any uncertainty. Even in the aforementioned categories, the statute should expressly provide for bail.”

II. “CONCLUSION”

“To sum up, children represent a country's future and its progress. For their character to be nurtured to the fullest, a safe and healthy environment must be provided. India now has the greatest number of children. However, the increasing rate of adolescent offences in India these days raises serious concerns about the future of our nation. A child must be given a comprehensive physical, mental, spiritual, and moral growth from birth in order to become a responsible member of the largest democracy in the world. Unfortunately, a number of reasons can cause youngsters to become juvenile offenders, even if they are innocent. which thus turns a defenceless child into a young criminal. Child exploitation has long been a common practice. These offenders endure a great deal of abuse, which can be psychological, physical, or a combination of both. The effects of abuse on a child's life are significant and long-lasting. Child abuse is a significant issue that is unlikely to be resolved anytime soon. Our Indian judicial system places a strong emphasis on the reformatory method of punishment for juvenile offenders since criminal jurisdiction over juvenile offenders states that minors need to be cured and kept from following a dark and incorrect path. With rare exceptions, the majority of kids and teens who run afoul of the law have committed infractions. Considering the Nirbhaya case as a whole and the only rationale, as well as the moral basis and rationale for lowering the age of juveniles from 18 to 16, lowering the age of juveniles in conflict with the law can never be the solution to the problem of juvenile delinquency. Making such drastic changes to the juvenile justice system (Care and Protection Act 2000) is nothing more than a pitiful demonstration of social prejudices on the part of the central government. Although we cannot eradicate this threat, there are ways to manage the issue of juvenile delinquency. The delinquent should be rehabilitated and reintegrated into society as soon as feasible for their own benefit. Additionally, the state must defend the rights and interests of these kids, develop reformatory strategies, and give them a boost of confidence so they can contribute to **society in positive ways.**”

REFERENCES

- [1]. Source -NCRB-27 November 2023
- [2]. with input from IANS (ratsamachar.com) updated ; November 27th ,2023
- [3]. service.india.com
The law related to Juvenile justice system in India: A critical analysis by Arafat Khan
- [4]. service. india.com IBID
- [5]. legalit. ai/the -lega-
The Legal implications of Juvenile delinquency litigation (July 11 ,2023)
- [6]. AIR 2014 SC 2726
- [7]. (2013) 7 SCC 705
- [8]. AIR 1982 SC 806
- [9]. AIR 1987 SC 1329
- [10]. 2000 (6) SCC 759
- [11]. AIR 2000 SC 2264
- [12]. 1d , p. 2267
- [13]. Hindu Samaj Perappadan ," Juvenile justice act has failed miserably " ,The Hindu ,(June 13, 2016)
<https://www.the Hindu.com /news/nation/Juvenile-justice-act-has-failed miserably/article4337040.ece>