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Email: editorialboard.ijle@gmail.com

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**“Dharma is to protect the Needy”**

**Article on**

**JUVENILE JUSTICE SYSTEM - WHAT ARE THE CURRENT  
LAWS AND WHAT NEEDS TO BE CHANGED?**

**B GIRIDHARAN, Student, School of Excellence in Law, Chennai**

**S.P. SOWNDARYA, Student School of Excellence in Law, Chennai**

**ABSTRACT**

*“INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE”*

*-MARTIN LUTHER KING, JR.*

In the last few decades, the crime rate of children under the age of 16 years has increased. The main reason for this is due to the environmental changes in the upbringing of the child and also the lack of education and the open mindset of the parents. The most disappointing factor is that children under the age of seven can be easily manipulated as they are very innocent at this age. Children are mainly influenced by poverty, broken childhood, improper guidance, media and toxic relationship which led them to involve in criminal activities.

Juvenile delinquency is defined as “the commission of a crime, habitually, by young person’s, one below the age at which criminal prosecution is possible.” Juvenile Justice Act was formed especially for administering justice to underage offenders. The juvenile justice act provides for the formation of juvenile justice board, observation homes for juvenile offenders and facilities for rehabilitation. International organizations such as United Nations Organization and UNICEF have taken various steps towards the prevention of juvenile crimes and also towards the up-lift of juveniles.

We have briefly discussed the laws regarding the juvenile justice system in India and the changes and improvements that can be brought into force. Our paper deals with the current laws governing juveniles and also the working of the juvenile justice system. We concluded by offering our views on the justice system for juveniles and on what can be changed in the already present existing laws.

**KEYWORDS:** Toxic relationship, Delinquency, Juveniles.

## **INTRODUCTION:**

The term 'Juvenile' is originated from the Latin word 'Juvenis', which potential means 'Young'. In India children are treated equal to God. The historic humans concept that children are innocent and that they can't do heinous crimes but in the contemporary technological world, children are used as a weapon by the offenders, and in some cases the kids are the offenders. Our Indian criminal system has a juvenile justice act, 2000 to stop crimes of young offenders. Later, the Act was changed and brought about concrete laws for the punishment, treatment and rehabilitation of juvenile offenders.

## **AGE LIMIT OF JUVENILES:**

Crimes committed by a person, who is of younger character and beneath the age 18, in most countries, are called as Juveniles. When the minor violates a statute, the procedure is special for that of juvenile offenders. The common age of minor is between 12- 18 is reflect on consideration on as minors or juveniles but in some situation the minor will be reflect on consideration on as an person through the justice system, if they commit heinous crimes. In the Delhi gang rape case there was a 16 year old minor concerned and the Public Interest Litigation used to be filed by means of sweatha Kapoor mentioned that "Minds of juveniles who have attained the age of sixteen and commit serious crimes are properly developed and they no longer want care and safety of the society. Rather, the society desires care and safety against them"<sup>1</sup>. The juvenile justice (care and protection) act, 2015 amend the age restrict structure 16 to 18 (decreased). Today this is a universally regular definition of a juvenile which comes from the United Nations convention on the rights of infant (UNCRC).

### **1. United Nations Convention: –**

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<sup>1</sup> 1998 SCC, Del 879: (1999) 77 DLT 181- Nirbhaya Delhi Gang Rape Case", on December 16, 2012 greatly surprised the entire state and many debates were commenced two among legal fraternity and socialists. The important purpose and issue of the debate was once the involvement of accused, who used to be just six months short to gain the age of 18 years.

The UN Convention on the Rights of Child, 1989 defines that “child” capability as a human being beneath the age of eighteen years except the regulation assertion applicable to child, majority is attained earlier<sup>2</sup>.

2. Children Act, 1960 :-

Section 2(e) of the Act states “child” capability as a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years<sup>3</sup>

### **CRIMES COMMITTED BY JUVENILES:**

The juvenile delinquency is recognised as the “habitual committing of crook acts or offences by a younger person, particularly one beneath the age at which ordinary crook prosecution is possible”. A youthful perpetrator beneath the Children Act 1960 or any different law for the time being in pressure for the treatment, education or rehabilitation of youthful offenders, The most of the common crimes dedicated by the juveniles are theft, rape, homicide etc. In early nineteenth century there used to be a young gang beneath the age 12 have been involved in pickpocket where the precise hassle in the cities were massive humans gathered. The juvenile are begin to under the influence of alcohol at the age of 10. In early 18th century there no younger criminals however the wrong conduct used to be managed with the aid of the mother and father itself.

### **REASON FOR THE COMMISSION OF CRIMES:**

India's children are marginalized through trafficking, poverty, addiction, labour, abuse, disability, addiction, calamity, conflicts, exploitation, broken parents, adult television, consume of internet in early stage, mud lark, ragamuffin, toxic relationship and modern Life Style. The swiftly altering society patterns and cutting-edge dwelling style, makes it very tough for youngsters and kids to alter themselves to the new ways of lifestyle. They are confronted with troubles of subculture conflicts and are unable to differentiate between proper and wrong

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<sup>2</sup>Article 1 of the UN Convention on the Rights of Child, 1989

<sup>3</sup>Bare Act , The Children Act , 1960 , Universal Publication , 12<sup>th</sup> Edition

### **AFTERMATH:**

Children from the jail are facing extra difficulties after their launch from the children homes. They are left out with the aid of the parents, maintain distance from the friends, juveniles where begin to overlook by using the relatives, they get kick off from the society. They can't express their feeling to all and sundry surrounded by means of them and it will make greater stress and their internal emotions begin to burst out in an incorrect feel and the situation of the infant will come to be worst and it will lead to commit greater crimes. So the authorities and the society had to assist the teenagers to free their idea and organize extra rehabilitation programmes.

### **JUVENILE JUSTICE SYSTEM IN OTHER COUNTRIES:**

#### **UK:**

With regards to the Juveniles courts in UK, for the first time it was established in England in 1908. The objective of these courts is to provide proper care and protection to the child as well as juveniles. And also to take all the necessary steps to remove undesirable surroundings around the offenders and provide reformation for the offenders.

The children and young offender act 1933, gives power to the juvenile courts to look in to certain important civil cases. The act provides for child<sup>4</sup> and young person<sup>5</sup> who have committed a crime to be tried in juvenile courts. It also provides for the establishment of Remand homes. The UK legislation has also come up with the new act that deals with the Rights of Juvenile Offenders. The Act came to be known as The Criminal Justice Act, 1948. It also provides security for the Young Offenders by sending them to Remand homes.

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<sup>4</sup> A person under fourteen years of age.

<sup>5</sup> A person between the age group of fourteen and seventeen year.

## **USA:**

The working of Juvenile Courts in USA is lot easier and definitely less complex when compared to other nations. The Courts of USA follow an improper way in the process trail of an offender. During the first stage, the police officers in charge of the case have the full discretionary power to either keep the juvenile offender in custody or to release them or to reprimand the offender or to do both. In the second stage, police officers have to take the matter in to their own hands and also have to contact juvenile courts and make them aware of the case. After the trail in courts, the juvenile offenders are sending to certified schools or children homes if such an order is passed by the court. According the US juvenile justice system, he juveniles are only tried as an adult in cases where the age of the juvenile offender is close to adulthood as per statutory provisions or when the offender is found to be involved in repeated offences and is a danger to the society.

## **INTERNATIONAL CONCERN ON JUVENILES:**

Following are the International Instruments and Conventions that are signed by all the States of UN in order to protect the rights of Children:-

1. UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)
2. UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)
3. UN Rules for the Protection of Juvenile Deprived of their Liberty (Havana Conventions)
4. Guidelines for the Action on Children in Criminal Juvenile System (Vienna Guidelines)

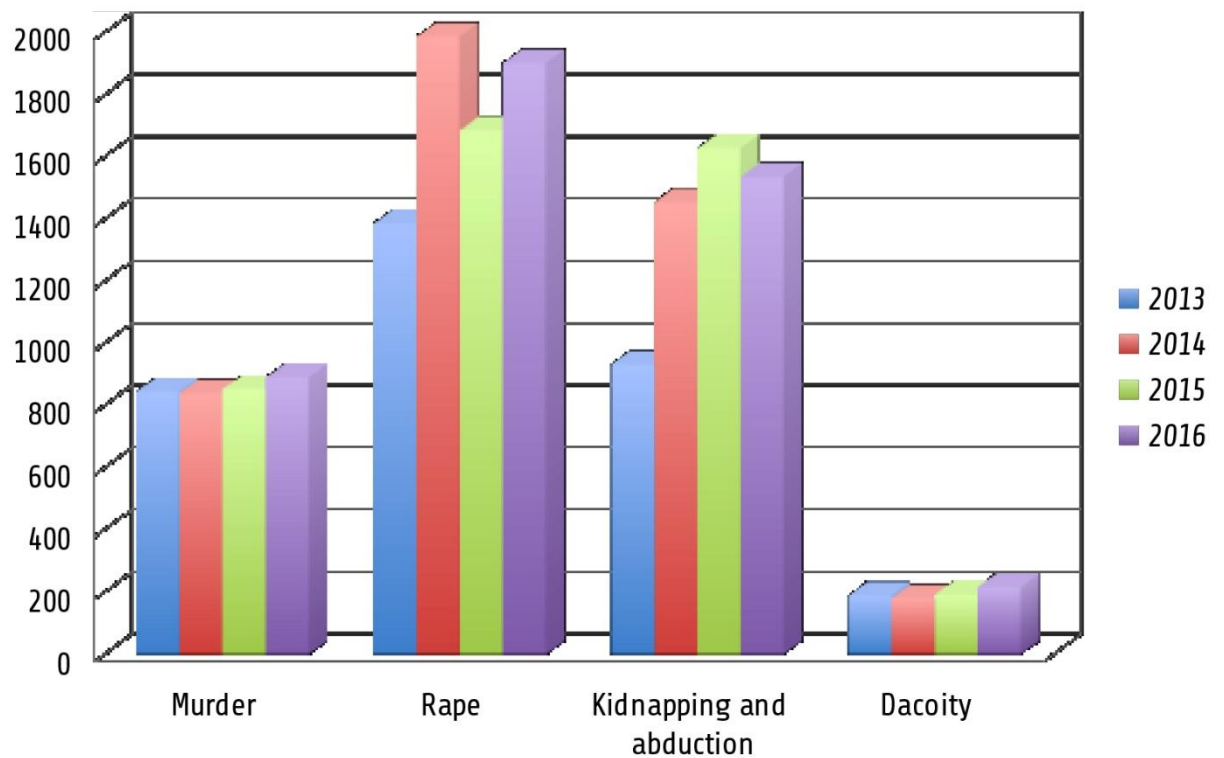
## **JUVENILE JUSTICE SYSTEM IN INDIA:**

In current era, a motion for the exceptional therapy of juvenile offenders has begun during the world consisting of many developed international locations like U.K., U.S.A. This motion has been started out round the 18th century. Prior to this, juvenile offenders were treated as equal as different criminal offenders. And for the equal reason, General Assembly of United Nations has adopted a Convention on the Rights of Child on 20th November 1989. This conference seeks to shield the first-class activity of juvenile offenders. The Convention states that to protect the social – reintegration of juvenile, there shall be no judicial intending and court



trials towards them. The Convention leads the Indian Legislation to repeal the Juvenile Justice Act, 1986 and to make a new law. Thus, Indian Legislation came up with a new act which was called as “The Juvenile Justice (Care and Protection of Children) Act, 2000. Constitution has furnished some fundamental rights and provisions specifically for the welfare of children. Like: –

1. Right to free and obligatory fundamental training for all the children under the age of 6 to 14 years.( Article 21A)
2. Right to be included from any hazardous employment beneath the age of fourteen age.(Article 24)
3. Right to be blanketed from being abused in any shape by way of an adult.(Article 39(e)).
4. Right to be covered from human trafficking and pressured bonded labour system.( Article (Article 39)
5. Right to be furnished with good diet and acceptable widespread of living.(Article 47)
6. Article 15(3) of the Constitution of India offers distinct powers to State to make any different legal guidelines for the upliftment and the betterment of kids and women.



Number of serious offences (Murder, Rape, 29 Kidnapping and abduction, Dacoity)

reported to be committed by using children in the age team of 16 years to under 18 years (between 2013 and 2016): year-wise break-up.

### **PUNISMENT FOR JUVENILE OFFENDERS:**

The Board had to reflect on consideration on Rule 12 of the Juvenile Justice Act in order to determine the claim of juvenility. In case of *Kulailbrahim v. State of Coimbatore*<sup>6</sup> it was located by means of the Court that accused has right to raise the question of juvenility at any point of time all through trial or even after the disposal of the case underneath the Section 9 of Juvenile Justice Act , 2015.

In case of *Krishna Bhagwan v. State of Bihar*<sup>7</sup> the court docket stated that for the purpose of trial beneath Juvenile Justice Board, the relevant date for the thinking about the age of juvenile should be on which the offence has been committed.

But later in case of *Arnit Das v. State of Bihar*<sup>8</sup>, the Supreme Court overruled its preceding decision and held that date to decide in claim of juvenility have to be the date on which the accused is introduced before the capable authority.

In case of *Deoki Nandan Dayma v. State of Uttar Pradesh* the courtroom held that entry in the register of college bringing up the date of beginning of pupil is admissible evidence in figuring out the age of juvenile or to show that whether the accused is juvenile or child<sup>9</sup>.

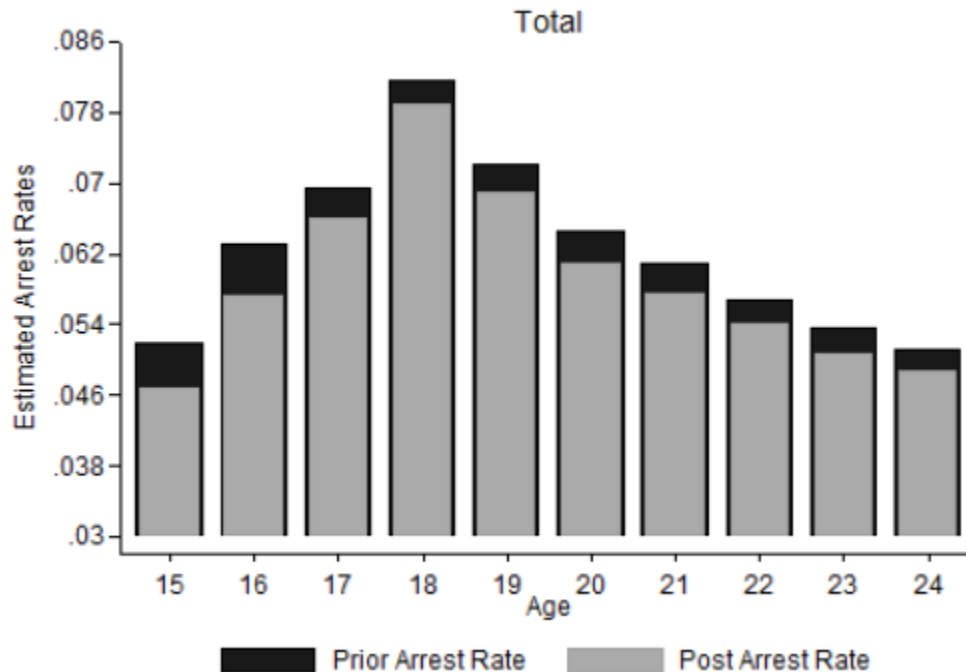
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<sup>6</sup>AIR 2014 SC 2726

<sup>7</sup>AIR 1989

<sup>8</sup>AIR 2000 SC 748

<sup>9</sup>1997 i0 SCC 525



The crime-age profile for those affected by the faculty reform (light grey bars) compared to these now not affected (dark gray bars). It is clear that the biggest consequences appear at the time they are nevertheless in college – so incapacitation is a crucial element of why schooling reduces crime.

## CONCLUSION:

Thus, our government has to grant extra regulatory applications to prevent the juvenile crimes. The society also plays a vital position in the juvenile delinquency every human has a feeling that they are to be dealt with equally in the society. So our mind has to change on the juvenile offenders and treat them with love and care. Our government has to concentrate on the behavioural changes of the younger offenders to manage the crime. The common human beings must aware of the juvenile justice board proceedings and they have to change their mind-set over the youth from the prison and provide a peaceable life for juveniles.