



JUVENILE JUSTICE

By Jagriti Thakur & Vanshika Yadav
From Lloyd law college

INTRODUCTION

As we all know youth are developmentally as of different from adults and these difference make them more amenable to intervention and different treatment. Some youth are beyond reform. From its inception, the juvenile court has focused on rehabilitating youth rather than give punishment to them. The first juvenile court was establishment with the that youth are everyone's responsibility both the courts and society need to become partner to ensure that the court has the resources essential to deal effectively with the problems of youth and their families.

To help youth, we should interview effectively with the entire family. If we are juvenile and family court judges do not intervene early and effectively, the child who first comes before the court as a victim has a great likelihood of returning as an offender.

Many problems with juvenile violence threaten the safety and security of communities all over the world the projections for the future are cause nationwide alarm. Demographic expert predict that juvenile arrest for violent crimes will more than double in future. It is clear that our children and juvenile justice system need more and more effectiveness for eradicate

In the juvenile justice Facilities had substantial and widespread deficiencies in the following areas: crowding, security,

suicide prevention and health screening and appraisals.

CROWDING

This had a pervasive problem in Juvenile confinement, affecting sleeping rooms and entire facilities. In the year of 1987, thirty six percent of juvenile were in a facility in which the population exceeded design capacity. These facilities have respond to crowding by restricting particularly in traing. As a result, although crowding has became more widespread since 1987, population levels in crowded facilities have at about 120 percent. Injury were higher in crowded facilities making them more dangerous for juveniles. Jurisdiction making plans that identify decisions affecting confinement to control crowding and the plans should be

- Characteristics of juveniles identifying of who enter system.
- Establishing nonconfinement and confinement placement options.

Less experienced members were more likely be injured by juveniles and more likely to injure juveniles.

SECURITY

Security practices are to provide a safe and general environment for juveniles and staff prevent escapes. A level of nonconformance with security assessment criteria and substantial problems with injuries and escapes in juvenile facilities. In this confined juveniles 81% were housed in facilities that made housing assignments based on the the factor of risk of individual juveniles. Only thirty six percent were in facilities in which the supervision staffing ratio met assessment criterion. The classification of juveniles according to the



potential predators victims to protect methods of juveniles.

SUCIDAL BEHAVIOUR

In the juvenile the suicidal behavior was a serious problem. The general population , juveniles in confinement killed themselves a rate roughly double that youth. During the time of 30 days, facilities reported 2.4 suicidal behavior incidents for every 100confied juveniles. In this most of the juvenile were placed facilities that have been in the suicide prevention and the persons considered to suicide risks at least four times an hour. Suicidal behavior youth were in facilities that screened juvenile for indicators for suicide at risk. Suicidal behavior has lower rates of the facilities conducted suicide screening at admission. and with this other suicide prevention measures- frequent monitoring , training staff and written prevention plans these were not associated with suicidal behavior rates. There v are some certain housing arrangements were associated with suicidal behavior. The problem of increase incidence was associated with placement of juveniles in single rooms or in short term isolation of 1 to 24 hours.

HEATH SCREENING AND APPRAISALS.

Health screening and appraisals were not completed in timely manner and in this 43percent were screened with a n hour of admission in conformance with national standards and 90 percent of confined juvenile received screening received health appraisls within a week of admission. One third of the juvenile in detention centers provide health screening for the

staff members who were not trained by medical personel. on of this problem.

DRUG COURT

In the juvenile justice drug court is a account that target criminal defendants and offenders, juvenile offenders and child welfare cases who have alchol and other drud addiction. Need of youth with substance use disorder and juvenile, drug court apply similar approach that is trilored. These program provide youth and with their families promote immediate intervention , improve level of functionary , education and other services too built skills that increase their ability to lead drug and promote accountability for all values.

WOMEN AND GIRLS IN THE JUVENILLE AYSTEM

As compare to male criminal behavior , female criminal behavior has been commonly precived as a less serious problem. The women relatively a very small numbers of prisoners and these facts secreta tend in rising percentage of female offenders and their participation in violent crime and inhibited development of gender specific program.

CHILD ABUSE

Child abuse is physical or sexual neglect of the child
Child maltreatment are wide ranging . Juvenile delinquency substance abuse and mental health problems it can be associate with lower school. This can be result in long term social , physical and emotional problem or even death . And even child maltreatment is abroad term that covers all types of abuse and neglrect child age of 18 or



another person in this such as a coach or a teacher. Child abuse is associated with several with several risk factors . Although a preoperator of this who is most at risk for being a victim.

CLAIM OF JUVENILLITY

A new section-7A has been interted which lays procedure to be followed which clain of juvenility is raised before any court by Juvenille Justice amendment act 2006.Any claim of juvenility is raised before any court the opinion would be ascend person was juvenile on the date of commission of the offence. The court shall make an inquiry, such as evidence (out of affidavids) so as determine the age of the person .

In any case a person find to juvenile by the court on the date of commission of the offence , the juvenile shall be forward to the board for passing appropriate order and the sentence if any shall deemed to have no effect.

JUVENILE JUSTICE BOARD

Section 4 of juvenile justice act 2010 , the appointment of the members of the board to discharge duties for the district or group of districts and seprate system to deal with child in conflict with law. The board would be consist of the judicial Magistrate , as the case may be and two social works of whom at least shall be a women. Under this act no magistrate can be appointed a member unless he has special knowledge or training in psychology and no social worker shall be appointed as a member of the board unless he has been actively involved in the health education or welfare activities pertaining to children for seven years.

BAILMENT OF JUVENILE

Section 12 of juvenile justice amendment act is bail of juvenile . A person can be released on bail also when any person accused of aailable or nonailable offence and a juvenile is arrested or detained. A board shall be released on bail with or without surety anything contained in CPC or any law force . The vsectionalsoe provide that if there appears believing that the release is likely to bring him a association with any known criminal or expose him physical danger , he shall not so released.

CHILD WELFARE COMMITTEE

Section 24 provides that government may by notification compose for every district or group of district one or more child welfare committee for exercising power and discharging duties conferred on such committee in relation to children in need of care and protection under this act. A chairperson and four other member as the state government may think to fit to appoint. Out of these four members at least one would be a women and another expert on matter concerning children.

HOMES

There are some in the act in the terms of treatment and rehabilitation A. children's home under section 34 of juvenile justice act, 2006 has been provided of the state government may establish and maintained either by itself or an association with voluntary organizations children home in every district for reception of children in need of care and protection during the tendency of any inquiry and subsequently for their care and treatment.

JUVENILLE DELIQUENCY



Juvenile delinquency is the participation of a minor child, usually between the age of 10 and 17 in illegal behavior. The behavior of minor in which the criminal activities are involved and present antisocial behavior and in this a violation of law which is not punishable by death or life imprisonment. Juvenile delinquency it is the habitual committing of criminal acts or offences by a young person especially who are below the age at which ordinary criminal mostly. The most concerning matter is that the generation of youth are believed to be the future by soon their behavior. We can define juvenile delinquency as the behavior of a minor child that is marked by criminal activities persistence antisocial behavior or disobedience which the child's parents are unable to control.

Juvenile delinquent: there are two types of offenders-

1. Repeat offenders.
2. Age specific offenders.

Repeat offenders – Repeat offenders are also called life course persistent offenders. It began offending or showing other signs of antisocial behavior during adolescence. It continues to engage in violation of criminal activities and aggressive behavior even after they enter adulthood age specific offenders – this behavior begins during adolescence unlike the repeat offender, the behavior of the age specific offender ends before. The minor becomes an adult. The actions of juvenile shown during adolescence are often a good indicator of the type of offender he will become. Age specific offenders leave their delinquent behavior behind when they enter adulthood, they often have more mental health problems engage in substance abuse

and have greater financial problems than adults who were delinquent as juveniles.

Measures to prevent Juvenile delinquency-

There are many services provided to offenders by number and private agencies and include search services as-

- Substance abuse treatment.
- Family counseling.
- Individual counseling.
- Parenting counseling.
- Family planning services.

The availability of education provided proper education and encouragement of minors in obtaining an education play a vital role in prevention of juvenile delinquency. This is important because education promotes social cohesion and helps children of all ages learn to make good choices and try to learn self control. The office of juvenile justice and delinquency prevention is just one agency that since resources into researching juvenile delinquency and providing both prevention and rehabilitation programmes. The agency also works towards reducing under age substance abuse and gang influence on minors.

International instruments – For the protection and physical and mental well being of juveniles the United Nations concept are deserved. Juveniles who are through state intervention, deprived of their liberty, there are mainly who are either at social risk or those likely to become social deviants, deprivation of liberty is effected or to be effected in conditions and circumstances that will ensure respects for the juvenile human rights and meaningful activities which moved some to promote and sustain their physical and mental health and self respect and encourage those attitudes and that will assist them in developing their



potential as number of society. The international instrument which have an important behaving on and an important relevance to the concept of juvenile justics administration are-

- The united nations standed minimum rules for juvenile justice administration general assembly resolution.
- United nation declaration of the rights of the child Resolution.
- The convention on the rights of child education.

Juvenile justice act, 1986

Obejcts and reasons

The proposed legislation aims at achieving many objects . Firstly, like to lay down a uniform legal framework for juvenile justice in the country to ensure that not a single child under any ciricumstance is in jail or in police lockup. This is been sured by establishing juvenile welfare boards and juvenile courts . secondly, to provide for a special approach towards the protection and treatment of juvenile delinquency and fulfil the needs of developmental of the child found in any situation of social faulty adjustment. Thirdly, to provide the machinery and infrastructure required for care , protection , treatment , development and rehabilitation of different categories of children coming with in the purview of juvenile justice system . It is proposed to achive by establishing observation homes for neglected juvenile and special homes for delinquent juvenile . To formation of norms and standard for the administration of juvenile justice for investigation and proceqution ,adjuction and disposition care and treatment . Fifth, to create co-ordination between the formal system of juvenile justice and voluntary agencies working in welfare of neglected children and to

specifically define the ares of the responsibilities. Sixth , to take care of special offences and relation to juvenile and provide for punishments.

The objective of this act reflect in case Krishna bhgvan V state of bihar¹, the ptna high court observes that offenders were subjected to punitive measures of compensatory redistributive and deterrent character with no or very little attention to their personal and social circumstances. But gradually with the sweeping social and economic charges together with a rapid progress of science dealing with social circumstances . Juvenile justice act has been enacted with this end in view.

In the case Dajitsingh V state of Punjab²the court observes that we have to keep in mind that before coming of juvenile justice act , 1986 , there were different states enactment operative in different states . its undoubtly clear that the juvenile justice act , 1986 is a complete court in itself and has sweeping overwriting effect on any other enactment of the state legislature , the court regating the inquiry of trial against delinquent juvenile or any other criminal charge .

Juvenlie justice (care and protection of children) 2000

Juvenile justice act 1986 was enacted by legislature in response to a long standing demand for rationalizing the system of dealing with socially deviant children in keeping with the spirit of social justice the act provided for care protection and rehabilitation of neglected juvenile justice(care and protection), 2000 repealed the juvenile justice act,1986. There was demand

¹ AIR 1989 Pat 217.

²1992 Cr 1051: 1992(1) crimes 142



for replacement of act 1986, was coming from the long time. Dissatisfaction at large scale with functioning and effectiveness of juvenile justice act, let some demand the exclusion of neglected children from its purview the main fault in the act 1986 was that it did not provide for a differential approach to delinquent and neglected juvenile.

IMPORTANT PROVISIONS OF JUVENILE JUSTICE ACT

Juvenile delinquent has been rephrased as juvenile in conflict with law the definition of this rephrased is the same that given in section 2 (L) i.e. 'a boy who has not attained the age of 16 years or a girl who has not attained the age of 18 years'. Juvenile conflict with law means a juvenile who is alleged to have committed an offence.

One of the difference between 1986 act and 2000 act relates to the age of male and female under 1986 act, a juvenile means a male juvenile and a juvenile means a female juvenile on the basis of age has not been maintained. the age limit is 18 years both female and male.

In the case Bhavnagar university V Palitana sugar milk (P ltd.)³. it was held that in terms of 1986 exact, a person could be tried in any court who is not a juvenile. Section 20 of 2000 act, take care of such act a situation taking that the same, the trial continued in that court as if the act help not been passed and in the event, he is formed to be guilty of the commission of an offence in the case Sihnod India ltd. V CCE⁴ held that a legal fiction as is well known must be given its full effect although it has its own limitations

³ (2003) 2 SCC 111: AIR 2003 SC 511

⁴ JT 2004 (6) SC 456

in another case state of Maharashtra V LaljitRajshi shah ⁵ observed that after ascertaining the purpose the court has to assume all those facts and consequences which are incidental or inhabitable for giving effect to the fiction. But in so construing the fiction is not to be extended beyond the purpose for which it is created or beyond the language of the provision by which it is created.

Pratap V state of Jharkhand⁶ the constitution bench held that the age of the offender must be reckoned from the date when the alleged offence was committed it is written in terms of 1986 act. According 2000 act will have the limited application in the case pending under 1986 act. The court would be entitled to apply the ordinary rule of evidence for the purpose of determining the age of juvenile taking into consideration the provision of section 35 of evidence act as the model rule framed by central government have no statutory word.

Conclusion

At last we conclude that it is important to remember that it will take long time to see an impact from child, parent, and school interventions than from community interventions. An additional finding worth noting is that much juvenile violence commit when there is a group of unsupervised teenagers. Although adolescents cannot and should not be supervised at all times, it is possible to increase the level of supervision in some circumstances, particularly in and around

⁵ (2000) 2 SCC 699

⁶ JT 2005 (2) SC 271



schools. Many *action plans* provides model program examples that communities can draw from to address several areas where of problematic areas identified by the Juvenile Violence Research Studies, including reducing youth involvement with guns and gangs and providing more neighborhood-based programs for children and youth. Many experts observed that December 2012 Delhi Gang Rape responses as creation of media sensationalisation of the issue, and cautioned against any regressive move to disturb the momentum of Juvenile Justice Legislation in the Country. However some sections in the society felt that in view of terrorism and other heinous offences, Juvenile Justice Act of 2000 needed to be amended to include punitive approaches in the existing Juvenile Justice Law, which so far is purely rehabilitative and reformative. In July 2014, Indian Express reported that Pakistan-based terrorist organization Lashkar-e-Toiba had asked its members to declare their age to be below 18 years. This would ensure that they are tried under the Juvenile Justice Act instead of the Indian Penal Code (IPC). The maximum punishment under the Act is three years.


