

## JUVENILE JUSTICE ACT IN INIDA

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### **Abstract:**

Juvenile delinquency is a serious issue and it affects social order of nation. This issue is viewed as a socio-legal category invented in combination with juvenile court. Juvenile crimes have become such a common problem and they raise serious concern day by day. Those children who are involved in such crimes, all over the world develop different grades of crime in the eyes of world. The issues arise when juveniles develop tendencies and having conflict with laws. Majority of crime is committed by those who are in the age group of 16-18 years because of the negative influence of the same age groups or the surroundings or society.

In my opinion, "Prevention is better than cure". How to prevent juvenile delinquency. Parents/teachers and society shall encourage juveniles education, recreation, community involvement, Prenatal and infancy Home visitation by nurses. Awareness of parent child interaction Training program, Bullying prevention program, and prevention program within the juvenile justice system. The main objective of this paper is to study the incidence of juvenile delinquency with reference to psychological perspectives. The juvenile who commit serious crimes challenge their future to protest perceived abuses that have been perpetrated against them. This makes them psychological depression and in turn reflects to commit more crimes. In this circumstance the study on incidence of juvenile delinquency is very important to analyze the causes with reference to psychological perspectives and annihilate in the society.

**Key Words:** Offender, Rehabilitation, Juvenile Justice System, psychological depression, Juvenile delinquency, preventive measures.

### **I.INTRODUCTION:**

A person under the age of full legal obligation and responsibility is a minor or a person who is below the legal age of eighteen years is minor. A child who is accused of crime and not tried as adult and it sent to Child Care Centre whereas juvenile is a person between age group of 16-18 years. In India, a boy or girl under 18 years of age is a juvenile according to the Juvenile Justice Code Act 2000. The age of criminal responsibility is 7 years set by Section 82 of The Indian Penal Code 1860. Neither Capital punishment nor life imprisonment without a possibility of release can be imposed offender below 18 years.

This study could have large-scale potential implications for the study of psychology in

juvenile. Due to their immaturity, juveniles are also at increased risk of a range of psychosocial problems such as mental health and alcohol and other drug problems that can lead to and or compound offending behavior. There is a need for particular protection and care and if they are prosecuted and punished in such a young age, there is a chance of repeat and develop into seasoned criminals.

### **II.Juvenile Justice Act 2000:**

The Juvenile Justice (Care and protection of Children) Act, 2000 which has come into force in the Union Territory of Delhi on 2nd October 1987, envisages a comprehensive approach towards justice for children in situations of abuse, exploitation and social maladjustment. Under Juvenile Justice (care and protection of

children) Act 2000, the following statutory institutions are working for the care, protection, treatment, development and rehabilitation of neglected and delinquent juveniles.

Contemporarily Juvenile justice system, which follows the bill passed in 2015, that is Juvenile Justice (Care and Protection of Children) Act, 2015 has been passed by Parliament of India after a lot of protest, argument and controversy. It replaces the Juvenile Justice (care and Protection of Children) Act 2000 and allows that juveniles age group of 16-18 who has committed heinous crime to be tried as adults. It was passed on 7<sup>th</sup> May 2015 by Lok Sabha and 22<sup>nd</sup> December 2015 by Rajya sabha.

Under Child Welfare, 14 statutory institutions are working out of which 09 institutions are working for the boys and 05 for girls. To Provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication of certain matters relating to and disposition of delinquent juveniles, the Juvenile Justice Act 1986 (53 of 1986) was enacted by Parliament. Several provisions of the Constitution including clause (3) of article (15), clause (e) and (f) of article 39, articles 45 and 47 also impose on the State a primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected. On 20<sup>th</sup> November 1989 General Assembly of the United Nations adopted the Convention on the Rights of the Child wherein a set of standards to be adhered to by all State parties in securing the best interests of the child has been prescribed. The convention emphasizes social re-integration of child victims, to the extent possible, without restoring to judicial proceedings.

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#### **Social Environment:**

Primarily our family members are the people who have our back when you need support. They are the ones who cheer you on as celebrating life's successes and they are the ones who laugh with you during your silliest slip-ups.

#### **III. Psychological causes in Juvenile Justice System:**

The causes for juvenile delinquency on psychology basis. Unsocialised irritable cruel, obstinate, suspicious self-centered, lonely full of feelings of revenge, backward and hypersexual or uncontrolled in his behavior. Weak minded persons tend to delinquent activities very easily. There are three kinds of persons, superior, normal and abnormal persons. Physical and mental defects may create criminality. More particularly mental abnormality may be one of the causes of juvenile delinquency.

**Intellectual Weakness:** Lombroso, Dr. Goring, Goddard, etc psycho-analysis opine that intellectual weakness is a cause of crime. Healy, Glueck and Bronner examined 4,000 children and found in their analysis that 13% of them had an intelligence quotient below 70. Due to intellectual weakness, the child does not know the consequences of his acts, which may turn into violence and injurious to others.

**Mental diseases:** Some criminologists observed that there is a near relation between the mental disease and crime. Such persons tend to illegal and violent acts. Such children become tough.

#### **(IV) Delinquency prevention in Juvenile Justice System:**

Delinquency Prevention is the broad term for all efforts aimed at preventing youth from becoming involved in criminal, or other antisocial, activity. Increasingly, governments are recognizing the importance of allocating

resources for the prevention of delinquency. Because it is often difficult for states to provide the fiscal resources necessary for good prevention, organizations, communities, and governments are working more in collaboration with each other to prevent juvenile delinquency.

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**Mental diseases:** Some criminologists observed that there is a near relation between the mental disease and crime. The person, who suffers with mental disease tends to do illegal and violent acts. Such children become unsocialized, irritable, cruel, obstinate, suspicious, self-centered, lonely full of feelings of revenge backward and hypersexual in his behavior. Such child does not repent for his violent acts.

**Characteristics of personality:** There may be several factors in formulating one's bad or good characteristics of personality. Due to social, economic or psychopathic reasons a child may turn into a psychopath. Unrevealing Juvenile Delinquency observed that a normal child is quite different with that often abnormal child. An abnormal person possesses a degree of freedom, responsibility, immaturity, etc. He tends to do violent acts, he becomes naughty, explosive, disobedient and unsocial, he is interested in cinema viewing, gambling, cigarette smoking, narcotic drugs consuming, breaking things, sleepy, absconding from home, travelling without tickets, prostitution, thieving etc. He does not give respect to parents, elders, society.

**(IV) Reformatory Institutions:** The Criminologists suggest that juvenile delinquents are not equivalent with those of general criminals. If juveniles are trained in reformatory institutions, such as Barstool Schools, and are

given good education and are taught good manner, they will become good citizens and will be helpful to the society. They recommend reformatory methods. They do not recommend usual prison for juvenile delinquents. In reformatory institutions, the juvenile delinquents are trained in any technical or professional courses along with usual education. This helps them in their future life to lead a peaceful life. Play therapy, finger painting, psycho-treatment etc. are given to the juvenile delinquents in the reformatory institutions.

**(V) Government Measures:** Initially, it is the duty of the Government to formulate policies, and to enact the Statutes for the welfare of the Juvenile delinquents. There may be defects in formulating policies and enacting the necessary statutes. However, they can be rectified as the time and experiences are achieved.

**Example:** The Juvenile Justice Act 1986 was enacted by the parliament for the welfare of the juvenile delinquents. After enacting the India participated and also signatory of several Conventions conducted by the United Nations. With that experience and spirit, the Indian Parliament has enacted "The Juvenile Justice (Care and Protection of Children) Act 2000. After enacting, the Parliament found certain defects and has made certain changes by the Act of 2000. Again amendment act taken place in 2006.

**Juvenile Homes:** Every Juvenile home to which a juvenile is sent under this act shall not only provide the juvenile with accommodation, maintenance and facilities for education, vocational training, rehabilitation, but also provide him facilities for the development of his character and abilities and given him necessary training for protecting himself against moral danger of exploitation and shall also perform such other functions as may be prescribed to ensure all round growth and development of his personality.

**Special Homes:** The State Government may establish and maintain as many special homes may be necessary for the reception of delinquent juveniles under this Act. Where the State Government is of opinion that any institution other than a home established or maintained is fit for the reception of the delinquent juveniles to be send there under this Act, it may certify such institution as a Special Home for the purposes of this Act. Every special Home to which a delinquent juvenile is sent under this Act shall not only provide the juvenile with accommodation, maintenance and facilities for “education”, vocational training and rehabilitation, but also provide him with facilities for the development of his character and training and rehabilitation, but also provide him with facilities for the development of his clubs and 5 Probation also perform such other functions as may be prescribed to ensure all round growth and development of his personality.

**Borstol Schools:** are established in every State in India. Children Acts are enforced in the States. In Andhra Pradesh, Kerala, Madhya Pradesh, Bengal Gujarat etc. children Acts are strictly implemented in these States. For Begging banned, the Central Government too established care programs, 40 Remand Homes, 17 certified schools, 5 Barstol schools, 15 Boy’s hostel upto 1990. Rescue homes for girls have been established in all the States under the Women and Children Welfare Ministers.

**Emotional instability:** An abnormal child possesses emotional instability, he do not like discipline, he suffers in inferiority, he is inspired with criminal behavior. He does violent act with emotions.

**Police Officer’s responsibility:** It is proposed that police officers must receive specific training on subjects relating to crimes against children, so that they can respond effectively in situations when children are the perpetrators of or victims of crimes. A children’s cell should be established at police stations, led by a female police officer who is specifically trained in

criminal cases involving children and who only deals with crimes committed by female delinquents. Furthermore, police attitudes toward child victims ought to be pleasant so that children may speak freely and without fear in front of them about the occurrence.

**(VI) My perspectives to prevent Juvenile delinquency:**

**Social environment:** Each juvenile needs social environment which includes culture, family, schools, community and institutes. It is the sum of beliefs, customs, practices, values, behaviors. The behavior developed in children when they are young will always define his character and will always reflect in his actions throughout his life. Juvenile living in social environments which includes housing, education facilities, health care, employment and open space for recreation as they spend the majority of their time and start to interact with group s and people.

**Social Skill Activities:** As a risk factor for delinquency, social skills are often targeted in juvenile delinquency treatment to prevent reoffend. Social skills activities are most effective for this specific target population. Self awareness, and empathy can help to accept other who may be very different form ourselves. Once a juvenile recognizes his strengths, he is able to cultivate the strengths and positive qualities and also work towards improving or doing away with one’s weaknesses. This activity helps students to recognize their positive qualities,

**Social Media:** Juvenile who got inspired by TV serials, cinema by social media to commit crimes can be punished or rehabilitate under the relevant provision of law. Social Media has become an inextricable part of the lives of adolescents in today’s world. Such internet-based applications not only inspires them to commit crimes but also provide tempting avenues to the youth to perpetrate crimes on various social media platforms. Awareness through media such as one or the other person is either directly or indirectly related/connected



to social media and mass media and has emerged as an best channel for spreading any kind of data, effective communication helps in preventing tremendous way.

#### **(VII) CONCLUSION:**

The mounting rate of juvenile delinquency in India is a very concerning matter and need to be focused upon. Although the Government has laid various rules and legislation to discontinue the incidents of juvenile delinquency but due to the lack of proper knowledge and unawareness of people the results are not fruitful and legislative objectives is not accomplishing. Subjecting youth to such harsh confinement conditions increases rates of violence and recidivism. In a society that already faces daily violence and crime, deficiencies in the care of incarcerated youth serve only to further threaten the well-being of our children, families, and communities.

The responsibility lies with parents, Government and school teachers in moulding the children to use internet in a gainful way by bringing awareness to them about the consequences. Parent management training, functional family therapy and family preservation, early intellectual enrichment and school organization interventions, comprehensive community mobilization, situational crime prevention, intensive police patrolling, legal and police changes restricting availability and use of guns, drugs, alcohol and mandatory-sentencing laws for crimes involving has to be taken care by taking appropriate measures.

#### **References:**

Gade Veera Reddy, Advocate, High Court, Hyderabad, Sujata Law Series.

<https://lawbhoomi.com/juvenile-crimes-in-social-networking-and-mass-media/>