
A CRITICAL STUDY OF CHILDREN UNDER JUVENILE JUSTICE SYSTEM IN INDIA

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ABSTRACT

The Juvenile Justice System is the largest mechanism in India to work with two notable groups of vulnerable children i.e., children without the family or family support, and children who ostensibly commit crimes or offences, the Juvenile Justice **(CARE AND PROTECTION OF CHILDREN) ACT, 2000, (further amended in 2006)** is the current principle framework for the Juvenile Justice Act has incorporated provisions relating to children from the Indian Constitution, UN guideline's, and Child Rights Principles. The Juvenile Justice Act covers two categories of children: ***(CHILD IN NEED OF CARE AND PROTECTION AND JUVENILE IN CONFLICT WITH LAW)**. The law defines between these two categories of children and has assigned separate and independent mechanisms and procedures to address their issues.

Juvenile Delinquency is a serious offence, and there is a global trend of increased Juvenile crime, with more and more youth participation in violent crimes. Similar trends of rising rates of Violent Crimes Similar trends of rising rates if violent crimes. Similar trends of rising rates of violent crimes committed by Juveniles can be found in India, the Indian Legal System and Judiciary have some changes to the Laws governing Juvenile Justice in India. The purpose of this paper is to examine the causes of Juvenile Delinquency and the explanations provided by the scholars from various fields to explain the problem. To address the issue of Juvenile Delinquency in India, the Law pertaining to Juvenile Delinquency has been amended, and juveniles involved in heinous crimes are tried as adults.

INTRODUCTION

Juvenile Delinquency occurs when a minor violates a criminal statute. When a Juvenile commits a crime, the procedures that take place differ from those of an adult offender. In all states, Juvenile Court Systems and Juvenile detention facilities deal specifically with underage offenders. While it is common for state statutes to consider people under the age of 17 as minors, the Justice system could charge minors even younger as adults, if the crime committed is very serious. Juveniles are defined as any person under the age of 18 years. In any country, Juveniles are considered the most important part of society, as we often come across this saying **“Today’s Children are tomorrow’s Citizens”**. Juveniles are expected to be the future leaders of our society. But in a country like India where the crime rate is increasing day by day, we find a lot of instances where Juveniles are generally responsible for the crimes committed.

The term Delinquent refers to the state of being in arrears. Delinquency is usually defined as an abnormality. When someone is Delinquent, they are past due on their financial obligation, such as a loan or, credit card, bond payments, this means a borrower’s payments are not made to satisfy their debts in a timely manner. Delinquent entities can be either individuals or corporations. Financial delinquency often leads to default if the arrears aren’t brought up to date. The study of Delinquency is based on an understanding of psychopathology, biological factors, and social circumstances that coverage at a given time on an Act judged criminal according to the laws governing the group. These acts could be examined from a perspective of a criminology of difference in which the actor is an object of study, or from a perspective of a criminology of process in which the actor is the subject in the middle of a conflict with the social group. Psychopathy is based on a criminology of difference and offers criminality appropriate methods for the study of criminals and their crimes. At the same time, psychopathology and criminology are related by virtue of a parallelism of constructs whereby symptoms may be crimes and vice versa or by associations between crimes and mental illness that on occasions could be understood to be casual.

In simple words, we may say that Juvenile Delinquency is the actions of a person **below 18 years of age** who does not abide by the law.

CAUSES OF JUVENILE DELINQUENCY

BROKEN HOMES- A home may be broken up if one or both parents have died, one or both

parents are suffering from health problems, if one or both parents are divorced. It is a very important duty of parents to educate and interact with their children. If a home is broken up because of any of the reasons, it might leave an impact on the growth of the child. Children who lost their parental love and control will become more vulnerable to anti-societal influence.

POVERTY- Poverty is one of the major causes of Juvenile Delinquency in India. Most of the Juvenile crimes are committed by children who are from poor family backgrounds. Parents in poor homes sometimes must work for long hours to earn bread. So, most of the time children in such homes will be left uncared for. These children all under the influence of gangsters knowingly or unknowingly and they develop a desire for money which could lead to Delinquency.

BAD COMPANY- The peer group, the neighbours, and the companions will have a major impact on the behaviour of a child. If they are into bad companionship, this might lead to committing crimes. If the child joins a bad companionship or a group, it might lead to a change in the attitude of the child and there are high chances of him becoming Delinquent.

EMOTIONAL PROBLEMS- Emotional problems such as jealousy and inferiority are common among children who are Delinquent. These children become Delinquent when they feel that society is against them, they are not treated in a proper manner, and they are denied their basic rights. This type of inferiority will result in Juvenile Delinquency.

JUVENILE COURTS AND THEIR FUNCTIONS

A Juvenile Court, also called as children's court, special court handling problems of Delinquent, neglected or abused children. To protect citizens and the community from crimes committed by Young People. The main function of Juvenile courts is to have a special and distinctive procedures to investigate Juvenile Offenders. As opposed to what earlier Criminal Courts used to do, wherein there was no distinction made between Juveniles and Adults, the Juvenile Courts in present times give necessary protection to children as they are not able to properly defend themselves. The main function of the Juvenile Courts is to have a special and specialized procedure for dealing with Juvenile Offenders. Unlike earlier Criminal Courts, which did not differentiate between Juvenile offenders and adults, Juvenile courts at present provide the necessary protection to children as they are not in a position to defend themselves properly. A need was felt to make the process more corrective for the Juvenile rather than

punitive. Juvenile Courts hold legitimate authority over a minor for a set time limit-until the Juvenile becomes an Adult, or significantly longer now and then.

The law establishes procedure for Juvenile Offenders. The following are most special procedures for:

- * A complaint filed by officers or citizens can't start legal proceeding's during a case.
- * Hearings must be causal and strictly confidential.
- * Offenders must be monitored even after they're released from custody.
- * Judges make decisions on minors who break the law.
- * When the committee isn't in session, children who are in violation of the law could also be mentioned as individuals committee members.

PREVENTION OF JUVENILE DELINQUENCY

Prevention of Juvenile Delinquency requires a lot of effort on the part of the entire society, only if the entire society contributes, we can successfully eradicate Juvenile Delinquency. Prevention of Juvenile Delinquency is considered an essential part of crime prevention in our society. By engaging young children in socially and legally usual activities, we can create awareness among young children as to what is right and what us wrong. Prevention of Juvenile Delinquency through family interventions has been proven as the best way to tackle Juvenile Delinquency. Family interactions have a major impact on shaping the life of the child. So, parents should stop nagging and using threats on children to gain control of the children. Some of the other ways to prevent these are-

EDUCATION- Educational and awareness programs such as programs to parent on how to behave with their children, how their behaviour will leave an impact on the children, and how important interaction with their children should be conducted and children must be properly educated in schools about social behaviours.

PARENT-CHILD INTERACTION- programs should be conducted about parenting skills and how the interactions should happen between parents and children. Healthy discussions should take place between parents and their children to educate the child property regarding

behaviour issues. Programs on how to respond to their child's behaviours should be conducted for the parents.

CASE LAWS

Sheela Barse & Ors. V. Union of India & Ors. (1986 SCALE (2) 230); - In this case, the Hon'ble Supreme gave the following directions relating to Juveniles, where a child has been accused of an offence that is punishable with imprisonment of fewer than 7 years, the investigation must be completed within 3 months from the lodging of the **FIR** and the **TRIAL** must be completed within 6 months from the filing of the charge sheet. Children must not be lodged in jails under any circumstances. Remand and observation's homes must be set up by the state Governments. If there is no accommodation in these remand or observation homes, then the children should be released on bail. To ensure complete uniformity, the Union Government should enact a Children's Act for the trial of children below 16 years of age and ensure rehabilitation of such children.

CONCLUSION

Every country in this world has faced the problems or still facing the problem of Juvenile Delinquency at some point in time. However, the problem of Juvenile Delinquency is much higher in developing countries. In the developing world, there will be many factors that can affect the growth of the child. They are adversely affected by the changing conditions. People must work hard to learn a living in the present era. And most of the time they had to leave their children alone in the home and they interact less with their children. Parent-children interaction is the most important aspect which can majorly influence the shaping of a child's life. To tackle the Juvenile Delinquency problem, every person in society has to contribute to it for the successful eradication of Juvenile Delinquency.