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JUVENILE JUSTICE SYSTEM IN INDIA WITH SPECIAL REFERENCE TO THE STATE OF ASSAM

AUTHORED BY- Dr. Bimal Kumar Baishya¹
Upasana Borah²

In most cases, juvenile criminality is the result of a child's inherent sense of adventure, ignorance, or a lack of self-control, depending on the person.

ABSTRACT

In comparison to the biblical tale, We found evolution to be more exciting. Who wouldn't prefer to be a surging ape than just a falling angel? Every day a child may witness Darwin's theory of evolution turn into reality. Condoning organised crime encourages the low philosophy everything is a racket. It develops cynicism among adults. It adds to the disorientation of the children and to the growth of juvenile criminality.

According to Justice Verma's Committee's recommendations, substantial historic legislation changes have been adopted to safeguard women and children from all forms of violence, sexual assault, and abuse. "Juvenile delinquency" has long been a focus of the Indian legal system. Our nation's criminal code is being debated. As a result, in 2000, the Juvenile Justice (Care and Protection of Children) Act was passed, setting guidelines for dealing with children who had run afoul of the law. Since minors are considered as a foundation of the country, carriers of humanity, and so on, the governing notion in dealing with minors is the person and the nation's destiny. Despite this, there are always going to be exceptions. On the one hand, juvenile delinquents are like two sides of the same coin: pure or lacking in critical thinking, depending on their maturity level. Juveniles, on the other hand, are the bitter part. Children, like adults, have been known to engage in heinous deeds in the most disgusting manner. It's hard not to get goosebumps thinking about the Delhi gang-rape case of 2012 and the Shakti Mills Gang-rape case. The National Crime Record Bureau's most current numbers show a 60% increase in the number of child rape occurrences between 2012 and 2013. The article's main goal is to examine whether juvenile justice interferes with the victim's other rights and the reasons why a kid could do "heinous" actions or criminal activities. A thorough inquiry is needed into the Juvenile Justice Care and Protection Act of 2015, which was passed by the legislature in response to³ this grave problem.

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³ Christie signs bill requiring out-of-state police agencies, https://www.nj.com/politics/2013/09/christie_signs_bill_requiring_out-of-state_police_agencies_to_report_secret_surveillance_to_nj_offic.html.

Meaning of "Heinous Offences"

It's important to note that a person isn't only being prosecuted as an adult for various sex crimes under the Prevention of Cruelty to Children Act; the Narcotics, Drugs, Psychotropic Substances Act; and the Maharashtra Control of Organization Crime Act. For instance, "heinous offences" are those that carry the possibility for imprisonment for seven years or more under the Indian Penal Code or other legislation, as well as at least 46 additional crimes for which minors aged 16 to 18 might be prosecuted as adults. In addition, the new method would indicate that anyone convicted of crimes that entail a mandatory minimum term will be sentenced to the bare minimum required by law. When courts are left with no choice but to institutionalize a person, they degrade the treatment under the UNCRC. If a kid/child is charged with a terrible crime, Clause 15 of the Act mandates that a panel of experts must determine whether or not he or she is physically and mentally capable of the offense. Finally, it is not conceivable to conduct a customized evaluation of teenage mental ability, and to argue that it is possible would entail going beyond the bounds of scientific research. There are several flaws and arbitrary decisions to be made in the planned evaluation, which would enable prejudices to select which kid/child will be transferred to adult court. Juvenile Justice Board (JJB) has to make this judgment before any evidence has been presented, which contradicts the assumption of innocence, a fundamental principle of juvenile justice and the criminal justice system. The JJB will now have the additional and contradictory function of choosing which juvenile offenders will be dealt with by the adult criminal justice system, which is a significant shift from its previous mission of ensuring the best interest of juveniles. Juveniles and adults are treated as equals under the proposed system founded on a faulty assumption. However, India has made a big blunder by attempting to replicate the retributive judicial system developed in the West. Over two decades have passed since the United States implemented the ACT's envisioned juvenile-to-adult prison transfer system. As part of its investigation into whether or whether waiver laws prevent or decrease violence among those relocated and among juveniles as a whole, the US Centers for Disease Control established an independent task group on community preventative programmes. According to the findings of numerous academic studies, transfer policies have often led to an increase in the number of arrests for future crimes, particularly violent crime, among juveniles who were moved. Evidence suggests that transfer programmes have the opposite effect of what they set out to achieve in terms of reducing violent or other criminal conduct. As noted before, states parties are required by UNCRC to try to raise the minimum age to at least 12 years. Because the minimum age of criminal responsibility in India is just seven years, the country has fallen short of the worldwide benchmark of 12 years. The Act had a chance to provide clarification, but it didn't.

This paper also goes over the debate such as-

Retributive justice, rather than punitive justice, may be achieved by decreasing the age of criminal responsibility. What is the difference between reform and restorative justice when it comes to criminal justice? Is there a certain age at which a person is considered legally responsible for their actions? Is it essential to lower the age at which rape and murder are committed? (This is a tactic used in the courtroom.)

Juvenile legislation in different nations, the age of criminal responsibility, and suggestions to enhance the functioning of the Juvenile Justice System are all examined in this section.

Keywords- Juvenile Justice System, Education, Mens Rea, Doli Incapax.

OVERVIEW

The New Act has the potential to take us back in time. Consolidating and modernising rules on adolescents who have been accused of breaching the law and require care and protection (CNCP) is the purpose of the present Act. When a severe offence punishable by seven years or more in jail is suspected, a 16- or 18-year-old may be prosecuted and punished as an adult under this statute, in contravention of both the Constitution and the U.N Convention on the Rights of the Child (UNCRC). This is, without a question, the most antiquated legislative procedure ever. When it comes to child rights in India, the new Act constitutes a move backwards from what was available 150 years ago. Children and teenagers are the most significant aspect in a country's growth. Additionally, they are the builders of the world's future and the pillars of civilisation. To establish a civilization, one must start with children. Now that youths are engaged in horrific behaviours, it is apparent that the country's future is in peril. Thus, there has been a tremendous growth in the number of incidences of crimes done by youngsters over the world, including India. " The alarming growth in India's frequency of juvenile delinquency affects the well-being of society and needs the construction of efficient remedies to the issue.

Before the Children Act, 1960, India had no agreed-upon idea of "Child," and each state had its own definition of what it meant to be "Child." For example, in Haryana and Bombay, an adolescent was a boy or a woman who had not yet acquired the age of 16 or 18 , respectively. In Andhra Pradesh, a "Child" is defined as "a person under the age of 14 years who, when referred to as being sent to a recognised school, refers to the kid/child throughout the time of detention, regardless of whether the child attains the age of 14 years of age."

Anyone under the age of 16 was designated a "Child" under the United States' Children Act .

Children under the age of fourteen are referred to as "children" in West Bengal. The Juvenile Justice Act of 1986 defined a "child" as a person under the age of 16 for a man and 18 for a female, respectively. The Juvenile Justice (Care and Protection of Children) Act, 2000⁴, was enacted in India as part of the country's international commitments to replace the previous legislation. Rather of categorising children based on gender, the new legislation sets an age of maturity of 18 years or younger for those who are accused of breaking the law.

The Juvenile Justice (Care and Protection for Children) Act, 2015, on the other hand, makes major changes to the previous law. If their actions are regarded serious offences, felonies punishable by seven years or more in prison, children between the ages of 16 -18 years who are suspected of breaking the law may be treated as adults under this Act. There are a total of twenty-one (21) different types of violent crimes covered in this list.

Juvenile Delinquency Causes

Juvenile Delinquency is a serious problem for both the culture and the nation. As a result of this, no one or nothing is to blame. Criminality among teenagers may be traced to a variety of causes such as those listed above as well as to local and federal government policies. As a result, rather than just pointing fingers, it's preferable to accept ownership of the problem and band together with others to address it. Defining and explaining the Juvenile Justice system and how it works is essential under

⁴“India : Special Provisions under the New JJ Act, 2015 for Children Committing Heinous Crimes.” MENA Report, Albawaba (London) Ltd., May 2016, p. n/a..

the Juvenile Justice (Care and Protection of Children) Act, 2015⁵. A child must be treated as an adult when charged under the Indian Penal Code, hence it is critical to investigate and evaluate the meaning of this provision. In particular, this research investigates the circumstances under which a juvenile offender may be tried as an adult. To address this issue, the study has changed its attention to the implementation of house arrest in the United States. Minor offenders who pose little threat to the community may be eligible for the same treatment in other countries. For a variety of reasons and causes, juvenile delinquency occurs in different nations and locations. It is important to remember that children are the future of any country or the globe as a whole, thus they deserve the finest possible setting and atmosphere in which to grow into their full potential. As a result, it is all too typical these days to witness youngsters all across the globe engaging in different horrible acts of criminality. Various causes are linked to the rise in juvenile delinquency. However, there is agreement that deviant conduct is the consequence of a complex interaction of individual biological/cultural variables, as well as environmental factors, which are further classified into two major categories:

1. Causes from the environment and society-Children's interactions and communication with the local socio-cultural environment considerably impact their conduct and may be accountable for establishing antisocial and delinquent behaviour. The large outflow of people might lead to cultural problems resulting in violence between migrants and newcomers. Additionally, a child's upbringing in a hostile and violent household is likely to lead to a life of aberrant behaviour, which may be detrimental to society. Children's perceptions of truth and fiction, as well as right and evil, are largely shaped by the media and the movies they see.

The people strongly influence a child's personality development in his or her peer group. Involvement in criminal activity is more prevalent for children who spend time with unfavourable influences. Because school is where most children spend their waking hours, the environment profoundly affects them. Delinquency is something schools are supposed to help prevent, but when they don't, they become a key factor in the rise of crime in society as a whole.

2. Biological causes-In every kid that grows up into a teenager and eventually an adult, biological reasons play a significant role in imparting certain character characteristics. Several research suggests that rates of criminal behaviour peak in late adolescence and persist far into adulthood, beginning to grow from preadolescence. Adolescence is a time of rapid physical and psychological development for children⁶ as their bodies and hormones undergo a variety of transformations. Adolescents who are very strong or who lack direction in their energy might be dangerous to themselves or others around them, according to biological factors of delinquent conduct in a youngster. Another condition that encourages youngsters to commit crimes early in life is ocular illness, a retinal disease that may cause irreversible blindness. In addition to causing irritability and anxiety, it may also lead to deviant conduct in children who suffer from a lack of sugar in their blood, which disrupts the regular working of the brain.

⁵JUVENILE JUSTICE (CARE & PROTECTION OF CHILDREN) ACT, 2015, [https://satvarthi.org.in/wp-content/uploads/JuvenileJustice/English/Summary%20of%20The%20Juvenile%20Justice%20\(Care%20&%20Protection\)%20Act,%202015_English.pdf](https://satvarthi.org.in/wp-content/uploads/JuvenileJustice/English/Summary%20of%20The%20Juvenile%20Justice%20(Care%20&%20Protection)%20Act,%202015_English.pdf).

⁶Adolescence is a time of rapid physical and psychological, <https://www.weegy.com/Home.aspx?ConversationId=Q3Y08HMO&Link=i>.

Significance Of Study

This research is urgently needed because of India's alarming rise in delinquency. Since the province of North East hasn't done a lot of research on youth crime and how the community might avoid it, this is also significant. The type and intensity of crime is expanding, and it is a severe threat to any civilization that must be addressed as soon as possible. Keeping children safe from illegal activity and undesirable settings is a top priority since they are the future leaders of our society. Due to the importance of understanding the underlying causes of juvenile crime, this research will aid society in devising proactive and reactive strategies for reducing juvenile crime and recidivism levels.

Presentation And Analysis Of The Issue

Although India is a developing country, we are still falling behind when it comes to reducing juvenile delinquency rates⁷. As we can see, the number of serious and minor crimes inside the city has grown by approximately 5% every year due to the inflow, population expansion, and spike in the proportion of street children. Yes, numerous factors contribute to teenagers' aberrant behaviour, such as a lack of education and a lack of social support⁸. In order to decrease the number of crimes in the community, it is vital to use a combination of preventative and intervention measures. Preventing Delinquency in Children and Adolescents⁹.

According to the National Crime Records Bureau (NCRB) numbers for 2020, Assam has the maximum crime rate against women in the nation for the fourth year in a row. According to the Crime in India 2020 report, Assam's homicide rate against women of 154.3% more than double the national homicide rate of 56.5%¹⁰.

METHODOLOGY

Since there are so few studies on "the determinants of juvenile crimes and deterrence by the community" in Assam, the researcher used an exploratory research approach for this project. As a result, the researcher could test out new hypotheses and get a better understanding of the subject matter.

⁷ Domestic Implementation of International Law in India, <https://www.lawteacher.net/free-law-essays/international-law/domestic-implementation-of-international-law-law-essay.php>.

⁸ Women more prone to injuries than men? | SiOWfa14 Science, <https://sites.psu.edu/siowfa14/2014/09/16/women-more-prone-to-injuries-then-men/>.

⁹ CONVICTIONS FOR CRIME ACCORDING TO ARTICLE 218 - Home ICM, <http://yadda.icm.edu.pl/yadda/element/bwmeta1.element.a42078ca-46f7-3063-bada-f8a23d163353>.

¹⁰ Manikandan, S., and S. Latha. "Employment Reduces Recidivism: An Overview of Employment Based Rehabilitation In India." *Indian Social Science Journal*, vol. 6, no. 2, Indian Social Science Journal, Oct. 2017, p. 1.

In Every Evaluation Of Reformation, There Is An Inherent Arbitrariness

It is exceedingly subjective and susceptible to arbitrariness, particularly when the level of rehabilitation centers that the Administration is duty-bound to supply under are factored into the equation. The new Act for the child in question is not evaluated in this manner. Underserved populations will be the primary emphasis in India as a result. More over half of the youngsters seized for offences come from families with an annual earnings of less than Rs. 25,000, while only 0.55 percent of the children caught come from houses with a yearly income of more than Rs. 3,00,000. It is a foregone conclusion that children and adolescents will be singled out for discrimination on the basis of race, gender, and religion, all in the name of gauging their potential value to society and degree of reformation. Arrested and denied bail for a felony committed while under the age of 18, this individual would be between the ages of 18 – 21 years. Adolescents under the age of 16 whose conduct and behaviour necessitate their placement in a Special Home, either for their own well-being or that of other children. People between the ages of 16- 21years who have been charged with a major crime and later found guilty. An individual whose age is being inquired about by a Magistrate or Court. The state government should establish at least one safe location in the state. The proposed clause would go back in time and violate the constitutional ban by allowing minors to be prosecuted and punished as adults for crimes they committed as children¹¹. When minors are seized before they reach the age of 21, they are treated differently from those caught after the age of 21. This breaches their right to equal treatment under Article 14. There is no reason for this classification. Article 15(1), ICCPR - a non-derivable right - is also violated. Additionally, the transfer provisions in the Bill have been expanded to encompass those who commit not just heinous offences, but also "severe offences." In light of all the debate, the new juvenile statute was a retrograde concept proposal to allow youngsters to be prosecuted as adults.

Transferring the age from 16-years to 18-year-old accused of certain severe offences to another criminal justice system for trial and convention is a discretionary authority of the JJB. Children who commit crimes should be held accountable for their actions only after their constitutionally mandated rights have been protected, according to Verma's committee. Controversial Clause 16 and Clause 19(3) are not only vital to constitutional rights, but also disagree with the overall goal and concept of the Constitution itself. According to a study conducted in the United States, 80 percent of juveniles released from adult prisons return to crime. Not like a reforming system, but more like a reforming system mixed with a punishing system that is detrimental. There are now 472 million children living in the United States, however just 1.2% of those youngsters have been involved in criminal activity. Children from low-income families—such as those who are homeless or illiterate—are more likely to be involved in criminal activity as a result of this rule than other groups, including OBs, SCs, STs, the destitute, and other minorities. Seventy-seven percent of children in 2013 were from households with a monthly income of less than 4000 rupees, and eighty-five percent of those children did not acquire a secondary or postsecondary education at all. Under Article 14,15(3),21, selective and uneven treatment violates children's basic rights. Article 21 of the Universal Declaration of Human Rights is also in conflict with Clause 7 of the new Act. It also breaches the procedural component of arbitrariness' and Art 14, and 21 as would the fairness test of Art 21 and the one month allotted to the JJB for preliminary inquiry.. In other words, it violates the Indian constitution by bringing people under the presumption of guilt. This is a violation of Indian Juvenile Administration Standard Rules of 1985. Furthermore, no provisions are

¹¹How young is too young to prosecute as an adult?. <https://www.city-data.com/forum/atlanta/430507-how-young-too-young-prosecute-adult.html>.

made for female youths involved in conflict or for those who commit crimes involving sexual orientation or gender expression. There is no effective framework for monitoring and coordination. We would want to stress that children under the age of 18 should be exempt from jail and criminal justice systems. Each of these children has a right to be cared for and protected, even those in legal jeopardy. While the state should be involved in the rehabilitation process, it should not reintroduce "aggressive measures" to punish those who have wronged it. We must protect the children and rescue them rather than destroying them.

The Indian legal system's framework for dealing with juvenile crime and justice (reformatory or punitive) is known as the Criminal Justice System (CJS). Juvenile delinquency is receiving preferential care and protection from the system. Youths under the age of 18 are considered juvenile delinquents. Everyone is aware that there has been an increase in the number of juvenile offences, which has led to a debate over the proper age of criminal responsibility. One of the most essential factors in determining a defendant's maturity level is determining the defendant's age. As the number of crimes committed by juveniles rises, the issue arises: Can a child be prosecuted in adult court? No juvenile offenders who fall within the criteria of "kid with conflict with law" as described in sub-section 13 of Section 2 of the Act shall be tried as adults and shall instead be committed to a Child Care Centre or any Rehabilitation Center, as stated in the Act itself (till the offender attain the age of 21 years and then he or she may be shifted to the jail or prison).

To determine whether the criminal is within the jurisdiction of the Juvenile Justice Act, the current Juvenile Law in India places emphasis on Age Determination.

Youth offenders who commit terrible crimes may face up to three years in prison under the terms of a law passed by Congress. There is a maximum sentence of seven years in jail or life in prison or death for an adult criminal. However, the law places a high priority on rehabilitating youthful offenders. Juvenile offenders may be sent to rehabilitation centres, juvenile schools, or programmes run by the government or non-profit organisations as part of the Act's reformation type of punishment.

To punish a horrible crime with a light sentence because of one's age is unnecessary in today's society. There is no excuse for avoiding rape.

The anti-social conduct of kids isn't being deterred by the current legislation, which is called "Age Determination" or "Age Consent." Many juvenile offenders feel that they will escape punishment because of the belief that they would be rehabilitated in the process.

Reformatory theories of retribution by law provide juveniles an unfair advantage in that they may continue to commit crimes without fear of incurring any serious repercussions. Reformation may be beneficial, but that isn't always the case. The victim's rights should be addressed as well if the goal is to enhance the future lives of juvenile offenders via the rule of law. The victim must get restitution. The philosophy of reformation aids in the reformation of juveniles, but it does little to aid the victim.

The current juvenile justice system in India is based on the premise that putting young people to juvenile detention centres or prisons would only serve to reinforce their sense of self-identity as "criminals," rather than helping them change their ways. What's more, there's no way of knowing whether or not young offenders will be able to change their anti-social conduct in the future.

In its whole, the legislation emphasises change rather than punishment. Penalization will have a deterrent impact on juveniles, and the rate at which juveniles commit crimes will decrease.

INDIA'S LEGISLATION ON JUVENILE JUSTICE IS ENSHRINED IN THE CONSTITUTION

Before the advent of the British in India, Hindu and Muslim personal laws regulated children's conduct, and parents and other family members were held accountable for their wrongdoing. Specialized laws for Indian children, such as the Apprentice Act (1850), the Code of Criminal Procedure Act (1861), and reformatory school legislation (both 1876 and 1897) were created during British authority.

Under the Apprentice Act of 1850, minor offenders between the ages of 10 and 18 were to be dealt with in their own category. In the Indian Penal Code (1860), Section 82, which deals with bribery, may be found.

In addition, the importance of children's standing was emphasised. It was possible to exclude children under the age of 7 years from being held accountable because of the reduction of the age requirement. Code of Criminal Procedure (1861) also recognised the special status held by minor offenders and permitted their prosecution and judgement independently. Abused or neglected children were likewise protected by the Act. Those found guilty should not be imprisoned but rather sent to rehabilitation facilities. Legislators have shifted from a punitive to a reformatory attitude to imposing sanctions on juveniles, as indicated by these regulations. When it comes to enforcing reformatory school legislation, the Reformatory School Acts of 1876 and 1897 might be seen as precursors. Two to seven years in reformatories were recommended for delinquents, according to the law. However, they were to be imprisoned after they turned eighteen. Youth offender reentry programmes were also included in this legislation.

As a result of the country's independence in 1947, India created a juvenile justice strategy that is based on a number of mandates in its constitution. In addition to the Beijing Rules and the UN Convention on the Rights of the Child, India's juvenile justice policy was influenced by many other international accords (UN Convention on the Rights of the Child). The Juvenile Justice Act of 1986 was enacted by the Indian government with the express purpose of safeguarding children. This initiative aims to protect, restore, and rehabilitate criminal and impoverished children. As a result, it aided in the development of juvenile courts for those who violated the law and a juvenile welfare board for those who were not criminals but had been abandoned or mistreated by their parents or guardians. The Juvenile Justice Act, 2000 was enacted by the Indian government in 2000, establishing a national legislative framework for juvenile justice. All teenage criminals were exempt from detention under the provisions of the aforementioned Act.

Additionally, it aims to simplify and make child-friendly the process of adjudication and disposition for cases involving minors by providing for the custody, protection, and rehabilitation of the juvenile offender and by allowing for juvenile adjudication and disposition. As a result, a Child Welfare Committee was established as part of the legislation. The State Government must nominate a Chairperson and four other members, at least one of whom must be a woman and another must be an expert in child-related matters, to form the Committee.

Section 2(d) of the Juvenile Justice Act of 2000 introduced a new category of children who were in need of care and protection for young people under the age of 18. These are the destitute and homeless children who have no one to look after them and no way to make a life. The Act is put into effect in order to ensure the safety of all of these youngsters. As a result of the Act's preventative approach, the incorporation of these young people was necessary because young kids

from underprivileged populations who reside in impoverished conditions are more likely than others to interact in aberrant behavior that is harmful to themselves and society as a whole. Thus, the government claimed responsibility for improving the lives of underprivileged children because it was concerned about the well-being of society and the significance of children as the future of any nation and the world.

All of the old Juvenile Justice Act of 2000 was completely replaced with the Juvenile Justice Act of 2015. For many people, the Delhi rape case of 2012 was a watershed moment in their view of the innocence of a child offender since one of the prisoners was just 18 when he was prosecuted in a juvenile court as a juvenile and sentenced to serve in jail. Several challenges to the prior law were attempted, but they were all rejected.

The judgement was reversed by the Supreme Court of India.

India's National Drug Dependence Treatment Center and All India Institute of Medical Sciences (AIIMS) did a study on drug misuse by children and adolescents in India and found that many children and adolescents are misusing drugs. Tobacco, marijuana, cigarette smoking, alcoholic drinks, and inhalants were among the most often reported drug use among the study's total number of participants. Almost eight out of ten of the young people polled admitted to having had personal relationships with those addicted to drugs. 18 percent of young people living at home and 29 percent of those in cities had sex while under the influence of alcohol or drugs, according to the study results. Twenty percent of them had sex in exchange for drugs or money, and thirty percent of them took drugs.

National Crime Bureau (NCRB) is an Indian government collection of information accountable for gathering and examining crime data as well as State and Local Laws, according to the Indian Penal Code (IPC) and Special Criminal Procedure Code (SCPC) . It is estimated that more over half of those detained had not completed high school, according to data from the National Center for Youth Justice. Around 10 percent of the

A mere 9.6% have finished high school education, despite the fact that they are well-educated. A number of causes have been suggested for the rise in juvenile delinquency. For many, this is due in part to a lack of support and participation with their family, which is aggravated by the fact that parents are coping with difficult social and financial realities. Because of this, they are unable to give their child the quality time he needs and deserves. According to the head of the child welfare committee, Anjali Ramanna, "it's no longer a competitive culture; it's a self-centered unit that piles pressure on youngsters, and as a consequence, the entire community is suffering from a lack of emotional control." The growth in teenage criminality is attributed to a variety of variables, including easy access to pornography, changes in food habits, and excessive involvement in social activities. Because they spend so much time watching television and playing violent video games, today's youth are developing unhealthy lifestyles and a lack of physical activity as a consequence of their exposure to these media. As a result, the children's mental and physical health are adversely affected. Furthermore, the situation is made worse by the absence of resources to address the frustrations and disappointments of today's youth. Despite the prevalent idea that children are *doli incapax* and lack the essential *mens rea* to commit a crime, kids cannot be as cruel as adults. Many horrifying and horrific crimes against children have occurred recently, proving that kids can be as nasty as adults.

Here is a list of some of the most well-known crimes involving juvenile delinquents:

The Nirbhaya Rape Case¹² is one of the most heinous crimes ever committed, and it involves a juvenile delinquent as a victim. On the frigid night of December 16, 2012, the capital of Delhi saw

¹²Indian Esports Streamer Threatens Viewers With Sexual Assault, <https://in.ign.com/india/157139/news/indian-esports-streamer-threatens-viewers-with-sexual-assault>.

a savage gang rape involving a paramedical student who was riding on a moving bus, according to police. One of the convicts of the crime was a juvenile who was just a few days shy of his 18th birthday when he walked out of the reformatory after spending three years of his life there. However, the Supreme Court revealed its impotence by noting, "Though we sympathise with the victim's parents and others, our hands are constrained owing to the absence of a legal framework in the country." This was the scenario in which the groundwork was laid for introducing the Juvenile Justice Reform and Accountability Act of 2015.

The Kathuwa Rape Case specifically, the court found that the perpetrators grossly misapplied the prior Acts stating that a juvenile cannot be imprisoned in this instance from 2018. When a child girl was brutally raped and murdered, two of the defendants claimed that they were juveniles, which the court accepted. Despite the fact that the court rejected one of their arguments when a skeletal test to determine their age was undertaken.

The Theory Of 'DOLI INCAPAX'

The theory of 'Doli Incapax', which states that juveniles are criminally responsible, is an essential one in criminal law. In the context of Indian law, this idea means that no child under the age of seven should be tried for committing a crime. This conclusion is supported by several case law decisions. The term "Doli Incapax" refers to a person's inability to do criminal acts. On the one hand, it's based off of UNCRC article 40 (3) (a), which stipulates that every nation shall specify the minimum age at which children should be free from criminal culpability due to their incapacity to understand what they have done and what it means. The prosecution is responsible for proving the offence committed by a juvenile between the ages of 8 Years-14 Years.

Distinction Between Juvenile Vs. Child

Children under the age of legally valid responsibility and duty are minors, or people under the age of eighteen are minors. A juvenile is defined as a person here between ages of sixteen and twenty-one, while a kid is defined as a person under the age of eighteen. A juvenile offender is one who has been charged with a crime and is tried as an adult in court. Both terms have the same basic connotation, but their meanings vary when seen through the prism of the law. To be considered minor, one must be under the age of 18, but to be considered juvenile, one must be a juvenile criminal under the age of 18.

The Historical Foundations Of North East India

This region consists of eight states located in the north-eastern part of the country. They are distinguished not only by their geographical location but also by their cultural and historical distinctiveness. Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, and Sikkim are all located in the north-eastern part of the country. In terms of scenery, variety of communities, geographical and biological diversity, and other factors, these states stand out from other nation areas. They are referred to as "eight sisters" or "seven sisters and one brother" and are known as "eight siblings." They have eight siblings. These states have a total land area of 2,63,179 sq. km¹³, which accounts for nearly 8% of the country's total land area, and have a total population of around 3.76 percent of the country's total population.

¹³High-resolution projections of climate-related risks, <https://www.int-res.com/articles/cr2013/56/c056p061.pdf>.

International borders run along about 98 percent of the boundaries of these nations. As a result of their location among the eastern Himalayan ranges and Patkai-Naga hills and the Brahmaputra-Barak river systems and valley plains, these states are classified as mountainous. There is a combination of mountain ranges and plateaus as well as low hills and valleys in the highlands and basins. The area, which is rich in natural resources and flora and wildlife, serves as a gateway to eastern and southern Asia. The states have different customs and a diverse range of ethnic groups, yet they are a shining example of how to maintain unity in diversity. The multi-cultural nature of the states is reflected in the diversity of ethnic groups, languages, and faiths. This area has more than a hundred and thirty-five of the country's 635 tribal groupings, who speak a range of Tibeto-Burman languages and dialects. In states like as Arunachal Pradesh, Meghalaya, Mizoram, and Nagaland, tribals constitute the majority of the population, with a high degree of variety among the tribes. The inhabitants of states like Assam, Manipur and Tripura as well as indigenous tribes and groups make up the population of these states. Hindus, Christians, and Muslims are among the religious denominations represented in these states, as are Christians and Muslims in Assam and Christians in Tripura. India's north-eastern region, which consists of seven states, is bordered on the north by China, on the south by Bangladesh, on the west by Bhutan, and on the east by Burma. China is on the north, Bangladesh is on the south, Bhutan is on the west, and Burma is on the east. This region, which is geographically and economically isolated from the rest of India, is only tenuously connected to the rest of the country by a narrow corridor that runs 56 kilometres through into the foothills of Bhutan and Sikkim to the state of West Bengal, and is therefore referred to as the "Golden Triangle."¹⁴ As the topography swiftly descends to the grasslands of the northern mainland, cultural, social, and societal inequalities are readily apparent across the region. There is a constant battle for self-determination in most of the seven (7) north-eastern states, leading in political turmoil, civil unrest, and outright slaughter in the region. Inter-ethnic hostility has contributed to a spiral of violence. Anti-foreigners campaign in Assam lasted six long years, insurrection, and racial conflict against by the Bodo-Adivasi people in the recent past. The fight for independence in Manipur, as elsewhere in the region, was marred by violence at different stages. An increase in violence was caused by military activity. The already difficult living conditions of the numerous people who inhabit the region have been made even more difficult by the current political climate. Traditional community cohesiveness and the ability of rural residents to choose their own future have been seriously affected. The problems that rural residents experience are made worse by the region's physical isolation, poor infrastructure, and lack of economic growth. New opportunities are either not appearing or are being thwarted in their development. According to the Shukla Commission (1997), the Northern Region (NER) has a basic needs shortfall, an infrastructure deficit, a resource constraint, and a communication barrier with the rest of the country.

Status Of Women In North East India

Way more mature and less educated, women in the north-east of India are more flexible and visible than women in other parts of the country. Dowry and bride incinerating are not common in this region, although they aren't deemed detrimental. Since it conveys an impression of equality between men and women in the area, it is frequently utilised to create an impression that violence against women is not a serious issue in the region. The North East Network's statistics, on the other hand, shows that violence against women and children, particularly in romantic relationships,

¹⁴India's northeast: An integral piece of the puzzle, <https://www.lowyinstitute.org/the-interpretor/india-s-northeast-integral-piece-puzzle>.

is on the rise in the region. Law Research Institute, Guwahati, examined police records from 23 districts to find that 20,000 instances of violence against women had been reported to them in the previous decade, indicating that domestic violence is common in the state. These cases included rape, dowry, paedophilia, and kidnapping.

IN ASSAM, ALMOST 1,300 RAPE INCIDENTS HAVE BEEN REPORTED IN ONLY SEVEN MONTHS MOREOVER 20,000 RAPE CASES HAS BEEN REPORTED SINCE 2010

From January 1 to July 31, according to the FBI, 1,326 rape cases were recorded throughout the state in the first seven months of 2021 (from January 1 to July 31). 641 of these crimes had female victims under the age of 18, while 685 cases involving female victims beyond the age of 18 were reported to the Assam Police Department, according to the authorities there. In the six-year period from 2016 to July 31, 2021, a total of 18,693 rape cases were recorded in the state of California, according to the California Department of Justice. Women under the age of 18 were the targets of 7,607 instances, while female victims above the age of 18 accounted for 11,086 incidences. There were a total of 13,943 charge papers filed against 15,447 persons throughout the time period under review. Those who have been charged with crimes, on the other hand, do not have figures for the year 2021 since they have not yet been charged with crimes. 821 rape occurrences were reported to the authorities in 2016, with the majority of the victims being females under the age of 18. The majority of the victims were under the age of 18. According to the FBI, 1,149 rape events were recorded in 2017, with 1,721 incidents reported in 2018, 1,779 cases reported in 2019, 1,496 cases reported in 2020, and 641 rape offences reported in 2021, respectively (up to July 31).

In a similar vein, the number of rape cases (including those involving women above the age of 18) in 2016 was 1779 (including women under the age of 18). Rape cases climbed by 3,544 percent from 2017 to 2018, and by 1,648 percent from 2018 to 2019. Rape cases increased by 3,544 percent from 2017 to 2018. There were 1,773 more of these incidents in 2019, 1,657 more in 2020, and 685 more in 2021(as of July 31).

Role Of Education In Curbing The Juvenile Delinquency

Technology and social media have had a detrimental influence on the whole Indian society and also on the overall development of teenagers since their introduction in the 1990s¹⁵. Teenagers' use of mobile phones, television, and the internet, owing to the absence of proper supervision, is increasing their tension, jealousy, melancholy, and ability to respond quickly. According to the National Crime Record Bureau (NCRB)¹⁶, the rate of crime under reported cases against minors in conflict with the law has grown from 2005 to 2016, reaching 89.28 percent of all registered cases. The National Crime Reporting Bureau also reported a total of rapes committed by adolescents has climbed by 143 percent between 2002 and 2012. Children's physical growth is taking place, but they are not aware of their fundamental rights, values, ethics, and humanity, which are being denied to them. In India, there is an urgent need to put a halt to or reduce the level of juvenile criminality. The importance of value-based education and the school environment on the optimal development of children cannot be overstated.

¹⁵Bhal Singh* and Vandana Punia** GJMIRS, Guru Jambheshwar University of Science & Technology, Hisar, Haryana, Role of Value Based Education in Reducing Juvenile Delinquency at School Level, Educational Quest: An Int. J. of Education and Applied Social Science: Vol. 9, No. 3, pp. 229-232, December 2018 DOI: 10.30954/2230-7311.2018.12.4, <http://ndpublisher.in/admin/issues/EQvol9n3d.pdf>.

¹⁶Madhya Pradesh second only to Tamil Nadu in number of road, <https://timesofindia.indiatimes.com/city/bhopal/mp-second-only-to-tamil-nadu-in-number-of-road-accidents-ncrb/articleshow/81097212.cms>.

The researchers in this study paper concentrated on the application of value-based education at the secondary school level. The participation in co-curricular activities and VBE at the school level fosters the capacity to express oneself freely, to have self-confidence, to work together, and to believe in global brotherhood. The elements that influence the growth of the juveniles were also discussed by the researchers. Influence of the media and peers Exclusion from parents and society are important and responsible variables in the development of a juvenile's mental, social, and educational well-being and success. A significant component in influencing the conduct of juveniles is the ability of teachers to use VBE techniques in their lessons.

Children are sometimes said to be the "creators of tomorrow's civilization." The importance of value-based education and the school environment on the optimal development of children cannot be overstated. Modern technology and social media have a harmful influence on the entire Indian society, as well as on the overall development of teenagers in all aspects. Adolescents in today's culture are losing sight of fundamental principles such as tolerance, bravery, self-motivation, hard effort, and respect for others, as well as social and human values. Because of the loss in social values among teenagers, the structure, texture, and social environment of tomorrow's society will be negatively impacted. Cases such as the Nirbhya rape case (Dec. 2012, Delhi), the murder of an innocent kid at Ryan Public School, Gurugram (Haryana), and the murder of a school principal in Yamuna Nagar (Haryana) are instances of value degradation among school pupils in the country¹⁷.

A juvenile delinquent is a child between the ages of 10-18 Years who engages in criminal activity against the law. These behaviours are referred to as 'delinquent acts,' although if committed by an adult, they would be deemed a criminal offence. A juvenile is given an assessment as well as censure for his or her criminal actions. A delinquent conduct may be classified into two kinds. First, a juvenile is considered a criminal in the first sort of delinquent conduct, which is especially true for major crimes committed by a juvenile. In certain situations, some countries consider the youngsters to be of legal age. The second sort of delinquent behaviour is one that, according to the circumstances, does not regard an adult's effort to commit a crime to be a criminal. They are sometimes referred to as "age-related crime" or "stats crime." Among the most prominent instances of age-related offences are students' absences from school during the emergency and curfew periods.

The quality of a child's education has a considerable impact on the rate of criminality among adolescents. It influences the conduct of adolescents via a variety of co-curricular activities that are offered to them. The school organises a variety of leisure programmes for juveniles, including Sports, Dance, Theatre, Karate, Bowling, Climbing, and Painting. These programmes are held on a regular basis. These activities, as well as the efficient engagement and participation of juveniles in them, are beneficial in lowering the crime rate among adolescents. The participation of juveniles in the community-based programme provides them with a chance to engage with one another in a safe social setting.

Effective implementation of value-based education for juveniles at the school level is essential in India, where the number of juvenile criminals is growing on a day-to-day basis. Youth behavioural education (VBE) offers a positive emphasis for diverting problematic behaviours in juveniles. It contributes to the development of a cooperative and cohesive school community that identifies and attempts to successfully resolve the issues of juveniles.

It improves the quality of teaching, encourages more concern for pupils, and helps students become more tolerant, cooperative, and responsible in their pursuit of their objective. It also helps to establish trust in the student-teacher connection.

¹⁷Supra Note 13.

Is The Juvenile Justice System A Positive Or A Negative One?

Parallel systems often fall into one of two categories:

- I. Adult crimes and offences are dealt with by the Criminal Justice System.
- II. In order to help the child who committed the crime, the Juvenile Justice System was created specifically for minors.

Instead than penalising juvenile offenders, the goal of a juvenile justice system is to help them get back on track. Many people believe that the juvenile justice system should be eliminated because it fails to rehab youngsters and does not adequately punish those who commit major crimes. Advocates of juvenile justice argue that it should not be eliminated since it addresses issues that youngsters face. This strategy ensures that children who commit crimes see a shift in their conduct. Children who commit crimes should not have to go through what adult criminals must go through, which is the primary premise of the juvenile justice system. As punishment for minor criminals, a juvenile system was set up in the United States. Instead than imposing punishment, the juvenile justice system believes on offering counselling and therapy. The juvenile justice system in certain jurisdictions has been completely eliminated, whilst in other states, the juvenile justice system has been completely dismantled.

This system ought not be dismantled since children have a better chance of redemption than adults. Reforms to the juvenile system are needed instead of dismantling the whole system.

Suggestions

Some minors and juveniles get engaged in the juvenile justice system since they are suspected of performing a criminal or delinquent conduct. The system also has to deal with young people who commit status violations, such as truancy, excessive drinking, and fleeing their homes. However, but not all of those cases go through the legal system in the traditional sense.

A child/kid approaching the Juvenile Justice System seems to have the chance to get intervention support from the state. In the custody of the state, a kid may get drug recovery treatment, counseling, and educational chances. The effectiveness of the Juvenile Justice System is judged by how successfully it prepares adolescents to re-enter the population without committing future crimes. Optimal way, all juvenile detention institutions would catch youngsters up on their schooling, offer them with job experience, give them the privilege of living in a secure, stable situation, and provide them with aid to break bad behaviors.

Conclusion

There has to be more attention paid to the rising incidence of adolescent criminality in India. The government has implemented several laws and regulations aimed at curbing juvenile crime, but these laws have had little impact on deterring young people from committing misdemeanours, hence the government's goals have been unfulfilled. Even when a kid is born with no criminal tendencies, their minds may become corrupted by societal and environmental variables such as a lack of parental care and direction. A safe environment should be given to all children so that they may grow up to be productive and responsible members of society. Government and society, as well as the kid's parents, must ensure that the youngster is physically healthy, socially engaged, and psychologically aware, so that he or she may contribute positively to society instead of becoming a criminal.

It is the responsibility of the government to rectify and reform juvenile offenders rather than punish them, and each nation has its own juvenile justice statute for this purpose. The term "juvenile" refers to a person under the age of 18 Years who is not considered an adult by the legislation of the nation in which he lives. Juvenile delinquency laws vary from nation to country.

In our opinion, a child's mental condition is different from an adult's when they commit a crime, and as a result, they must be treated with care. All of the things that a child needs to grow up as a responsible member of society may be provided for them by the government and society, including love and kindness and the removal of the criminal attitude and reintegration into regular life.

Even if every nation has a Juvenile Justice Act that has been updated to be more current and specific, the government and the community must work together to prevent juvenile crime, and the Juvenile Justice Act must be effectively implemented. Efforts must be made to reduce juvenile crime, as well as to identify and address the causes of the increase in juvenile crime.