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# **RESEARCH ON THE CRIMES ON** **JUVENILE JUSTICE**

AUTHORED BY - KAMAL ADITHYA K

## ***Abstract***

*Children are looked at as potential citizens of our nation because of how they will grow up. A kid is born without sin, but in order for the child to develop into a magnificent human being with all of their individual characteristics, including physical, mental, moral, and spiritual qualities, special care and attention must be given to the child from the moment of the child's birth. Many young individuals in different parts of the nation participate in criminal behaviour for a variety of reasons. This is true throughout the country. Those who have given up their fight and are now homeless are at an increased danger of being exploited sexually and sold into sexual slavery. However, for children who have run afoul of the law, lengthy judicial procedures for arrests can ruin their entire adolescence, leaving a large percentage of them with slim chances of restoration and reintegration into society. This is because of the fact that the juvenile justice system is notoriously backlogged. The treatment of juvenile offenders is the primary goal of the legislation governing them. On the other hand, because of the rising number of crimes perpetrated by children and teenagers, the term has developed a negative connotation. People who engage in delinquent behaviour are more likely to originate from unstable homes and to have a difficult time maintaining healthy relationships. The issue of juvenile delinquency is of grave importance to the nation as a whole, and it is imperative that any potential remedies be carefully considered. As a direct result of these changes, the legal system and courts in India have revised the guidelines that govern juvenile justice in the country. Delinquent, destitute, trafficking, reintegration, and amending are some of the keywords that may be found in this article.*

*Keywords – juvenile, sexual slavery, crime, adoption, trafficking etc*

## Introduction:

A person who commits a criminal offence when they are under the age of 18 is said to be engaging in juvenile delinquency. In the most recent few years, the frequency of these illegal behaviours has substantially grown as a result of a wide range of variables and conditions. In the majority of jurisdictions, adolescents accused of serious crimes like robbery or murder are transferred to the criminal justice system and prosecuted as adults there. Sometimes prosecutors make this decision on their own, and other times a hearing is convened to evaluate the child's age and previous record, the nature of the offence, and the likelihood that the juvenile would benefit from being tried in the juvenile court.<sup>1</sup> When a person approaches maturity, they are more likely to engage in behaviour that is both antisocial and criminal, and this behaviour is referred to as crime. In this regard, juvenile delinquency may be thought of as the child and adolescent version of the criminal justice system. Two of the most common types of delinquent behaviour among adolescents are status offences and delinquent offences. Actions that are thought to be improper or harmful for children and adolescents and that are forbidden because of the offender's age fall under the category of status offences. Adults who partake in these kinds of activities are not breaking the law if they do so.

Participation in illicit actions by adolescents is, to put it in the simplest terms possible, the definition of juvenile delinquency. In most cases, a person is considered to be a juvenile delinquent if they are under the age of 18 and have committed an act for which they would have otherwise been prosecuted and tried as an adult. Even if it is not seen in every teenager, it is fairly evident that juvenile delinquency is also a part of all those behavioural changes that occur in the life of a person while going through the turbulent era of adolescence. The gravity of a person's criminal behaviour varies from person to person, and it is almost never brought to anyone's attention until and until a particular conduct becomes a societal issue. Because adolescence is a period of transition in a person's life, it is at this time that rapid revolutionary changes may take place in a person's physical, mental, moral, spiritual, sex, and social perspectives. They develop mental instability, and frequent mood swings are a symptom of this condition. This is a period that is fraught with anxiety, stress, conflict, and

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<sup>1</sup> Kumari, Ved. "CURRENT ISSUES IN JUVENILE JUSTICE IN INDIA." *Journal of the Indian Law Institute*, vol. 41, no. 3/4, 1999, pp. 392–404. JSTOR,

complexity. As a consequence of this, kids engage in certain behaviours in order to fulfil one or more of their wants, which usually leads to delinquency on their side.

According to the available data, a growing nation like India is seeing an increase in the issue of neglectful parenting as well as juvenile criminality. There are many different reasons why juvenile delinquency is crucial in society; nevertheless, there are three causes that are especially essential. To begin, children and teens are responsible for a significant number of antisocial behaviours, many of which result in physical harm, damage to property, or other forms of victimisation. About one million juveniles, ages 12 to 17, are taken into custody by the police each year on charges related to delinquency. Second, the rate of adolescent criminal activity is sometimes used as an indicator of the general health and profitability of a society. Communities that have high rates of criminal activity often have a number of other social issues that need to be addressed as well, one of which is the prevalence of antisocial behaviour. In this aspect, the victimizations that result from juvenile delinquency are problematic, and so is society's impression of its incapacity to manage and supervise young people in an acceptable manner. This is why juvenile delinquency is problematic. Third, the level of juvenile delinquency and other variables each have a variety of effects on the outcomes that might be expected. Many young people will, at some point in their lives, engage in criminal behaviour that is considered to be juvenile in nature. On the other hand, juvenile delinquency is only the beginning for a very small percentage of young people who will continue to engage in antisocial behaviour for the rest of their life.

## **Background**

The concept of juvenile justice originated from the belief that traditional criminal justice systems were not equipped to handle the complexities of juvenile delinquency. This led to the establishment of juvenile courts. Both Hindu and Islamic laws have provisions for the care and education of children, with parents being responsible for their welfare. However, if parents are unable to provide a safe environment, the community takes over. In India, prior to English influence, children were viewed as vulnerable and not subject to the same legal consequences as adults.<sup>2</sup> The Whipping Act of 1864 was enacted during British rule to punish juvenile offenders. The Reformatory Schools Act of 1897 placed juvenile offenders under 15 in reformatories. In 1986, the Juvenile Justice Act was

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<sup>2</sup> <http://student.manupatra.com/Academic/Studentmodules/Law-of-Crimes/JUVINILE-JUSTICE-ACT-2015.htm>

passed to provide care, protection, rehabilitation, and development to juvenile offenders. Risk factors for juvenile delinquency include individual, family, mental health, and drug addiction issues. Understanding these factors can help prevent delinquent behaviour in children.

## **Individual Contributing Factors:**

Several risk factors have been identified in relation to delinquency in young people. A juvenile offender is more likely to have a lower IQ and to have gotten an inadequate education, both of which are risk factors for juvenile delinquency. The inability to delay pleasure, impulsive behaviour, and uncontrolled aggression are all characteristics of those who are at risk. In many instances, the engagement of a juvenile in behaviours that are harmful, destructive, or illegal may be traced back to many individual risk factors leading to that participation.

**Factors Relating to the Family** It has been shown that a consistent pattern of family risk factors is associated with the onset of delinquent behaviour in young people. There is a lack of adequate parental supervision, ongoing disagreement between the parents, neglect, and abuse are some variables that contribute to the danger that a family faces (emotional, psychological or physical). It is more probable for a parent to produce children who have the same beliefs as themselves if the parent demonstrates a lack of concern for the law and social customs. Last but not least, the teenagers that engage in delinquent behaviour are the same ones who have the worst relationships with their families and parents.

The state of the individual's mental health is another factor that is hypothesised to play a part in the development of delinquency in juveniles. It is essential to keep in mind, however, that children cannot be diagnosed with many different types of mental health conditions, the most prominent of which being personality disorders. However, there are antecedents to these situations that may be noticed in infancy and later present themselves as delinquent behaviour. These antecedents can be seen as a result of the circumstances described above. The issue of conduct disorder is a common one.

## **Factors Contributing to Substance Abuse:**

The majority of instances of adolescent delinquency are accompanied by some kind of substance addiction. Two common threads have been identified regarding the usage of illicit substances by

young people. To begin, the amount and potency of drugs that are being used by young people today is far more than it was 10 years ago. Second, some young people begin using illegal substances at a very early age. It has come to light that young children in elementary schools are partaking in the abuse of potentially lethal substances obtained illegally. The unlawful use of these substances, as well as the illegal use of substances that are legal, compels young people to commit crimes in order to gain money for drugs. This is also true of the criminal use of substances that are legal. In addition, when underage people use substances like alcohol and drugs, they are considerably more likely to engage in behaviour that is disruptive, dangerous, and illegal.

## **Different phases of legislation pertaining to the delinquency of juveniles are as follows:**

### **Juvenile Justice Act, 1986:**

To put it simply, the indigenous discussion on juvenile justice has been keeping up with the worldwide developments that have been occurring in relation to this topic. India was the first nation to implement its legal system in accordance with the principles outlined in the document following the adoption of the United Nations Standard Minimum Rules for the Organization of Juvenile Justice. This accomplishment came about as a result of the adoption of these rules by the United Nations.<sup>3</sup> Other goals included obviously establishing a uniform legal structure for Juvenile Justice, contributing to a specific approach to the prevention and control of adolescent wrongdoing, defining the apparatus and framework for the operations of Juvenile Justice, developing standards and measures for the organisation of Juvenile Justice, establishing proper linkages and coordination between the formal framework and deliberate offices, and establishing the uniqueness of Juvenile Justice.<sup>4</sup> The Act incorporates the most important aspects of all appropriate methods and participatory models in order to achieve its ultimate goal of comprehending this aim. The new legislation unquestionably places a severe duty on the state to appropriately equip assets from all sectors of financial development in order to ensure the prosperity and wellbeing of teenagers, in addition to providing them with the opportunity to recover from the challenges they have faced.

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<sup>3</sup> JANEKSELA, GALAN M. "DESCRIPTIVE ANALYSIS OF FIVE JUVENILE JUSTICE SYSTEMS: UNITED STATES, SCOTLAND, ENGLAND, INDIA, AND SOUTH AFRICA."

<sup>4</sup> <https://core.ac.uk/download/pdf/228605256.pdf>

**Act of 2000 Relating to the Juvenile Justice System (Care and Protection of Children):**

The Children's Acts that were in effect at the time were required to have their previous enforcement structure reconstructed as part of the Juvenile Justice Act that was passed in 1986. In spite of this, because there was not widespread agreement on a timetable for such a reconstruction at the national level, the strategies that were implemented by a significant number of state governments fell woefully short of the objectives that had been publicised. In order to promote and institutionalise the approach to adolescent equality in relation to the significant provisions of the Indian Constitution and international obligations, the Government of India re-enacted the Juvenile Justice (Care and Protection of the Children) Act, 2000 in the year 2000. This was done in order to meet the requirements of the Juvenile Justice (Care and Protection of the Children) Act, 2000.

**Act of 2014 Concerning the Juvenile Justice System (Care and Protection of Children):**

The Juvenile Justice (Care and Protection of Children) Act, 2014 aims to replace the existing Indian adolescent misconduct law, the Juvenile Justice (Care and Protection of Children) Act, 2000. This will allow adolescent criminals between the ages of 16 and 18 to be tried as adults for serious wrongdoings under the new Juvenile Justice (Care and Protection of Children) Act, 2014. On May 7, 2015, it was approved by voice vote in the Lok Sabha, and it is now pending consideration in the Rajya Sabha.<sup>5</sup> The Juvenile Justice (Care and Protection of Children) Act of 2014 would enable a Juvenile Justice Board, which will include analysts and sociologists, to decide whether or not a juvenile offender between the ages of 16 and 18 should be tried as an adult. This decision would be made in accordance with the Juvenile Justice (Care and Protection of Children) Act of 2014.<sup>6</sup> The prior protest did not involve the inclusion of the principles from the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption that were incorporated in the statute. In addition to this, the law intends to simplify the screening process that is currently in place for stranded, abandoned, and surrendered children.

Early intervention is often recognised as the most effective strategy for preventing juvenile criminality. This view is supported by research. The Juvenile Justice Act of 2015 must be implemented with full public awareness, as well as complete orientation and training for professionals and law enforcement organisations, in order to successfully reduce delinquency. This is required for

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<sup>5</sup> <https://cara.nic.in/PDF/JJ%20act%202015.pdf>

<sup>6</sup> <https://nap.nationalacademies.org/read/9747/chapter/7>

the Act to be effective. For the purpose of encouraging juveniles to participate in mainstream society, the government need to put a larger emphasis on programmes that are both efficient and attractive over the long term for young people. As a consequence of this, people are able to restore their self-confidence, which had been diminished as a consequence of the unkind attitude of society. The estimations reveal that the kids will participate in illegal behaviour if the potential rewards are sufficiently high and there is a relatively low probability that they will be severely punished for their actions. It's possible that the attitude used by the agencies that are a part of the system, like the police, is more rehabilitative than it is punishing. It's possible that rehabilitating criminals should be the objective, rather than punishing them. The process of preventing young people from breaking the law involves participation from individuals, as well as groups and organisations. Its primary target population is adolescents. Because juvenile delinquency is a social illness, it is essential that those who suffer from it get treatment that allows them to rejoin their families and communities. It is imperative that the social maladjustment be addressed and remedied. The absence of core requirements, which teenagers try to make up for by engaging in antisocial behaviour, is the key factor that contributes to juvenile delinquency. As a consequence of this, efforts should be made to satisfy the essential wants or needs of every youngster in a manner that is acceptable to society, regardless of whether or not the kid is a delinquent. Delinquent children require special attention. The behaviour of every juvenile offender needs to be evaluated on an individual basis.<sup>7</sup> The fulfilment of his or her needs for power, status, and recognition ought to be the primary focus of attention. Each instance must to be subjected to meticulous scrutiny, with particular attention paid to the distinct problems and circumstances that contributed to the commission of such unlawful behaviour. The person in society will not be able to be rehabilitated, readjusted, or reconditioned until this step has been completed. Children who are regularly shunned or rejected by their parents are more likely to engage in criminal behaviour as a result of a lack of adequate supervision. The family unit serves as the foundation upon which human civilization is built.<sup>8</sup> Because they are not closely supervised, they are often influenced both by the people in their social group and by the world around them. It is often believed that single-parent families, especially those in which the mother is the only member of the family, are more likely to have children who get involved in criminal activity. Therefore, every community need to make opportunities for parental education available, as this will help in the development of wonderful

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<sup>7</sup> [https://lawhelpline.in/PDFs/JUVENILE\\_JUSTICE/Juvenility%20Determination%20Law.pdf](https://lawhelpline.in/PDFs/JUVENILE_JUSTICE/Juvenility%20Determination%20Law.pdf)

<sup>8</sup> Kumari, Ved. "JUVENILE JUSTICE BILL 2014 – A REGRESSIVE STEP." *Journal of the Indian Law Institute*, vol. 56, no. 3, 2014, pp. 303–19.

homes, the enhancement of familial connections, as well as the education and care of children. Several different educational programmes offer instruction to parents on how to bring up children in a healthy way.

## **Conclusion:**

The use of children for nefarious purposes has been around for a very long time. These juvenile offenders are subjected to multiple forms of abuse, some of which are physical, some of which are sexual, some of which are psychological, and some of which are a combination of these. Abuse has an effect on a child's life that is both long-lasting and profound. Abuse and neglect of children is a serious problem that is not going to be rectified anytime in the near future. There is also the possibility that the delay is the result of society having a negative influence on the children, with factors such as parental influence, social environment, mental illness, and sexual assault all playing a role in the development of these problems. When it comes to young people, a lack of self-control, a terrible social environment, mental illness, and sexual abuse are all variables that contribute to this phenomenon. Young people suffer from poor self-esteem as a result of this, as well as emotional anguish, all of which are associated to delinquent behaviour. This social evil, unlike any other crime, is connected to the maladjustment and defects that are prevalent in our society. There is no evidence to suggest that stricter laws lead to a reduction in the number of crimes. The idea that young offenders need society's compassion and understanding in addition to the firm hand of the law is gaining ground, albeit slowly.

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