



## Juvenile systems in India and other countries

Rakhi Rani

[r.v\\_1987@rediffmail.com](mailto:r.v_1987@rediffmail.com)

### Abstract

The Juvenile Justice System in India is the primary resource for helping children who are either without a family or who have been removed from their family because of criminal behaviour. The primary legislation governing the juvenile justice system at present is the Juvenile Justice (Care and Protection of Children) Act of 2000. Child-related clauses from the Indian Constitution, United Nations standards, and Child Rights concepts have been included into the Juvenile Justice Act. There are two types of juveniles who fall within the jurisdiction of the Juvenile Justice Act: Juveniles in Conflict with the Law. Different legal systems and procedures have been established to accommodate the needs of these two types of children. A primary focus is on rehabilitating criminals and caring for at-risk kids. If at all possible, a kid should be rehabilitated and reunited with his or her family. "This article provided an analysis of India's juvenile justice system in the context of ethical justification and global standards. Many modern people may trace their philosophical orientation back to Aristotle, even if they haven't read much of his work. Their perspective on their personal connections to other teenagers is enriched by this reading. Parents see the commitment they have to their children as the responsibility to provide the sort of stable environment that children require to develop into typical people with the social and cognitive frameworks expected to play out the limitations we accept that typical adults can achieve. John Locke maintains, via distancing, that the human personality is blank and indifferent from its outset, like a sheet of blank paper. All knowledge and rational thought, according to this perspective, has its origins in the world as it really is. Certainly, Locke's refusal to teach intrinsic concerns was directed primarily against Descartes and the Cartesian school. It also suggests abandoning the Platonic belief that knowledge is a repository of fixed, immutable Forms.

**Keywords:** Juvenile Justice System, Juvenile Justice Act, Child Rights, Indian Constitution, Children Care and Protection.

### Introduction:

**Definition of Child:-** When a man stops being considered a kid and becomes an adult is a topic of constant debate in India. Adolescents are defined in the Indian Census as those between the ages of 5 and 14, and this definition is generally used by the government. Actually, the period



between childhood and maturity is known as pre-adulthood. UNCRC evidence shows a juvenile denotes any person under the age of eighteen years, unless the majority of the requirements for the child's age have been met. As seen by their own notify the age uttermost compasses of a kid in their own special laws, various nations recognise the importance of childhood and let citizens to make decisions based on this consideration. However, various laws in India have varying definitions of childhood and juvenile depending on the legislation. According to the Indian Penal Code (IPC) 1860, no child under the age of seven may be held legally responsible for any act committed after the age of seven. The minimum age for criminal responsibility is increased to twelve years if a person has a mental impairment or is too young to understand the consequences of their actions. To provide informed permission to sexual activity, a woman must be at least sixteen years old, unless she is married, in which case the minimum age is fifteen. There is a provisional age limit of 16 for active associates and 18 for young ladies in terms of security against obtaining, locating, and similar violations.

The globe around, people see children as remarkable national resources. because of the lack of care of our general public in all circles, these potential future partners are not referred to correctly, which results in child delinquency, and they hold the keys to the state for the foreseeable future. The problem of juvenile delinquency is one that is growing at an alarming rate, causing people all over the world a great deal of worry. However, despite the fact that children should be the primary focus of development planning, research, and social welfare in Asian countries, this has not been the case. Despite a National Policy for Youth and a Constitutional guarantee of a healthy, happy kid free from abuse, neglect, and exploitation, the vast majority of children in Asian countries do not yet have the opportunity to develop into well-adjusted adults.

India may adhere to the principles outlined in the 1959 Declaration on the Rights of the Child by the World Association for the Advancement of Children, in which basic rights such as the right to health care, protection from abuse, exploitation, and neglect, access to education, the freedom to express oneself, and adequate nutrition are recognised. Because of this, in 1974, the government of an Asian country adopted a national policy on children to ensure that all of the aforementioned rights were met for the country's youth. The central enactment on Juvenile Justice was approved in 1986 by the Union Parliament, creating a uniform juvenile justice legislation throughout the country. Laws regulating this subject varied widely from country to country. However, they were not all the same or consistent. Despite its importance, a consistent



juvenile justice statute has not led to a noticeable shift in how young people are treated in the criminal system. Concerns about how the legislation would be implemented in special homes and juvenile homes for at-risk youth continued to be a major source of tension in human rights communities.

### **Juvenile justice act:**

In 1986, a law was enacted to ensure the safety of minors, and subsequent years saw the passage of several more pieces of legislation along similar lines. Under this law's watchful eye, different states' legal systems addressed minors in different ways, with some having their own enactment on juvenile justice and others having none at all. Despite being very important, a unified legislation on juvenile justice has not led to a noticeable shift in how kids are emotionally handled by the court system. Concerns about the treatment of minors in special homes and juvenile homes were a persistent source of controversy around the bill in human rights circles. After the topic of juvenile justice received more attention on a global scale in the late 1990s, it rose to prominence even in local circles, prompting a broad range of discussions on juvenile justice at the national and regional levels.

### **Juvenile systems in other countries:**

The United States has made a clear distinction between young offenders who are victims of a callous culture and those who are fully aware of the horror of their actions. To reflect the inhumanity of the crime committed, the law of the country allows for the adult treatment of juvenile offenders in some instances. The rationale given for this release is that it is necessary to recognise the essential and innate planning or compunction norm. A second argument is that it is the state's responsibility to keep the public safe from criminals. The court's decision to postpone the hearing shows that it believes the offender is beyond the reach of juvenile rehabilitation and legitimises the introduction of jurisdiction as a means of protecting society at large from the offender". It's worth noting that Australia follows a system somewhat similarly to that of the UK. Now that we're back in Asia and discussing the Juvenile Justice Act of 2000, it's important to remember that we opted for a rigid and transparent system of sentencing rather than more nuanced approaches. This is a system where the maximum sentence for a criminal who engages in robbery to support himself is the same as the one handed consistently to a serial offender or killer; with special attention, as long as both are under the age of eighteen.



### **Reasons for juvenile system:**

Crimes Many of the behavioural changes seen in juveniles and adolescents have been linked to the rapid physical changes that accompany puberty, according to interdisciplinary studies of juvenile delinquency. Physical factors, such as teenagers' height and weight, are the first to show signs of change throughout adolescence, and are quickly followed by other sexual and physical changes associated with coming of age. These alterations in the body's appearance are matched by corresponding shifts in one's mental state.

### **Social Factors:**

When young people face discrimination or a loss of status, it may lead to the development of a subculture that celebrates deviance. As a result of peer pressure, they often adopt antisocial behaviours. According to Walter B. Miller (1958), some youth (typically from lower socioeconomic backgrounds) flip the standard culture on its head, so whatever is valued and is viewed as positive by the majority of the society is abandoned by these youth and replaced by the polar opposite value system. In this sense, if society upholds a standard of morality, young offenders will abandon it in favour of trying to outdo others in terms of physical prowess and emotional thrill seeking (characterized as central worries by Miller). Recent U.S. studies have linked the evolving attitude of Chinese youth toward the police to the reprobate subculture idea.

### **Psychological Factors:**

Freudian concepts of the id, inner self, and super-personality provide definitive knowledge of the mental explanations for criminality. When a person's id (the subconscious part of their personality) becomes too strong and their super-sense of self (the outwardly shown part of their personality) becomes weak, they develop into an antisocial individual. "Occasionally, when discretion and social supervision via necessary meetings become weak, youth develop reprehensible tendencies. Abnormality and criminality have both been linked to a deterioration of social structures. Youth mental health and antisocial behaviour may be linked. Female inmate investigations in Bangladesh revealed an abnormally high proportion of mental illness among the juvenile offenders housed in the Female Juvenile Centre. Similarly, there was a significant prevalence of drug usage among these criminals.

### **Debates of Juvenile Justice Act, 2015 in India**



On January 11, 2016, the Supreme Court sided with Parliament in favour of stricter punishment for sexual offences against children, reviving the age-old debate over who is a child? The issue is the identification of minors under the Indian Penal Code, as stated by the Supreme Court. The International Penal Code now defines a kid as any individual under the age of 18, and there is no differentiation between children as young as three years old and older minors in cases of assault. In that instance, the Hon'ble court used Lakshmi Kant Pandey as an example. The Union of India, of the Hon'ble Supreme Court, which noted that children are a valuable asset to any country and that the success of any nation in the future would rely on the innovations and inventions its youth generate. The request was under Article 32, and the references to and 24 were in aid thereof, thus the decision favoured doing so. As part of the right to life, the Court acknowledged the value of having a place to call home, a name, and a family. Considering the Canon Law as relevant to different groups of Christians, the Kerala High Court, in Philips Allred Malvin v. Y.J. Gonsalves and others, ruled that the right of a couple to hold a child is a secured right guaranteed under as the right to life combines those things which make life essential. When the Juvenile Justice Bill, 2014, was signed into law by the President on December 31st, 2015, the minimum age for a juvenile delinquent to be tried as an adult was the subject of public debate. The revised 2015 Act was officially announced on January 15th, 2016. Some minors, aged 16 to 18, have been prepared for trial as adults after a review of their mental and physical limits, the alleged circumstances of the offence, and their ability to grasp the consequences of the offence revealed that they should be tried as adults.

### **Review of literature**

(Anon n.d.) studied study of juvenile justice act and system in India discovered, and The Juvenile Justice System in India is the primary resource for helping children who are either without a family or who have been removed from their family because of criminal behaviour. The current primary foundation for the juvenile justice system is the Juvenile Justice (Care and Protection of Children) Act, 2000, (further revised in 2006). Child-related clauses from the Indian Constitution, United Nations standards, and Child Rights concepts have been included into the Juvenile Justice Act. Two types of troubled youth are protected by the Juvenile Justice Act: a) Children who need care and protection, and b) those who are in conflict with the law. Different legal systems and procedures have been established to accommodate the needs of these two types of children.



(Routiya 2016) studied A Critical Study of Children Under Juvenile Justice System in India discovered that the Juvenile Justice System is the most active and well-lit structure supported by global citizens and dedicated to the holistic growth of young people. A primary focus is on rehabilitating criminals and caring for at-risk kids. Every effort should be made to restore a youngster to his or her family after rehabilitation. This article provided an analysis of India's juvenile justice system in the context of ethical justification and global standards. Many modern people may trace their philosophical orientation back to Aristotle, even if they haven't read much of his work. Their perspective on their personal connections to other teenagers is enriched by this reading. Parents see the commitment they have to their children as the responsibility to provide the sort of stable environment that children require to develop into typical people with the social and cognitive frameworks expected to play out the limitations we accept that typical adults can achieve. John Locke maintains, via distancing, that the human personality is blank and indifferent from its outset, like a sheet of blank paper. All knowledge and rational thought, according to this perspective, has its origins in the world as it really is. Certainly, Locke's refusal to teach intrinsic concerns was directed primarily against Descartes and the Cartesian school. It also suggests abandoning the Platonic belief that knowledge is a repository of fixed, immutable Forms. The massive impelling of Locke, or the forceful inmates of Plato or Descartes, have been found by certain modern researchers of mental transformation to be completely acceptable. The Aristotelian foundation is that being young is inherently promising. From this vantage point, the worth of a kid's work need not be spectacular in and of itself, but it must be useful in assisting the child in developing into a decent adult.

(Das 2016) studied Juvenile Justice System in India observed that the worldwide adoption of the juvenile justice system is the most advanced and enlightened system promoting children's holistic development. The primary goal is to help the vulnerable youngster and to rehabilitate the criminals. It is preferable that a kid be rehabilitated and returned to his or her family as soon as possible. The special court will use the parents patria theory when deciding cases involving children who are in conflict with the law. This essay analysed the Indian judiciary system (JJS) in the context of constitutional theory and international norms.

(Sharma and Gupta 2022) studied The path of juvenile justice system development in India: a hypercritical study of the legislations determined that that Juvenile Justice is a subfield of criminal law that mitigates punishment on the grounds that a minor lacks the maturity to plan and carry out a criminal conduct. Juvenile justice was developed because it became clear that





traditional approaches to criminal justice were ill-equipped to deal with the unique problems posed by young offenders and children raised in nontraditional environments. The juvenile justice system in India is at a turning point. Concerns have been raised that the system has strayed from its original mission of providing opportunities for growth and change as a result of all the major overhauls. This paper analyses the problems plaguing the Juvenile Justice System, which are undermining its credibility, and offers workable solutions to these problems. However, the author argues that the existing juvenile justice system in India, which has its roots in colonial authority with various improvisations, lacks vibrancy and does not confront the reality of heightened criminal inclinations among the young. The author proposes a few changes that will assist meet the growing demands of the modern world. The crime rate in our country is skyrocketing. While the required legislation may exist, most things fall through at the implementation stage. As a means of achieving better justice and a more efficient juvenile justice system, it is important to confront the prominent group within society that is calling for more stringent regulations.

### **Conclusion**

discovered that and Juvenile Justice is a subfield of criminal law that mitigates punishment on the theory that a minor lacks the maturity to plan and carry out a criminal conduct. Juvenile delinquency and children living in non-traditional environments present unique issues that cannot be addressed by using traditional criminal justice approaches. There has never been a more pivotal moment in the development of India's juvenile justice system. Concern is rising that the system has lost sight of its original goal of rehabilitation and reform as a result of all the recent changes. This article takes a critical look at the problems plaguing the Juvenile Justice System, which are undermining its credibility, and offers some viable solutions. Author argues that while India's existing juvenile justice system can be traced back to colonial rule with various improvisations, it lacks vibrancy and does not address the reality of heightened criminal inclinations among the young". The author proposes a few changes that may be made to accommodate the world's growing demands. We are seeing a meteoric rise in the crime rate in our society. Though the required legislation has been passed, most projects fail at the implementation stage. Juvenile justice has to be strengthened and made more fair since there is a strong movement in favour of stringent regulations, and now is the moment to handle this.

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