

*Review Article***Racial Disparities and Reforms Under Juvenile Justice System****K Krishnaveni****How to cite this article:**

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<p>Author Affiliation Guest Faculty, Department of Law, Tamil Nadu Dr Ambedkar Law University, Chennai, Tamil Nadu 600028, India.</p> <p>Corresponding Author K Krishnaveni, Guest Faculty, Department of Law, Tamil Nadu Dr Ambedkar Law University, Chennai, Tamil Nadu 600028, India. E-mail: venubalabl@gmail.com</p>	<p>Abstract</p> <p>As Mr. A.P.J Abdul Kalam rightly said that Children are the future of our country and it is the responsibility of every citizen to ensure that they have a safe environment to live in the world. In Country like India Where Manpower Is the Main Human Resource for the development of the country, But the last decade has seen a huge leap in the rate of Juvenile crime in a developing country like India. Today, Juvenile crime is like a disease in our society. This paper starts with describing the evolution of Juvenile Justice Legislation, from pre-independence era to Post-independence India; and specially looks at the guidelines of Juvenile Justice Act, 2000 act was replaced by Juvenile Justice care and Protection of Children Act 2015, Delhi gang rape triggered major changes in the criminal law system in India, the act mandates setting up juvenile justice board and child welfare committees in each district and to include at least one women member. In India in spite of the presence of that welfare law for such children, there is a rise in the number of Juvenile offenders across the country. So, a pertinent question peeped in our mind whether Juvenile offenders who commit heinous crimes should be treated as adults. The paper also tries to find out the causes and types of Juvenile Crimes in our society. In the concluding part, some suggestions have been made for preventive measures of Juvenile Crimes.</p> <p>Keywords: Juvenile; Crime; Offenders; Juvenile Justice Act; Heinous crime; Serious crimes; Petty crimes; International convents relating to juveniles.</p>
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Introduction

The word "Juvenile" originates in a Latin word Juvenile that means young. A Juvenile or child means a person who has not completed eighteen years of age. In the Latin maxim that suits best is "Nil Novi Spectrum" Which implies that nothing is new on this earth.

¹India is a party to the UN convention on the rights of the child (CRC) ratified in the year 1992 Beijing rule guards' juveniles deprived of their Liberty. The national and international instruments there by clearly defining children as a person under the

age of 18. section 2 (K) of the act define Child as a person who has not completed the age of 18. The act is built on the requirements of Indian Constitution and the four broad rights Defined by the United Nations. convention on rights of child. Right to Survival, Right to protection, Right to development and Right to participation. The proposed law also aims to judging and positioning cases dealing with juveniles. Also deals with adoption of children and Lays down the eligibility criteria for adoptive parents. The central government agency will adopt various rules for effective implementation at all levels.

Historical development of juvenile justice Laws in India

Juvenile Justice system dates back from year 1960, the enactment of successive national child laws namely the children act 1960, which was subsequently repealed by juvenile justice act 1986 which indicated that greater attention was needed for children who were found in the situation of social maladjustment, delinquency or parental neglect, the justice system which was applied for adult had negative effect when applied for children or juveniles, It was necessary that separate laws for juveniles had to be introduced throughout India. which is taken into account and all the aspects of social economic and cultural changes in the country there was a need of organization for care and protection, treatment, development and rehabilitation of children and juveniles.

²The juvenile Justice child care and protection act 2000 was passed by repealing the act of 1986, the object of the law is to give effect to the guidelines provided under the rule for administration of the juvenile justice by the United Nation Organization by November 1985, Juvenile Justice act 2000 was further repealed and replaced by Juvenile Justice care and Protection act 2015. Latest development Juvenile Justice amendment bill was announced in lock Sabha in relation to adoption.

Juvenile Justice act 2000

According to the act of 2000 the term Child/ Juvenile means person who has not completed the age of 18 years such a child should not be lodged in jail or police lockup. the rehabilitation of juvenile justice offender includes the procedure for the investigation, prosecution, adjudication and disposition of juvenile issues that also contemplates some special offences along with requisite punishment therefor in aspect of certain juvenile under juvenile justice act 2000, juvenile who commit on offence is called As Juvenile in conflict with law, but not as juvenile delinquent the trail of juvenile cases held by juvenile justice board taking into consideration the aspects like the age of the juvenile and such age of the juvenile must be reckoned on the date of commission the offence not with the date on which juvenile brought before the board for enquiry.

Classification of offences of juvenile offenders

The Act has also made a distinction of the kind of offences, categorizing them as petty offence, serious offence and heinous offence. It stated that in case of heinous offences alleged to have been

committed by a child who has completed above the age of sixteen years, a preliminary assessment will be conducted with regards to his psychological and corporeal capability to commit such offence. Based on it the child may be tried as an adult, the special provision proposed to confrontation heinous offences committed by individuals in the age group sixteen to eighteen years.

Special provisions relating to juveniles

Constitutional provision: Fundamental rights

- Article 15(3) - of the Constitution of India provides special powers to the State to make any special laws for the upliftment and he betterment of children and women.
- Article 21A - Right to free and compulsory elementary education for all the children under the age of 6 to 14 years.
- Article 24 - Right to be protected from any hazardous employment under the age of fourteen.
- ³Article 24 - Right to be protected from being abused in any form by an adult.

Directive principles and state polices

- Article 39(e) - Right to be protected from human trafficking and forced bonded labour system.
- Article 47 - Right to be provided with good nutrition and proper standard of living.

Indian penal code

Section 82 and 83 of the Indian penal code contain elaborate provisions regarding the extent of the Indian Penal code contain elaborate provisions regarding the extent of criminal liability of children belonging to different age group. A child below the age of seven is doli incapax, that is, incapable of committing crime. Likewise, a child between seven and twelve years of age has only a limited criminal liability.

Code of criminal procedure code

⁴Section 27 of crpc suggest that lineal treatment to juvenile has already received statutory recognition in Indian laws the section provide that if a person below sixteen years of age commits an offence other than one punishable with death or imprisonment for life he should be awarded lenient punishment depending in his previous history, character and circumstances let him to commit crime his sentence can be further commuted for good behavior during

the term of his imprisonment section 360 of the code of criminal procedure 1973 provides that when any person who is below twenty - one years of age or any woman. is convicted of an offence not being punishable with death or imprisonment for life, and no previous conviction is provide against such person, the court may having regard to the age , character and antecedents of the offender ,and to the circumstances in which the offence was committed ,order release of the offender on probation of good conduct for the period not exceeding three years on entering in to a bond with or without sureties instead of sentencing them any punishment

International convention relating to juvenile justice system

- International covenant on civil and political rights 1966, sentence of death shall not be imposed for crimes committed by persons below 18 years of age and shall not be carried out on pregnant women.
- The United Nations Standard But also minimum rules for administration of Juvenile justice 1985 also known as Beijing rules was adopted on 29th November 1985 for protecting the well-being of children
- The United Nation rules for the protection of juveniles deprived of their Liberty e 1990 also known as the Havana rules list down the standards for management of the Juvenile justice system
- The United Nation convention on the rights of the child 1989 provide for the protection of children by ensuring the right available to them.
- The United Nations guidelines for the prevention of Juvenile delinquency 1990 also known as the Riyadh guidelines provides for the prevention of Juvenile delinquency
- International Juvenile justice observatory was formed in Brussels in the year 2002 to encourage Global Juvenile justice and to tackle and to tackle the issues relating to Juvenile delicacy and Justice issues.

Juvenile Justice Amendment Bill 2018

Justice Amendment Bill 2018 was announced in Lok Sabha by women and child development minister Menaka Gandhi there are various cases pending in in various courts relating to to adoption the bill seeks to amend Juvenile justice act to empower district magistrate.⁵ To issue orders for the purpose of adoption the bill further provides transferring of

all proceedings pending before any Court relating to adoption order under certain provisions of Juvenile justice act to district magistrate having jurisdiction over the concerned area due to the delay in issuing and adoption orders by the court the child continues to deteriorate in the child care institution even after getting the family the adoption proceedings should be disposed by the courts within 2 months from the date of filing and application before the court

Juvenile Justice System abetting crimes by minors

In spite of the presence of careful child acts, the last decade has seen a huge leap in the rate of juvenile offenders in India. According to the latest National Crime Records Bureau, the ⁶NCRB said there were 33,606 cases registered and 40,420 juveniles apprehended altogether during the year, up from 35,849 in 2016 and 33,433 in 2015, Totally 1614 rape and 1456 other sexual assault committed by juvenile in the country in the year 2017, Delhi stood third on the list with an⁸ per cent share in overall juvenile crimes in the country.

⁷The law was amended following intense protests in the wake of the 2016 Nirbhaya gangrape in Delhi in which one of the accused was a few months short of turning 18 But the alarming facts that the delinquent activities have also been plummeting. Worse still, youngsters, are not just committing petty crimes, but rather heinous crimes like rape and murder. It gets tough for the police to deal with juvenile offenders because the law possesses a lot of restrictions. Some glimpses of delinquent activities in different corners of our country are mentioned hereunder:

Preventing Juvenile Delinquency

⁸It is widely proved that early-phase intervention represents the best approach to preventing juvenile delinquency. Government should put more emphasis on attractive beneficial long-term schemes for juveniles so that they regain their self-confidence and feel motivated to join main stream of the society.

Recommendation

It is noticed despite special treatment and privileges; the number of youth offenders is in an increasing trend for various reasons. Although special trial arrangement for the juvenile offenders through juvenile Boards and institutionalization of them in Reformatories or Borstal schools, the positive results are not marking up to the expectations. Some of the suggestion and measures for the prevention of juvenile delinquency. special care

and attention to be given by parents, especially by the working parents, disciplined and creative education⁹ at school and college levels to avoid harassment, sharing of the problem of the youth by the parents relatives and teachers, keeping the children away from intoxicants and drugs, control over juvenile participating in the activities of political parties, keeping away children from uncensored programmes of media, film etc, besides pornography material, violent online games, and teaching about the value of morals and ethics as compulsory subjects at school and colleges.

Conclusion

Juveniles involved in crimes are not criminals, in fact, they are victims of society. Juvenile delinquency can be stopped at an early stage, provided special care is taken both at home, in school, and society. Parents and teachers play a significant role in nurturing the mind of a child. Instead of labeling them as criminals or delinquents - steps need to be taken to give them a scope of reforming.¹⁰ Them socially and psychologically to lead a better life. The authorities involved in Indian Juvenile justice system has to build effective partnership with civil societies,¹¹ the Non-governmental organisations have the capacity to provide community - based life skill programs and group counselling, community work opportunities and open custody group homes for children in conflict with law. the voluntary sector organisation can help the governmental agencies to engineer a substantial shift towards non

- custodial alternatives for corrective measures and Reforms involving juveniles.

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