

Original Article

Juvenile Delinquents: Practicability of Reformatory Theory if Serving the Purpose?

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Abstract

When a young person gets involved in a criminal act, we call him as a Juvenile and the crime as Juvenile Delinquency. Juvenile Delinquency could mean any type of behaviour by those socially defined as Juveniles that violates the norms (standards of proper behaviour) set by the controlling group. The Juvenile Delinquency refers to failure of children and youth to meet certain obligations expected of them by the society in which they live. Juvenile Delinquency is detrimental for the social order in any country. There is a trend of increase in juvenile crimes world-over, with more and more involvement of the youth in violent crimes. India shows similar trends of increasing rate of violent crimes committed by Juveniles. It is very serious for the nation and solution to end the problem needs to be sought very carefully. Indian legal system and judiciary has responded to these trends and has brought some amendments in the laws pertaining to juvenile justice in India. This paper aims at looking at the cause of juvenile delinquency. The analysis of statistical data available at official sites indicates increasing involvement of juveniles in heinous crimes. To contain the problem of juvenile delinquency in India, the Act pertaining to juvenile delinquency has been amended and now trial of juveniles involved in heinous crimes is held as adult. Individualised treatment became the cardinal principle for reformation of offenders. Reformatory theory is best for serving this purpose, juvenile delinquents sent to the observation homes for their reformation.

Keywords: Juvenile delinquency; Criminal act; Juveniles.

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Introduction

Juvenile justice is the area of criminal law applicable to a person not old enough to be held responsible for a criminal act. In most states, the age of criminal culpability is set at 18 years. Juvenile law is mainly governed by state law and most states have enacted a juvenile code.

The recently passed juvenile justice (care and protection of children) Act by the Indian Parliament

on 22 Dec 2015 aims to amend the existing juvenile justice (care and protection of children) Act of 2000 by attempting to examine the mental faculties of a child who commits a crime and not focus on the age. The large question is about the rationale behind keeping 18 years as a cut-off mark for adulthood when there is a looming debate about whether the human brain is completely developed until that age. Also, is the act comprehensive enough to eliminate the possibilities of juvenile crime by laying stress on complete rehabilitation of juvenile delinquents by providing

psychological help and enabling social conditions that can assimilate them in society? In order to understand these issue, it is important to situate the Act in the context in which it was produced and its possible ramifications.

Juvenile Delinquency

Juvenile delinquency is not new. However, it has become a cause of concern in India with the release of crime in India report, 2014, which show that from 2003 to 2014 crimes committed by Children have increased from 1% to 1.2%. infact children of the age group 16–18 years were responsible for 66% of crime committed by all children in 2013 reflecting an increase of 10% points from 2003 records (crimes in India, 2014: 128–129). Juvenile delinquency is the participation by a minor child, usually between the aage of 10–17, in illegal behaviour or activities. Juvenile delinquency is also used to refer to children who exhibit a persistent behaviour of mischievousness or disobedience, so as to considered out of parental control, becoming subject to legal action by court system. Juvenile delinquency is also known as “juvenile offending”, and each state has a seprate legal system in place to deal with juveniles who break the law.

“The term juvenile delinquency is heard and used so frequently that it is often assumed that everyone means the same thing when using it. People generally agree that juvenile delinquency is misbehaviour by children but there is much less agreement on the specifics of what constitutes misbehaviour or who falls into the category of children.” In generic terms, juvenile delinquency is deviant child behaviour. When a young person get invovled in a criminal act, we call him as juvenile and the crime as juvenile delinquency. Juvenile delinquency could mean any type of behaviour by those socially defined as juveniles as violates the norms (standard of proper behaviour) set by controlling grups. The juvenile delinquency refer to the failur of children and youth to meet certain obligations expected of them by the society in which thy live.

Types of Juvenile Delinquency

- Individual delinquency
- Group supported delinquency
- Organised delinquency

- Situational delinquency

Reasons for Juvenile Delinquency:

- Economic problem
- Substance Abuse-home life
- Substance Abuse-personal
- School problems
- Physical abuse at homes
- Lack of adult interaction
- Peer pressure-neighborhood influence

Juvenile Justice Act 2000

This convention seeks to protect the best interst of juvenile offenders. The convention leads the Indian Legislation to repeal the juvenile justice Act, 1986 and to make a new law. Thus, Indian Legislatiom came up with the new Act which was called as “The juvenile justice (care and protection of chilren)Act, 2000.

In december 2012 an incident happend “Nirbhaya Rape Case” that rape case becomes one of the important reason for amendment in Juvenile Justice (Care and Protection of Children) Act 2000. Because in this rape case 4 to 5 rapist have raped that girl and among those rapist one is Juvenile. This becomes one of the most strong reason for amendment in the act of 2000.

Juvenile Justice Act 2015

The juvenile justice (care and protection of chldren amendment) Act, 2015 came into force on 1 january 2016 after the president of India gave his assent to the bill on 31 december 2015. The 2015 Act repeals and replace the juvenile justice (care and protection of children) 2000 it provides to treat juveniles aged between 16-18 as adults, if they are charge for ommission of henious crime.

For Determine the age of Juvenile Delinquent

In the case of *Deoki Nandan Dayma v. State of Uttar Pradesh* the court held that entry in the register of school mentioning the date of birth of student is admissible evidence in determining the age of juvenile or to show that whether the accused is juvenile or child.

But later in the case of, *Arnit Das v. State of Bihar,*

the Supreme Court overruled its previous decision and held that date to decide in claim of juvenility should be the date on which the accused is brought before the competent authority.

Reformative Theory for Serving the Purpose

Individualised treatment became the cardinal principle for reformation of offenders. Reformative theory is the best for serving this purpose, juveniles delinquents sends to the observation homes for their reformation/rehabilitation, or get them laern moral values, to get them learn how to live in society. And the main aim of this is not to treat them as criminals. For care and rehabiliton of any child alleged to be in conflicts with law during the pendancy of any enquiry under this Act.

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