

An Analytical Study of Juvenile Justice System in India



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Abstract

In the last few decades, we are seeing that the children under the age of 16 years involving in original activities. Day by day their numbers has increased. what are reasons behind to it. In this paper we try to find out, namely due to the upbringing environment of the child, economic conditions, lack of education and the parental care. These are the some of the basic reasons. The most disappointing part is that, Children (especially under the age group of 5 to 7 years.) Now a day are used as tool for committing the crime as at that this stage their mind is very innocent and can easily be manipulated.

We will discuss of "Nirbhaya Delhi Gang Rape case which happened on December 2012. The main reason and issue of the debate was the involvement of accused, who was just six months short to attain the age of 18 Years. The involvement of the accused in such a heinous crime of rape forced the Indian legislation to introduce a new law and thus, Indian Parliament came up with a new law which is known as "Juvenile Justice (Care and Protection), 2015.

In this article, we discuss some measures issue relating with child labour. As we know The supreme court of India is guardian of the Indian constitution. We discuss many cases and laws in this article. Childers are the future of any society and in turn they shape the world's future: that is why the issue of child labour is an area of concern for all policy-makers, social scientists, researchers and the judiciary.

Generally the term child may be defined according to Indian majority Act as well as juvenile justice Act it means any person who has not attain the age of 18 years is called child. In modern era, the penal laws of most countries have adopted the principle of 'Doli incapy' which means of knowing that act there are committing is a crime. The penal laws also states that only child between the age of seven to twelve age can be convicted, provided that, the act they have committed is a heinous crime and they have knowledge and has attained the sufficient knowledge to understand the consequences of the their act. In case of Mohini Jain V/s State of Karnataka¹ the supreme court declared that right to education at all levels is fundamental right, covered under article 21A of the constitution. In the case of Unnikrishnan V/s State of Andra Pradesh² the supreme court held that primary education means the education upto the age of 14 years is a fundamental right, professional education is not.

Keywords: Juvenile Justice Act, Right to Protection.

Introduction

This act is very useful to protect the interest of child. In this paper has been tried to introduce latest examples and law related to juvenile justice system as well as the provisions of this act. Children are the foundation on which the dynamic and vibrant future of a nation shall be built. They are a nation's greatest asset. In the case of Lakshi Kant Pandey V. Union of India³ The supreme court of India emphasized that "obviously that in a civilized society cannot be denied the importance of child welfare because the welfare of the whole societies is depend on the development and welfare as well as health and well-being of its children. Therefore, it is essential for the development of a nation, how its children grow and develop". Children are recognized world wide as supremely assets of the Nation. Every nation development is showing through the position of children in the society. Who have been considered as the wealth of the nation unfortunately because of improper care and misguidance children involve in criminal activities and because of that Child delinquency ratio is increasing very alarmingly all over the world. Children are playing most

important role for the development, research, planning and welfare but the protection and development of children. UN Declaration on the Rights of the Child 1959 is very important to understand the rights, and privileges of children. This above mentioned declaration is very helpful to protect the child from abuse and from exploitation, right to protection from neglect, right to expression and right to nutrition etc. are outlined as basic rights of child by the Convention of the rights of the child. This paper will mainly focus on the juvenile delinquency, causes of Juvenile, evaluation of Juvenile justice system in India, need of the juvenile justice Act 2015.

Aim of the Study

In this article, author discusses some measures issue relating with child labour.

History of Juvenile Justice Act

Every issue needs to know about the history of it. This enactment came into force in 1986 for the purpose of the protection of juveniles. Later on, so many laws has been enacted. Thus the enactment of 1986 becomes a guideline for other laws. Earlier the situation was different, each state had its own enactment on juvenile justice with provisions which varied state to state legal systems. The primary uniform law on juvenile justice was existed but it failed to lead to any dramatic improvement within the treatment of juveniles. The law continued to electrify plenty of concern, in human rights circles, pertaining notably to the method juveniles were treated in detention centers selected as special homes and juvenile homes. It is saddened that international attention to the problem of juvenile justice was so late i.e. in 1990's. The other phase of problem is surrounded emotionally in the middle stage even in domestic circles with variety of consultations continued juvenile justice each nationwide and regionally.

Juvenile Justice (Care and Protection) Act, 2015

This Act came in to force from december 31.2015.This Act is a hope of positive way.Government is making efforts at each and every level of bureaucracy and judiciary.Yet child are entring to crime area because awarenes level is very poor therefore they are unknow about result of juvenile crime. Against this call of Apex Court, many protests were created that demanded modification within the existing Juvenile Justice Law.

The Ministry of girls and child development even the introduction of bill with many alternative reasons.At level of child their physical and biological maturity is not perfect according to Adolphe Quetelet.Therefore they are unable to control over himself and they can not prevent from committing crime.The main other reasons are increasing population,political coruption and crimilization as well as demoralize in social values.Therefore it is big question before government to check and control juvenile off ender. WHO is doing work for this purpose. WHO criticized this Act on several grounds: initial, starting it to be retributive not helpful.

The New Juvenile justice Act,2015 has been introduced with many changes.In this Act new word is

used for juvenil is called child.In this Act total 112 sections have been inserted therefore through we can achive main objects of the juvenile justice care and protection Act,2015 This paper has highlighted on varied polemical problems regards to new Juvenile Justice Act with special reference to the views of various activists. In this paper mainly discussed on the New Juvenile Justice Act, 2015 with Protection of child from Sexual Offences Act, 2012. In Umesh Chandra Vs State of Rajasthan⁴ the supreme court of India emphasized that "as regards the final relevancy of the act tend to are clearly of the read that the relevant dates for the relevancy of the act is that the date on the offence takes place. Juveniles act was enacted to shield young child from the implications of their criminal acts on the footing that their mind at that age couldn't be aforementioned to be mature for imputing men's space as within the case of associate adult. This being the intendment of the Act, a transparent finding has got to be recorded that the relevant date for relevancy of the act is that the date on that the offence takes place. We are clearly of the read that the relevant date for relevancy of the Act upto now as age of the defendant, United Nations agency claims to be a toddler, worries, is that the date of the prevalence and not the date of the trial." In Pratap Singh Vs State of Jharkhand⁵ the supreme court ordered that – "The reckoning date for the determination of the age of the juvenile is that the date of the offence and not the date once he's made before the authority or within the court."

Conclusion

After observing all facts and rules of the juvenile justice Act,2015.We can say that is a reformative steps in area of juvenile justice.The main object of this Act is not kill the offender but also rehabilitation in society.In 1992 the suprem court is also decided in case of Gaurav Jain v/s Union of India AIR 1992 SC 292 that seprate school and hostel should be established for juvenile offenders.According to Article 32 of the Indian Constitution Right to Education and Right to Health is a fundamental Right of juvenilr.Therefore it is a landmark judgement for reforming juvenile activities.In this Act all efforts have been made to remove deficiencies in Act of 2000. The aim of juvenile justice should be that any reaction to juvenile offenders should always be in proportion to the circumstances of both is the offender and offence. Then only we could proudly say our children are assets of our nation on whom we can stake our bright future. Otherwise they would become a liability to not only the parents but to the whole society.In end of the conclusion we can say that the Act is very useful and needful to protect interest of child who have involved in criminal activities due to evitables reasons.

Suggestions and Recommendations

In fulfillment of the legal provisions suggested for the Juvenile, this is the duty of state to follow the suggested steps:-

1. To create more comfortable conditions to juvenile delinquency.

2. For the reduction and prevention of juvenile delinquency and the reform of delinquent children we need to advise local, public and private agencies to work together for the fulfillment of the needs of juveniles issues.
3. For the reduction and prevention of juvenile delinquency and the reform of delinquent children we need to involve the roles of schools and local courts in the favour of juveniles.
4. Also promote the NGO's to help the state government in the making of policies for the juveniles.
5. We have to built the mechanism for the controlling on jails and rehabilitation centers for the monitoring of juveniles

Endnotes

1. 1992 (3) SCC 666
2. 1993 4 SCC 645
3. AIR 1992 SC 118
4. AIR 2005 SC
5. Prof N.V.Paranjape, *Criminology, Penology with Victimology*, page no. 673, Central Law Publications, 17th edition, 2017.
6. Dr S.S. Shrivastava, page no. 319, Central Law Agency, 3rd Edition, 2007.
7. R.N.Sharma, 2008 *Criminology and Penology*, Surjeet Publications, New Delhi.