

“Juvenile Justice”

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Juvenile meaning in the Indian constitution is if a child is below the age of 18 so under the Indian Laws, Section 2 (k) of the Juvenile Justice (Care and Protection of Children) Act,2000 defines "juvenile" or "Child" as a person who has not completed the eighteenth year of age.The development of the Juvenile Justice Act in India can be dated back to the British Era. This is because it was during the British period when certain laws were enacted to address the issue of Juvenile delinquency. An example of this can be that of the introduction of the Whipping Act of 1864. This law was passed to punish juveniles by the way of whipping them for the wrongs committed by them and further creating a deterrence in the minds of juveniles to bring an end to such acts. The Indian Penal Code, 1860, and the Criminal Procedure Code, 1861, further took this forth by treating the child differently throughout their numerous provisions. The juvenile justice system is considered to be a direct consequence of reforms and developments in western countries.

The Juvenile Justice System in India is made based on three main assumptions:-young offenders should not be tried in courts, rather they should be corrected in all the best possible ways, they should not be punished by the courts, but they should get a chance to reform for a child in conflict with law should be based on non-penal treatment through the communities based upon the social control agencies e.g. Observation Homes and Special Homes. At present, compared to other countries India stands in a safer situation when it comes to juveniles committing crimes. Juvenile justice in India is delivered by a separate act called the Juvenile Justice act 2015. Starting from Children's act 1960 following this, the general assembly of the United Nations adopted the convention which dealt with the rights of a child, and it was in 1992 when India ratified the UNCRC. The main concern of the convention was to uphold and cherish the right of the child to reintegrate with the society without any judicial proceedings initiated or running against him and to attain this the government felt, there was a need to rewrite the existing law. And therefore in the year 2000, the old law was replaced by the new – Juvenile Justice(Care and Protection of Children) Act. Followed by the Juvenile Justice Act 2015 and currently, a new bill has been introduced in the Rajya Sabha as the juvenile Justice Bill 2018 which proposes a better framework for Adoption. Juvenile boards deliver and bring justice to society when it comes to juvenile crimes in full confidentiality to protect the juvenile from harassment of the society and for the same reason, the identity of the juvenile is kept hidden.

Not every case is the same that is what we learn from our honorable judges protecting the law delivering justice and bringing peace to the society with their judgments they don't just see things Black and white like most of us uninformed do. A very phenomenal example is Justice Krishna Iyer while delivering the judgment of prisoners Rajesh Kaushik vs Superintendent Central Jail and Sunil Batra vs Delhi Administration 1980 SCC 480 delivered that every prisoner is a citizen and thus he has rights just like the rest of citizens of this country. The facts of the latter case highlighted the

terrible conditions of the prisoners in Tihar Jail. Justice Krishna Iyer believed that prison reforms are the utmost necessary to bring real changes in the behaviors of the prisoners to make them harmless and heal them through reformation to make them better citizens to make them suitable to live in a civilized society. Another case of State of UP vs MK Anthony AIR 1984 SC 48, the accused had committed the crime of killing his ailing wife and his two kids. No matter how gruesome the crime of killing his dear ones was, the judge did not give him the punishment of the death penalty also known as capital punishment instead, he gave him life imprisonment resonating that the crime was committed due to poverty and not lust, anger or vengeance. If the above judgments can be made in crimes committed by non-juveniles, fully grown adults then why is it that way we lack difference of perspective when delivering justice to children. It is scientifically proven that a brain fully develops at the age of 25 the juvenile age set by the recent law that is Juvenile Justice Act 2015 has brought down the age set for juvenility which is 16 to 18 years. Heinous crimes committed by this category such as rape or murder will be given maximum punishment but less than the death penalty or life imprisonment. The amendment of 2015 was brought after the Nirbhaya case, it was the result of powerful public agitation and protest as one of the convicts was below 18 years of age. Even after this amendment juveniles can be brought out on bail for any offence they commit which means unlike criminals, for juveniles all offences are bailable.

Juvenile justice does not only bring justice for the crimes but also with its approach can bring social justice which means it holds the potential of correcting individuals by digging in the foundation or the root cause of their disrupted behaviour which comes out as their actions against the law. Juveniles cannot just be treated with the deterrent theory of punishment as what they lack as a human is something deep-rooted. Their actions are an outcome of a multitude of reasons going hand-in-hand around them, such as their surroundings in which they grow up or their upbringing which is a direct result of their parents and close family members, or inside them such as mental health outrages of depression, anxiety, impulse control, and addiction disorders personality disorders or post-traumatic stress disorder and many such health illnesses. It may also be because of financial strain or poverty, victimization of sexual harassment, or mental harassment in which the juvenile tries to project as a predator what has been reflected on him as a prey. Crimes of any kind have reasons but what makes juvenile crimes different is that reformation of an adult is far more difficult than reforming a juvenile's mind as their minds haven't yet been fully developed and thus are more prone and submissive to change or correct. This does not exhaust the possibility of reformation of a criminal right method catering to the right drawbacks or flaws of the person can lead to the hoped outcome.

When judging a case of juvenile crime the judge has to foremost analyze the capacity of the mind of the juvenile whether it understands the outcome or consequence of his or her actions the age of the juvenile is considered to be the most prominent factor in deciding the same which leads to the approach taken to form legislations in this area. When interviewing convicts who have served their sentences starting from juvenile child care centers it can be understood that the biggest problem they face inside the prison is of the protection of their person due to the common practice of keeping young adults that is juveniles with Life serving criminals growing up in an environment

full of hardened criminals for a juvenile who is serving numerous years, he or she is prone to develop the mind or move towards the direction which is not desirable they become worse than they were in extreme situations leading to more crimes after being released. This completely drowns is the purpose of reformation as in the end correction of minds was the goal.

Juvenile Justice does not only have a gloomy side some juveniles have committed the crime of petty theft or drug dealership or chain snatching or stealing. For juveniles who were serving shorter sentences for them, a new chapter can be easily opened and not necessarily of rehabilitating. Habilitation, as coined by Jeff Wallace an insider who had been imprisoned as a juvenile and after serving numerous years, was released as a free man delivered in his speech on TEDx Naperville explained his idea of habilitation by which he tried to highlight the bad environments in which most of the juveniles grow up for whom a better place must be aimed. As rehabilitation is a process of adapting oneself into the old routine since the older environment for these juveniles was not the most ideal place which resulted in their crimes in most cases for them rehabilitation was not the solution. Apart from this many fast food centers employ convicts and such practice has also been adopted by an NGO called ECHO in Bangalore wherein the juveniles while serving their sentences were trained for becoming traffic police assistants, and after finishing their sentences were employed for the same, one such story has been published by NDTV, a nationalized news reporting channel.

As believed by many reformists and researchers education stands as the most important tool to correct anyone's mind. A child right from his/her tender age needs knowledge not just for his career but also for his all-round development his body mind and spirit as believed and preached by Mohandas Karamchand Gandhi. Education can bring not just scores on a sheet but corrections in the mind. It has the potential to enlighten a candle-like mind, it opens paths for a spirit to tread on instead of resorting to unwanted roads. Thus, they must be educated because that's the only way to correct a mind.