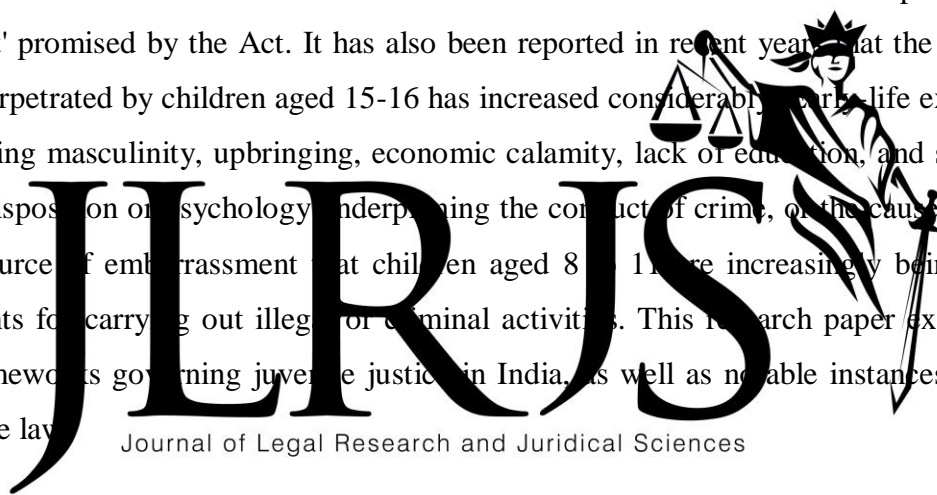


ROLE OF JUVENILE SYSTEM IN INDIA

Rohan Sthanu*

ABSTRACT

In today's society, juvenile delinquency is a serious issue. This is a serious issue because the youth aged 15 to 19 account for around 100,215,890 persons, or 9.7% of India's total population, according to the population composition. It has an impact on not just the generations, but also the entire family as well as the entire community. Around the world, juvenile justice systems promise more than they deliver. Juvenile justice is thought to be intended to rehabilitate youngsters who have shown signs of delinquency. However, juvenile facilities in India have been criticized for a lack of infrastructure and the poor level of 'treatment' promised by the Act. It has also been reported in recent years that the number of crimes perpetrated by children aged 15-16 has increased considerably. Early life experiences, domineering masculinity, upbringing, economic calamity, lack of education, and so on are a general disposition or psychology underpinning the conduct of crime, or the causes of crime. It is a source of embarrassment that children aged 8-11 are increasingly being used as instruments for carrying out illegal or criminal activities. This research paper examines the legal frameworks governing juvenile justice in India, as well as notable instances that have shaped the law.



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INTRODUCTION

Juvenile criminals were treated the same as other criminal offenders before the seventeenth century. Around the mid-eighteenth century, a movement to treat adolescent offenders differently emerged. India's juvenile justice policy revolves around the Constitution. There was a Children Act of 1960 before the Juvenile Justice Acts of 2015, 2000, and 1986, which tried to put international answers to the issue into force. The Declaration of the Rights of the Child was adopted by the Assembly on November 20, 1959, and the Convention on the Rights of the Child was adopted by the Assembly on November 20, 1989. This convention protects juveniles' social disintegration by declaring that no judicial actions or court trials against them would be held. This convention pushed the Indian Parliament to repeal the Juvenile Justice Act of 1986

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and replace it with the Juvenile Justice (Care and Protection of Children) Act of 2000, which is substantially more reformed and better. In addition, to accept the United Nations General Assembly's Standard, the Juvenile Justice Act of 1986 took effect, replacing the preceding "Children Act of 1960". The law provided a nationwide framework for the protection of minors' rights and interests, except Jammu & Kashmir. It even went over some basic requirements for the administration of justice, as well as what to do when young criminals commit horrendous crimes. The Juvenile Justice Act of 2000 was passed to join the UN General Assembly's 1989 agreement on the protection of children's rights; however, it was poorly executed and delivered.

DISTINCTION BETWEEN A CHILD AND A JUVENILE

A youngster or a girl who has not yet reached the age of sixteen is considered a "child" or eighteen years, according to section 2(e) of the Children Act of 1960, which was in effect from 1960 to 1986. In clause 12 of "Section 2 of The Juvenile (Care and Protection) Act, 2015," anyone under the age of eighteen is referred to as a "kid." The Act divides the term "child" into two categories:

- A young person who has broken the law
- A child who needs to be looked after and protected.

"A child in conflict with the law" is a youngster who has done a crime and was under the age of eighteen at the time of the crime a youngster in need of safety and therapy. This is the first category. The second category is "a youngster in need of care and protection," which includes any juvenile who is not charged under Section 14 of the Acts. Even though a child and a juvenile are practically identical, there are some distinctions in their connotations and situations. Even though a child is simply deemed a harmless individual, the term "juvenile" has a terrible legal connotation. Child signifies youth and absence of compassion, while juvenile implies immaturity or a teenage criminal. In simple terms, a juvenile is a young person who has been charged with a crime.

WHAT DO YOU MEAN BY JUVENILE JUSTICE?

Under the Indian legal system, juvenile justice is defined as a legal foundation that specifies justice for juveniles. The system gives special attention and support to juvenile crime. A crime committed by a minor under the age of 18 is known as juvenile delinquency.

HISTORY OF JUVENILE JUSTICE

The Juvenile Justice (Care and Protection of Children) Act, 2000 governs juvenile justice in India. It is the replacement for the Juvenile Justice Act of 1986, and it was established to close major loopholes in its predecessor's legislation, while it is not without flaws of its own. . This legislation was enacted recently, with a time gap of less than a quarter of a century between them and the present. Even though ancient India was governed by a variety of rules, there was no law specifically dealing with juvenile crime. As the issue of neglected children and juvenile delinquency became more widespread, there was a growing need for policy to address it. India, a British territory, was then inspired by England, which had previously implemented its juvenile statute at the time. The Apprentices Act, which dealt with juveniles for the first time in India, was passed in 1850. Under the rules of this act, children aged ten to eighteen who were determined to be involved in criminal activity were enrolled in a trade apprenticeship. After another ten years, the Indian Penal Code was enacted. Even though there is not a specific law concerned with juvenile justice, it does contain rules that apply to juveniles. Section 82 of the IPC offers special protection to a kid under the age of seven who follows the *doli incapax* concept (refers to the mental capacity of a person that helps him/her from distinguishing right from wrong.) The IPC considers that a child under the age of seven doesn't have the mental capacity to establish a deliberately criminal purpose. Section 83 of the IPC is a rider-added extension of section 82. It gives a child aged seven to twelve years legal immunity. The Reformatory School Act of 1876, which empowers the government to build reformatory schools and hold juvenile criminals there until they found work, was the next significant step in the establishment of juvenile justice in India. Following that, in 1919, a jail committee was created, and in response to its suggestions, distinct laws dealing with the juvenile crime were established in several provinces, the first of which was in Madras, Bengal, and Bombay. Following our independence, a new act focusing on children was established in 1960. The Children Act of 1960 was enacted to "provide for the care, protection, sustenance, safety, learning, and rehabilitation of deprived or delinquent children in the Union Territories, as well as for the prosecution of delinquent children in the Union Territories." Even after that, the juvenile justice system suffered several issues, the most serious of which was that various states had distinct acts dealing with juvenile crime, resulting in children in similar situations being judged differently based on various provisions in various acts. The Supreme Court in *Sheela Barse v. Union of India* observed that instead of each state having its own Children's

Act, it would be preferable if the Central Government introduced Parliamentary Legislation on the issue, ensuring perfect uniformity across the country in terms of the numerous provisions dealing with children. After this, The Juvenile Justice Act of 1986 was enacted. The Juvenile Justice Act of 1986 was enacted to provide for the welfare, safety, and recovery of juvenile delinquents and neglected children. This statute was quickly replaced by the Juvenile Justice (Care and Protection of Children) Act, 2000, due to a flaw in the previous Juvenile Justice Act of 1986, which did not provide for a differentiated response to delinquent and deprived adolescents.

DEVELOPMENT OF JUVENILE JUSTICE SYSTEM IN INDIA

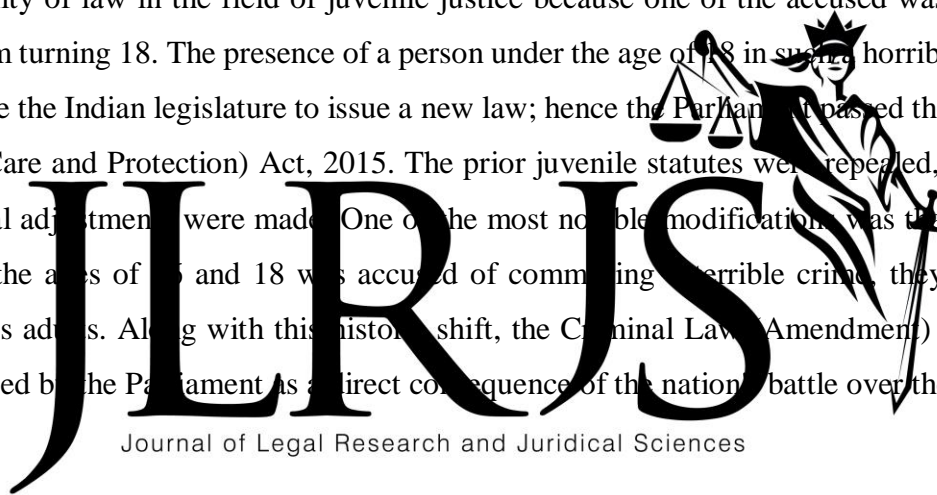
We will analyze the evolution of the juvenile justice system in India in two phases' Pre-independence era and Post-independence era.

Pre-independence era – During the colonial administration, Lord Cornwallis established the first juvenile facility, known as Ragged School, in 1843. Around 1850, the Apprentices Act was created, which was the first law that obliged youths aged 10 to 18 who had been condemned in court to get specialized training as part of their rehabilitation. Another key piece of legislation was the Reformatory School Act of 1876 and 1877. The jury had the authority under the Act to imprison miscreants in a reformatory school for a span of two to seven years, but offenders were not to be retained in these institutions once they reached the age of eighteen. Furthermore, the Act of Criminal Procedure of 1898 gave minor offenders particular treatment. Delinquents under the age of twenty-one were eligible for probation if they behaved well. The Indian Jail Committee then drafted the Indian Children Act (1919-1920). Individual provincial governments now had the authority to adopt distinct juvenile statutes in their areas as a result of this act. In 1920, 1922, and 1924, the provincial governments of Madras, Bengal, and Bombay each approved their own Juvenile Acts. Before Independence British India included the regions of present-day Bangladesh, Republic of India, Burma, and Pakistan (1858–13th August 1947). The Juvenile Acts or legislation introduced in British India laid the foundation of the present day Juvenile Justice System in India, Pakistan, and Bangladesh. This legislation included provisions for the establishment of a specialized juvenile justice system.

Post-independence era – In the post-independence era, India's juvenile justice policy is based on Articles 15 (3), 21, 24, 39 (e) and (f), 45, and 47 of the Constitution, and several international covenants such as the UN Convention on the Rights of the Child (CRC) and the UN Standard

Minimum Rules for the Administration of Juvenile Justice (Beijing Rules). The Juvenile Justice Bill was initially passed by the Lok Sabha on August 22, 1986, following Beijing Rules, and the Central Children Act was superseded with this Juvenile Justice Act. The law took effect in all union territories, but states that did not have a juvenile law were allowed to adopt it. India adopted its National Policy for Children in 1974. The policy comprised, among other things, delinquent, poor, neglected, and exploited children's instruction and rehabilitation.

The most significant achievement was bringing the country into compliance with the 1989 Child Rights Convention. Anyone under the age of 18 was considered a child under this rule, and they were never allowed to stand trial as an adult. This was the provision that infuriated Indians after the "Nirbhaya Delhi Gang Rape Case," which outraged the entire country on December 16, 2012. It not only upset and sickened the nation, but also raised doubts about the applicability of law in the field of juvenile justice because one of the accused was 6 months away from turning 18. The presence of a person under the age of 18 in such a horrible crime as rape drove the Indian legislature to issue a new law; hence the Parliament passed the "Juvenile Justice (Care and Protection) Act, 2015. The prior juvenile statutes were repealed, and a few substantial adjustments were made. One of the most notable modifications was that if a child between the ages of 15 and 18 was accused of committing a terrible crime, they would be charged as adults. Along with this historical shift, the Criminal Law (Amendment) Act, 2013, was enacted by the Parliament as a direct consequence of the nation's battle over the Nirbhaya tragedy.



THE AGE DETERMINATION PROBLEM

In India, a juvenile is defined as someone who has not reached the age of eighteen. Only children aged seven to twelve who are suitably mature enough to understand the consequences of their actions and children aged twelve to eighteen can be tried under the Juvenile Justice Act, as children under the age of seven have been granted immunity from prosecution by the Indian penal code, as noted above. The goal is to reform and recover these children rather than treat them as adults because of their criminal conduct. It's tough to define one's age because there isn't any clarity on the subject. Even in the Indian Penal Code, sections 82 and 83 refer to children under and over the age of seven, yet there is no mention of children under the age of seven. Who is to say what age group they belong to? Section 49 of The Juvenile Justice Act of 2000 grants competent authorities the jurisdiction to evaluate whether a person brought

before them is a juvenile if he or she appears to be one. However, the technique for determining a person's juvenility cannot be trusted. Documentary proof and medical evidence are the two methods for determining the accused's age. The Supreme Court concluded in *Jaya Mala v. Home Secretary, Government of J&K* that the age determined by the medical tests is not definite evidence of age. It's only a doctor's opinion, and there's a two-year window on either side. *Bhoop Ram v. State of Uttar Pradesh* is another lawsuit in which the court ruled that if documented evidence and a medical report contradict each other, the documentary evidence shall be regarded as correct. This leads us to believe that documentation proof is all that is required to establish and persuade a court that a criminal is a minor. Documentary proof is now one of the simplest things to obtain in our country, whether it is to gain a license that one is not legally allowed to or to provide age evidence in court. And if we were to turn to medical examination, which is not regarded as 100 percent convincing proof by even medical experts in such a circumstance. A doctor, according to the Allahabad High Court, is not always truthful. As a result, a doctor is not always trustworthy. What should be done if age cannot be determined conclusively using either documentary or medical evidence? In *Bablu Passi and anr. v. State of Jharkhand and anr.* the Supreme Court concluded that the Act did not establish a fixed standard for determining a person's age and that the juvenile's plea must be considered entirely on its own merits. Medical information about a person's age, while useful as a guiding element, is not conclusive and must be weighed against other compelling evidence. Aside from the definitive determination of age, the subject of when age must be taken into account has been a source of debate. It was established in *Umesh Chandra v. State of Rajasthan* that the date of the offense must be taken into account. *Arnie Das v State of Bihar* overturned the decision, stating that the date of the crime is unnecessary and that the date of the accused's appearance in court must be considered. In *Pratap Singh v. the State of Jharkhand*, the court clarified that "the reckoning date for the establishment of the juvenile's age is the date of a crime, not the date when he is presented before the authorities or in the Court."

JUVENILE JUSTICE ACT, 2000

The Act altered the terms "child in dispute with the law" and "child in need of care and protection" to describe delinquent and abandoned children, respectively. The Juvenile Justice Board is established under this Act to deliver justice to juveniles who have broken the law. It was changed again in 2006 and 2011; however, neither time was it successful in closing the gaps and weaknesses. To combat the rise of juvenile delinquency in India, the act was scrapped

and replaced by The Juvenile Justice (Care and Protection) Act, 2015, which is now the primary statute governing the juvenile justice system in the country. The first and most contentious issue in the legal world is the "claim of juvenility," which relates to determining who can demand juvenile rights or who can be labeled a juvenile. In India, a claim of juvenility must be decided by the Juvenile Justice Board by Rule 12 of the Juvenile Justice Rules, 2007. To combat the rise of juvenile delinquency in India, the act was abolished and replaced by The Juvenile Justice (Care and Protection) Act, 2015, which is now the primary statute governing the juvenile justice system in the country. India has enacted legislation that protects the rights, interests, and safety of juvenile offenders. This is an attempt to deal with the problems associated with juvenile delinquency.

THE NEED FOR THE JUVENILE JUSTICE ACT 2015

Articles 15(3), 39(e), and (f), 45, and 47 of the Indian Constitution give state powers and responsibilities to guarantee that all of the children's requirements are addressed and that their fundamental rights are adequately protected. JJ ACT 2015

There was no standardization of the age limits of a juvenile delinquents in India until the passage of the Children Act, 1960. The Bombay Children Act of 1948 and the Haryana Children Act defined a child as a boy under the age of sixteen or a girl under the age of eighteen years. A person under the age of sixteen years was defined as a "Child" under the Uttar Pradesh Children Act, the East Punjab Act, and the Andhra Pradesh (Telangana Area) Children Act. The state of Saurashtra and West Bengal defines a "child" as someone under the age of eighteen. A juvenile or child is defined by the Juvenile Justice Act of 1986 as an individual who, in the case of a boy, has not reached the age of 16 and, in the case of a girl, has reached the age of 18. The Juvenile Justice Act of 1986 was abolished by the 2000 Act, and the disparity in age between male and female juveniles was abolished by the Indian government to comply with international responsibilities. The age of a juvenile in violation of the law has now been set at 18 years for both males and females.

JUVENILE JUSTICE ACT, 2015

After a juvenile crime in a 2012 Delhi gang-rape case was 'merely' sentenced to three years in a reform home, the 2015 Act was presented in Parliament in 2014 amid widespread public indignation. The Bill's Statement of Objects and Reasons (now Act) highlighted several reasons why existing legislation needed to be changed, including delays in Child Welfare decision-making processes. Committees and Juvenile Justice Boards, a high number of cases pending, and a rise in occurrences of child abuse are all factors. Inadequate facilities, poor quality of care, and rehabilitative strategies all contribute to children in care institutions in these establishments. It was also emphasized that there has been an alleged increase in crimes perpetrated by minors between the ages of 16 and 18, particularly those classified as serious crimes. However, when the Bill was presented to a Review Committee appointed by the Governor, it received mixed reviews. This Review Committee was constituted by The Parliamentary Standing Committee, which was established to submit a report on the Bill. This Review Committee also included individuals from civil society as well as specialists and academicians, who warned against interpreting the statistics supplied by the National Crime Records Bureau as demonstrating such an increase in a clear singular manner. It was pointed out that juvenile crime accounts for a very small percentage of all crimes perpetrated in India. It stayed stable at roughly 1.0 percent to 1.2 percent between 2008 and 2013. Furthermore, of the entire number of juvenile crimes, just roughly 7% of the instances involved felonies like murder and rape. Members of the Review Committee also pointed out that this number does not include cases when children were wrongfully seized. The NCRB data was misleading in this case since it was based on the number of FIRs lodged against minors rather than the number of actual convictions and subsequent case dispositions. Furthermore, some members of the Committee expressed concern that forcing juvenile criminals into the adult criminal justice system was unnecessary, given that Section 16 of the 2000 Act already included a provision for dealing with juveniles aged 16 to 18 who had committed significant offenses. Various judgments, such as admonition, community service, enforcement of a fine, probation, and group therapy, were incorporated in the 2000 Act, providing enough opportunity for restitution, mending, and repentance.

However, it was eventually determined that the issue was not with the prior Act's provisions, but rather with their execution. In numerous jurisdictions, care institutions that were to be established under the 2000 Act were either not established or were not operational. Even when

they were operational, they had challenges due to insufficient funding, weak cadre training, and a lack of self-care plans. The Justice Verma Committee, which was formed in the wake of the Delhi gang-rape case to recommend prospective criminal law changes, also acknowledged that juvenile care homes across the country were "not being operated in a way that is consistent with the principle of the Juvenile Justice Act." As a consequence, the reason for implementing additional legislation has been questioned and has been called into doubt as it did not focus on enhancing the current facilities and administrative frameworks for the reformation of minors in conflict with the law, rather opting for a punitive approach in the wake of the Delhi gang rape.

FEATURES OF JUVENILE JUSTICE ACT 2015

The following are the features of the Juvenile Justice Act 2015:-

1. Extended definition of "juvenile in need of care and protection" A child who is found working in violation of labor laws, at the peril of his life before reaching the legal age for the same, or who dwells with such an individual who has threatened to harm, manipulate, violence or neglect the child or infringe any other law, or whose parents or guardians are unfit to care for him is now included in the new Act's definition.
2. The District Magistrate (henceforth the DM) would be the grievance redressal agency for the CWC, and anybody linked with the youngster may file a plea before the DM, who shall consider and pass an effective decision.
3. Procedure for inquiry—As opposed to juveniles for whom production reports are received, the CWC will now undertake an inquiry into any kid produced before it. Abandoned and relinquished children are now included in the procedure.
4. A comprehensive definition of "adoption" has been established, and children's rights have been acknowledged.

EXAMINATION OF THE 2015 ACT: A LOOK AT THE SIGNIFICANT AMENDMENTS

- Any youngster caught violating the law will now be subjected to a three-month quick evaluation, up from the previous one-month term.

- The Act will allow a Juvenile Justice Committee, comprised of developmental psychologists, to evaluate whether or not a juvenile criminal aged 16 to 18 should be charged as an adult.
- It is clarified that the preliminary evaluation is not a trial, but rather a means of determining the child's ability to commit the crime.
- Any prohibition resulting from a violation under the Act will not affect the Child.
- Rather than the current one month, biological parents who put their children up for adoption would be offered three months to reconsider their decision.
- In India, this Act establishes foster care.
- The child's aftercare in institutional care will not be limited to a single visit.
- Any youngster who has been in institutional care can now obtain financial assistance many times.
- Interstate adoption will be prioritized for differently-abled children.
- Orphaned children discovered by childcare providers will be held for 60 days instead of the current 30 days before being placed for adoption or foster care.
- The police force's special juvenile squad will finally receive sufficient training.

JUVENILE OFFENCES AND THEIR CAUSES

As a youngster grows older, his or her social and economic conditions have an impact on his or her behavior. To distinguish between good and evil, children require support and supervision. And an individual's overall, psychological, and emotional well-being is determined by the environment in which they are raised. If a youngster is directed and corrected when they make a mistake, they will only acquire a righteous attitude and perception. Throughout their upbringing and experiences, children develop feelings such as love, adoration, arrogance, rage, hatred, tenderness, compassion, and sensitivity. In this case, parents play an important and effective role. There have been numerous cases of couples splitting up due to a variety of issues. This has a wide range of consequences for youngsters. Conflicts, interpersonal abuse, dowry death, economic turmoil, and illiteracy are all factors that have an impact on children. The same can leave a lasting impression or recollection of the world.

ANALYSIS OF JUVENILE OFFENCES

An examination of the factors and conditions that may lead to minors committing crimes is not complete without an examination of the legislation that governs juvenile justice. The NCRB

began keeping track of the educational and family backgrounds of minors who were captured in 2018. According to the data, a total of 20,099 instances involved illiterate children, had only received primary education, lived with their guardians, or were homeless. According to studies children who grow up in a harsh home environment or with incompetent parenting are more likely to acquire delinquent tendencies. As we have discussed above children from damaged or troubled families are more likely to become delinquent. During the Lok Sabha debate on the Bill (now Act), Congress MP Shashi Tharoor noted that "the majority of children in legal trouble come from uneducated and impoverished families." He further noted that rather than being educated, these folks are being vilified. The act violates the UN's Enforcement Procedure Rules for the Administration of Juvenile Courts 1985, as well as the Beijing Rules, which mandate that a child or young person accused of a crime be treated differently than an adult.

As a result, a range of personal, environmental, financial, and emotional factors contribute to juvenile delinquency. As a result, a special category of "children in need of care and safety" is incorporated into the Act as a precautionary measure. This includes children without a family, kids living on the streets, child laborers, orphaned or abandoned children, children who may be victims of abuse or trafficking, and children with any psychological disorder, among others, who may be particularly exposed to criminal activity. While such beneficial steps are a clear awareness of the fact that adolescents and teenage age are more prone to carelessness and disobedient behavior, forcing them into adult prisons would only reduce their chances of reform. Reformation and rehabilitation are vital not just because they are required by law, but also because they explore the underlying causes of misbehavior in children and strive to address them by compassionate means such as therapy.

IS THE JUVENILE JUSTICE SYSTEM ENCOURAGING MINORS TO COMMIT CRIMES?

Despite the availability of cautious child actions, the rate of juvenile criminals in India has increased dramatically over the previous decade. According to the most recent National Crime Records Bureau report, juvenile offenses accounted for 1.2 percent of all crimes recorded to police in 2012. Between 2001 and 2011, the number of juvenile crimes committed grew by 85 percent. According to the NCRB, police in India charged 27,936 juveniles in 2012 for their involvement in crimes such as murder, rape, and rioting. According to NCRB data, two-thirds of those facing Juvenile Justice Boards in 2012 were between the ages of 16 and 18. According

to NCRB data, there were 485 adolescents involved in rape cases in 2002, and that number increased to 1,175 in 2012. However, the worrisome fact is that delinquent activity are also on the decline. Worse, young people are committing horrific crimes like rape and murder, rather than minor offenses. The police have a difficult time dealing with minor offenders since the statute is so restrictive. Now let's take a look at types of juvenile offenses

TYPES OF JUVENILE CRIMES

Adults and juveniles are both capable of committing the same crimes. Since the criminal is a minor, his or her actions are considered unlawful. Juvenile Crime is divided into three categories: Violence, burglary, and murder are examples of violent crimes; property crimes occur when a juvenile uses force or threats of force to seize the property of others; and substance-related offenses involve the possession or sale of illegal substances. The Office of Juvenile Justice and Delinquency Prevention papers list these three categories of crime (OJJDP). Let's take a deep look into these three categories of juvenile crimes

1. Violent Crimes - a violent nature, occurs when an offender or criminal employs force or attempts to use harmful force against a victim. This covers homicide, abuse, rape, theft, and poisoning, as well as burglary and other crimes, extortion, and terrorism, in which brutality is employed as a form of coercion or display of force. Weapons may or may not be used to commit violent crimes. Violent crimes can range in severity from murder to bullying, depending on the jurisdiction.

2. Property Crimes - Robbery, larceny, fraud, auto theft, arson, looting, and vandalism are among the offenses that fall under the category of property crime. Property crime is defined as a crime done for the goal of getting cash, assets, or some other benefit. In circumstances like robbery or extortion, this may involve the use of violence or the threat of violence. These crimes are classified as property crimes since they are committed to profit the offender. Property crimes are separated into two categories: property that has been demolished and property that has been stolen. Arson or vandalism is a term used to describe the act of destroying property. Burglary and larceny are two examples of property theft.

3. Drug-related Crimes - Possessing, manufacturing, or distributing drugs with the potential for abuse is considered a drug-related offense (such as cocaine, heroin, morphine, and amphetamines). Drugs are linked to crime because drug cartels, criminal networks, and gangsters often control drug smuggling and production. The greatest national resource is children. Youngsters reflect the country's past, present, and future. What's more concerning is that the proportion of adolescents involved in criminal activity reported in India has climbed in recent years.

The following are some examples of criminal activity in various parts of our country:

1. Minor assassinate his brother over PUBG -

PUBG has been a unifying theme connecting several recent criminal cases throughout the world. After his elder brother ordered him to stop playing the game, a 15-year-old kid allegedly slammed his head against the wall and attacked him with scissors.

2. A toddler is killed by an 8-year-old. –

An 8-year-old kid killed a one-and-a-half-year-old toddler by throwing him into a small water tank as a form of retaliation. The accused's younger brother had fallen and blamed the fall on the toddler's mother. As a result, he drowned the baby as a form of retaliation.

3. For 40 rupees, a teen murders his sibling.-

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Yes, you read that correctly: a youngster murdered his sibling for the sum of 40 rupees! In Aurangabad, a 14-year-old admitted to killing his sibling a day following a money dispute.

4. Nirbhaya gang-rape –

The gang-rape and fatal attack in Delhi in 2012 is a well-known landmark case that led to improvements in the Indian legal system. A minor was one of the rapists in the case.

YOUNG DELINQUENT

Anecdotal evidence of a spike in juvenile criminality in recent years is supported by statistics from the National Crime Records Bureau (NCRB), which reveals a significant increase in the juvenile crime rate between 2010 and 2014. The NCRB data is not universally regarded as a reliable indication of rising adolescent delinquency. The number of young people has increased

even more than previously. If we look at the percentage of total crime perpetrated by minors, we'll see that it hasn't changed dramatically. In recent years, the majority of discussions around juvenile crime have focused on the age of criminality and whether or not juveniles should be tried in adult courts in circumstances of egregious crimes.

CENTRE OF CRIME

Juvenile crime is frequently the result of a lack of knowledge. "A majority (70.3 percent) of the youngsters who were serving in the detention centers were quite oblivious of the implications of their activities," according to research conducted by the Delhi Commission for Protection of Child Rights in June last year. It is assumed that they make poor decisions because of quick gratification and other unique qualities such as impulsivity, adventurism/risk-taking, and vulnerability to peer influence. This is particularly true of adolescent offenders who have hit puberty. "Those between the ages of 15 and 18 look and act like grownups. They are powerful and sexually motivated. Their brains, on the other hand, have yet to develop logic or thinking abilities."

AN EXIT PATH

Adults bear the responsibility of ensuring that youngsters do not wander. They must monitor children's behavior at home and in educational institutions, as well as act as role models for children. It is critical to discover and counsel those with violent tendencies early on so that they do not become criminals and do not inspire others to do the same. This is only achievable if parents are aware of what is wrong with their child's behavior and are proactive in fixing it. Juvenile law enforcement is also an important component of the juvenile justice system. However, the Indian government has utterly ignored this issue. It is critical to instill respect for the law, without delving into the argument over punishment and the age of crime. "We don't have a rule of law in India, for the most part." And teenagers are learning how easy it is to get away with crimes.

JUVENILE CRIMINAL LAW: A COMPARATIVE ANALYSIS WITH OTHER COUNTRIES

PAKISTAN: When a youngster under the age of fifteen is arrested or imprisoned for an offense that carries a sentence of fewer than 10 years in prison if he is accused of committing

bailable offenses. No kid below the age of fifteen years may be arrested under any preventive detention statutes or the requirements of Chapter 8 of the Criminal Procedure Code. If the child is fifteen years of age or older and is arrested, the Court may refuse to grant bail if there are reasonable grounds for suspecting that the child is involved in a crime that is severe, egregious, gruesome, violent, exceptional in nature, or distressing to social morality, or if he has been convicted of an offense punishable by death or life imprisonment. Despite regional differences in specific situations, some general observations concerning the juvenile justice system can be made. While the majority of countries have pledged to a complete juvenile justice system in theory, and many have specific laws for young offenders, there is still a lack of practical application in practice.

FRANCE: In France, there are three levels of criminal juveniles:

1. Because the infant does not have his perception of his actions, he does not commit any crime and so cannot be held accountable.
2. A minor between the ages of 7 and 13 has his own discernment. Since a 2002 law, no legal punishment may be imposed against him, only an educational remedy.
3. When a juvenile between the ages 13 and 18 commits a crime, the consequence might range from educational to criminal in some situations.

CANADA: The Youth Criminal Justice Act (YCJA) oversees the application of criminal and penal legislation to people aged 12 and up but under the age of 18 at the time of the offense. Under specific circumstances, youth aged 14 to 17 may be prosecuted and punished as adults, as detailed later in the act. Though all trials will take place in a young court under the Youth Criminal Justice Act, juveniles may get an adult punishment for certain crimes and in specific circumstances.

JUVENILE COURTS

The juvenile court, sometimes known as the children's court, is responsible for dealing with delinquent, neglected, or mistreated children. It is a must to conduct court proceedings casually and paternally so that the juvenile can be treated in a comfortable and child-friendly manner. Youngsters are not to be taken to ordinary criminal courts under this Juvenile Justice Statute and rules of the Criminal Code Procedure; the objective of a special court is socio-legal

rehabilitation and reformation rather than punishment. A juvenile court hears two categories of cases: civil matters involving the care of an abandoned kid or one whose parents are unable to sustain him, and criminal proceedings involving the child's antisocial behavior. When it comes to the courts where juveniles are punished, if they are discovered to be under the age of 16, they will be tried by the Juvenile Justice Board. A Metropolitan Magistrate or Judicial Magistrate First Class, but not a Chief Metropolitan Magistrate or Chief Judicial Magistrate, makes up the JJB. And two social services (one of whom must be a woman) with at least seven years of experience in child health, education, or charitable work, or a practicing specialist with a doctorate in child psychology, psychiatry, sociology, or the law. A maximum penalty of three years can be imposed. Second, if the juvenile is between the ages of 16 and 18 and has committed a serious crime as defined by the Juvenile Justice Act, 2015, he will be tried as an adult in the youth court. The children's court could be an existing court of the session that deals with child-related statutes, or a separate court created to handle offenses under the Juvenile Justice Act. And can impose sentences of more than three years, but not death or life imprisonment. If the youngster is found guilty of a severe crime, he will be placed in an observatory home until he reaches the age of 21, at which point he will be sentenced to prison. The Juvenile Justice Act of 2015 also requires that Juvenile Justice Boards and Child Welfare Committees be established in each district.

CONCLUSION

We can conclude from the preceding discussion that violent crimes such as torture and murder go unpunished because the perpetrator is under the age of 18. As a result, a modification to the present act is unquestionably required. However, the effective execution and revisions of the Juvenile Justice Act will not be enough to prevent juvenile criminality. It is critical to be aware of civil rights society about the ailment that afflicts our ailing society. Juveniles that are engaged in criminal activity are not criminals, but rather victims of the community. For more than a century, states have firmly believed that the juvenile justice system can be used to safeguard the public by creating a system that reacts to criminal acts committed by children as they mature into adults. States understand the differences between children and adults who commit crimes: as a group, they are less culpable and have a higher capacity for change.

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