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STUDY ON INDIA JUVENILE JUSTICE SYSTEM

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ABSTRACT :

This has been the case ever since the system was established. This method is so unbelievable that it defies comprehension. When determining the appropriate course of action for juveniles, the system of justice takes into account the cultural, social, and economic variables that contribute to the development of delinquency. This is done when the system is aiming to find the tactics that are the most successful in preventing youngsters from getting into unwanted situations. The purpose of the juvenile justice system is to provide protection to young people so that they are not stigmatized, criminalized, or exposed to impacts that are associated with criminal behavior. It is one of the key objectives of this system to lessen the amount of contact that young people have with the judicial system while they are living their lives. These organizations have set their primary objective as the successful completion of this task. This alternate perspective on children was formed with the purpose of insulating them from the procedures that are being carried out. This is due to the fact that the criminal justice system puts a larger importance on punishing criminals than it does on safeguarding witnesses and victims.

Keywords :- India Juvenile Justice, History

INTRODUCTION

The well-being of one's own children is the first and immediate concern of any culture that is considered to be civilized. When everything is said and done, Children are considered to be a "supremely national asset," and the potential of a nation to thrive in the future is directly proportional to the level of education that it's young people get. Considering the circumstances, it is of the utmost importance to do all possible effort to enhance the well-being of children. When children are still emotionally and psychologically growing, they lack the maturity to realize the far-reaching ramifications of their choices and the weight of their actions. This is because children are still maturing emotionally and mentally. The decisions that other people make will determine whether or not their goals and ambitions come true. This is the case regardless of the individuals involved. Reliance on other people and mental and physical immaturity are two major qualities that describe childhood. These are only two of the numerous elements that constitute childhood. As the Indian government has stated expressly in its National Policy for Children, it is our fundamental obligation to maintain the mental and physical health of children and to give them with the greatest possible care. This is a responsibility that we bear with great responsibility. The fact that this is the case is due to the fact that the government acknowledges that children are the most precious resource that the country has.

Personalities of Indian descent are confronted with a great deal of difficulty while they are young. Under the circumstances that now exist, it will be very challenging to offer the necessary assistance to the young people. These elements have had a significant influence on a large number of juvenile offenders who have joined the ranks of younger people who engage in criminal behavior. These components are the result of more far-reaching social and economic issues. In light of the fact that the views that are held by contemporary society are constantly evolving, young people are subjected to a significant amount of societal pressure to conform. According to data that was made public by the National Crime Record Bureau in 2013, the number of minors who were arrested for criminal acts went from 30,303 in the year 2010 to 33,887 in the year 2011, 39,822 in the year 2012, and 43,506 in the year 2013. In order to put this new rate into action, it was necessary to first conduct a comprehensive review of both the Indian Penal Code and the Special Local Laws. The percentage of young people who are involved in criminal behavior has been steadily increasing over the course of the years, as shown by the data. The dangerously high proportion of poverty among young people in India is the second critical problem that the country has to address. The result of this is that people not only lose out on possibilities for personal development, but they also miss out on the opportunity to fulfill their most fundamental needs, such as having access to food, housing, and education.

OBJECTIVE OF THE STUDY

- To study The Philippines Justice System Idea
 - To study A Act Relating To Juvenile Justice, Which Protects And Cares For Children
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Who Is Juvenile

The term "child" is defined as an individual who is less than eighteen years old in accordance. The Act of 2015 Concerning the Care and Protection of Children in the Juvenile Justice System specifically includes Section 235. This act was passed in 2015. In accordance with the statute, this term became a legally binding duty. For the purposes of the law, juvenile delinquents are those who have committed crimes but are not yet of an age where they are regarded to be adults. Because they lack the maturity to cope with the consequences of their acts in a responsible way, this is the reason why they are in this situation. Within the context of conversations about juvenile criminals, it is customary practice to refer to youngsters as juveniles. It is possible that this may be seen as evidence that the person in question is still considered to be a minor.

In situations when there is a reasonable suspicion that a child has participated in an activity that is banned by the applicable laws, the word "juvenile" is used to characterize the child in question. It has been asserted that the conduct perpetrated by the individuals indicated above represent violations of the law. There are several different instances in which the terms "minor" and "juvenile" are often used interchangeably within the framework of the legal system. The phrases "minor" and "juvenile" are used to refer to two distinct groups of individuals: those who have not yet reached the age of majority and those who are young adults who have a criminal record.

Juvenile delinquency: what is it?

It is the phrase that is used to describe a child's departure from proper conduct, which is also frequently referred to as aberrant behavior. Delinquency is the term that is often used. The term "delinquent" is often used to refer to an individual who engages in criminal activity and has deviated from the course that is considered to be acceptable in the context of regular social life. What is meant by the term "juvenile delinquent" is a young person who is considered to be younger than the age of majority and who engages in activity that is either unlawful or antisocial and has the potential to do damage to society. There are prerequisites that absolutely must be met by this conduct. A juvenile offender is generally understood to be a person who has not yet reached the age of eighteen and has committed any kind of criminal act. This includes both males and females. To be deemed a juvenile delinquent, every individual who commits a crime is a potential candidate. A juvenile delinquent is a young kid that acts disobediently and rejects authority. This kind of youngster is considered to be a juvenile offender.

Legislative Developments

The Juvenile Justice Act of 1986, which outlined the norms and restrictions that the system for juvenile offenders was required to adhere to, was scrupulously adhered to by each and every one of India's states. When the government decided to establish this legislation, it did so with the intention of using a systematic approach to deal with the problem of juvenile delinquency. Through the implementation of this policy, we would make it our mission to protect and rehabilitate young people who have found themselves in conflict with the law. As a result of this particular reason, new law was enacted, which finally resulted in the Children's Act of 1960 being repealed. As a result of this, the first substantial statutes addressing aspects of juvenile law were approved by Parliament in the year 1986. It was the aim of the bill's proponents that by creating universal standards for the nation's courts, they would be able to make it simpler to rehabilitate young people and protect their rights. Indeed, the Juvenile Offender Act was the actual name given to this particular piece of legislation.

Prior to the passage of this Act, every state had its own act pertaining to juvenile law, which meant that various states dealt with juveniles in a variety of different ways. There was no discernible shift in the manner in which juveniles were treated, and the first comprehensive statutes that addressed juvenile justice did not have any very far-reaching impacts. In addition, many of the changes that were made as a result of the Act were directed at teenagers who were institutionalized, such as those who were housed in juvenile homes or special reformatory institutions.

The Philippines Justice System Idea

One of the fundamental concepts that led to the development of juvenile justice systems was the notion that the conventional criminal justice system was incapable of meeting the specific requirements of juvenile offenders. This issue, which was becoming more severe, was directly responsible for the establishment of the system of justice for juveniles. Several changes have been made to the juvenile justice system in order to better accommodate the requirements of juvenile offenders from a range of backgrounds. We are certain that if we put these ideas into action, we will be able to assist a greater

number of people on their path from suffering from a sickness to becoming participating members of society. This is one of the primary objectives of the system that deals with juveniles in the legal system. The purpose of the system is to accomplish a variety of functions, and this specific function is one of those tasks.

There are three distinct points of view that might be investigated with regard to the processes that are followed by the juvenile court system. The three ways that are now seen to be reasonable options among other approaches are three models: the participant-centered model, the due process model, and the welfare or parent partial model. The Indian government has taken the lead in enacting laws that are compliant with the Indian Constitution in order to ensure the security and welfare of children everywhere. The first thing that has to be done is to establish a system that is capable of dealing with situations that include young criminals.

The India Juvenile Justice System:

In many countries throughout the world, particularly rich nations like the United States and the United Kingdom, there has been a surge in the number of people participating in class programs that are explicitly developed for juvenile offenders. At the very least, this pattern of conduct has been seen by a significant number of people since it dates back to the 1700s. In the past, juveniles who committed crimes that were committed by adults were often sent to incarceration as a kind of punishment.

The arrest and subsequent conviction of young criminals served as the impetus for the inspiration behind this series. The Convention also places limitations on the way in which legal actions and procedures may be taken against these young people. This is done with the intention of making it easier for them to return to society, where they belong. As a response to the Convention, India enacted new laws, which ultimately resulted in the passage and repeal of the Juvenile Justice Act of 1986. The Convention, which was in charge of overseeing this initiative, was the primary impetus behind their creation. There was only one combination of conditions that could have led to this conclusion, and that was the conventional norm. In the year 2000, the Indian legislature passed a piece of law known as the Juvenile Justice (Care and Protection of Children) Act, which was created with the purpose of resolving this problem. The development and safety of children are the major concerns that are addressed by this Act to a significant degree.

Jewish Justice Act Of 2000

The act that was unanimously adopted by Congress in the year 2000 had the intention of safeguarding children from any potential damage. Both the 2006 and 2011 versions that were mentioned before have been modified according to the new information. Changing something was done in order to correct the flaws that were made during implementation and to fill the gap. In light of recent tragedies such as the "Delhi Gang Rape Case" and other instances of violence against children and teens, politicians are under even more pressure to take action on this subject. This is a regrettable situation. This Act has a number of evident flaws, one of which is that it does not give sufficient legal protections, which is a significant flaw. A significant number of fundamental structural faults exist within India's juvenile justice system, and these deficiencies need to be remedied if the country is to see a decline in the quantity of instances involving young criminals. The most important piece of law guiding the juvenile justice system is the Juvenile Justice (Care and Protection) Act. It was passed into law in 2015 and officially went into force the following year.

Annunciation Of Juvenility

A significant number of activists and legal experts are of the opinion that the "claim of juvenility" is now the most contentious topic that is being discussed. The discourse also begins at this point in time, which is another important point. The Juvenile Justice Board is tasked with the responsibility of evaluating the allegations of juvenile status and making a decision about the case of the juvenile. It is possible to bring the allegation of juvenility before the court at any time, even after the Board has already made a judgment regarding the matter. It is possible that this indicates that the court will make use of the opportunity to listen to the arguments presented by both sides. The Juvenile Justice Board is required to review the student's academic record in order to determine whether or not the accused is a juvenile. The verification of the date of birth will lead to the decision of whether or not this test is carried out. The decision that was made by the Supreme Court is consistent with prior decisions that have been handed down.

Offensive And Reformal Justice For Youth

The phrase "Juvenile Justice" is used to refer to the judicial system that is in place under the framework of the Indian Constitution a system that establishes boundaries, or boundaries, for what constitutes "justice" for kids and teenagers. The system provides a higher level of care and protection for juvenile offenders, in comparison to other categories of criminals, particularly when it comes to the former. The term "juvenile delinquency" refers to any kind of criminal action that is carried out by a person who is younger than the age of eighteen according to existing laws. It is common knowledge that the number of offences committed by adolescents is growing at an alarming rate. In light of the fact that this is happening more often, a

contentious discussion over the issue of age determination has surfaced. Taking into account the accused person's age is one of the most crucial factors to take into account when determining the degree to which they have reached full maturity. As a result of the rise in criminal activities, there has been a substantial amount of debate about the question of whether or not a child may be tried for the same offence as an adult. owing to the fact that this provision prohibits the offender from being tried in a court that is reserved for adults. In line with the law, this is the response that is taken into consideration. The age of a juvenile criminal is thus an essential factor to consider when assessing whether or not the Juvenile Justice Act applies to that particular juvenile offender. As a result, India has begun to enforce laws pertaining to juveniles.

Indian Penal Code, 1860

Because of the *Menes Rea* principle, the Indian Penal Code provides protection for juveniles and exonerates them from any criminal responsibility they may have committed. Taking into consideration the concept of *menses*, this is the situation. To the extent that the law permits, individuals who are less than seven years old are totally protected from the legal repercussions of their actions. According to Section 82, the actions of a kid are not regarded to be criminal if the youngster is less than seven years old. In accordance with Section 83, children who are less than twelve years old and those who are older than seven years old are allowed limited immunity. There is nothing that a kid does that may be considered an offence if the child is under the age of twelve and has not yet attained the level of mental development required to comprehend the nature of his acts and the repercussions that they will have on that specific occasion.

The 1973 Criminal Procedure Code

When dealing with children, the Criminal Procedure Code outlines a certain procedure that must be followed. This procedure must be followed perfectly. Chief judicial judges are the only individuals who are competent to make judgments in cases involving juvenile offenders, as stipulated by the regulations of Section 27. In addition to the court that is presided over by the Chief Judicial Magistrate (Section 27), a defendant may be tried in any court that is authorized by by any other legislation that deals to the care, training, or rehabilitation of juvenile offenders, including the Children Act of 1960 (60 of 1960), is applicable. The circumstance in which the defendant is charged with a crime that does not carry the death penalty and appears in court before the age of sixteen is referred to as this. The criteria of this paragraph are applicable to any and all offences that do not result in the death penalty or a sentence of life in prison.

The 1986 Juvenile Justice Act

The Act was broken up into seven unique portions, and each chapter had sixty-three various sections that were distinct from one another. The purpose of this all-encompassing regulation was to ensure that neglected juvenile offenders received care, protection, treatment, development, and rehabilitation services throughout their lives. As far as Jammu & Kashmir was concerned, it was valid across the whole of India. However, Jammu and Kashmir was not included in the implementation of this plan. One other benefit was that it helped clear up some uncertainty over the location of their storage and the manner in which they should be disposed of. Jammu and Kashmir were not subject to the provisions of this Act on any account. Through the establishment of a nationwide standard for juvenile justice, the law attempted, among other things, to guarantee that absolutely no kid would ever be held by the police. In accordance with a national standard, no juvenile would ever be incarcerated.

- It detailed the infrastructure needed to care for, educate, safeguard, treat, and rehabilitate the many types of youth who fall under the purview of the juvenile justice system.
- In it, the processes and principles for the legal system were laid down in detail. These included how to investigate and prosecute criminals, how to reach a judgement, how to provide care and protection, and many other things.
- The establishment of appropriate ties and collaboration between the official juvenile justice system and nonprofit groups that are trying to better the lives of abused and maladjusted children and adolescents is required.
- According to the Act, specific unique offences linked to juveniles were established, and the sanctions for such offences were specified.

A Act Relating To Juvenile Justice, Which Protects And Cares For Children

The updated law that came into force with the passage of the Juvenile Justice (Care and Protection of Children) act in the year 2000 has been of considerable value to children. Additionally, children have benefitted immensely from the legislation. The purpose of this measure is to make changes to the rules that regulate the treatment of difficult children as well as the laws that govern the care and protection of these young people. It is possible that we will be able to accomplish this objective if we pay attention to the developmental needs of the children and make certain that they get the necessary care, protection, and treatment from ourselves. The establishment of a large number of groups whose major objective is to provide assistance to children who have been neglected or mistreated is an essential step towards accomplishing this objective. Furthermore, the children must be the primary consideration in all case evaluations and decision-making processes, and the only aspect that should be taken into account is what is in the children's personal best interests.

CONCLUSION

Despite the fact that laws have always been relatively progressive, there are still some gaps that may need to be addressed by effective reformation, treatment, and rehabilitation of young people who commit severe crimes, as well as through the reduction of recidivism. In light of the evidence the study on "what works" with such juveniles reveals a wide variety of strategies, techniques, and models that are derived from a variety of disciplines. The insights that were gathered from these studies have been utilized to inform attempts to modify laws in India. We are compelled to make use of the most advanced procedures that may be found in other legal systems. It is vital to collect and evaluate the distinct points of view of individuals and organizations that are working throughout the country to protect the welfare of children in order to determine whether or not there are any legal loopholes or opportunities for improvement. Investigations are carried out in Rohtak by the Juvenile Justice Team (JJ Team) of the Centre for Child and the Law. These investigations are open to both urban and rural areas. A primary emphasis of the team is on Multi-Disciplinary Pre-Hearing Case Conferences. These conferences include the investigation of three juveniles who have been suspected or proved to have committed significant offences, along with other pertinent variables that have the potential to affect decisions made by the Juvenile Justice Board, individual care plans, and pre- and post-release plans. The results that the team obtained are very illuminating with relation to this matter.

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