
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

**ANALYSIS OF THE JUVENILE JUSTICE SYSTEM AND ORDER IN
INDIA**- Aadya Ungal¹**ABSTRACT**

The nation's most precious resource is thought to be its children. Families are the primary source of accountability for ensuring kids grow up in a safe environment and become law-abiding adults. Ensuring justice for all and providing equitable opportunity for growth to all children throughout their lives is under the purview of the state. Children are expected to behave well, show obedience, and exhibit good traits. However, for several reasons, some young people often participate in illegal activity and do not adhere to established ethical and legal norms.

The juvenile justice system is designed to handle minors who have committed crimes and require support and protection. The greatest asset to a society and nation is children, who must be mentally fit, physically strong, morally healthy, and emotionally capable to contribute to society. This is the reason why they are so important.

India's juvenile justice system aims to provide support, security, and reintegration for children who violate the law.

This study seeks to analyse the examination of how the juvenile justice system has evolved and impacted India's experience with juvenile delinquency. Every society's social structure is affected by juvenile criminal activity. Significant changes in the treatment of juvenile offenders have occurred over the decades in India. The historical development of India's juvenile justice system, from its early informal practices to the establishment of a formal legal system, is discussed in this paper. Additionally, this research investigates the origins of juvenile delinquency and evaluates whether current legal and rehabilitative strategies can be

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effective in decreasing this issue. In conclusion, the paper presents suggestions for policy enhancements and steps to handle the problems of juvenile delinquency in India.

INTRODUCTION

Children are God's gifts and the most valuable resource for individuals and the country. Everyone is responsible—individuals, parents, guardians, and society at large—to ensure that children have the chance to develop in a positive sociocultural setting and become law-abiding adults who are morally upright, physically strong, and mentally aware. It is the responsibility of the State to give every kid equitable development opportunity during their formative years to mitigate inequality and uphold social justice. Children are expected to be docile, courteous, and endowed with moral qualities.

Young children are sensitive and adapt themselves to fit the situations they are in. They could emerge as dazzling lights or turn into criminals. It is very shocking for everyone if a child would commit such an unlawful or illegal act. As a result, it becomes imperative to prioritise their growth and development. When children get involved in criminal behaviour, it is called Juvenile Delinquency or Juvenile Crime. Every factor that may lead to juvenile delinquency needs to be carefully considered, and steps need to be taken to reduce it. The primary ingredients that have mainly contributed to Juvenile Delinquency are considered to be poverty, broken families, domestic abuse, inadequate education system, living conditions, etc. Children who are neglected by their parents, families, society, and nation hurt their physical, mental, and overall development.

Out of all, the most concerning issue is the rise in juvenile-related offences throughout the past few years. The analysis shows that the number of causes for delinquency is often expected and connected, depending on socioeconomic and psychological aspects. As we know, most of the causes of delinquency exist in India. Efforts to control or avoid them will benefit society as children, after all, are the country's future, representing the nation and its future.

A significant number of criminal careers start in childhood, so juvenile delinquency serves as a springboard for adult criminality. Juvenile delinquency is a worldwide problem that is

causing serious concern because it is becoming more widespread, especially in industrialised nations².

There is a case that supports the above para, Supreme Court Legal Aid v. Union of India, A.I.R 1989 SC 1278 (India), the point of view, which was also highlighted by the Supreme Court, which noted that since children are unable to express their rights to attention, maturation, food education, and other benefits, they must rely on society's protective shield for better growth and development. To prepare children to be responsible adults in the future, society must provide these facilities to them, and one of the top priorities for those in charge of the nation's government at the time is to do just that.

JUVENILE DELINQUENCY

Definition-

Children who violate the law are known as juvenile delinquents. A crime is an anti-social and criminal act committed by a person who is under the age of 18. In other words, that person is not an adult. Juvenile delinquency is also called a crime. When a person becomes an adult and performs antisocial behaviour, a criminal may be recognised as a crime. In other words, juvenile delinquency is the version of a crime committed by a child.

Children who are between the ages of 10 and 17 and get involved in illegal activities and conduct are termed juvenile delinquents. The term "juvenile misbehaviour" also refers to juveniles who consistently engage in misbehaviour or disobedience that escapes parental control and is subject to legitimate activity within the court system. Juvenile delinquency is also called "juvenile offending", and each state has its legal system for dealing with juveniles who violate the law.

The Latin word "delinquer", which means "omit", is where the word "delinquency" originates. The term "juvenile delinquency" describes the inappropriate conduct that kids and teenagers exhibit, which sometimes includes criminal activity. Simply put, it refers to a child's departure from accepted social norms and rules, where they typically engage in anti-social behaviour.

Juvenile Delinquent behaviour is categorised into two types: -

²Juvenile delinquency, World Youth Report, 2003.

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- Status offences involve acts which are prohibited because of the age of the person who commits them because they are unsuitable or damaging to children and teenagers. Among the status violations are things like drinking, smoking, skipping school, and running away from home.
- A delinquent act is an infringement upon a lawful statute. These include crimes, including robbery, rape, assault, harassment, stalking, and murder.

Write & Briggs define delinquent as, *“The offender should establish that the illegal act was a serious offence, unsuitable for his developmental abilities, and was committed due to exceptional legal reasoning, advanced organic pathology (psychological abnormality), and subpar psychological behaviour; rather, he will be someone alien to that culture. It doesn't matter who he is; it doesn't matter whether he gets arrested or goes to trial”*³.

Gibbons states, *“Every state has laws against certain acts or violations, classified as juvenile delinquency”*⁴.

If a child engages in illegal behaviour that is not socially acceptable, they are considered a delinquent. Therefore, a "juvenile" or "child" is a person under 18 who violates the law or commits a crime before reaching legal age. Some examples of Delinquency include leaving home, using inappropriate or obscene language, committing a sexual offence, and other criminal acts⁵.

Definition of Juveniles-

A person who is very young, a teenager, an adolescent, or underage is referred to as a juvenile. Juvenile implies that children are still considered immature or childlike despite not achieving adulthood. In some situations, the terms "child" and "juvenile" are used interchangeably.

If we speak in the legal language, a child who is held liable for his criminal acts and has not yet attained a certain age, like an adult person under the country's law, is termed a juvenile. A juvenile is a minor charged with breaking the law and engaging in certain illegal activities.

A person who has not reached the age of eighteen and is not developed enough to know what is good and wrong is generally referred to as a “child”. Most countries’ penal codes in the

³ Robert D. Writ and Peter F. Briggs quoted in Ruth Shonle Cavan, *“Juvenile Delinquency”* (3rd Edition).

⁴ Don C. Gibbons, *“Delinquent Behavioural”* (3rd Edition).

⁵ Kashish Mathur, *“Juvenile Delinquency in India Causes and Prevention”* LSI (2020).

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contemporary age have incorporated the idea of “doli incapax”, which denotes the awareness that an act is criminal. According to the penal rules, a child can only be found guilty if they are between the ages of seven and twelve, have committed a severe crime, and have acquired enough understanding to grasp the implications of their actions.

According to Section 2 (12) of The Juvenile (Care and Protection) Act, 2015, a “child” is mainly referred to as an individual who has not completed the age of 18 years. The term “child” is classified into two categories according to the act-

- Child in conflict with law and
- Child in need of care and protection.

A child who has committed an unlawful act and was younger than eighteen on the day the offence was committed is referred to as a "child in conflict with law." "Child in need of care and protection" is the second subcategory related to children, as Section 14 of the Act specifies.

Children Act, 1960: Section 2(e) of this Act defines “child” as a boy who has not yet completed 16 years of age or also described as a girl who has not yet reached 18.

United Nations Convention: The UN Convention on the Rights of Child, 1989, defined " child " as an individual under 18 unless the law applied to children requires that the majority be reached earlier.

In legal terms, a juvenile is defined as someone who has not attained the age of eighteen. It has a legal significance. As per the Juvenile Justice (Care and Protection) Act, 2000, a juvenile shall not be treated as an adult even if he/she is involved in any unlawful or criminal acts for trial and punishment in a court of law.

The Court acknowledged and established specific guidelines in *Re Chinnathambi* (1961) MLJ (Cri) 671 (India) for figuring out a minor's age within the juvenile justice system. These guidelines include:

- a) Clear and accurate evidence must be used to determine a juvenile's age.
- b) Inconsistencies in the provided evidence may be resolved by oral evidence.
- c) Treating the child's school certificate as accurate and precise is essential.

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- d) The Court must use all reasonable efforts to ascertain the Juvenile's age.
- e) Physical characteristics and radiological tests should be subordinated to documents like birth and school leaving certificates.

Classification of Term Child-

1) Child in Conflict with Law:

Section 2 (13) of the Juvenile Justice (Care and Protection of Children) Act, 2015 defines a “*Child in Conflict with Law*”, which means a child who has not completed eighteen years of age and is alleged or found to have committed an offence on the date of commission of such offence.

In the case of *Anrit Das v. State of Bihar*, AIR 2000 SC 2264 (India), although the Supreme Court acknowledged the juvenile status, the date on which the child was presented to the competent authority established its proper classification.

The Court concluded in *Umesh Chandra v. State of Rajasthan*, AIR 1982 SC 1057 (India) that the court found that the juvenile offender's age was approximately the same at the time of the offence. It was the day of the crime, not the day of the trial. In the case of *Pratap Singh v. State of Jharkhand and Others*, (2005) SCC (Cri) 742 (India), the Supreme Court considered the issue of determining the age of juveniles. The age of a juvenile is determined by the date the offence was committed, not the day it went on record in court or when they were detained.

2) Child in need of Care and Protection:

As per section 2 (14) of the Juvenile Justice (Care and Protection of Children) Act 2015 defines a “*Child in Need of Care and Protection*” as a child who does not have a place to call home, a fixed place of residence, and a probable means of subsistence; who is discovered working against current labour laws; who is found begging or living on the streets; or who lives with another person, whether or not they are the child's guardian; and who has harmed, exploited, abused, or neglected the child or who has broken any other law currently in effect intended to protect children.

And who has threatened to kill, injure, exploit, or abuse the child, and there is a reasonable chance that the threat will come true; or who has killed, abused, neglected, or exploited another child or children, there is a plausible possibility that the child in question will be

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killed, abused, exploited, or neglected by that person; or that the child will be mentally or physically challenged or that the child will suffer from a terminal or incurable illness; or that the child will have no one to care for or support them; or that the child will have parents who are unable or unwilling to provide care or that the child will have a parent or guardian who the Juvenile Justice Board or child welfare committee determines to be unfit or incapacitated.

Types of Juvenile Delinquency-

➤ *Individual Delinquency:*

This describes delinquency, where a single person is responsible for the conduct of the delinquent act, and the delinquent's behaviour is the root of the problem. Psychiatrists provide the majority of the explanations for this delinquent conduct. They contend that psychological issues predominantly resulting from disorganised, flawed, or pathological family-related contact patterns are the root cause of delinquency⁶.

➤ *Group-Supported Delinquency:*

This kind of delinquency is characterised by friendship with others, and the offender's home and community culture, rather than the offender's personality or family, is the root reason. This kind of delinquency is discussed in Thrasher Shaw and McKay's research. The primary discovery in comprehending the reasons for juvenile delinquency was their affiliation and companionship with those who had already committed crimes.

➤ *Organised Delinquency:*

Delinquencies of this category are those committed by formally organised groups. In the 1950s, the United States examined these delinquencies and created the term "delinquent sub-culture." This idea refers to the collection of principles and standards that direct group members in their conduct, reward delinquent behaviour, grant status based on delinquent behaviour, and define everyday interactions for those who do not fit into the categories defined by the group norms. Cohen was the one who used the word "this type of delinquency".

➤ *Situational Delinquency:*

⁶Sai Shriya Potla, *Types of juvenile delinquency*, https://blog.ipleaders.in/types-of-juvenile-delinquency/#Types_of_juvenile_delinquency.

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There is one common factor among the three types of delinquencies. Delinquency is viewed as having deeply rooted in all of them. In individual delinquency (according to the psychogenic explanation), it is the individual where the roots of delinquency lie primarily; in group-sup and organised delinquencies (the sociogenic explanation), the roots of delinquency lie basically in the structure of the society with emphasis either on the ecological areas where delinquency prevails or on the systematic way in which social structure places some people who are in a poor position and competing for the success.

Causes of Juvenile Delinquency-

The term juvenile delinquency in India is characterised by its precise definition, which only pertains to offences committed under the country's regular criminal laws. Children who need care and protection and juveniles who conflict with the law are regulated by the Juvenile Justice (Care and Protection of Children) Act 2015.

Juvenile crime is not something that a youngster is born with; instead, it is primarily a result of his upbringing, his outrageous actions, or a lack of guidance and instruction. Some reasons for juvenile delinquency include the following⁷.

- *Unplanned Urbanization:* Urbanization results from economic expansion and industrial development. It ultimately caused a significant population shift from rural to urban areas. It led to new issues, including overpopulation, slum living, and housing. Due to the high expense of living in cities, even women must work outside to support their families financially. As a result, there is little ignorance of parental supervision and children are neglected. Young people are drawn to the allure of luxuries, and they may misbehave in an attempt to fulfil their desires. Thus, one of the major contributing factors to adolescent delinquency is unplanned urbanisation.
- *Economic Problems:* Economic problems within the family often cause juvenile delinquency. The likelihood of criminal activity is higher among poor young people. When parents do not provide necessities such as food and clothing, children turn to crime in any way they can to find money. The intention to rapidly change one's economic status by any means leads to juvenile delinquency.

⁷K. M. BANHAM BRIDGES, FACTORS CONTRIBUTING TO JUVENILE DELINQUENCY, 531 (17 Am. Inst. Crim. L. & Criminology 1926-1927).

- *Neighbourhood*: After school, he spends the rest of the day with his family and their neighbours. Antisocial neighbourhoods can contribute to juvenile crime.
- *Peer Groups*: After a child's home environment, their social circle is the next most important thing. If parents are overly controlling, children may break the rules to make themselves feel better. Children choose circles to feel protected in the absence of parents and their inability to differentiate between right and wrong. To become a member of his chosen group, a child may have to adapt to the group's activities, whether it be drugs or crime. Habits of children and their friends, such as stealing and smoking, gambling and smoking, and drinking and smoking, are usually observed among such peers.
- *Unemployment*: Formal employment is necessary to keep men from becoming criminals, and fulfilling work is equally important. Social resentment, poverty, and inequality are all linked to unemployment. Antisocial behaviour is common among men, but they can become disillusioned and disappointed in job applications. Therefore, unemployment is considered to be one of the causes of juvenile delinquency.
- *Poor Educational Quality*: Positive school environments prioritise youth and foster healthy, disciplined boundaries. A significant number of schools are not adequately funded or staffed, and they do not adhere to the required regulations. Children need to protect themselves in this environment of lack of law and order by taking matters into their own hands. Furthermore, teachers' and parents' involvement in children's academic performance is also essential in determining children's views on education. Regular check-ins help foster a sense of obligation, as children know they will be asked questions about their work and progress.

History of Juvenile Justice System in India-

Even though there were many laws in ancient India, most of them dealt with juvenile misbehaviour and were rarely enforced. So, with the growing issue of neglected children and juvenile criminality, there became a need for regulations to address these issues.

In India's history of developing juvenile justice, how juveniles are treated, legislative achievements, judicial involvement, and other government activities. Keeping this in mind, juvenile justice development may be divided into six periods, which are as follows:

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- i. Before 1773- Islamic law (Sharia) and Hindu law (Manusmriti) provided for the upkeep and correct raising of the children. The parents' exclusive duty was to look after and safeguard the children if the families could not do so, a community member took care of them.

Children are taught about the consequences of crimes in Manusmriti and Hedaya, two ancient historical texts. According to Hindu law, if a child is caught dumping trash on a public road, he must clean up the area, and an adult seen doing the same thing must pay the fee⁸. At the same time, there is a particular prohibition in Muslim law that prohibits the execution of minors.

Previously, in the traditional texts, the provisions indicate that children and adults are treated separately. Children require special attention for survival, so they are not held fully responsible for their actions.

- ii. 1773 to 1850- The period from 1773 to 1850 began when the East India Company came into light as an overseeing body shaping an exchanging trade venture and finished creating the essential law concerning children. Following colonial rule, the idea of treating juvenile offenders with special care was introduced to India during the last quarter of the 19th century⁹. In 1843, the British collaborated with the first “ragged school” to establish a school for orphans and vagrants. The David Sassoon Industrial Institute is dedicated to Dr Buist, who established the Bombay school that was destroyed. The main objectives of the school are:
- The rehabilitation of the juvenile offenders,
 - To inspire and teach them to learn and get trained in different fields.

- iii. 1850 to 1919-The Apprentices Act of 1850 addressed juvenile delinquency and the regulations pertaining to the relationship between businesses and minor offenders pursuing apprenticeships. Other portions acknowledged the principles and practices of certain upcoming juvenile courts and institutions. In 1864, The Whipping Act was passed. This law plays a crucial role in decreasing the number of juveniles detained. The Indian Jail Committee was established by the Governor-General following the passage of the Whipping Act 1864, as recorded in the minutes.

⁸Manusmriti, Shloka 283, at 390.

⁹Nawaz Haque “*Juvenile Justice System & its Delinquency in India*”, LSI (2012).

The 1898 Code of Criminal Procedure required juvenile incarceration in reformatory schools until eighteen. At that point, they had to be placed on, followed by a probation period until they turned 21¹⁰.

- iv. 1919 to 1950- To encourage the creation of juvenile detention centres and trials, the Indian Jail Committee was established in 1919–1920. The declaration of the League of Nations also led to the enactment of the
- The Children Acts in Madras (1920), Bengal (1922), and Bombay (1924), as well as
 - The Delhi Children Act 1941,
 - The Mysore Children Act 1943,
 - The Travancore Children Act 1945,
 - The Cochin Children Act 1946, and
 - The East Punjab Children Act 1946.

The establishment of a juvenile court in 1914 followed the passing of the Bengal Children's Act¹¹. The Madras Children's Act passed the first law to regulate delinquency in India¹².

In 1943, the Vagrancy Act¹³ was enacted to enable children under fourteen years old to reside on the streets without legal protection or have families involved in criminal and alcohol-related activities, including frequenting prostitutes or the poor.

- v. 1950 to 2000- In 1960, several states had implemented distinct systems and regulations for juveniles, differing in their names, procedural requirements, and implementation. The Children's Act of 1960 aimed to set the standard for other state laws, and it does the same, which served as the basis for the Juvenile Justice Act of 1986, passed at the federal level. In the case of *Sheela Barse v. Union of India*, AIR 1986 SC 1773 (India), the supreme court stated that “To ensure uniformity across the country, it would be beneficial for each state or local authority to pass legislation on child protection.”

The Children's Act of 1960 was replaced by the Juvenile Justice Act in 1986, which legitimised regulations implementing United Nations standards on juvenile justice. There are a few important objectives of the act, which are as follows: -

¹⁰Tapan Chakraborty, “*Delinquency and Juvenile Justice System in India*” in John A. Winterdyk (ed.), *The Juvenile Justice Systems: International Perspectives*, (Toronto: Canadian Scholars' Press 2nd edn.2002).

¹¹ The Bengal Children Act, 1922, No. 2, Acts of Parliament, 1922.

¹²The Madras Children Act, 1920, No. 4, Acts of Parliament, 1920.

¹³ The Bengal Vagrancy Act, 1943, Bengal Act VII, 1943.

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- If juveniles commit serious crimes, it establishes the foundation for an equitable and effective criminal justice system.
 - Protecting the rights and interests of juveniles, the law established a nationwide framework for juvenile justice.
 - Examine existing infrastructure and facilities for juvenile offenders' care, protection, rehabilitation, support, and training.
- vi. 2000 to 2015- As we all know, the year 2000, The Juvenile Justice Care and Protection of Children Act was passed. This was revised in 2002 and 2006 to safeguard, educate, rehabilitate, and give juveniles opportunities for career development. To demonstrate its continued commitment to the welfare of children, the Indian government enacted a National Charter for Children in 2003. Protecting each child's right to be a kid and to a happy, tranquil childhood is the main objective of the charter. It also aims to identify the factors contributing to children's delayed growth and development.

Rule 3 of the Juvenile Justice (Care and Protection of Children) Rules of 2007 states that *“The placement of a juvenile in a residential facility, even for the minimum possible period, should be a last resort after appropriate testing”*, which superseded the 12th fundamental principle of Juvenile Justice System, because of the shocking and tragic Delhi gang rape¹⁴(also known as the **Nirbhaya Case**) that occurred on 16th December 2012, where we saw that a juvenile was involved with other adult offenders and also that there was a sudden rise in juvenile crime in recent years which forced the Parliament to pass the bill.

- vii. 2015 to 2021- On July 28, 2021, the Rajya Sabha passed the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021, amending the Juvenile Justice Act, 2015. The Lok Sabha approved it on March 24, 2021. Ultimately, on September 1, 2022, it became operative. Regarding children, particularly those who require legal certainty and those who face legal challenges, the most recent revision aims to maximise child protection.

The latest modification to the bill tries to improve the system for protecting children. This Act addressed problems with translating the preceding Juvenile Justice Act. The Act states that the common court issues an adoption demand and that the adoption of a child occurs last. According to the legislation, rather than the court, the district judge—who may perhaps

¹⁴Mukesh & Anr v. State (NCT of Delhi) & Ors, (2017) 6 SCC 1 (India).

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include an additional local official—will issue such adoption orders. The topics of this bill have included child adoption and the horrifying crimes committed by juveniles. The 2015 Act contains provisions for children who need to be protected and are in legal trouble.

Constitutional Provisions Related to Juveniles under the Indian Constitution-

The Constitution serves as the foundation for all laws. While drafting the Juvenile Law, it is crucial to consider children's constitutional duties and freedoms to ensure that the state fulfills all its obligations outlined in the Constitution of India. There are several specific provisions for child protection in Part III of the Fundamental Rights and Part IV of the Directive Principles of State Policy of the Constitution of India, among others.

The Constitution of India¹⁵ talks about a few provisions that apply to children: -

Article 21 (A)- Children between the ages of 6 and 14 are provided free compulsory education.

Article 24- Prohibiting children from working in factories. Children under 14 shall not be employed in factories, mines, or other dangerous work.

Article 39 (e)- It provides for the health and physical fitness of workers of both women and men, that children of young age are not abused, and that citizens are not forced for economic reasons to take jobs unsuitable for their age.

Article 39 (f)- The belief is that children can flourish in a free and dignified environment, and their development is safeguarded against exploitation and moral and material neglect.

Article 45- This was amended to restrict the scope to pre-primary education up to 6 years of age. All children are eligible for early childhood care and education in the state.

Article 47- Talks about public health, improved nutrition and the standard of living.

Article 51 (A) (k)- The article emphasises that parents are bound by their fundamental duties to their offspring. A child or ward between the ages of six and fourteen who is eligible for education must be offered by a parent or guardian, as per the law.

Legislative Provisions under IPC, 1860

Section 82¹⁶ of the act talks about any act that a child does and who is under the age of seven will not be termed as an offence. *Marsh v. Loader*, (1863) 14 C.B.N.S 535 (India), the

¹⁵INDIA CONST.

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defendant discovered a youngster taking a piece of wood from his property in this case. However, as the boy was less than seven, he was not considered to be at fault for the crime.

Section 83¹⁷ of the act talks about any act that a child does who has not reached a particular age where he has enough maturity to fully comprehend the nature and consequences of his actions in that specific act and who is above the age of seven years and below the age of twelve years, will not be considered as an offence. *Kalka Prasad v. State of Uttar Pradesh*, (1959) All 698 (India), the court noted that even if the perpetrator's knowledge is limited and he is unable to understand the nature and impact of the crime, once he reaches the age of 12, he cannot escape criminal responsibility.

Legislative Provisions under CrPC, 1973

The Criminal Code of Procedure 1973 has several minors and child safety rules. It tells that a child under the age of sixteen who commits an offence that is not punishable by death or life in prison may be tried by a judge not lower than chief judicial magistrate first class, by a metropolitan magistrate, by any court authorised by the Children's Act of 1960, or by any other act that provides for the treatment, protection, education, and rehabilitation to juvenile offenders, as stated under Section 27 of the Criminal Code of Procedure 1973¹⁸.

Rajoo v. The State of Madhya Pradesh, (2003) 1 MPJR 130 (India), the Rajoo case prompted a serious crime charge against a juvenile, prompting questions about whether the system's rehabilitative component is effective in dealing with such issues. The court's decision in this case emphasised the importance of individualised evaluation of youth. The court stated that every young person is a different individual with their unique circumstances and needs.

Age Determination of Juveniles-

Determining a juvenile's age is crucial in the legal system and should be addressed promptly. The three primary documents for the determination of the age of a juvenile are:

- School Leaving Certificate
- Medical Board Report
- Entry date in the School Admission Register

¹⁶ The Indian Penal Code, 1860, No. 45, Acts of Parliament, 1860 (India).

¹⁷ The Indian Penal Code, 1860, No. 45, Acts of Parliament, 1860 (India).

¹⁸ The Code of Criminal Procedure, 1973, No. 2, Acts of Parliament, 1974 (India).

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In the case of Mukarrab v. State of U.P., AIR 2014 (SC) 117 (India), the Supreme Court said that the Juvenile Justice Act mandates a determination of age when someone who states they are primarily deemed 'a child' and is below the applicable minimum age.

Juvenile Apprehension-

A special law known as the Juvenile Justice (Care and Protection of Children) Act was passed to serve juveniles' needs better. This law aims to administer justice in a child-friendly way, particularly for juveniles. Due to the delicate nature of the topic of adolescent arrest and imprisonment, the JJ Act has created and placed certain obligations on the police.

Specific protocols, such as prohibiting police handcuffs and forbidding the use of force while making an arrest. Particular protocols include prohibiting police handcuffs and forbidding using force while making an arrest. The police officer must also compile a social investigation report with information about the child's family history. Officers are only allowed to note minor and major offences in the general diary and the Social Background Report and not to file a formal complaint (FIR). The police can only file a FIR for severe crimes. All reformatory services (education, schooling, and skill development) must also be available to the child.

Juvenile Disposition-

The best course of action for a child charged with a crime depends on the disposition in juvenile court. During a disposition hearing, a judge or other legal authority considers several factors to determine the best course of action for the child's care or punishment. The best course of action for a child charged with a crime depends on the disposition in juvenile court. During a disposition hearing, a judge or other legal authority considers several factors to determine the best course of action for the child's care or punishment. The Andhra Pradesh High Court, in the case of Superintendent of Central Jail, Hyderabad v. C. Narsimhulu, 1999 Cri LJ 1425 (AP) (India), ruling mandates that individuals between the ages of 16 and 21 who were found guilty will be sent to training schools.

CONCLUSION

As we all know, Juvenile Delinquency is a serious crime that undermines a nation's social structure. A global trend is being set by the rising incidence of juvenile criminality and the growing engagement of young people in violent offences. It is a significant issue for the

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country that requires careful handling. The judiciary and comparable systems have responded to the rise in juvenile offences by changing the legislation dealing with juvenile justice. The government of India made a progressive move in 2015 with the Juvenile Justice Act, aiming to continue changing the trend of juvenile crimes.

India has to keep developing its juvenile justice system to match international standards and fulfil its diverse juvenile population's specific requirements and problems. India can enrich its young people's lives by creating a more compassionate and equal society. There are a few suggestions to improve the Juvenile Justice System in India:

- To successfully respond to situations where children are the victims or offenders of crimes, it is suggested that officers who are appointed should undergo specialised training on topics related to crimes against children.
- Identifying and controlling drug abuse among children plays a vital role in reducing criminal activity.
- Programs such as early intervention, substance abuse education and counselling may be implemented to address youth who already have drug problems.
- The appointment of adequately qualified individuals, particularly in the fields related to judicial, therapeutic and rehabilitation services.
- Adequate healthcare for children is also essential. Health professionals must be attentive and considerate of the needs of young individuals. It aims to offer alternative family care that helps young people integrate into society.
- Juvenile Offenders can engage in games that release repressed emotions and foster creative energies in this domain. Both individual and group play should be included in play therapy.

The collective realisation of the multifaceted nature of juvenile crime necessitates a holistic approach to society's attention. Our focus on prevention and rehabilitation can assist juvenile delinquents in overcoming obstacles and becoming productive members of society.

Despite the effectiveness of our nation's juvenile justice system, it is found that there is still some insufficient coordination among various other groups. There is a lack of unity at the implementation level as various institutions operate and are managed by different ministries and departments. All the parties must work together to achieve a positive outcome, which is crucial. Those people, including advocates and judicial officers involved in the matters of the Juvenile Justice System, now have a lot of knowledge on this concept and are trying to form

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an effective system. Adopted laws must be effectively implemented to achieve the ultimate goal of child welfare.

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