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## YOUTH TRIAL: A CONCERN FOR THE BETTERMENT OF SOCIETY?

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### ABSTRACT

This paper is aimed to examine the present status of *Juvenile Justice in India* and its reason. Juvenile justice is a legal framework that defines justice for children under the age of 16-18 in the Indian legal system. Juvenile Delinquency means a crime committed by a juvenile who is under the age of 18 years. A child means a person who has not reached the age of 18 years and is not aged enough to understand what is right and wrong. A person who is a minor is not tried or tested as an adult and he is sent to the child care Centre, on the other hand, a juvenile is a person between the age of 16-18 years and he is tried as an adult in court proceedings. The involvement of a juvenile in a heinous crime such as rape, murder, kidnapping, etc. would be treated as a crime under ‘Juvenile Justice (care and protection), 2015’ in which a juvenile should be tried as an adult.

## **INTRODUCTION**

The concept of Juvenile Justice in India is based on a Latin maxim- “**Nil Novi Spectrum**” which means “nothing is new”. Violation of law by a child, who is under the age of 18, who is not an adult, and committed a crime, can be termed, Juvenile Justice. From the last few eras, it has been presumed that young people should be handled leniently. However, it can be observed that crimes done by Juvenile under the age of 16-18 are increasing expeditiously. When a Juvenile reaches adulthood, criminal behavior done by him for performing unlawful and legal activities can be termed a crime.

The main psychology behind the offenses can be the wrongful upbringing of a child, lack of education, economic devastation, and backwardness. As the mind of the children possesses an innocent and devious character, they can induce at an inadequate cost. And the disheartening part is that kids (under the age of 5 to 7 years) nowadays are used as a tool for committing unlawful crimes.

The Juvenile Justice act of 1986, followed by the Juvenile Justice act of 2000, and the Juvenile Justice act of 2015 were passed by legislation. One of the notable changes is juveniles (under the age of 16-18) should be tested as an adult.

## **OBJECTIVE OF STUDY**

The objectives of this article are:

- To study the current situation of Juvenile Justice in India.
- To analyze how codified law places its role in Juvenile Justice cases.
- To analyze the reasons and consequences of Juvenile Justice.
- To analyze the development after the “Nirbhaya Delhi Gang Rape Case”.

## **WHAT MAKES TEENAGERS COMMIT A CRIME?**

The most common reason for a child to go against the law is their upbringing and lack of education which makes a child physically and mentally unfit as well as an irresponsible citizen for his country.

- Most children who are not connected with their families result in engagement in inappropriate activities. A minor who has lower intelligence and has not received proper education is more likely to be involved in wrongdoing.
- The upbringing of the minor is the major factor for their crime, abused mentally and physically and lack of knowledge by their parents makes them unfit for the society and nation. The mental state of any individual is wisely important for society.
- The peer group, the neighbors, and the companions will significantly affect the behavior of a child. If they are into bad companionship or have terrible friends, this could lead to committing wrongdoings. If the child joins a bad companionship or a group, it could lead to a change in the attitude of the child and there is a high possibility of him becoming delinquent.
- Substance abuse is found in a majority of juvenile cases. Juveniles today are using more powerful drugs than adolescents a long time back. Besides, these youngsters begin consuming drugs at a more youthful age. The use of these illegal or legal substances leads these adolescents to engage in perpetrating wrongdoings. Furthermore, when a child is under the influence of drugs or alcohol, he probably engages in destructive, harmful and illegal activities.
- Other factors indicate that poverty and a poor economic system are also responsible for juvenile delinquency.
- The changes are most evident in physical parameters, such as a change in height and weight of the adolescents, and are soon followed by other sexual and physical changes in maturity making them commit the crime with a lack of knowledge about the punishment of the crime.
- Parents or guardian fails to fulfill or satisfy the necessities of the child and simultaneously children want that their desires should be fulfilled by the parents by hook or by crook and when their desires are met, they start indulging in stealing money from homes or some other guardian. Furthermore, this develops a habitual tendency of stealing which results in theft on a large scale.

## **LAWS PASSED BY THE GOVERNMENT**

The laws concerning juveniles have been formed long back but they have also been changed from time to time. Currently in all the advanced and civilized countries in the world, the laws concerning juvenile has been changed. In 2021, The Juvenile Justice (Care and Protection of

Children) Amendment Act, of 2021 was passed by the Parliament of India. According to the 2015 Act, offenses committed by adolescents are considered horrifying offenses, serious offenses, and frivolous offenses. Serious offenses incorporate offenses with three to seven years of detainment.

The new amendment adds that serious offenses will likewise incorporate non-horrifying offenses for which maximum punishment is the detainment of over seven years, and minimum punishment isn't recommended or is under seven years. Indian legal system and judiciary have responded to these trends and have brought some amendments to the laws pertaining to juvenile justice in India. The constitution of India gave separate treatment to children and women. The assumption that is reported in the social milieu is embraced to make a strong Juvenile justice system in India. In this article on Juvenile justice in India, an attempt is made to examine the special treatment or laws adopted by India for Juveniles in the illumination of its constitutional philosophy and the international conventions.

On the other side, it has been revealed that juveniles were hanged, transported, and imprisoned like adult criminals.

## **MOST COMMON TYPES OF JUVENILE CRIMES**

### **1. Larceny:**

It is one of the most frequent crimes committed by juveniles, also known as stealing. These crimes usually take place when the surroundings are busy and crowded. They may steal from other people or stores. Generally, these crimes are unsuspected or unreported because they purposely target those items, which are inexpensive and can easily be disposed of. Examples of such items are mobiles, gold chains, bags, etc. As per the reports, it is confirmed that stealing is the most common juvenile offense.

### **2. Assault:**

It is another common juvenile crime. Teens usually get involved in fights, bully their classmates, and pass taunting comments to their schoolmates. They can also assault the victim; in case they are stealing from them. Sometimes they involve in these fights by peer pressure. Ego issues also play a major role among teens nowadays.

### **3. Illegal purchases:**

Nowadays many young people consume harmful substances like drugs, cigarettes, and alcohol which are age-restricted by the government. For purchasing alcohol, one must have to show their ID card to prove their age. Since these youngsters are under-aged, they purchase these things illegally either by convincing adults or using fake identification. Many gangs influence these teenagers to distribute drugs on different locations to different clients.

### **4. Sexual offenses:**

There are many incidents where mostly these teenagers are brought into sex trafficking. They are sold and bought as prostitutes. Sometimes they are sexually abused and they also abuse someone sexually. They commit rape or sexual assault. We can also observe this offense in the Nirbhaya Rape case, 2012 in which the most criminal offenses were committed by the juvenile.

## **CONSEQUENCES OF JUVENILE CRIMES**

Numerous consequences are the result of juvenile crimes which are faced by the youth, their families, and society. Today's youth are the future of our country. They are responsible for the growth of our economy. The most serious consequence of juvenile crime is the loss of human life. If they are committing such crimes, then they are destroying their lives with their own hands. Many teenagers do not know the consequences of the crime they are committing, in heat of the moment they commit such offenses.

- **Consequences faced by the victims:**

Without any doubt, we all can come to an agreement that the most affected person by juvenile crime are the victims. The victim has to suffer loss in any case, whether it is theft, assault, bullying, or sexual assault. The laws related to juvenile crimes are very lenient even if the victim should be paid a fine, for the incurred expenses he/she has to bear.

- **Consequences faced by the juvenile delinquent:**

Undoubtedly, the juvenile also has to suffer the consequences. The juveniles are unaware of the consequences as he or she is unable to predict them. While they are placed on probation, they lose their freedom as well as their academic years. The delinquency may affect their career choices. Also, while on probation they can also get involved with other delinquents who are more influential.

- **Consequences faced by the families:**

The delinquency can cause trauma among the family members of the juvenile. Other relatives and the people known to the family may start to avoid the family and change their opinions about them. The family also has to spend large amounts of money to pay for lawyers.

- **Consequences faced by society:**

The involvement of gangs, drugs, alcohol, and sexual behavior can make our neighborhood unsafe which can cost large amounts of public money to be spent on law enforcement and to ensure the safety in schools. It may challenge the future of everyone involved.

## **CASES OF JUVENILE CRIMES IN INDIA**

Some of the juvenile crimes in India still remain undiscovered while there are some eye-catching cases that have received media attention.

1. **December 16, 2012:** A woman was raped and killed on a moving bus in South Delhi in which a juvenile was also involved along with his acquaintances.
2. **November 29, 2013:** A group of five children murdered a jeweler's wife and run off with 50 kg of silver jewelry and Rs. 10 lakh cash.
3. **October 17, 2015:** Two teenagers kidnapped an infant in Nangloi and were also accused of raping her.
4. **December 24, 2015:** Borderline juvenile gunmen opened fire in a chamber at the karkardooma court complex which lead to the killing of a police officer.
5. **February 24, 2016:** A 17-year-old boy was released from a juvenile home for 'good behavior' later on he strangled an elderly woman in South Delhi.

6. **March 24, 2016:** A doctor was beaten to death in the area of Vikaspuri, in which the involvement of four minors was also found.
7. **April 6, 2016:** Two juveniles shot an uber driver in Mundka and dumped the body, and fled with the car.
8. **December 22, 2017:** In northwest Delhi's Jahangirpuri area, a 22-year-old woman was raped by five people, including four juveniles.

## CONCLUSION

Today, juvenile has become a major topic of concern and needs to be discussed because of its increased rates of crime. Juveniles should be treated with the commixture of the retributive theory of punishment and utilitarian theory of punishment. Where retributive theory considers that offenders should be punished because they deserved to be punished. On the other hand, utilitarian theory considers that an offender should be punished to discourage to deter offenders from future wrongdoing. These punishments would leave a mark on both: society and the offender. The author believes that a crime is a crime, there is no need to give a minor any kind of leniency because of his age. The government has laid various laws and rules to stop juvenile crimes and after the Nirbhaya case, there was a concern raised before the legislative authorities to enforce laws that not only deal with juvenile punishments but also provide care and protection to the juvenile. Still, it is a very concerning topic because the prescribed laws on juveniles are not creating that much effect on the juveniles and thus the result are not still accomplished.