



## **Juvenile justice system in India: An overview**

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### **Abstract**

Children are recognized worldwide as supremely assets of the Nation. The future of the nation lies in the hands of the Children, who have been recognized as the supremely assets of the nation but because of the indifferences of our society in all spheres, these future stake holders are not brought up properly which leads to child delinquency. Child or juvenile delinquency is an alarmingly increasing problem causing a source of concern in all over the world. Children ought to have been the subject of prime focus of development planning, research, and welfare in India but unfortunately, it has not been so. Despite the Constitutional vision of a healthy and happy child protected against abuse and exploitation, and a National Policy for Children, the majority of children in India continue to live without a cared, protected and meaningful childhood.

Almost all the countries have developed juvenile justice system to deal with their young offenders. In India scene for the children has changed a lot and their problems and related issues have been given attention and are being discussed at various forums. The question of providing proper protection and care to the children of such a big number is a big challenge. A good number of our children on account of socio-economic reasons have adding themselves in the list of delinquent child.

**Keywords:** criminal law, compoundable offences, plea bargaining, code of criminal procedure

### **Introduction**

The juvenile justice systems have been designed to respond to the needs of young offenders. One principle role has been to provide specialized preventive and treatment services for children and young person's as a means of secondary preventions, rehabilitations and improved socialization. State's responsibility of Welfare of the children, with the passage of time has shifted to the social organizations and certain philanthropic bodies. To make the people aware of the right of child, United Nations Organization declared 1979 as "International Year of the Child" issuing a general appeal to all the nations to review their programmers for the well being of the children and to mobilize support for programmers according to the countries conditions, needs and priorities. There is difference of opinion given by the various authorities in the field and also in the type of offences and behavior which is included in the juvenile delinquency. The concept of juvenile justice was derived from a belief that the problem of juvenile delinquency and related problem of youth in abnormal situations are not only amenable to the resolution within the framework of the traditional process of criminal law. The juvenile justice systems have been designed to respond to the needs of young offenders. One principle role has been to provide specialized preventive and treatment services for children and young person's as a means of secondary preventions, rehabilitations and improved socialization.

### **History of juvenile justice in India**

The term juvenile justice emerged from the word Juvenis, in Latin it means Young so a justice system for the young.

Historically the concept of juvenile justice was derived from a belief that the problems of juvenile delinquency in abnormal situations are not amenable to the resolution within the framework of traditional process of criminal law <sup>[1]</sup>. Over the time a need felt in ensuring that juvenile justice system beside catering the needs of young offenders only it also provide specialized and preventive treatment services like community support, harmonizing impersonal state intervention with the family, community and institutional interventions for the children and as a means of prevention, rehabilitation and socialization through schools and religious bodies <sup>[2]</sup>.

As this law was passed prior to the UNCRC 1989 which India ratified in 1992 <sup>[3]</sup>. In 2000 the former law was repealed and a new law which was more exhaustive and one of the best law was enacted The Juvenile Justice (care and protection of children) Act 2000 but the age was kept at 16 only later it was Amended in 2006 to increase the age of the child which increased to 18 years to adhere the International ratified laws.

The juvenile justice is one of the step taken by the state so as to attain constitutional vision of India pertaining care and welfare of children. The provisions of constitution which grants the special status to the children Article 15(3), 24, 39(e) & (f) and 45, National policy for children 1974, 2013, declare that children are national asset. Further through constitutional directions many other laws and statutory provisions have been enacted to protect the rights of children like RTE 2009, child labor prohibition act 1986, JJ act 1986, later JJ(C&P) Act 2000.

### **Juvenile justice in India**

Historical development of juvenile justice in India can be

divided into six phases through reference of treatment of children, legislative developments, judicial Intervention and other government policies. Prior to 1773, 1773-1850, 1850-1950, 1950-2000, 2001-2010<sup>[4]</sup>

Year 1773 was a benchmark in the Indian legal system as Regulating Act of 1773 granted East India companies the power to make and enforce laws, the Charter Act of 1833 changed commercialization of company into a governing body. Between 1773 -1850 many committees were established focusing on children's in jails, first law was made in 1850 to keep juveniles out of jails later the Report on All India Jail committee 1919-1920 segregated children from criminal justice system.

#### **Juvenile justice (care and protection of children) act, 2000**

Diagnosing the current developments, the juvenile justice administration in India was found to have several flaws or gaps in legal provisions and shortcomings by the way of linkages between the governmental and non-governmental efforts in the care, treatment and rehabilitation of such children. The JJ Act 1986 required that the pre-existing system built around the implementation of the then available Children's Acts be restructured. However, due to the absence of a national consensus on the time frame for such a restructuring, the steps taken by most of the State Governments were still heavily short of the proclaimed goals<sup>[5]</sup>. The inadequacy of the juvenile justice personnel, in terms of both quantity and quality continues to be the weakest part of the operational strategy. In order to rationalize and standardize the approach towards juvenile justice in keeping with the relevant provisions of the Constitution of India and International obligations in this regard, the Juvenile Justice (Care and Protection of the Children) Act, 2000 was (re)enacted by the government of India. The Interim Report of the Working Group of Ministry of Social Justice and Empowerment (2001-02) has drawn attention to some additional inputs incorporated under the Juvenile Justice (Care and Protection of Children) Act, 2000. The Act with all additional inputs has been enforced since April 1, 2001, to deal with the children within its purview. The upper age limit of the children within the purview of the law has been raised. The upper age limit of the boys has been increased from 16 to 18 years, which would increase the actual coverage by seven times. It was then mandatory to constitute a 'National Level Advisory Board' on juvenile justice, to advice the Central and State Governments as well as the Voluntary Organizations associated with this work<sup>[6]</sup>.

#### **Juvenile justice (care and protection of children) act, 2015**

But then again the Juvenile Justice Act, 2015 was enacted to replace the existing Indian Juvenile Delinquency law, Juvenile Justice (Care and Protection of Children) Act, 2000, so that juveniles in conflict with law in the age group of 16-18 years, involved in heinous offences can be tried as adults.

In our country, it was the high time to bring some reform in the Juvenile laws as there has been a steep rise in serious crimes involving youth of 16 – 18 years of age and they very well know that below 18 years is the 'getaway pass' for them from the criminal prosecution. The punishment has to be made a bit deterrent in order to inject the feelings of fear in the mind

of the criminal. The recent "Nirbhaya rape case" has caused utter dismay, concern and outrage amongst the people. The gruesome act of brutalizing her with an iron rod was done by none other but a juvenile and he has been sentenced for a period of 3 years as per Section 15 of JJ Act, 2000 as per our law for juveniles. The principal ought to have been followed for trying juvenile offenders is that Juvenility should be decided as per the state of mind and not just the state of body. In the recent Nirbhaya rape case all the other co-accused are awarded death sentence but the person who committed the most brutal part of the case has been awarded a mere 3 years of remand as per JJ Act, 2000<sup>[7]</sup>.

In the light of above incident, the bill was introduced in the parliament by Maneka Gandhi on 12th August 2014. The bill adopts several new features which were missing in the earlier act like it adopts the concept of Hague convention and cooperation in respect of Inter-country Adoption, 1993. The bill also seeks to make adoption process of orphaned, abandoned and surrendered children more streamlined. One of the most criticized step in the new juvenile justice bill 2015 is introduction of "judicial waiver system" which will allow treatment of juveniles in certain conditions, in the adult criminal justice system and to punish them as adults. Juvenile Justice Boards (JJB) and Child will be constituted in each district.

#### **Definition of a juvenile**

In India, before passing of the Children Act, 1960 there was no consistency regarding age limit of juvenile delinquent. Bombay Children Act 1948 defined "Child" – "means a boy who has not completed the age of 16 years or girl who has not completed the age of 18 years"<sup>[8]</sup>

Juvenile Justice Act, 1986 defines "a juvenile or child, who in case of a boy has not completed age of 16 years and in case of a girl 18 years of age". Government of India while discharging its international obligations revoked the JJA Act, 1986 by 2000 Act and the distinction regarding the age between male and female juveniles was done away. According to the new law, age of juvenile for both male and female involved in conflict with law has been fixed at 18 years. A juvenile in conflict with law under the JJ (C & P) Act, 2000 is "a juvenile who is alleged to have committed an offence but has not completed 18 years of age on the date of commission of said offence". And under the Juvenile Justice (Care and Protection) Act 2015 juvenile defined under section.2 (35), "juvenile means a child below the age of eighteen years".

#### **Definitions of delinquency**

Delinquency is unwelcomed action, omission or moral behavior of a juvenile which is socially not permitted in any society. Generally it means that if the child fails to meet certain social obligations anticipated from them by the people, then he is considered to be delinquent. The juvenile delinquent is behavioral disorder which is generally defined as "a child trying or pretending to act like a grown up or adult".

According to some social workers, "delinquency consisted of socially unaccepted acts". And a psychiatrist suggests that "delinquent behaviour is activity which deviates from the normal". And a lawyer would say "juvenile delinquency is what the law says it is". According to W.H. Sheldon, it is

“behaviour disappointing beyond reasonable expectation.”

### **Who is a juvenile?**

Juvenile means a person who is very young, teenager, adolescent or underage. In other words, juvenile means children who have not yet reached the age of adults in the sense that they are still childish or immature. Sometimes the term “child” is also interchangeably used for the term “juvenile”. A juvenile can be defined as a child who has not attained a certain age at which he can be held liable for his criminal acts like an adult person under the law of the country. Juvenile is a child who is alleged to have committed certain acts or omissions which are in violation of any law and are declared to be an offence. In terms of law, a juvenile is a person who has not attained the age of eighteen years. It has a legal significance. As per the Juvenile Justice (Care and Protection) Act, 2015, a juvenile shall not be treated as an adult even if he/she is involved in any criminal acts for the purpose of trial and punishment in the court of law.

### **Juvenile crimes in India and the law**

Youngsters are thought to be blessings from God and are most prominent individual and in addition national resources. We as people, guardians, watchmen and society in general have an obligation that youngsters ought to be permitted and given chance to experience childhood in a solid socio-social condition with the goal that they could wind up mindful residents, physically fit, rationally alarm and ethically sound. It is the obligation of the State to give level with chances to advancement to all kids amid the time of their development which would diminish imbalance and guarantee social equity. Kids are required to be submissive, deferential and have ethics and great quality in them. Notwithstanding, because of different reasons certain level of kids don't take after settled social and legitimate decree. Such youngsters are frequently than not get engaged with criminal conduct which is known as adolescent wrongdoing or adolescent wrongdoing. Wrongdoing by adolescents is an unforgiving reality in India. Lately adolescents were observed to be associated with most egregious of the wrongdoings, for example, murder and posse assault. It's an aggravating pattern and society overall is anguished by such criminal acts by youngsters. Numerous specialists trust that the present law is insufficient to manage the circumstance and we require changes in it so that for horrifying wrongdoings adolescents may likewise be attempted and rebuffed as grown-ups.

### **The causes of juvenile delinquency**

Juvenile delinquency is the act of committing a crime at a very young age. A juvenile delinquent is a young person, particularly a teenager under the age of eighteen, who breaks a state or federal law by committing a crime. Teens are still immature and do not think like adults, therefore they are prone to making mistakes or committing crimes that are not fully in their control. Teens can break laws for various reasons, and there are a number of factors that can lead them to juvenile delinquency. Individual risk factor, Family risk factor, mental health risk factor, Substance abuse risk factor, Broken family, Lack of communication, Lack of Finances, Lack of Social and moral training

### **Children in conflict with law**

A tyke in struggle with law will be sent to an Observation Home briefly amid pendency of request. The tyke will be isolated by age, sexual orientation, physical and mental status and nature of offense. A kid who is found to have submitted an offense by the Juvenile Justice Board will be put in a Special Home. A Place of Safety will be setup for youngsters over the age of 18 years or offspring of the age gathering of 16 - 18 years who are blamed or indicted for conferring an appalling offense. The Place of Safety will have isolate course of action and offices for under trial kids and indicted youngsters. The Juvenile Justice Board will direct consistent review of prisons implied for grown-ups to check if any kid is held up in such correctional facilities and take quick measures for exchange of such a youngster to the Observation Home [Section 8 (3) (m)].

The preparatory evaluation by the Juvenile Justice Board is to be directed inside three months previously exchanging the case to the Children's Court. The Act orders that on the off chance that the youngster is attempted as a grown-up by the Children's Court, it might guarantee that the last request incorporates an individual nurture the restoration of tyke, including follow up by the post trial agent or the District Child Protection Unit or a social laborer. The Children's Court should guarantee that the tyke is kept set up of wellbeing till he accomplishes the age of twenty - one years. When he accomplishes the age and the term is as yet pending, the Children's court should assess whether he should be exchanged to imprison or on the off chance that he has experienced reformative changes and could be saved detainment. The Act puts an entire ban on the death penalty or life detainment without the likelihood of discharge for the kid guilty parties who come to be dealt with as grown-ups by the adolescent equity organization. The choice whether the kid is to be discharged or sent to imprison subsequent to accomplishing the age of 21 years will be taken by the Children's Court.

THE PROTECTION OF JUVENILES in CONSTITUTION OF INDIA AND “The Constitution of India is our paramount legal parchment, our national charter, our fundamental law, our legal wonder with prolixity unlimited <sup>[9]</sup>.” The Constitution of India which became effective from 26th January, 1950 presented a progressive part on the privileges of the child. Prior to its authorization, there were odds and ends of different enactments which had managed the child and child work. The execution of those arrangements were late as well as apathetic. The constitution of India perceived the privileges of the child out of the blue and incorporated a few articles managing their freedom, vocation, advancement of childhood, non-separation in instructive circles, obligatory and free training and restriction of their work in plants, mines and risky business. These articles are independently removed and given in this aggregation. They are taken from two sections of the Constitution, to be specific, Part III and Part IV. Part III of the Constitution of India manages the Fundamental Rights of all nationals which are particularly enforceable in Courts. Article 32 gives solution for record Writs under the watchful eye of the Supreme Court for authorizing the major rights. Likewise the High Court of different States are engaged under Article 226 to authorize the principal rights as well as other

statutory and lawful privileges of nationals. Equity is the primary guarantee of the Constitution, it is appropriately said. Constitutional Guarantees that are meant specifically for children include: Right to free and compulsory elementary education for all children in the 6-14 year age group<sup>[10]</sup>. Right to be protected from any hazardous employment till the age of 14 years<sup>[11]</sup>. Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength<sup>[12]</sup>. Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment<sup>[13]</sup>. Right to early childhood care and education to all children until they complete the age of six years<sup>[14]</sup>. Besides, Children also have rights as equal citizens of India, just as any other adult male or female: Right to equality<sup>[15]</sup>, Right against discrimination<sup>[16]</sup>, Right to personal liberty and due process of law<sup>[17]</sup>, Right to being protected from being trafficked and forced into bonded labour<sup>[18]</sup>, Right of minorities for protection of their interests<sup>[19]</sup>, Right of weaker sections of the people to be protected from social injustice and all forms of exploitation<sup>[20]</sup>, Right to nutrition and standard of living and improved public health<sup>[21]</sup>,

Laws Related to Children in India (Indian penal code and code of criminal procedure)

Indian Penal Code (IPC), nothing is an offence which is done by a child under seven years of age<sup>[22]</sup>. And also nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion<sup>[23]</sup>. To ensure that people come forward to help children in danger, and asserts that nothing which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person<sup>[24]</sup>. To ensure that children are not left at the peril of their parents i.e. they are not abandoned section 317 of IPC, whoever being the father or mother of a child under the age of twelve years, having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years; or with fine, or with both. whoever takes or entices any minor under sixteen years of age if a male, or under eighteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship<sup>[25]</sup>.

### **The Child Marriage Restraint Act, 1929**

The law, also known as the sharada Act, named after its sponsor, sets the minimum age of marriage at 21 for boys and 18 for girls. But a child is not punished for violation of the law. Nor is the marriage invalidated. Those who perform, conduct or direct a child marriage are punished as abettors, even if they be parents. A boy between 18 and 21, who marries a minor girl, is given a jail term up to 3 month after

a fine. But a girl not punished under any circumstances.

### **The young person's Harmful publications Act, 1956**

Harmful Publications: The law tied to protect youth from the harmful influence of publications glorifying Crime, violence and sex. The young person's Harmful publications Act, 1956, makes distribution and sale of such material to youth below 21 punishable with imprisonment. The authorities can seize of such harmful publications and forfeit or destroy them. The concept Act bans import of such harmful materials. The IPC makes distribution or exhibition of obscene objects to youth under 20 punishable with imprisonment.

Civil procedure code 1908

In all cases involving a minor, he or she must have a next friend to give assistance. The court will appoint a guardian or next friend for the minor if a cause comes before it. The guardian or next friend shall be of sound mind, mature and his interests shall not conflict with the minor's. The guardians or next friend cannot enter into a compromise with the opposite party without the court's consent. He shall not receive cash or property for affecting a compromise. He can be removed for improper conduct<sup>[26]</sup>.

### **Indian Evidence Act 1872**

THE Evidence Act says a person is competent to testify if the court considered he can give rational answers to question. Tender age by itself is not a disqualification. The court will examine the witness's age, consistency in replaying, and likelihood of bias before taking a decision. The rules regarding oath do not apply to witnesses under 12 years.

### **The Criminal Law Amendment Ordinance, 2018**

The ordinance viz, The Criminal Law Amendment Ordinance, 2018, amends Indian Penal Code, Code of Criminal Procedure, Indian Evidence Act and Protection of Children from Sexual Offences Act.

### **Judicial response**

This revolutionary interpretation given in the Mohini Jain Case<sup>[27]</sup> came to be fortified by the Supreme Court's subsequent Constitution bench in the Unnikrishnan case<sup>[28]</sup>. Unfortunately, the Unnikrishnan case restricted the Right to Education to the primary education level and it was held that higher education cannot be made a Fundamental Right. Article 45 providing for universal compulsory and free education up to the age of 14 years has now become a fundamental right with a direct bearing on the status of the child.

The Supreme Court in its decision in M.C. Mehta v. State of Tamil Nadu<sup>[29]</sup> dealt with child labour working in Match Industries at Sivakasi (Tamil Nadu) directed that children should not be employed in hazardous jobs in factories for manufacture of match boxes and fireworks, and positive steps should be taken for the welfare of such children as well as for improving the quality of their life. It is clear that we have miles to go before total elimination of child labour becomes a possibility, although certain judgments of the Supreme Court have been pathbreakers in the chosen direction. It is hoped that this compilation will be useful guide for those who are connected with the eradication of child labour and also for persons who want strict implementation of various legislations

that were enacted for the benefit of children.

In *Gaurav Jain v Union of India* <sup>[30]</sup>, the Supreme Court held that the children of the prostitutes have the right to equality of opportunity, dignity, care, protection and rehabilitation so as to be part of the mainstream of social life without any stigma attached on them. The Court directed for the constitution of a committee to formulate a scheme for the rehabilitation of such children and child prostitutes and for its implementation and submission of periodical report of its Registry. As guardians of the Constitution, the Hon<sup>ble</sup> Supreme Court of India has made remarkable contribution towards protection of children. The role of the India Judiciary and the scope of judicial interpretation have expanded remarkably in recent times, partly because of the tremendous growth of statutory intervention in the present era. The activism of the Indian Supreme Court to protect the children from various type of exploitation is commendable. Although the Supreme Court made laudable directions and suggestions in many instances to protect basic rights of poor children, unfortunately these directions and suggestions are not followed and implemented by the government machinery effectively. In this regard, the performance of the Indian Judiciary stands out as a signal contribution to the implementation of human rights generally and that of Child Rights in particular. *SheelaBarse v. Union of India* <sup>[31]</sup> a social worker had taken up the case of helpless children below age of 16 illegally detained in jails. She prayed for the release of such young children from jails, supply of information as to the existence of juvenile courts, homes and schools and other necessary directions for proper looking after of the children in custody. In the judgment, the Supreme Court observed that where the court comes to a conclusion that the right to speedy trial of an accused has been infringed, the charge or conviction, as the case may be, must be quashed. The court directed the state governments to take steps for completing an investigation within three months in cases lodged against children. Further, it directed the establishment of an adequate number of courts to expedite the trial of children detained in various jails.

### Grey areas age

The legal definition of a child also affects how the courts deal with offenders. The age is very significant here, as a person who is a minor or a child cannot be tried and convicted in the same manner as an adult as at the time of commission of the offence, the child was not capable of understanding the consequences of his/her actions and had no mens and was a *doliincapax* — that is, not understanding the right from the wrong. Age determination of the children in conflict with the law is a very complex issue. The largest number of cases that come before the High Courts and the Supreme Court under this legislation and its predecessors pertain to the determination of age. In the absence of a birth certificate, a child may easily be excluded from the operation of the JJA and denied its care and protection. Ameena, the minor girl from Hyderabad married to a 60-year-old Arab, rescued by air hostess Amrita Ahluwalia, remained in the observation home in Delhi for over seven months before being sent back to Hyderabad. But her age was never properly determined and different courts kept referring to her as 10, 11 or 12 years old.

### Rehabilitation

Rehabilitation means, a restoration of reputation and character, the term has many context-sensitive meanings. In penology, it is the process of improving the inmate's character so he will become a productive member of society. At a trial, it is the restoration of a witness's credibility after it has been impeached under cross examination <sup>[32]</sup>. While starting with the marginalized children, a category of children that is almost always overlooked is the 'Children in Conflict with Law'. Many believe that 'these children get what they deserve' and want to do little about the treatment meted out to them. Later changing perspectives have led to the emergence of an alternative justice system for juveniles while on one hand an alternative system for juveniles must champion minimum intervention by law and minimum institutionalization, on the other it must make sure that the rehabilitation process is strong enough to prevent them from coming into conflict with law again <sup>[33]</sup>.

### Family issues

Family plays a huge part in the development of an adolescent, both positive and negative. Adolescents learn what is and is not acceptable by the surrounding environments, which is dominated by the family life. For example, if a father disrespects and hits a mother, then a son might consider this as acceptable and copy it later in his life. Coming from a broken home through abandonment or divorce can profoundly affect a teen's perception of life. Sometimes in these situations, a teen can be neglected, punished too harshly or not regularly disciplined. Any of these conditions can cause juvenile delinquency as the teen has missed out on complete moral development <sup>[34]</sup>. A teen adopts moral and ethical values from his parents and other family members. It goes without saying that family plays a vital role in shaping a teen's behavior and grooming his/her personality. However, teens become violent or show signs of juvenile delinquency only when they're facing disturbance at home. Broken or disturbed families with bad relations can cause teens to go astray and become violent. Single parents are often busy working; therefore they're not able to spend quality time with their children. This causes teens to seek attention from others, especially their peers. "Juveniles take to unlawful activities mainly due to family problems such as poverty, broken families, extra marital affairs among parents, peer group pressure, and lack of parental care. We provide free legal aid and legal counseling for juveniles in conflict and their parents," says S.V. Orangeman, Legal-cum-Probation officer of the District Child Protection Unit.

### Peer pressure

Facing peer pressure, especially as a teenager is stressful, overwhelming, and confusing. I know the feeling because it's happened to me on many occasions. I know what it's like. In the moment, you just want to 'fit in', be 'one of them' and not disappoint. You want *them* to like you and to be perceived as being *cool*. But, somehow you know on the inside, something doesn't feel right. On the one hand, you want to do what feels right for you. But, on the other hand, you are compelled to do what everyone else wants you to do. This confusing and conflicting feeling is Peer Pressure.

It's, in a sense, a mechanism for transmitting group norms and maintaining group loyalties<sup>[35]</sup>. Staying true to yourself in the face of peer pressure is one of the toughest challenges we face in our lives-especially for teenagers. While the causes of peer pressure are one thing, the effects of peer pressure are unquestionably another. Whether you or someone you know is facing peer pressure, know that it can happen to any of us. Despite how popular or unpopular we may be. And, despite our position in our social circles-whether it be at school or in the workplace. In this article, we'll answer what some of the fundamental causes of peer pressure are and how you can identify these. And, secondly, we'll briefly discuss what some of the most significant effects of peer pressure are and can how they can have a significant impact our lives and our well-being.

### **Poverty and education**

**Poverty and Low Income:** The vast majority of those arrested and convicted belong to poor economic status. We must bear in mind that they have no one to come between them—the police and courts, when the law is broken. They lack resources and the police as well as other law enforcing authorities are more severe on them. In actual terms the administrative processes of law enforcement are seen to be quite favourable to person in economic comfort. If two persons on different economic levels, have committed the same offence, the one on the lower level is more likely to be arrested, and convicted. It will have to be accepted that the economic factors are quite important. Poverty can engender antisocial activities in many indirect ways. Unsatisfactory human relations have been frequently seen to emanate from destitution and poverty. The feelings of inadequacy, and emotional insecurity play their part upon the inner life of potential offenders. Poverty does cause undernourishment and poor physical health which, in turn, may lead to a lowered mental resistance to temptation. Poverty-stricken families have very little choice in the selection of residential locality. Usually their living conditions are congested, playgrounds are either few or altogether absent. Here the living space is too small to afford the comfort and privacy required for the development of self-respecting personalities. Evidently, because of poverty and poor circumstances, the options of the children get severely limited. In families, generally larger than the average, with little living space and inadequate facilities, the children are driven to seek their recreations on the streets. The daily budgeting battle, often giving rise to frayed tempers between husband and wife, when there is very little money to provide for the minimum basic necessities of food, clothing, education, etc., impose extraordinary strains on the family. The parents in such situations can take little or no interest in their children, although they have affection for them. Further, because of lack of money, very often the reasonable demands of school going children are mocked at and education suffers. However, as mentioned earlier, we cannot say that environment of poverty makes everyone delinquent or criminal since there are plenty of people who come from such surroundings and remain law-abiding. But poverty does different things to different people. For some its pressures can be among the important causes of antisocial behavior<sup>[36]</sup>.

### **Conclusion and suggestions**

#### **Suggestions**

Based on our empirical observations and understanding the gravity of the problem being still obtained in the society while some positive developments are taking place for the effective treatment of those who unfortunately, due to situational contexts, or otherwise, become delinquents at the time when they would need love and caress of their near and dear ones, and go to school and play with children to develop their personality and prepare themselves for their futuristic life. In order to see the incidence of juvenile delinquency is reduced over the years and society develops and stay free from the thick black marks of this pathological situation, some suggestions for legislative reformulations, juvenile justice delinquent's administration policy and programmers to be evolved for development of children from underclass categories are made here which may be of some consideration. Parents should be aware of the psychology of delinquency so that they may treat and handle their children with understanding and provide them an appropriate environment for the satisfaction of their basic needs and urges. Parents should keep good relations with their children. The good habits and moral values developed in early infancy leave permanent impressions on the behavior of adolescents. Parents, family members and school authorities should keep a close watch on the activities and social environment of the children and know the company of their children because peer group or friend circle could lead an innocent child to become a juvenile delinquent. The headmaster as well as the teachers should be familiar with the psychology of the students i.e. their interest, motives, aptitude, attitudes, potentials etc. There should be parent-teacher association. The teacher should report the behavior of the student if he finds it unwanted. The concept of adolescent behavior and juvenile delinquency should be included in the school curriculum. The school should cater to the physical, psychological and social needs of a adolescents through different co-curricular activities. A feeling of future vocational security, positive attitude and sound moral values should inculcated in them. The voluntary organizations/clubs should educate the localities regarding the harmful effects of drugs and other substances. They should distribute pamphlets showing how anti-social acts destroyed individuals. Through radio and television, interview with the ex-delinquents including their brief life sketches to share better experiences which will serve as an eye opener to other youths. Government run rehabilitation centers should provide guidance and counseling with a very subsidized rate which can established to attract the juvenile delinquents who could not afford to costly NGO run centers. Juvenile Justice Administration has been the part of judicial processes in case of the juvenile delinquents. As it is the child criminals are kept in Observation Homes during the course of their trial. The Trial is conducted in the designated Juvenile Courts before specially nominated Judges. These two institutions are located separately. For the Trial, the delinquent boy or girl, inmate of Observation Homes, needs to be brought to the Juvenile Court on date and time as fixed. In the process the child is carried through open community. Seeing others or feeling of being seen by others which the delinquent child to not wish to have

it for itself, it is better the Trial is conducted in the Observation Homes itself. That is our suggestion here is to locate Juvenile Court well within the campus where Observation Home is located. This serves the purpose of serving delinquent child from being affected psychologically. As it is the Juvenile police to not wear uniform. The delinquent child would have developed some concept of it. In order to not to make the child to get deferred by seeing the police in dress, it has been made mandatory to this special category employee to not to wear dress. But same where there are problems creeping into the whole processes. It needs to be debated discussed and decided to have appreciatively introduced to the Juvenile police to have used the uniform selectively.

### Conclusion

From the above discussion we can say that serious crimes like rape and murder also go unpunished with the offender wearing the grab of juvenility. Juvenile crimes cannot be stopped only through the proper implementation and amendments of Juvenile Justice Act. In order to reform the juvenile in conflict with law, the juvenile system as a whole needs to be reformed first Adolescent violations can't be ceased just through the best possible usage and alterations of Juvenile Justice Act. So as to change the adolescent in struggle with law, the adolescent framework in general should be improved first. The rickety states of perception homes and adolescent equity sheets should be tended to quickly. The country must strike to give training, human services, sanitation and lodging to each youngster. Aside from different laws administering kids, there exist numerous different issues at the grassroots level. Government-supported kids' homes are regularly unfit to suit ignored kids. Kids are infrequently even kept in prison. In this way, there is an issue in the execution of laws relating to youngsters and the upkeep of kids' homes because of both an absence of consciousness of tyke rights and India's prospering tyke populace. Adolescent wrongdoings can't be ceased just through the correct execution and revisions of Juvenile Justice Act. It is crucial to make mindful of common society about this sickness that exists in our wiped out society. Adolescents associated with wrongdoings are not culprits, actually, they are casualties of society. Adolescent wrongdoing can be ceased at a beginning period, if unique care is taken both at home and in school. Guardians and instructors assume a huge part in sustaining the brain of a kid. Rather than marking them as „criminals“ or „delinquents“ -steps should be taken to give them an extent of correction and it would be better if the mistakes in their lives (including social and mental) are conveyed to their takes note. The issue of kid wrongdoing like numerous other social shades of malice is connected up with the blemishes and maladjustment of our general public. The perfect is bit by bit increasing more extensive acknowledgment that adolescent reprobate needs the sensitivity and comprehension of our general public and not the overwhelming hand of the law.

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