



## JUVENILE COURTS AND JUVENILE JUSTICE: THE SIMILARITIES AND DIFFERENCES

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### **ABSTRACT:**

The official response to minor offences in different countries is both assumed and proven. Similarities and differences between those techniques are assessed in order to evaluate their contribution to equity, justice, crime control and prevention of crime. The nature of formal proceedings in relation to the management of juvenile offenders and specific governmental and multilateral responses to juvenile delinquency, which form the basis for a more consistent approach to juvenile in the legal process, follow a quick history review of the recognition of childhood innocence.

**KEYWORDS:** Juvenile Court, Juvenile Justice, Crime, Law.

### **INTRODUCTION:**

A child is the birth, life and death portion of the civilization. When he grows up, the environment and the social context round him drive him. A person who is not 18 years of age is "youthful" or "child." International law states that "child" denotes every individual under 18 years of age.

Nowadays, the concept that derives from the United Nations convention on the rights of the child is universally acknowledged (UNCRC). Section 2, (k) of the Indian law defines "juvenile" or "Child" as the individual not eighteenth years of age under the Juvenile Justice Care and Protection of Children Act 2000. The Juvenile Justice promotes and provides particular solutions towards the prevention, deterrence, preventing and treating of juvenile delinquency as a legislative framework that defines justice for juveniles under the Indian Constitution. [1]

### **The Roots of Juvenile Delinquency:**

(The behavioural aspect of juvenile delinquency): Each person has distinctive patterns of behaviour, so is the case of kids. In early life and in early childhood, behavioural patterns develop, and any type of behaviour are very hard to recognise. However, as soon as the child grows up, behaviour patterns change from one moment to the next and the criminal behaviour might arise in many circumstances or situations.

**Instability of adolescence:** One of the main aspects in the behaviour of adolescents is their biological, psychological and sociological character. At this period, teenage people become more aware of their appearances and fashions, enjoyment, food, plays and so on. And at this time, they crave for

independence but sometimes their parents, instructors and elders offer them such opportunities as to develop antisocial behaviours in them.

**Disintegration of the family system:** – The main cause of the rise of the youth crime rate is the disintegration of the family system and laxity in parental control. The main determinants of juvenile delinquency include, in normal circumstances, parents' divorce, loss of control, lack of love and affection.

**Poverty and economic conditions:** – Poverty and poor economic conditions are also seen to contribute to increasing juvenile crimes, because poor parents or guardians don't meet children's needs. They want parents to fulfil their desires by hook or crook and then start to indulge themselves when their wishes are fulfilled. And this leads to a normal stealing urge that ends in large-scale theft.

**Migration:** – The migration of juvenile, deserted and disadvantaged to slum regions leads them into contact with some anti-community forces that have certain illegal activities such as prostitution, and smuggling of drugs or narcotics, and so on. The juvenile is attracted to these types of activities and can indulge in such activities.

**Sex indulgence:** - Children who in their earlier childhood have endured sexual abuse or any other unwanted physical abuse might develop disgusting behaviour and thinking. On account of the Sexual indulgence, they may grow more vaguely at this age or wish to experience sex. Too many gender differences could lead children to kidnapping and raping crimes, etc.

**The modern way of life:** – The quickly changing patterns of society and the contemporary way of living make adapting themselves to a new way of life quite challenging to children and teenagers. They face cultural conflict problems and cannot distinguish between good and wrong.

Today, rehabilitation continues to be the major purpose of the youth justice system and is significantly different from that of the criminal justice system. In the majority of states, crime is defined, with few exceptions, as the commission of a criminal offence by a kid under 18 at that time; in most countries, adolescents can also remain subject to juvenile court supervision until the age 21. Judges instead of jail draw on various legal options to address both the security requirements of the public and the needs of young people, although youth are limited to juvenile correctional facilities that all too often resemble adult prisons and prisons, routinely implementing correctional practises such as lonely detention, stripping searches and the use of chemicals or mechanics. [2-5]

### **Juvenile justice**

The area of juvenile justice applies to individuals not old enough to be held liable for criminal crimes. In the majority of countries, the age of criminal guilt is 18. A system of laws, general lines and procedures to ensure the processing and proceedings not of adult offenders are controlled for infringements of the law and to ensure that legal remedies are available to maintain or take care of its interests in circumstances. Punishments that have been set in order as Criminal offences against adults have been stated to be wrong when they are done thought that it was good for young people, because only things about them have been spoken about juvenile offences which order legal access across groups.

Children are also discussed in two cases, where parents or other legally binding guardians are not at their hands, are prepared to act, careless, or participate in custodial disputes. The use of corporal punishment was an open to argumentative method of youth penalty. Although in many Western

countries such physical punishment is halted, it still exists in some sections of the United States and most of the non-western world beyond it.

In history, an increase in juvenile crime has been recorded as one of the calls for the military person in those areas, where it was halted, to set down lower punishment. However, others are opposed to physical sanctions and argue that it is brutal, unfeeling and that juvenile corporal punishment dangers help people to act misbehaviorally.

In order to make the defendants comprehend the wrong doing and its consequences, the judicial system plays a vital role. The aim is to restore the defendant. They can be kept out of prison and given counselling, treatment by the approved individuals. The accused is subjected to crime and not criminal behaviour. The judges hear the case and render a decision instead of the jury trial.[6-8]

### **A juvenile court**

This is a tribunal with special authority to express opinions on crimes committed by children and young people who have not gained more or more experience. In most of today's legal systems, minors or individuals between the ages of 13 and 19 who feel it is okay to commit crimes are paid different attention than legal adults who feel that they are right to do the same crime. The developed countries are distinct from whether juveniles should be tried or considered separately as adults for major offences.

As adults moved to "increase the violence of juvenile crime" since the 1970s, people who were not old enough in the law to act were increasingly disturbed. As men or women, the young criminals may not be moved. Serious crime, such as being killed or raped, might be initiated by the Court of Men or Women. However, no facts indicated that any number of juvenile offenders as men or women were in motion. In contrast, in early stages, countries like Australia and Japan are growing and instrumentalizing young people who are first moving, 13 young people are just as positive as a putting off from a court of men or women. [9]

The United Nations has helped nations worldwide to reform their systems for good to include a scaled-out copy, in which, despite the inappropriate behaviour that may cause the questioning, "the full society [have to] make sure that in-harmony develop in peace." The intention was that a more child-friendly being would be created."Although the United Nations has made all the adjustments, the regulations are less clear. The rules changes in broad context 14 caused problems with implementing crimes in some specific places. Among the crimes of nations committed, young people felt it was right to add questions to seek help from separate juvenile processes. [10]

The issues of a juvenile in a number of arts and learning contexts are becoming increasingly complete. All things have been made apparent in every nation in almost a few hundred years, and questions have been put to question that are just and particularly safeguarding children's rights, as the storey of juvenile courts is written. Complete policies have become increasingly widespread and the broader societal growth of the child offender procedure has adapted this basic trend.

In the context of juvenile justice, there are several concerns that are growing globally. These courts are also referred to as the child courts and play the function of replacement parents. The originators saw the punishment for misconduct of the kid to be an injustice and chose to advise the youngster, although the court rather works informally like a parent or guardian. Anything banned under the law can be heard by the court from truancy to drug-addiction. The parents or guardians of the juvenile are normally disposed off by the youth who, if required, includes a fine for the improper deed, although it depends upon the circumstances. In such cases, the court usually authorises child therapy sessions. The youth court also includes another informal prison for the purpose of working and improving minors to play the function of parent or guardian substitutes. The method differs slightly from the adult court, as youth are not detained. Juvenile court records are sealed documents, not an adult

under the Freedom of Information Act. This step is intended for minor accusations, so that an error does not follow you for life or for a safe future. It can also be expanded till they reach major, when they reach 18 years of age, provided they have achieved a high performance. The first step was taken by Chicago in 1899, when the youth court set up a better future for the youngsters. Later in Europe, Israel Iraq, Japan and many regions of the world, juvenile courts were established. [11-12]

### **The Juvenile Justice System**

A separate juvenile justice system was established in the United States about 100 years ago with the goal of diverting youthful offenders from the destructive punishments of criminal courts and encouraging rehabilitation based on the individual juvenile's needs. This system was to differ from adult or criminal court in a number of ways. It was to focus on the child or adolescent as a person in need of assistance, not on the act that brought him or her before the court. The proceedings were informal, with much discretion left to the juvenile court judge. Because the judge was to act in the best interests of the child, procedural safeguards available to adults, such as the right to an attorney, the right to know the charges brought against one, the right to trial by jury, and the right to confront one's accuser, were thought unnecessary. Juvenile court proceedings were closed to the public and juvenile records were to remain confidential so as not to interfere with the child's or adolescent's ability to be rehabilitated and reintegrated into society. The very language used in juvenile court underscored these differences. Juveniles are not charged with crimes, but rather with delinquencies; they are not found guilty, but rather are adjudicated delinquent; they are not sent to prison, but to training school or reformatory.

In response to the increase in violent crime in the 1980s, state legal reforms in juvenile justice, particularly those that deal with serious offense, have stressed punitiveness, accountability, and a concern for public safety, rejecting traditional concerns for diversion and rehabilitation in favor of a get-tough approach to juvenile crime and punishment. This change in emphasis from a focus on rehabilitating the individual to punishing the act is exemplified by the 17 states that redefined the purpose clause of their juvenile courts to emphasize public safety, certainty of sanctions, and offender accountability (Torbet and Szymanski, 1998). Inherent in this change in focus is the belief that the juvenile justice system is too soft on delinquents, who are thought to be potentially as much a threat to public safety as their adult criminal counterparts.

Changes in laws do not necessarily translate into changes in practice. In addition to the belief that at least some juvenile offenders are amenable to treatment and rehabilitation, other factors limit overreliance on get-tough measures: (1) the expense of incarceration, (2) overcrowding that results from sentencing offenders more harshly, and (3) research evidence that finds few gains, in terms of reduced rates of recidivism, from simply incapacitating youth without any attention to treatment or rehabilitation (Beck and Shipley, 1987; Byrne and Kelly, 1989; Hagan, 1991; National Research Council, 1993a; National Research Council, 1993b; Shannon et al., 1988). Practice may also move in ways not envisioned when laws are passed. For example, many jurisdictions have been experimenting with alternative models of juvenile justice, such as the restorative justice model. Whereas the traditional juvenile justice model focuses attention on offender rehabilitation and the current get-tough changes focus on offense punishment, the restorative model focuses on balancing the needs of victims, offenders, and communities (Bazemore and Umbreit, 1995).

### **Similarities in the Systems**

There are several similarities between the adult and juvenile court systems, particularly in the rights that are afforded to a minor during the course of the proceedings. A minor has the right to an attorney, the right to examine and cross examine witnesses, and can assert the Fifth Amendment against self-incrimination. In addition, a minor in juvenile court is required by law to have notice of the

charges being brought against him or her and the prosecution must still prove beyond a reasonable doubt that the minor committed the accused crime.

### **Differences in the Systems**

However, there are also many differences between the adult and juvenile court systems. First, a juvenile is prosecuted for “delinquent acts” and not for committing a crime. Hence, the vast majority of cases seen in juvenile court are considered minor offenses. If the alleged acts are serious enough, then the minor may be tried as an adult for committing crimes in the adult system.

Furthermore, in juvenile court, a minor does not have the right to trial by jury. If a juvenile is charged with committing a delinquent act, a bench hearing is conducted for adjudication purposes—all evidence is presented by the prosecution and the minor regarding the alleged crime. If a judge finds that the minor is guilty, then the case moves to the sentencing phase. Another difference between the adult and juvenile systems is that the purpose of sentencing is rehabilitation in the minor’s best interest and not for the purposes of punishment. Typically, the sentence involves some type of social justice benefit, such as community service, or some type of therapy if the minor is in need of it.

Finally, the juvenile court system is typically a little more relaxed than the adult system. The rules of evidence, examining and cross examining witnesses, and the like do not need to be strictly adhered to in the code of civil procedure. A judge makes decisions on whether evidence that is on this boundary will be allowed, since the judge is the only person making the final decision regarding the outcome of the case.

### **CONCLUSION**

Between juvenile justice and juvenile court there is little difference. Youth justice penalises the accused if the perpetrator does anything or if he or she has to make up the case for a specific period of time or is subject for specific penalties in prison if the offence is as large as in the case of an adult and atrocious. The juvenile court is an informal court, and acts as a replacement guardian or parent in order to improve cases.

The above-mentioned commonality is that both youth court and youth justice treat minor children who have been accused of some or another offence, violate the law and informally commit the wrongdoer and focus on child rehabilitation.

From the foregoing it is possible to note that juvenile delinquency is an enormous social burden and it can be argued, taking account of the current situation that the number of juvenile crimes is on the rise and must be checked. Sometimes the crimes are heinous, including murder, rape, and robbery. Age should not be the main basis for awarding the offender a lenient punishment.

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