

International Journal of Advanced Research in Science, Communication and Technology (IJARSCT)

International Open-Access, Double-Blind, Peer-Reviewed, Refereed, Multidisciplinary Online Journal

Volume 3, Issue 1, August 2023

A Study on Juvenile Justice Board in Tamil Nadu

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Abstract: Juvenile justice Board is made under the juvenile justice act of section 8 under rule 3 that juvenile justice Board is made in every district to exercise the powers and discharge duties relating to children in conflict with law. So in this research we are going to see the effects and functions of the juvenile boards in Tamilnadu, as a land of immense diversities faces too many parameters of justice from its societal level to its judiciary. The main aim of the study Is to know about the functions of juvenile justice board in Tamilnadu. The researcher has done an empirical method by using convenient sampling method. The sample size is 200. The dependent and independent variables such as age, gender and occupation have been used. The result and the conclusion of the study is proper effect of juvenile justice boards will reduce the juvenile delinquency in India. Findings juvenile justice induces the positive effects in the society where it leads to the increase number of rehabilitation of larger juveniles very shorter term ,no matter what juvenile offenders should be trailed under juvenile justice board and should never to adult criminal court, incarcerating juvenile offenders is beneficial to society, By including the provision for 16 to 18 year-olds to be tried like adults in case of heinous crimes.

Keywords: Children, juvenile, care and protection, conflict and juvenile delinquency

I. INTRODUCTION

The Juvenile Justice Board is an institutional body constituted under Section 4 of the JJ Act, 2015. According to the division of powers, the subject of administration of criminal justice has been included in the State List (List II, Schedule VII) of the Indian Constitution. Therefore, one or more than one Juvenile Justice Board(s) are established by the State Government for each district. The Board exercises its powers and discharges functions relating to the 'child in conflict with law' as has been defined under Section 2(13) of this Act. Juvenile Justice Board (JJB) is constituted in each district for exercising the powers and discharging its functions relating to juveniles/children in conflict with law. The JJB will conduct a preliminary inquiry to determine whether a juvenile offender is to be sent for rehabilitation or be tried as an adult. Similarly, Child Welfare Committee (CWC), deal with those children who are 'in need of care and protection' i.e. children from deprived and sections of society as well as those with different needs and vulnerabilities and aims at determining institutional care for children in need of care and protection and their rehabilitation, reintegration, and restoration. The topic evolved because a child is the part of the society where he takes birth, grows, lives and dies. When he grows up, he is being motivated by seeing the environment and social context around him. A "Juvenile" or "Child" means a person who has not completed eighteen years of age. According to International Law, a 'Child' means every human being below the age of 18 years. The legal framework which defines justice for juveniles in the constitution of India supports and gives special approaches towards prevention, deterrence, avoidance and treatment of juvenile delinquency is the Juvenile Justice. Government of India has taken initiatives In pursuance of Section-4 of the Juvenile Justice (Care and Protection of Children) Act, 2015 read with rule-3 of the Juvenile Justice (Care & Protection of Children) Model Rules, 2016, the State Government constitutes Juvenile Justice Boards in the districts time to time, for exercising the powers & to discharge duties, conferred on such Boards in relation to Children in Conflict with Law under this Act and Rule. As per section-8 of the Juvenile Justice (Care & Protection of Children) Act, the Board shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, have power to deal exclusively with all proceedings under this Act, relating to children in conflict with law. There are several factors behind the involvement of children in criminal activities, such as poverty, unemployment, broken families, lack of parental control, etc. The new legislation provides a response to these factors

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through the procedure of reformative justice. At **current trends** are, The powers conferred on the Board by or under this Act may also be exercised by the High Court and the Children's Court, when the proceedings comes before them in appeal, revision or otherwise. To streamline adoption procedures for orphan, abandoned and surrendered children, the existing Central Adoption Resource Authority (CARA) has been given the status of a statutory body to enable it to perform its function more effectively. The **comparison** is between previous years crime rates. The Statistics shows that the number of juvenile crime incidents in India in 2016. That year, a total of 38,455 cases of juvenile crime were reported. Out of this, a majority were cases of theft with 7,717 reported incidents. Only 224 cases were registered under the Juvenile Justice (care & protection of Children Act, 2000).**Aim:**To understand the functions and effects of juvenile justice boards all over Tamilnadu.

1.1 Objectives

- To know the effects of the juvenile justice Board.
- To analyse the children who are in need of care and protection.
- To ensure the well being of children in conflict with the law.
- To analyse the positive effects by the juvenile justice board in the society.
- To analyse about the drawbacks in the society regarding the juvenile justice board and its actions.

II. REVIEW OF LITERATURE

Deepshikha Agarwal(2018) Juvenile delinquency is a serious offence and it is detrimental for the social order in any country. There is a trend of increase in juvenile crimes world-over, with more and more involvement of youth in violent crimes. India shows similar trends of increasing rate of violent crimes committed by juveniles.

Venudhar Routiya(2016)Juvenile Justice System is the most dynamic and illuminated framework embraced by the world citizenry with all round development of children. The prime center is to change the degenerates and give consideration to the unprotected children. To the extent practicable, a child to be rehabilitated and re-established to the family. The article assessed the Juvenile Justice System in India in the light of protected reasoning and International parameters. Various adults today have this thoroughly Aristotelian beginning of pre-adulthood without having truly examined any of Aristotle.

M. Ramachandran and m. Kannappan(2018) A child who has not completed 18 years of age is called a juvenile. India is a developing country. Nowadays juvenile crimes are increasing day by day. The Juvenile Justice Act 1986 was enacted by the Parliament to provide care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles. The Juvenile Justice Act, 1986 in India and hence, Juvenile Justice Act, 2000 was enacted.

Charu Singh and Rajeev Singh Bhandari(2018) Juvenile delinquency is the term used to describe the criminal acts of the criminal offenders who are not major i.e. under 18 and to analyse the present scenario of juvenile delinquency research. This research aims to explore the educational background of the delinquents along with the family background and their economic status which affects the juveniles or which results in the crime among juveniles.

Dr. B. K. Das(2016)The culture of crimes by youthful offenders is as old as society. Owing to doli incapax and adventurous atti- tude, the youth often come in conflict with law and indulge in crimes. Gone are those stormy days when the problems of Juvenile were not considered as a separate system. It can be witnessed from the past that the children were thrown into prison without trial.

Kavita Sahmey(2013)Children constitute about 40% of India's population and India has a National Policy for Children declaring children to be a national asset. Even so the majority of India's children continue to be in difficult circumstances. India has signed the UN Convention on the Rights of the Child and obligated itself to work towards ensuring all the rights enshrined therein to all its children. India has witnessed an increase both in crimes committed by children and those committed against them.

Aniruddha Vithal Babar(2015)Brutal assault and rape incident of 16th December 2012 in Delhi in which one of the accused was alleged to be juvenile raised a boiling debate on reducing the age of juvenile in India. Amendments in the Juvenile Justice (care and Protection of Children) Act of 2000 after debate in Parliament and in compliance with International obligations raised the age of juvenile from 16 for male to 18 years.

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Shailesh Kumar(2019)The conception of juvenile justice has its ontological root in the internationalisation of childhood and construction of children as a distinct social class. The Euro-centric vision of children as rights-possessors that informed the United Nations Convention on the Rights of the Child (CRC) (1989) transformed the epistemology of juvenile justice.

Mousumi Dey(2014)Children are the future of our country and it is the responsibility of everyone to ensure that they have a safe environment to live in. But the last decade has seen a huge leap in the rate of Juvenile crime in a developing country like India. Today, Juvenile crime is like a disease in our society. This paper starts with describing the evolution of Juvenile Justice Legislation, from pre-independence era to Post-independence India.

D. MURUGESAN(2014) Juvenile Delinquency is one of the serious problems of deviation which the children of almost all the modern societies of the world are facing. It is non- conformist behaviour on the part of the child and it does manifest as a problem of personal disorganisation but also a symptom of social breakdown.

Shailesh Kumar(2019)The conception of juvenile justice has its ontological root in the internationalisation of childhood and construction of children as a distinct social class. The Euro-centric vision of children as rights-possessors that informed the United Nations Convention on the Rights of the Child (CRC) (1989) transformed the epistemology of juvenile justice.

Anuradha Palanichamy(2019)A child is an invaluable asset of any society and has a definite role to play in the development of the nation. The future of a country depends on how its children are being nurtured to become the future citizens of the country. Some of the children, forced by their socio-economic conditions, take up work at a crucial formative age. Poverty is the major cause of children being sent to work.

Venudhar Routiya(2015)United Nations Commission on Human Rights has passed a resolution calling on countries that have not abolished the death penalty to establish a moratorium on executions. In April 2004, the resolution was co-sponsored by 76 UN member states. While India's law prohibits the sentencing to death of juveniles, this law has not always been followed in practice because of the difficulty of determining the precise age of individuals who were not registered at birth and thus lack birth certificates.

Ted Wachtel(2014)It has been recognized that children and young adults are a major human resource for development and key agents for collective social change. But it is only possible when they are involved to participate in meaningful dialogue on issues that concern them the most.

Dr. Madhukar S(2013)The criminal justice system makes a distinction between a mature offender and an immature offender. Mature offender is a person who is mature enough, mental maturity & physical maturity, both, to comprehend and understand the consequences of his act. A juvenile is considered to be a child who is not mature enough to comprehend and understand the consequences of his act. That's why a juvenile offender is dealt differently from an adult offender under the modern day criminal justice system.

Mukesh Yadav, Pooja Rastogi(2013)Recent brutal assault and rape incidence of 16th December 2012 in Delhi in which one of the accused was alleged to be juvenile raised a fresh debate on reducing the age of juvenile in India. Although 2000 Amendments in the Juvenile Justice (care and Protection of Children) Act after debate in Parliament and in compliance to International obligations raised the age of juvenile form 16 for male to 18 years. Issue reached the Apex Court of India in the form of a bunch of writ petitions asking for complete strike of the Act of 2000 to changes in various provisions to enhance punishment to juveniles in conflict with the law.

Mrs. Neeru Mitta(2017)The main aspect of this is derived from 'Convention on the Rights of the Child,'1 the 'United Nations Standard Minimum Rules for the Administration of Juveniles Justice, 19852 (the Beijing Rules)', 'the United Nations Rules of the Protection of Juveniles of Deprived of their liberty (1990)', and other international instruments related to juveniles. The United Nations General Assembly adopted the Convention on the Rights of the Child on 20.12.1989 and welfare of the child was the prime concern of the States parties to this convention.

B Renuka(2017)Historical background of the juvenile justice system in India can be Traced back to the early 18th century. Various laws and rules which govern the children can be found in the texts of ancient Hindu scripts. Juvenile justice has been given some shape with Juvenile Justice Act 2000. Persons dealing with children need to sensitise themselves with this act. Due to rapid social change, industrialization, urbanisation, and an increase in population has brought about a new class of delinquent, neglected, and dependent children needing formal intervention in the light of this there is a need for new legislation dealing with Children.

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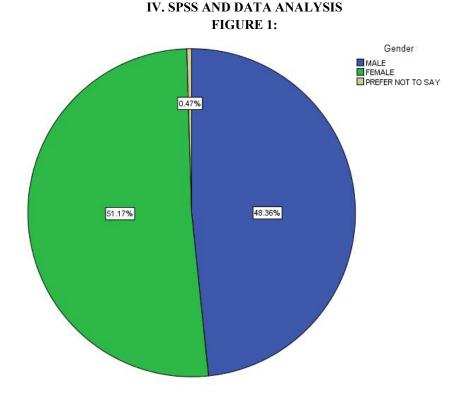
III. RESEARCH METHODOLOGY

The research method followed is descriptive research. A convenience sampling is a sample where the respondents are selected, in part or in whole, at the convenience of the researcher and data was collected by a structured questionnaire. The samples were collected from friends, relatives and general people. Sample size is 200. The questionnaires consisted of demographic data and statements in Likert scale. The independent variables are gender, age, occupation, educational qualification, income. The dependent variables are I used convenience sampling for a set of knowledge . The samples were collected from friends and relatives. All data was analyzed by using SPSS. The **aim** of the study is impact of plastic and its impact in India.

3.1 HYPOTHESIS:

Ho: There is no significant agreeability of decreasing the age of juveniles from 18 to 16 years to be more effective by age.

Ha: There is a significant agreeability of decreasing the age of juveniles from 18 to 16 years to be more effective by age.

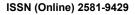


LEGEND:

This pie chart shows the frequency of the independent variable gender of the respondents which includes 48.36% of the male respondent and 51.17% of the Male respondent and 0.47% have chosen not to say.

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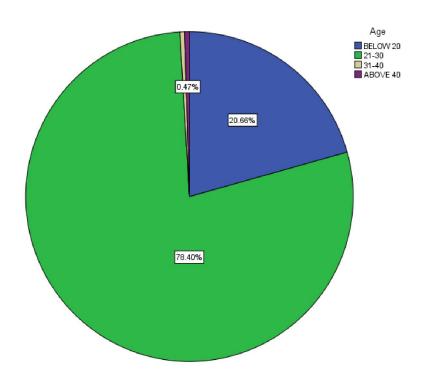
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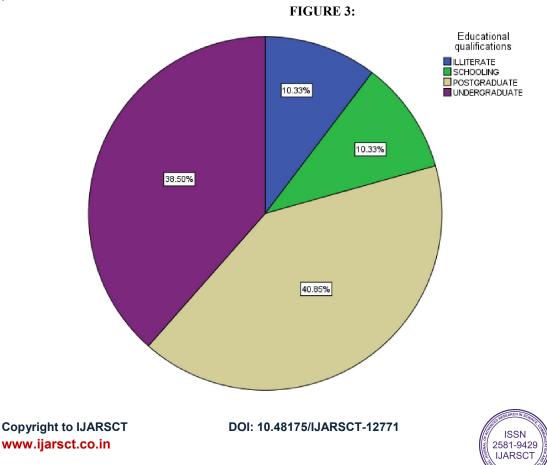
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FIGURE 2:



LEGEND:

This pie chart shows the frequency of the independent variable age of the respondents which includes 20.66% of the respondents below 20, 78.40% of the respondents of 21-30 years, 0.47% respondents of 31-40 years and of above 40 years.





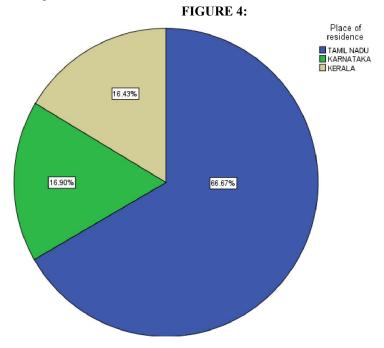
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LEGEND:

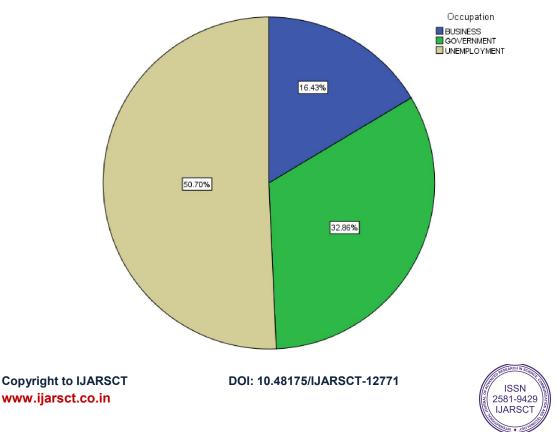
This pie chart shows the frequency of the independent variable educational qualification of the respondents which includes 10.33% of illiterate respondents, 10.33% of schooling respondents, 38.50% of undergraduate respondents and 40.85% of post graduate respondents.



LEGEND:

This pie chart shows the frequency of the independent variable geographical area which includes 66.67% responded in Tamil Nadu,16.43% responded in Kerala and 16.90% responded in Karnataka.







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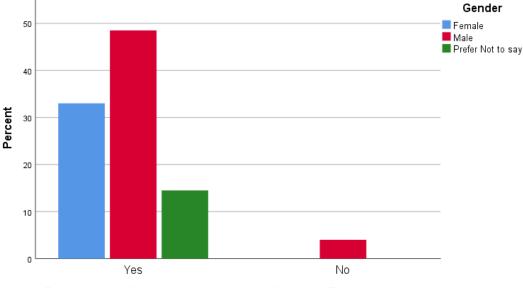
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LEGEND:

This pie chart shows the frequency of the independent variable occupation of the respondents which includes 16.43% of respondents in business, 32.86% of the respondents in Government, and 50.70% of the respondents is unemployed .

FIGURE 6;





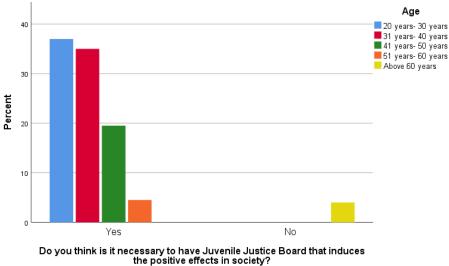
Do you think is it necessary to have Juvenile Justice Board that induces the positive effects in society?

Legend:

Figure 6 represents the need to have a juvenile justice board that induces the positive effects in society with the respondents gender.

FIGURE 7

Clustered Bar Percent of Do you think is it necessary to have Juvenile Justice Board that induces the positive effects in society? by Age



Legend

Figure 7 represents the need to have a juvenile justice board that induces the positive effects in society with age of the respondents.

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ISSN (Online) 2581-9429



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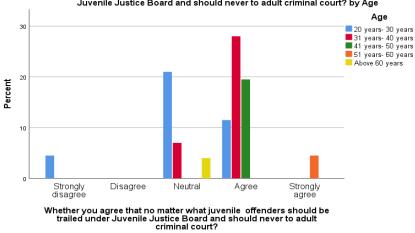
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FIGURE 8

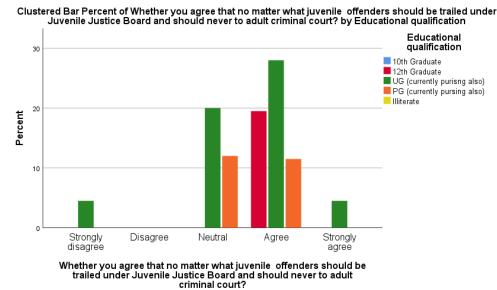
Clustered Bar Percent of Whether you agree that no matter what juvenile offenders should be trailed under Juvenile Justice Board and should never to adult criminal court? by Age



Legend

Figure 8 represents the agreeability for no matter what the juvenile offenders should be tried under juvenile justice board and should never to adult criminal court with the age of the respondents.

FIGURE 9



Legend

Figure 9 represents agreeability for no matter what the juvenile offenders should be trailed under juvenile justice board and should never to adult criminal court with the occupation of the respondents.

DOI: 10.48175/IJARSCT-12771





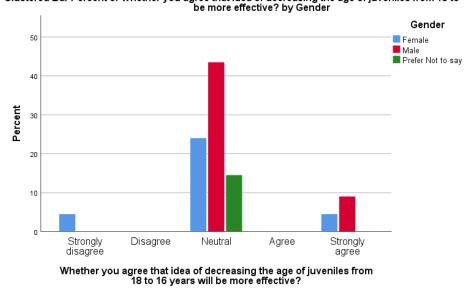
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FIGURE 10

Clustered Bar Percent of Whether you agree that idea of decreasing the age of juveniles from 18 to 16 years will



Legend

Figure 10 shows is that idea of decreasing the age of juveniles from 18 to 16 years will be more effective with the gender of the respondents

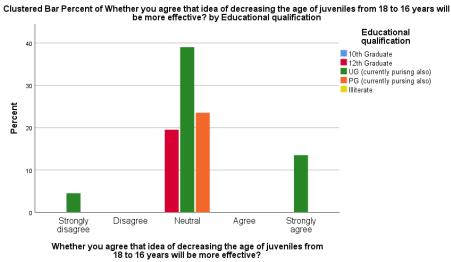


FIGURE 11;

Legend

Figure 11 shows that the idea of decreasing the age of juveniles from 18 to 16 years will be more effective with the educational qualification of the respondents.

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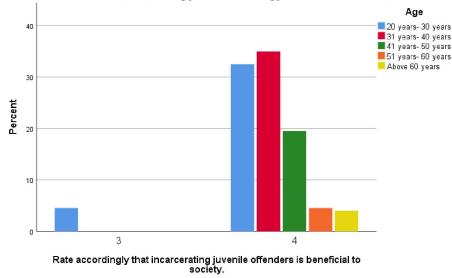
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FIGURE 12

Clustered Bar Percent of Rate accordingly that incarcerating juvenile offenders is beneficial to society. by Age



Legend

Figure 12 represents that incarcerating juvenile offenders is beneficial to society with the age of the respondents.

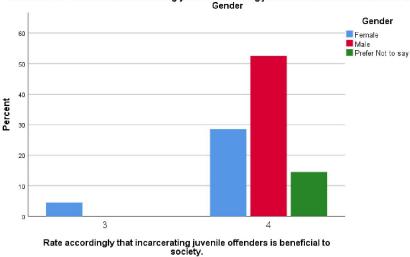


FIGURE 13

Clustered Bar Percent of Rate accordingly that incarcerating juvenile offenders is beneficial to society. by

Legend

Figure 13 represents that incarcerating juvenile offenders is beneficial to society with the gender of the respondents.

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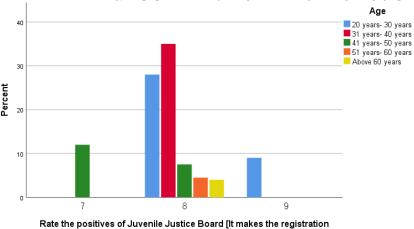
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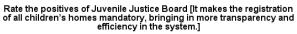
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FIGURE 14

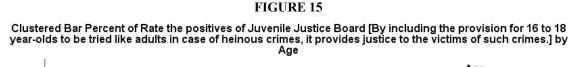
Clustered Bar Percent of Rate the positives of Juvenile Justice Board [It makes the registration of all children's homes mandatory, bringing in more transparency and efficiency in the system.] by Age

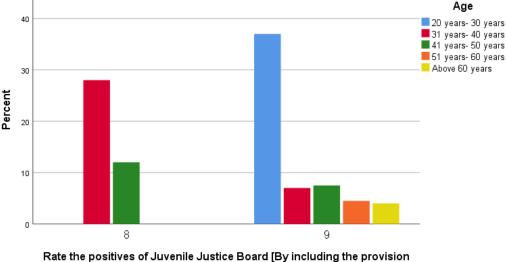




Legend

Figure 14 represents that the positives of juvenile justice board as it makes the registration of all children's home mandatory bringing in more transparency and efficiency in the system with the age of the respondents.





for 16 to 18 year-olds to be tried like adults in case of heinous crimes, it provides justice to the victims of such crimes.]

Legend

Figure 15 represents that the positives of juvenile justice board as it by including the provision for 16 to 18 year olds to be tried like adults in case of heinous crimes, it provides justice to the victims of such crimes.

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V. RESULTS

Figure 1 to Figure 5 represents the independent variable. Figure 6 results that all the gender groups states it is necessary to have juvenile justice board that induces the positive effects in society and very few stated no with the respondents gender. Figure7 results 20 years-30 years followed by 31 years -40 years supported that need to have a juvenile justice board that induces the positive effects in society and few from above 60 years stated negatively with age of the respondents. Figure 8 results that 31 years - 40 years and 41 years - 50 years agree for no matter what the juvenile offenders should be tried under juvenile justice board and should never to adult criminal court and neutral from 20 years - 30 years with the age of the respondents. Figure 9 results that UG graduates and PG graduates strongly agree for no matter what the juvenile offenders should be tried under juvenile justice board and should never to adult criminal court with the occupation of the respondents. Figure 10 results that all the gender groups neutrally accepted the idea and few strongly agree of decreasing the age of juveniles from 18 to 16 years will be more effective with the gender of the respondents. Figure 11 results that UG graduates followed by the PG graduates supports the idea of decreasing the age of juveniles from 18 to 16 years will be more effective with the educational qualification of the respondents. Figure 12 results that all the age groups stated 4 out of 5 stating that incarcerating juvenile offenders is beneficial to society with the age of the respondents. Figure 13 results that all the gender groups stated 4 out of 5 stating that incarcerating juvenile offenders is beneficial to society with the gender of the respondents. Figure 14 results 31 years - 40 years followed by 20 years - 30 years supports that the positives of juvenile justice board as it makes the registration of all children's home mandatory bringing in more transparency and efficiency in the system with the age of the respondents. Figure 15 results that 20 years - 30 years supports maximum and others moderately that the positives of juvenile justice board as it by including the provision for 16 to 18 year olds to be tried like adults in case of heinous crimes, it provides justice to the victims of such crimes.

VI. DISCUSSIONS

Figure 1 to Figure 5 represents the independent variable. Figure 6 results that all the gender groups states it is necessary to have juvenile justice board that induces the positive effects in society, this is because according to the age the knowledge and the maturity differs and so juveniles should be treated accordingly for their well-being and very few stated no with the respondents gender. Figure 7 results 20 years-30 years followed by 31 years -40 years supported that need to have a juvenile justice board that induces the positive effects in society and few from above 60 years stated negatively this may be because of the thought they have to be punished as hard as their act without considering the age with age of the respondents. Figure 8 results that 31 years 40 years and 41 years - 50 years agree for no matter what the juvenile offenders should be tried under juvenile justice board and should never to adult criminal court and neutral from 20 years - 30 years this is because the handling and the procedures in juvenile justice board relies with the tendency to treat juveniles and this is not provided in criminal court with the age of the respondents. Figure 9 results that UG graduates and PG graduates strongly agree for no matter what the juvenile offenders should be tried under juvenile justice board and should never to adult criminal court this is because the handling and the procedures in juvenile justice board relies with the tendency to treat juveniles and this is not provided in criminal court with the age of the respondents with the occupation of the respondents. Figure 10 results that all the gender groups neutrally accepted the idea and few strongly agree of decreasing the age of juveniles from 18 to 16 years will be more effective this is because the knowledge gaining forum and the chances drastically changed the situation when compared to old times as the forum gets buggers the trap and the commission of crime also gets wider with the intension state the gender of the respondents. Figure 11 results that UG graduates followed by the PG graduates supports the idea of decreasing the age of juveniles from 18 to 16 years will be more effective as the knowledge gaining tendency and consciousness is whole present with the educational qualification of the respondents. Figure 12 results that all the age groups stated 4 out of 5 stating that incarcerating juvenile offenders is beneficial to society this is because they would have thought the juvenile will influence others where the juveniles are too delicate and easy to be influenced with the age of the respondents. Figure 13 results that all the gender groups stated 4 out of 5 stating that incarcerating juvenile offenders is beneficial to society this is because they would have thought the juvenile will influence others where the juveniles are too delicate and easy to be influenced with the gender of the respondents. Figure 14 results 31 years - 40 years followed by 20 years - 30 years supports that the positives of juvenile justice board as it makes the registration of all children's home

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mandatory bringing in more transparency and efficiency in the system because there is no any other act stating the transparency of the registration and this act obliged the officers to get to know the info about the children's home specifically with the age of the respondents. **Figure 15** results that 20 years - 30 years supports maximum and others moderately that the positives of juvenile justice board as it by including the provision for 16 to 18 year olds to be tried like adults in case of heinous crimes, it provides justice to the victims of such crimes this is because knowledge gaining tendency and consciousness is whole present they are capable to get the point right or wrong by knowing the consequences they are getting into the act.

VII. LIMITATIONS

This research is limited due to covid 19 restrictions and in this paper a convenient sampling method and e-survey method is used to collect surveys. As the study of the juveniles and their issues kept more confident in spite of the sensitivity tenderness of the juveniles leads to the limited gathering of information. This is a major limitation in this paper.

VIII. CONCLUSION

There are several factors behind the involvement of children in criminal activities, such as poverty, unemployment, broken families, lack of parental control, etc. The new legislation provides a response to these factors through the procedure of reformative justice. From my study it can be concluded that juvenile justice induces the positive effects in the society where it leads to the increase number of rehabilitation of larger juveniles very shorter term ,no matter what juvenile offenders should be trailed under juvenile justice board and should never to adult criminal court, incarcerating juvenile offenders is beneficial to society, By including the provision for 16 to 18 year-olds to be tried like adults in case of heinous crimes, it provides justice to the victims of such crimes followed by It makes the registration of all children's homes mandatory, bringing in more transparency and efficiency in the system. as the most supported positives of juvenile justice board, the idea of decreasing the age of juveniles from 18 to 16 years will be more effective.

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International Journal of Advanced Research in Science, Communication and Technology (IJARSCT)

International Open-Access, Double-Blind, Peer-Reviewed, Refereed, Multidisciplinary Online Journal

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