

**REFORM FOR JUVENILE OFFENDER OF HEINOUS CRIME: NEED OF HOUR****Adv. Aishwarya Pramod Athawale***Rebecca English Classes, Near Santdham, Jamner Road, Bhusawal. PIN- 425201. Dist.: - Jalgaon.***Introduction**

No one is a born criminal, especially children are innocent and it is the innocence of children which makes them honest to goodness, a child just need to be raised up with fondness and nurtured with care. Family environment, social coordination, Association and Peer influence are all important factor responsible to achieve his or her full potential. A suitable environment helps a child to develop his inmost being, to make him a better and responsible person and if any of the Other element gets missed out they are more likely to ingrain impropriety, but every child is not so fortunate to have a suitable environment for becoming a better and responsible person, as it is either the differential situation or circumstances for the root cause of problems leading child towards path of crime.



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Children and law

Certain rules and laws are prescribed to maintain peace, Law, order and harmony in the society with an aim of constituting a safe and secured region, which is important for human development; children's forms an crucial part of society, the future generation of our country, who will lead the nation on a path of development. Children are the hope of nation but when they commit crime it is shameful for whole society, when any crime is committed Intention and motive are the soul ingredients of crimes but juvenile offenders for committing an unwelcome act are not treated as adult criminal as in most cases the children are in need of care and protection and they does not understand about the consequences of their action committed, hence to prosecute them it has separate rules and procedure so that the trial does not affect them adversely.

Taking into consideration the standards prescribed in the convention on the right of the children and United Nation Standard Minimum Rules for the Administration of Justice,1985.Under section 12 of Juvenile justice (care and protection) act 2015 defines child who has not completed 18 years of age, not mature to know and understand the consequences of any of his act committed, and sec 2 (13) defines child in conflict with law who is alleged or found to have committed an offence and who has not completed 18 years of age on the date of commission of such offence. Juvenile delinquents can be distinguished into two categories, section 2 (13) defines child in conflict with law and section 2 (14) explains child in need of care and protection. Under section 53 of juvenile justice (care and protection of children) Act, 2015, rehabilitation and re-integration services to juvenile delinquents has been elaborated. The children who are in need of care and protection often commit petty offences, and for commission of petty offences no FIR could be lounged against the children, they are produced before magistrate and in further procedure sent to



children's home for reforming them, commission of heinous offences by juvenile in complicity with adult in such cases FIR is registered.

Crime committed by juvenile delinquents can be classified into three types of offences (i) petty offences (ii) serious offences and (iii) heinous offences. petty offences include commission of theft or any kind of offence which is punishable with maximum period of 3 years, serious offence comprises dacoity, kidnapping, abduction having an imprisonment up to seven years is considered as serious crime and offences like rape, rape and murder, terrorism having minimum imprisonment of seven years are heinous crime and in frequent year it has been noted that gigantic amount of cognizable crime as described in the list of heinous have been committed by juvenile delinquents which vehemently needs to be deterred by amending the existing law used for penalizing juvenile.

According to juvenile justice (care and protection) Act 2015, for commission of heinous offences a Juvenile above 16 years of age, could be tried as an adult and even punished with life imprisonment or death penalty but stringent punishment amended in juvenile justice (care and protection) Act,2015, is less likely to be implemented on children, throughout the past years serious and heinous crime by juvenile offenders has been immensely increased and such strict amendment in law for deterring crime of juvenile has proven less beneficial.

Laws for Juvenile Offender in India

In the inception period of 1500 children in conflict with law were prosecuted as adult criminals and during 1899, there was jurisdiction for trial of underage offender, the first juvenile court was established in Illinois, which was a major movement in juvenile justice system. In 2000, juvenile protection act described juvenile as a person committing crime who has not completed 18 years of age, thereafter many laws were amendment in juvenile justice system, the juvenile justice (care and protection) act 2015, was a remarkable act enacted for better reforming and preventing children from committing crime.

Reformatory Schools Act - In 1897 the reformatory schools act was incorporated to make required provision for youthful offenders to punish them for commission of a criminal act, the Juvenile offender were transported to reformatory school to reform themselves for a period of not less than three years or more than 7 years, but the offence committed by Juvenile was not seem to be rigorous as it is examined at present.

Juvenile Justice Act, 1986 - juvenile justice Act, 1986 was formed to provide care, protection, treatment, development and rehabilitation of neglected Juvenile and for the matters relating to disposition of any cases of delinquent Juvenile as the act of crime committed was not so grave in nature but were mostly petty offences which were liable to be corrected and reformed the juvenile in conflict with law. Trail of juvenile delinquent was carried in juvenile courts to ensure their safety and to ensure that no child under any circumstances was lodged in jail even though rigorous crime has been committed by the Juvenile he was not harshly punished or put in lock up instead the juvenile offenders were sent to juvenile welfare board, its soul approach was towards the preventive and reformative treatment to Juvenile delinquents.

Juvenile Justice (care and protection) Act, 2000 - Juvenile justice (care and protection of children) Act,2000, it has manifested many of the new provision to be carried out for the benefits of Juvenile delinquents including bail provisions under section 12 as a matter of right, also the age of majority was increased to 18 years from 16 years of age, under this act commission of serious crime by Juvenile was also significantly remarked, and under section 16 in the interest of other juvenile delinquents, formation of separate shelter home and special home were made for



juveniles committing petty offences and for Juvenile committing heinous offences instead of letting all juvenile committing crime of different magnitude to stay in same place of shelter and significantly the period of punishment for Juvenile who has committed grave offences was more than the other Juvenile committing petty offences.

Juvenile Justice Act 2003 - Under this act conclusive period of stay in shelter home for reforming juvenile was elaborated according to the nature of their committed crime, also it was crucial to make necessary efforts as incorporated in the act to ensure fair trial and speedy inquiry in a friendly atmosphere for children in conflict with law.

Juvenile Justice (care and protection) Bill 2014 - The law's made with a more concern for children in conflict with law and children in need of care and protection by catering to their basic need through proper care and protection, keeping in mind the development, treatment and social integration of the children as a matter in the best interest of children and for the rehabilitation through process provided.

Juvenile Justice (care and protection) Act, 2015 - Juvenile justice (care and protection of children) act, 2015 was necessarily amended looking at the steep rise in heinous and serious offences committed by juvenile, under section 18 (3) it was stated that juvenile found guilty of committing heinous crime, the board after preliminary assessment under Section 15 can pass an order about the a need for trial of the said child as an adult if his age group is between 16 to 18 years of age and the board may order transfer of the trial of the case to the children court having jurisdiction to try such offences after conviction they will be sent to special home for reformation and Rehabilitation until he attains the age of 21 and after completing 21 years, evaluation of the child is to be conducted by the children courts after which either the child is released on probation or transferred to an adult jail for the rest of the term of imprisonment.

These juvenile delinquents in age group of 16 to 18 years considered as adolescent, for committing heinous offences must be severely punished, Juvenile are not send to jail as they could co-mingle with hardened criminal and it would become harder for the authorities to reform, rehabilitate and restore them to mainstream society, hence separate Jail can be formed for Juvenile offender to punish them according to the grievousness of crime. National crime record Bureau recorded that number of children apprehended for heinous crime has grown up significantly in recent years, the juvenile was especially in the age group of 16 to 18 years of age and a good number of such offences were sexual offences.

The gang rape in December, 2012 was most shocking and among the five accused the most barbaric was a juvenile, who are contemplated as minor according to juvenile justice law and after this horrifying incident there have been a huge list of many inhuman rape or gang rape cases often followed by murder of victim, which are committed by juvenile delinquents with much brutality, the present situation of an increased rate of heinous crime committed by juvenile has entirely startled the nation and has also become a subject of public debate that the age of juvenile which is 18 years considering him as a child or a minor needs to be amended.

In the present law system pre-determined age of juvenile offender inhibit justice to victim. Even though under definition of Juvenile justice (care and protection of children) Act 2015, says a child is under 18 years of age needs to be protected, but heinous and grave forms of crime committed by Juvenile determines their maturity which makes it crystal clear who does not belong to the category of children, such heinous crime committed by juvenile needs to be deterred which would be possible only when laws concerning to it are made magnificently with a view of deterring



the increased rate of heinous crime committed by juvenile accompanied by preventive strategies, age cannot be the factor to Shield the child committing brutal offences even though rigorous crime has been committed by juvenile he is not punishable severely, only the quantum of stay in shelter home or in special home is more than the Juvenile committing petty offences, just sending the juvenile delinquent to the place of safety for few years after committing brutal act hinders justice to victim and it is immensely important to severely punish juvenile delinquents for their lewd and heinous act, because victimization can be controlled if criminals are deterred by proper sentencing, because deterrence is as equally important like reformation.

Conclusion

The age of juvenile as a minor is not translucent and is beclouded with many doubts because many of the severe crime are being committed by juvenile offenders, which constitute a gigantic piece of work to determine their diversified non-identical behaviour, The main focus of law In juvenile legal system is to reform juvenile, it is important to reform and rehabilitate them, however the severity of crime which the juvenile are committing needs to be deterred, Juvenile offenders can also be reformed by punishing them adequately according to the grievousness of crime they have committed, which could become an alarming assert for juvenile forbidding commission of such heinous offences.

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