

# **JJB Orders**

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## **Juvenile Justice Philosophy**

- Mens rea
- Parens patriae

## **Beijing Rules**

- 5. Aims of Juvenile Justice
- 5.1 The juvenile justice system shall emphasize the well-being of the juvenile and shall ensure that any reaction to

juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence.

## 17. Guiding principles in adjudication and disposition

17.1 The disposition of the competent authority shall be guided by the following principles: 10 ( a ) The reaction taken shall always be in proportion not only to the circumstances and

the gravity of the offence  
but also to the  
circumstances and the  
needs of the juvenile as  
well as to the needs of the  
society;

## Accepted International Principle

“Use of institutions as a  
measure of last resort for  
the minimum period till  
suitable community measure  
are found for the child”

- CRC, Beijing Rules

## Group Work

- Please read Ss. 15 and 16, Juvenile Justice Act 2000; Rule 5 and 17, Beijing Rules
- Choose a representative from the group who should note down the questions that are being discussed in the group.
- Discuss the range of possible orders that may be made in relation to M with other colleagues in your group.
- Choose the most appropriate order in this

case regarding A/ Y.

- Representative to present the report to the whole group about the range of questions discussed in the group and the outcome. (2 minutes)

## Exercise 1

A was caught by Ms. X while he was running away after stealing scrap iron from her house. It was worth about Rs. 2500/- and could have fetched about Rs.200/- in the black market. A confessed to having committed the theft.

A claimed to be 15 years of age and was produced before the Juvenile Justice Board. A was referred to the Medical Board for age determination as no documentary proof of could be procured. The medical board determined the age to be between 15-17 years. A lives with his family in the slum area of the city and goes out with other boys for rag picking and spends most of his days on the streets. His father does odd jobs while his mother looks after his other younger siblings and works as part time house made in the nearby locality. A spends most of his day on the street.

This is the first time he has been caught for any offence.

## Exercise 2

A dead body was retrieved by the dogs from a canal. Autopsy report showed stab wounds on his chest which were capable of causing death in the ordinary course of nature. The deceased was last seen in the company of Y, aged 17 years, along with Z and M, both 22 years old, who were tenants in the house of the deceased. On sustained interrogation, Y, Z, and M confessed to the killing the victim after some dispute with him. Their confessional statements were recorded by a Magistrate in which they stated that while Z and M held the deceased, Y killed him by repeatedly stabbing him in the chest area. Later they dumped the body in the nearby canal. They were charged with the offence of murder. Z and M were tried and convicted by the Session Judge and have been sentenced to life imprisonment. M was produced before the Juvenile Justice Board which found M guilty of murder after due inquiry. There is no past record of any criminal offence against any of them.

All the three belonged to the same village. Y had come to Delhi six months ago in search of job and was staying with Z and M at their rented apartment where murder took place. Z and M are graduates. Y is a recent school dropout from class 10. No member of Y's family has any criminal record.

## Additional Information

### - A

- A is addicted to drugs
- He has been stealing small items in the past but has been caught for the first time
- His family is not traceable – he ran away from home nine years ago and now lives on the street
- He is known to beat up



younger children on the street and molest them sexually.

## Additional information about Y

- Y used to study in class x when her father died a year ago. She had to leave her studies and become the bread earner.
- All her teachers and neighbours held Y in high esteem.
- Z and M decided to kill X as he had raped Z earlier but they had not filed the

FIR for fear of social stigma but this time when he attempted to sexually molest Y, they decided to deal with the matter.

## Why Least of Insitutions?

- Ironical objectives and measures
  - Preparing for freedom by taking away their freedom
  - Preparing for responsibility by giving them no responsibilities
  - Preparing for reintegration in Society by cutting them off from Society!

## Orders u/S.15, JJA

- Release after advise or admonition
- Group counselling
- Community Service
- Pay fine if above 14 and earning
- Placed u/care of parent / guardian / fit person
- Placed u/ care of fit institution
- Sent to a special home

## Why is it appropriate?

- Who is a child?
- How many children?
- Whose children are they?

- What Criminal Justice holds for
  - Child
    - long term incarceration and life long stigma
  - Us
    - tax burden with never ending insecurity
- Who benefits?
- Second chance – start afresh!

## Best of Institutions

- Result in
  - Institutionalization
  - Stigmatization
  - Cut off from friends, family and society
  - Poses the Problem of

- reintegration
- More costs
- Most institutions are not even good!

## Additional Measures

- Restorative Justice
- Victim Compensation and Rehabilitation

## JD Statistics?

**Crimes committed by Juveniles as compared to Total Cognizable Crimes in India 2003-2013**

**Incidence of Rape (Section 376 of IPC) by Juveniles and its share to Total Incidence of Rape in India (2010-2013)**

**Incidence of Murder (Section 302 IPC) by Juvenile and its share to Total Incidence of Murder in India (2010- 2013)**

Adolescent Brain Science?

## Adolescence

- Incontrovertible evidence that adolescence is a period of significant

changes in brain structure and function.

- It is also a time of important changes in how the brain works

## Adolescence – Self Regulation but less self control

- First, there is a strengthening of activity in brain systems involving self-regulation
- During tasks that require self-control, adults employ

a wider network of brain regions

- this trait may make self-control easier

## Increased Risk Taking Behaviour

- Second, adolescents' reward centers are activated more than occurs in children or adults
- Heightened sensitivity to anticipated rewards motivates adolescents to engage in even risky acts, when the potential for pleasure is high, like



unprotected sex, fast driving, experimentation with drugs

- This hypersensitivity to reward is particularly pronounced when adolescents are with their friends
- A third change - Before adulthood, there is less cross-talk between the brain systems that regulate rational decision-making and those that regulate emotional

arousal.

## Conclusion from Adolescent Brain Research

“In sum, ... teenagers are not as mature in either brain structure or function as adults.”

## Maturation

- Adolescence is a transient phase and “most young people grow out of delinquency on their own as

their brains mature – if they are spared the trauma and lasting stigma of juvenile incarceration.”